

# Report

## A Study of Cases Filed under Section 498A, IPC; Closed as False in Two Districts and Two Cities of Rajasthan



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## FOREWORD

We would like to thank the Government of Rajasthan for this opportunity to explore the implementation of section 498A of the IPC. The Tata Institute of Social Sciences has previously collaborated with women's groups in Rajasthan to launch the *Mahila Suraksha-  
evam-Salah Kendras*, which are now operational in 33 districts of Rajasthan, and we are happy to be able to continue our engagement with the issue of violence against women in Rajasthan.

This study is a much-needed exploration of the realities of the implementation of Section 498A. Carried out in four Mahila Thanas in the state of Rajasthan: Shri Ganganagar, Bharatpur, Jodhpur City and Jaipur City (East); it draws from Police records of 'closed' cases under 498A and interviews with the women who filed them. It seeks to understand whether there is more to 'false' or 'closed' cases than simply misrepresentation and exploitation of the law.

In popular understanding today, Section 498A is seen as a misused and abused law. This study however, suggests that these 'false' cases in fact mask wider and more complex acts of violence than dowry, and in the absence of other options, many women use 498A to negotiate for responses to and support against violations they are experiencing. However, attempts at 'compromise' often fail to truly address the violence they face.

We hope this report will prove useful in understanding and addressing the misconceptions about 498A, as well as point towards better practices for its implementation.



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### **Research Team**

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## Executive Summary

This study explores closed cases filed under section 498A of the IPC, which pertains to cruelty to a married woman by her marital family. It draws from two datasets of both primary and secondary data, comprising four districts in Rajasthan (I. Shri Ganganagar and Bharatpur; II. Jaipur and Jodhpur City [East]). The secondary data is comprised of police records of cases filed under section 498A which were labeled as closed, and the primary data is comprised of interviews with women who have registered these complaints, family members of these complainants, women's rights activists, lawyers, and community leaders. Over the course of this study, the police records for a total of 337 closed cases were analysed, and a total of 63 women complainants were interviewed along with 42 other stakeholders.

This study gives us an insight into the journey of women who have filed cases under 498A which have gone through investigation and mediation, and have then been closed as false. It explores the profile of the complainant; the history and details of the violence she is experiencing (the perpetrators, duration, form of violence, and previous interventions sought); the process of the registration of the case (the intent of registering the case, whether dowry was demanded, place of registration, role of natal family); the kind of intervention provided by the police (the process, witnesses, whether it was satisfactory, and in the complainant's best interests); closure of the case (reasons for closure as understood by various stakeholders); the current status of the woman, and respondents' suggestions for alternate mechanisms of redressal.

This study found that most women, in the absence of other options, harness section 498A as a tool through which they can secure negotiation for non-violent reconciliation. 94.87% women in dataset I reported that the intent of filing the case was to create pressure for non-violent reconciliation. Despite the existence of specialized Mahila Thanas, most women have chosen to enter the CJS through the courts (I. 69% and II. 59%). Most women therefore entered the CJS through lawyers and often succumb to pressure to over-emphasise or even fabricate dowry demands with the understanding

that this would make their case stronger. Since arrest is seen as crucial and as strengthening leverage, 498A is turned to rather than the PWDVA which has no provision for immediate arrest. In Dataset I, 84.6% women reported having no knowledge of PWDVA, reflecting the fact that they saw 498A as their primary option for ending violence.

The accusations of dowry might not get validated through the investigation and the woman's experience of violence might not fit within the legal parameters of 498A. Therefore, a space for negotiation for the woman and other stakeholders, under the aegis of the Police, is created. The woman enters a negotiation with the hope that the threat of Police authority will serve to prevent violence, and agrees for the case to be closed. 66.7% of women in Dataset II (primary data) reported closing the case due to compromise being reached. In a majority of the cases in Dataset I, the woman had withdrawn the case after the husband had agreed to amend his ways—stop violence (46.2%), stop drinking (28.2%), bring the woman back into marital home (43.6%), take responsibility for household expenses (48.7%) and return streedhan (17.9%).

Women might also be pushed towards reconciliation by various other factors. The natal family is often a major influence in both the filing and the closure of the case. In dataset I, in 43.6% of cases the natal family took the decision to close the case. In dataset II, 54.2% of women respondents said that their relatives pressured them to compromise. Dataset I revealed that women also face indirect pressures to close the case: the influence of their natal family (7.7%), an awareness of the other parties' wishes (10.3%), and thoughts about the future of their children (7.7%), amongst others.

It is also important to note that the emphasis on reconciliation in police mediation, in most case failed to effectively address the full spectrum of violence and the circumstances of women's lives. Thus only 32.14% of these respondents were living in a violence-free marriage at the time of their being interviewed. The compromises reached fell apart when the threat of the law was removed, and the woman had now fallen off the radar of the CJS because her case has been closed and labeled as 'false'.

The police in most cases had not been able to ensure no recurrence of violence.

Thus it is important to review effective practices with regard to the implementation of 498A. It is important that Mahila Thanas be strengthened and equipped with female police officers as they serve as key points for women to access justice. As the police's role and training does not extend to providing counselling and mediation, police mediation should be limited and safety planning and monitoring should be developed for women who re-enter the marital home. Awareness building and capacity building at each level of response - from the judiciary to police personnel - should be regularly undertaken, along with wider awareness campaigns for both men and women on violence against women.

## Introduction

As a response to the increasing number of rape, wife battering and dowry murders in the country, the third phase of the women's rights' movement lobbied for comprehensive and stringent laws in the early 1980s<sup>1</sup>. As a result of the intense campaigning, a significant amendment was made to the Indian Penal Code (hereafter, IPC) in the year 1983, which was the introduction of section 498A, which recognised 'cruelty' to a married woman by her marital family as a crime.

Cruelty under the law is defined as:

1. Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health whether mental or physical of the woman; or
2. Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her meet such demand.

Another salient feature of the law is that it is cognizable and non-bailable and provides for a punishment of imprisonment up to three years and fine.

Even after more than three decades, very few studies have been conducted on closed cases which are filed under 498A IPC, to examine the implementation of the law, especially in the State of Rajasthan, India. The present study has been undertaken to focus only on those cases which are registered under Section 498A and where the Police has closed the case after investigation due to lack of evidence. After the Police receive a case filed under Section 498A from the Court or filed at the Police Station, the Police undertake investigation and depending on the findings, they either file a charge sheet in the Court or then close the case. These cases included in this study are only of those cases which are closed by the Police.

This study on atrocities on women, Scheduled Caste and Scheduled Tribe communities

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<sup>1</sup> Shades of courage- Women and IPC Section 498A, 1999, Special Cell for Women and Children, TISS

has been commissioned by the Center of Good Governance, HCM Rajasthan State Institute of Public Administration (RIPA).

The objectives of the study are as follows-

- Describe the trend in reporting of cases registered under 498A vis-à-vis past year;
- Understand the reasons behind the increasing percentage of cases which do not get charge sheeted;
- Find possible reasons of closing of the cases after Police investigation;
- Understand possible correlates of cases that are not charge sheeted, but are closed after Police investigation;
- Recommend suggestions for better implementation of the law.

This study has been carried out in of four *Mahila Thanas* of the State of Rajasthan— Shri Ganganagar, Bharatpur, Jodhpur and Jaipur City (East). As the methodology of data collection of Shri Ganganagar, Bharatpur differs from that of Jodhpur and Jaipur City (East), this study is divided into different sections. Part I consists of the methodology and analysis of the findings of the *Mahila Thanas* of Shri Ganganagar and Bharatpur; part II contains the methodology and analysis of the findings of the *Mahila Thanas* of Jodhpur and Jaipur City (East); Part III consists of the emergent picture and concluding remarks of all the four *Mahila Thanas*.

It is advised that the reader bears in mind that the data of this study is a fraction of the cases which get registered under section 498A of the IPC as it comprises of only those cases which are 'closed'. The data also is not representative of the range of complaints, nature of violence and is also not representative of those complaints which are proven true after investigation and are sent to court as only those cases which have been closed forms the universe of this study which is a part of the larger universe of the cases registered under Section 498A of the IPC.

## PART I: DISTRICTS OF SHRI GANGANAGAR AND BHARATPUR

This section details out the methodology employed for data collection and the analysis of the data found in the *Mahila Thanas* of the districts of Shri Ganganagar and Bharatpur.

### Methodology

The **secondary data** consists of Final Reports of cases registered and closed in the year 2013 under section 498A of the IPC in the '*Mahila Thanas*<sup>2</sup>' of Shri Ganganagar and Bharatpur districts of Rajasthan. The Final Report contains the statement given by the woman to court/Police as well as the report prepared by the Police after investigation. Thus, the secondary data/Final Report consists of two parts—the woman's statement and the Police report which is written after investigation.

The primary data consists of information obtained through interviews and meetings with various stakeholders, as described below:

1. **Women** who had registered complaints in the year 2013 under section 498A, which have subsequently been closed;
2. **Family members** who had acted as witnesses in the above mentioned cases;
3. **Police personnel** appointed in various Police Stations, of Shri Ganganagar and Bharatpur districts;
4. **Lawyers**, who have filed cases under 498A were also interviewed;
5. **Women's rights activists** working closely with survivors of violence were also interviewed. A meeting was held with NGO workers and women's rights activists from different parts of Rajasthan to understand their viewpoint and their experiences of using 498A.
6. **Sarpanchs** (community leaders) were also interviewed.

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<sup>2</sup>*Mahila Thanas*' or women Police Station are established to create a conducive environment for a survivor of violence to lodge a complaint. The *Mahila Thanas* are resourced with mainly women Police personnel to encourage survivors to report intimate crimes. The first *Mahila Thana* in Rajasthan was established in 1989.

The following table gives details of the number of cases registered under section 498A which are closed after investigation as well as the number of respondents for this study.

**Table 1. Secondary Data, Shri Ganganagar and Bharatpur**

<b>Secondary data</b>		
Sr. No.	Location of <i>Mahila Thana</i>	Number of cases filed under 498A in the year 2013 (January to December)
1.	Shri Ganganagar	116
2.	Bharatpur	116
<b>Total</b>		<b>232</b>

**Table 2. Primary Data, Shri Ganganagar and Bharatpur**

<b>Primary data</b>		
Sr. No.	Respondent	Number of interviews
1.	Women/Complainants	39
2.	Witnesses (mostly from natal family)	27
3.	Police personnel (from <i>Mahila Thana</i> and other Police stations)	9
4.	Lawyers (2 from each district)	4
5.	Women's rights activists (from Shri Ganganagar and Bharatpur)	2
6.	<i>Sarpanchs</i> (community leaders from Bharatpur and Shri Ganganagar)	2

**Tools of data collection:**

Separate interview schedules were designed to conduct all the above mentioned different sources.

Sample for interviews with women was selected by the method of systematic random sampling. Using the cases that were registered under 498A and subsequently closed in 2013 in the *Mahila Thanas* of Shri Ganganagar and Bharatpur as the sampling frame,

every fifth case was selected to make up a sample, which was 25% of the total cases. 18 women were interviewed in Ganganagar while 21 were interviewed in Bharatpur. In order to conduct interviews of family members, Police personnel, women's rights activists/NGO representative and *Sarpanch*, purposive sampling was used since no sampling frame was available.

All interviews were conducted with the consent of the respondents and identities of the respondents have been kept confidential. The data were analysed with the help of SPSS software<sup>3</sup>.

## Summary of findings

The findings have been organised as follows:

1. Profile of the respondents
2. History of violence
3. Registration of the case
4. Police intervention
5. Closure
6. Current status of the women
7. Suggestions from respondents

## Profile of the respondents

This section gives details of the profile of the woman/Complainant and the witnesses which has been gathered from the primary as well as the secondary data.

**Age:** The Police records and the primary data show a similar trend in terms of age of the Complainants. In both sets of data, the Complainant is between the age group of 18 years to 34 years<sup>4</sup>.

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<sup>3</sup> Statistical Package for Social Sciences. Version 15.0 was used for this study.

<sup>4</sup> The secondary data shows that in 49.6% of the cases, the age of the woman has not been mentioned, but the available data shows that most women who have filed cases under this section fall within the age groups of 18 to 24

**Education:** The primary data indicates a range in terms of the education levels of the Complainant. This data set shows that cases registered by non literate women in Bharatpur are 42.8% and in Shri Ganganagar is 11.1%. There is no information of the Complainant's education level in the secondary data.

**Work status:** The primary data shows that 74.4% of the Complainants were engaged in non-remunerative work. Work status of the Complainant is not available in the Police records.

**Caste, religion and socio-economic status:** The Police record indicates that few Complainants belong to the Scheduled Tribes (2.6%), but they have not found representation in the primary data. The primary data represents Complainants from all caste categories- SC, OBC and General.

According to the primary data and the Police records, most of the complaints belong to Hindu religion (82.1% and 797.7% respectively). Since Shri Ganganagar is located on the Punjab border, there is a sizable Sikh population in the city and that accounts for the 15.4% Sikh women in the interview sample. There was only one Muslim woman in the sample. As per the experience of women activists and members of NGO working in the field Muslim women do not come forward to lodge complaint in the Police station due to societal pressure, even though there is a high incidence of violence.

The primary data shows that more than three-fourth of the complaints (76.9%) were from the lower socio-economic strata, while the rest (23.1%) were from the lower-middle socio-economic strata. This indicates that even though, natal family supported the woman's decision to seek Police and legal intervention for violence, financial constraints faced by the family might directly or indirectly might influence her decision to revoke this intervention. The socio-economic status of the women has not been mentioned in the Police records.

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years (23.7%) and 25 to 34 years (22.4%). Similarly, the primary data also has representative of the age groups of 18 to 24 years (41%) and 25 to 34 years (51. 3%).

A large majority of the women (69.2%) had confessed that they had no knowledge of the combined monthly income of the marital family. Thus, even when marriage was the only livelihood option for a woman, she would be unable to claim her rightful share as she was denied the information on which to base her claim, thus increasing her dependence and hence her vulnerability.

A large number of Complainants (37.5%) were found to be staying at their natal home while 14.7% of the women were staying with their marital family at the time of registration.

**Residential status:** 64.10% of the women interviewed stated that they continue to live with their natal families even after filing of complaint under 498A and of it closing.

**Marital status:** As per the women's statement in the Police records, at the time of filing the Final Report, 96.98% of the women were married. However, the primary data shows that after a year of filing a complaint under section 498A and of it being closed, the marital status of the Complainant has changed.

The emergent profile of the women Complainants is between the age group of 18 years to 34 years. According to the Census of India, this is also the reproductive age of women<sup>5</sup>. The fact that women are reporting cases against their marital family within the age group of 18 and 24 years means that women who are newly married or have not been married for too long are also complaining of violence against them. Also women between the age group of 25 and 34 years have made complaints, which indicates that women who have established some relationship with their marital family also report violence. Most of the women are engaged in non-remunerative work which is also reflected in the fact that women during registration of the case and after the closing of the case stay with their natal family. This also proves that women have the support of

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<sup>5</sup>Census of India, Chapter 3, SRS Statistical Report. Available at [http://www.censusindia.gov.in/vital\\_statistics/SRS\\_Report\\_2012/10\\_Chap\\_3\\_2012.pdf](http://www.censusindia.gov.in/vital_statistics/SRS_Report_2012/10_Chap_3_2012.pdf). Accessed on: 10 September 2014, 1:50 PM

their natal family during the registration of the case and after its closing. Most of the women, at the time of the interview, were either separated or divorced from their husband, which could mean that the woman's filing of complaint under section 498A and its subsequent closure does not mean that the woman has reconciled with her husband.

**Profile of the witnesses:** According to the primary data, 92.6% of the witnesses interviewed belonged to the natal family of the woman. 40.7% of the witnesses were illiterate and 33.3% were engaged in non-remunerative work. There is no information of the witnesses available in the Police records<sup>6</sup>.

### **History of violence**

**Duration of marriage:** The secondary and primary data indicates that Complainants have been married up to 2 years before registering a case under Section 498A (31.1% and 38.5% respectively). At the same time, complaints from women who have been married for a longer duration have also been filed under 498A.

**Perpetrators of violence:** According to the women's statements recorded in the secondary data, 94% women have named their husbands as the perpetrator of violence, while 78% have also identified their in-laws as the perpetrators.

**Forms of violence:** The woman's statement in the Police record details out the various types of violence that the woman faces. There is mention of physical and verbal violence in all of the women's statements, 99.7% of the women in their statement to the Police have mentioned that they have faced financial violence, while 6.5% have said that they are survivors of sexual violence. Similar experiences of violence were observed from the interviews with the women complaints<sup>7</sup>.

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<sup>6</sup> Shri Ganaganagar Police record mentions the number and name of witnesses, while the Police records of Bharatpur has no mention of witnesses.

<sup>7</sup> The interviews with the women are indicative of a range of violence that the woman is subjected to. 94.7% women said that they faced verbal violence, 86.8% were subjected to financial violence and 81.6% are survivors of physical violence. Thus, most of the women are subjected to verbal violence.

There is no mention of any violence in the Police report<sup>8</sup>. The fact that the Police is not writing of any violence in their investigation report could also be a possible reason for the closure of the case. The interviews with the Police indicate that though they believe that there has been some sort of physical violence against the woman, it has not been 'severe', which is what is covered under Section 498A. Nonetheless they register the woman's complaint as there is emotional violence (66.7%).

Similar to the mention of violence in the woman's statement, her family members have also said that the woman faced physical and verbal violence. 64% have also mentioned that the woman has been a survivor of financial violence as well.

Corresponding to what the Police have said during their interviews regarding the severity of physical violence, women's activists have said that the Police do not acknowledge the presence of physical violence, when it is not severe. Thus, the interpretation of the 'severity' of physical violence determines its mention in the Police statement.

**Reasons for violence:** As per the woman's statement in the Police records, 92.7% said that they were facing violence because there was demand for dowry.

During the interviews, women, Police as well as witnesses gave details of reasons other than dowry. Women and Police identified reasons like alcoholism (42.9%, 66.7% respectively), differences in the expectations of the in-laws from the woman (41.02%, 88.9% respectively) as reasons for violence. 44.4% of the Police also mentioned husband's relationships outside of marriage as also being responsible for disputes within the family, and eventually for the filing of a complaint under 498A.

The Police statements in the Police records report that in 75.4% cases there were minor differences between the husband and wife over issues such as lifestyle, domestic work

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<sup>8</sup> Only in one case is there a mention of verbal abuse in a Police report.

and food habits. Police records from both the districts have given similar reasons. Records of Bharatpur *Mahila Thana* states, “*meri aur mere pati ki aapas mein gharelu kam kaj, khaan pan, rahan sahan ke upar kahasuni ho gayi*” (The arguments between me and my husband were based on domestic work, eating habits, lifestyle) while that of Shri Ganganagar states, “*Gharelu baton ke upkar manmutav ho gaya*” (disagreement regarding household matters). Similar reasons of violence were cited by NGO workers and advocates.

**Reasons for leaving marital home:** As per the woman’s statement in the Police records and interviews and witnesses women were forcibly thrown out of the house by their marital family (60.3%, 57.9% and 60% respectively). Woman’s statements in the Police records also mentioned that women have left marital home due to violence (15.5%).

The Police statement in the record states that 87.1 % of the women had left marital home after minor quarrels. It has been written out as ‘*meri aur mere pati ki kahasuni ho gayi aur mein pihar aa gayi*’ (There was quarrel between me and my husband and I went to the natal family). By stating the violence as *kahasuni* or argument, the Police thus trivialise the history of violence.

**Previous intervention:** The women's statements in the Police records show that in 61.6% cases, prior to approaching the Police, efforts at mediation had taken place. Out of which in 59.9% cases the natal family had intervened, but in almost all cases (59.5%) their intervention was unsuccessful.

The Police records of Bharatpur state, “*Mustgisa ek bhartiya v Hindu nari hone ke karan apne pati ka dharm ka nirvah atyacharon ko sahan karte huye nibhati rahi*” (As an Indian and Hindu, the applicant was fulfilling her husband’s religion by tolerating the violence). Thus, the reason for not filing the complaint despite of not filing a complaint has been attributed to the woman being a ‘good’ and dutiful Hindu woman. While women are registering cases within the first two years of getting married, it is also

important to understand the circumstances under which the woman files her complaint under section 498A. Though women in the Police records have written that dowry demand is the reason for filing of their complaint, it was found that violence, alcoholism and differences in expectations were also reasons for filing of the complaint. As mentioned before, section 498A was added to the IPC as a result of the protests against the increasing number of dowry deaths, rape and family based violence. Thus, probably to highlight one's experience of violence and for it to be recognised under the law, women might be addressing dowry demand as the reason for filing of the complaint rather than the other experiences of violence. The fact that there is mention of no violence in the Police records suggests that the subjective interpretation and assessment of severity of violence as against 'normal' violence by the Police is what leads to the closure of the case. The omission of the mention of any form of violence reflects that the Police are aware that they are stepping into the judicial domain of assessment of adequacy of evidence.

### **Registration of the case**

**Reasons for registering case:** Women's and witnesses' interviews indicate that financial violence (51.28%) and escalation in physical violence (41.0%) were the reasons that prompted the woman to seek help from the Police.

**Intent:** According to the Police's statement in the Police records, nearly 35.8% of the women wanted to pressurize their husband and in-laws to take her back in the marital home, while 35.3% of the women filed a case in anger to punish the husband and his family.

As per the women's response in the interviews, in 56.41% of the cases women had approached the Police with a desire to preserve the marriage though without violence. 94.87% of the interviewed women said that the case of 498A was filed as a leverage to achieve this end.

Thus, while verbal and physical violence were forms of violence which the woman had

to face continuously, it was an increase in physical and financial violence that led to the woman's seek help from the Criminal Justice System (hereafter, CJS). Her going to the CJS, according to her, was not a way out of the relationship, but a way out of violence while keeping the marriage intact and most of the women had a similar perspective while filing a complaint under section 498A of the IPC.

**Dowry demands and registration of cases:** 87.5% of the women's statement in the Police record reports and describes the dowry given at the time of marriage and also enlists additional dowry demands made by the husband and the in-laws (92.7%). The advocates who filed such cases however clearly said that they fabricated allegations of dowry demand to make their case stronger. According to them, cases were prepared according to a set formula, which was apparent from the analysis of the Police records as well. Only the type of dowry demanded changed as per the socio-economic status of the family. Members of women's organisations agreed that women were misguided by the lawyers.

Only 15.4% women said that they had also taken recourse to the PWDV Act 2005<sup>9</sup>. According to the advocates and women's rights activists, women did not prefer to file for relief under the PWDVA 2005 as it did not provide for the arrest of husband and in-laws and hence could not be used to create pressure on husband.

**Place of registration:** A woman can file her case under section 498A either through court or the Police. Even though 498A is a criminal law and it is technically easier for a woman to go directly to Police with her complaint, the Police records from Bharatpur shows that all the cases that got registered at the *Mahila Thana* were referred by the Court. A similar trend was observed in the Police records of Shri Ganganagar district which shows that 69% of the cases got filed through court whereas 31% cases have gone directly to Police.

In their interviews, the women, the NGO workers and the activists attributed this trend to

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<sup>9</sup> Protection of Women from Domestic Violence Act 2005

the reluctance of the Police in registering the cases of domestic violence against women, while the Police in their interviews accused the lawyers of misguiding the women. As per the interviews, even in Shri Ganganagar where half the women studied in the sample had approached the Police directly, they had taken legal advice from an advocate and got their statement written by the advocate. In a majority of the cases the provisions of 498A IPC were explained to the woman by a lawyer (43.6%).

It is also important to note, that though the data of this study is only from *Mahila Thanas*, which was established in order to provide a conducive environment for the women to report intimate violence, the women mostly have gone to the Court to file the complaint.

**Natal family:** As mentioned before, the natal family support plays a pivotal role in the woman's journey especially through the CJS. Though the Police reports record that a majority of the Complainants was the violated woman herself (95.3%), the interviews with the women indicate that in 56.4% of the cases the decision to approach the Police was taken by the natal family and in 59% of the cases the decision to file a case of 498A was also of the natal family. Thus, the natal family support throughout the woman's journey through the CJS is evident.

For half of the women who have registered the case under section 498A, the precipitating factor that led them to file a case was the financial violence that she faced. In spite of being subject to verbal, physical and financial violence, most of the women wanted to reconcile with their marital family. While it is the women who file the cases, it is important to understand that it is not solely her decision to do so. The decision to go to the Police as well as to file the case, according to the interviews, is of the woman's natal family and the process of writing of the statement and its content is influenced by the advocates. Thus, the woman's journey through the CJS is not hers alone, but largely depends on other stakeholders. While being advised how to navigate the CJS by her natal family and the advocates, the women continues to hope for non-violent reconciliation.

## Police intervention

**Processes:** As explained by the Police during their interviews, once the case is registered and an FIR<sup>10</sup> is filed, both the parties are called for a meeting in which the Police try to work out reconciliation between them with the help of community/family members. An FR<sup>11</sup> is filed if after the negotiations, the woman decides to go back to the husband or if the parties decide on a mutual consent divorce. A case was closed stating that it was a false case (*jhooth*), or preferably that it was filed under misconception (*galatphahami*). If the parties failed to arrive at a mutually satisfying course of action then the charge sheet (*chalaan*) was filed.

**Time taken for due processes:** The Police records of Bharatpur district shows that in half of the cases (50.86%) it had taken more than 50 days to file FR, while in Shri Ganganagar only 14.65% cases have taken that long to be closed. The time gap between registration of a case and FR is much less in Shri Ganganagar probably since in Shri Ganganagar the jurisdiction of the *Mahila Thana* was only the city and the surrounding few villages, so the case load is less and it is comparatively easier for parties to report to the Police station as well as for the Police to summon the parties who do not promptly do so. This issue of geographical distance probably also accounts for the difference in the involvement of community *panchayat* in the mediation process in the two districts. In Shri Ganganagar the *panchayat* is involved in mediation in 88.8% of the cases, while in Bharatpur Police did the mediation mostly on their own (95.8%).

37.5% of the women said during their interviews that there were long gaps between registration of complaints and starting of the investigation.

**Witnesses:** The Police records of Bharatpur district does not have information about the witnesses in most of the cases (97.4%), but in interviews with the women it was revealed that witnesses belonging to their natal family/community were called. In Shri

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<sup>10</sup> First Hand Investigation Report

<sup>11</sup>Final Report

Ganganagar this information is recorded in the Police reports and shows that three or more witnesses are called in a large majority of the cases (84.48%) and all women of the district mentioned in their interviews that witnesses were called.

**Police attitude:** The NGO workers and women's rights activists in their interviews as well as in the meeting held with them mentioned that the Police was lax in the investigation process; that they put pressure on the women to compromise; and that they omitted certain names from the FIR to close the case or to speed up the procedure.

43.6% of the women interviewed expressed that they found the Police cooperative, though there were a few allegations against the Police of being reluctant to register the case (12.8%), of being very rude (15.4%) and of asking/taking bribes, either from them (2.6%) or from their husband (5.1%). One major grouse women had against the Police was that they did not put enough pressure on the perpetrator (56.3%). 25% of the women respondents said that the Police were pressuring them to compromise. 63% of the witnesses reported satisfaction with the Police's work with regards to the case.

**Drawing out strategies for the future:** It was evident from the responses of the Police interviewed, that there is not much thought given to draw out a safety plan for the reconciled women in case of recurrence of violence. Less than 10% of women interviewees reported that the Police had told them to approach them again in case of recurrence of violence.

It is evident that the Police go beyond their mandate by arranging meetings between the Complainant and the respondent. These meetings are arranged with the view that the couple would reconcile. For the purpose of this study, all the cases that form the universe are of closed cases. Hence, despite of 'successful' or 'unsuccessful' attempts of reconciliation the case is closed. As mentioned before, women who have registered their complaint under this section want to reconcile with their husband and use this law

as leverage and one way of achieving this was by the Police pressurizing them. More than half of the women who were interviewed were dissatisfied with the Police as they did not put as much pressure on their marital families as they would have liked.

## **Closure**

**Reason for closing of cases- Police:** The secondary data from Shri Ganganagar shows that 88.79% cases were closed as they were filed by the woman due to misunderstanding between her and her marital family, while the rest were closed as false cases, While in Bharatpur, all the cases were closed as false cases. The Police in their interviews said that most of these cases were filed by the women or their natal families as a leverage to negotiate a compromise with the husband/marital family and were closed when their aim was achieved.

**Reason for closing of cases (women's rights activists and NGO representatives):** According to women's rights activists and NGO workers, women choose to close the case and go back to the marital family because of lack of alternatives.

**Reason for closing of cases (Woman):** Responses of the women supported the reasons for closing of cases given by the Police since, in a majority of the cases, the case was closed after the husband had agreed to amend his ways—take responsibility for household expenses (48.7%), stop violence (46.2%) and bring the woman back into marital home (43.6%). In some instances the case was closed when both the parties had agreed to a mutual consent divorce (25.6%). In a large number of cases (43.6%) the natal family had taken that decision to file the FR. Even when closure was by persons other than the woman, no action was taken by the women since it was done with their consent (24/29).

**Factors influencing closing of cases:** In less than half of the cases (41.0%) the women who were interviewed for the study claimed that there was no pressure on them to withdraw the case; however others reported facing such pressure from community members or relatives (20.5%), marital family (15.4%) and even natal family members

(12.8%). More than half the women denied facing any indirect pressure to close the case, but the responses of others revealed that their own acceptance of the traditional role and responsibilities of a woman had influenced their choice.

Barring the two women who claimed that they did not file the FR voluntarily, all the other women had support from their natal family while filing FR, and 61.5% women in their interviews mentioned that they did not desire any other kind of support, while 28.2% said that they could not imagine any other type of support.

The *panchayat* or other responsible persons of the community did not seem to have made any effort to ensure that the reconciled woman did not have to undergo harassment again.

### **Current status of the women**

**As per Police report:** The outcome of the intervention as reported by the Police in the Police records shows that in 84.1% cases the woman Complainant has reconciled with her husband. In 11.6% cases the husband and the wife were living separately and the woman's *streedhan* had been retrieved and only in 4.3% cases had the couple opted for mutual consent divorce.

**As per women:** It was observed that the present situation of the woman was quite different from what was written at the time of filing of the FR. The efforts of reconciliation and stopping of violence made by the Police and the *panchayat* seemed to have been unsuccessful. The interviews with the women shows us that, barring the one widow who had filed a case against her in-laws, out of the 28 women (84.1%) who had reconciled with their husband at the time of filing the FR, one had widowed, four had filed cases for divorce, while in seven cases the women were forcibly sent back to the natal family. Out of the 16 who stayed married, only in 9 cases the reconciliation proved to be non-violent. 58.9% of the complaints of those interviewed were either divorced or separated from their partners at the time of data collection.

The marital status of the woman thus does not match what is written in the FR. While the Police record states that in 84.1% cases, the couple has decided to reconcile, within a year and half of filing of the complaint<sup>12</sup>, only 16 couples have reconciled, out of which only 9 women are leading a non-violent marriage. This shows that most of the women have not been able to negotiate non-violent reconciliation, which was their reason for filing of the complaint.

Despite of not having reconciled with their husbands, 48.7% women said that they were currently satisfied with the way things have turned out. Some were regretting having filed the FR (23.1%) while a few (12.8%) said that they should have made better use of it as leverage.

### **Suggestions made by the respondents**

**Alternate mechanisms:** Nearly three-fourth of the witnesses who offered suggestions to prevent the high number of FR, expressed the need for an agency other than the Police to resolve disputes which get then filed under 498A.

Few women interviewed for the study expressed that they would have preferred if there was some other mechanism to resolve the case rather than filing an FIR. The activists interviewed in Shri Ganganagar and Bharatpur were of the opinion that counselling centres run by NGOs would be of great help not only for mediation but also for creating legal awareness among people, especially girls, and towards sensitizing men about changing aspirations of women. One of the main suggestions that came from the women's rights activists and witnesses was to increase the involvement of non-State actors or trained NGO representatives in the processes of family violence.

A little more than half (55.5%) of the Police however expressed reservations about the effectiveness of Centres run by NGOs saying that especially in the rural areas, people would refuse to accept any authority other than the extended family to mediate in the matters of family dispute. The Police thought that women approached them since there

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<sup>12</sup>The interviews with the women been conducted in May-June of 2014 and the data has been gathered from the year 2013. Hence, the cases must have been filed not more than a year and a half ago.

is promise of “quick results” from them, this prompted women and their natal families to file a case of 498A in the first place. They also think that such Centres would succeed only if the personnel managing them receive appropriate training, are experienced and are not biased.

**Efforts of reconciliation taken by Police:** Women's activists during the meeting conducted with them, strongly opposed to the role of the mediator undertaken by the Police with the objective of reconciliation. The data in the above section also indicates that the reconciliatory efforts undertaken by the Police have a temporary impact if none at all as most of the women interviewed are seen to be not staying with their husbands.

**Court enquiry:** The onus of reducing the high number of cases registered under IPC 498A was put on the judiciary by a majority of the Police (55.5%), who opined that there should be more detailed enquiry conducted by the court before cases were referred to the Police station for investigation. Police were compelled to register cases coming from court in which there was no cruelty or dowry demand and were filed only to be used as leverage, which invariably resulted in closure, thus increasing the number of FRs. As a broader measure it was suggested that better education, awareness and gender sensitization programs coupled with reduction in alcoholism would reduce the incidence of domestic violence.

## A. Shri Ganganagar and Bharatpur: Analysis of Secondary Data Police Records

### Number of closed cases filed under 498A

**Table 3. Number of closed cases filed under 498A**

<b>District</b>	<b>Numbers</b>	<b>Percent</b>
Shri Ganganagar <i>Mahila Thana</i>	116	50.0
Bharatpur <i>Mahila Thana</i>	116	50.0
<b>Total</b>	<b>232</b>	<b>100.0</b>

An equal number of cases (116) were given by the Police of the *Mahila Thanas* of Shri Ganganagar and Bharatpur.

## Profile of the Complainant

### Complainant

**Table 4. Complainant**

<b>Complainant</b>	<b>Numbers</b>	<b>Percent</b>
Woman	221	95.3
Women's natal family members	11	4.7
<b>Total</b>	<b>232</b>	<b>100.0</b>

The table shows that in majority of the cases, the Complainant (95.3 %) is the violated women herself. In very few cases (4.7 %) the Complainant is the natal family members<sup>13</sup>—mother, sister, father and brother—of the violated women.

<sup>13</sup> Section 498A states that “any person related to violated women by blood relation can file a complaint”.

## Profile of the woman

### Age of woman Complainant

Table 5. Age of woman Complainant

Age	Numbers	Percent
18 to 24	55	23.7
25 to 34	52	22.4
35 to 44	9	3.9
Above 55	1	.4
I.N.A.	115	49.6
<b>Total</b>	<b>232</b>	<b>100.0</b>

In almost half of the Police records provided by the Police of the Shri Ganganagar and Bharatpur *Mahila Thanas*, information on age of the woman is not available. In the rest of the records, where the age of the woman has been mentioned, it is seen that women who fall within the age group of 18 and 24 years file cases under 498A the most (23.7%), closely followed by women who are between 25 and 43 years (22.4%). In only one case, the Complainant is above 55 years old. Cross-tabulation of the age of the complaints and the location of the *Mahila Thana* indicates a similar trend in both the districts.

### Religion of Complainant

Table 6. Religion of Complainant

Religion	Numbers	Percent
Hindu	185	79.7
Muslim	5	2.2
Sikh	16	6.9
I.N.A.	26	11.2
<b>Total</b>	<b>232</b>	<b>100.0</b>

The table above indicates the religion that the Complainants who have filed their complaints under 498A belong to. Most of the complaints belong to Hindu religion (79.7%) while 6.9% are Sikh. It is also important to keep in mind the geographical locations of the *Mahila Thanas* while looking at the data. Shri Ganganagar's proximity to

the State of Punjab and Bharatpur's location on the Uttar Pradesh border could also be an influencing factor on the demographics of the districts.

### **Caste of Complainant**

**Table 7. Caste of Complainant**

<b>Caste</b>	<b>Numbers</b>	<b>Percent</b>
General	66	28.4
S.C.	64	27.6
S.T.	6	2.6
O.B.C.	58	25.0
I.N.A.	38	16.4
<b>Total</b>	<b>232</b>	<b>100.0</b>

The table shows that 32 % of the Complainants are from General Category whereas 25.1 % of the Complainants are from Scheduled Caste category. 24.7% of the Complainants are from Other Backward Caste. This is indicative of the fact that women from all castes are filing their complaint under Section 498A.

### **Marital status of Complainant**

As per the Police statements, 82.3% of the women have filed complaints are married whereas according to the woman's statement 96.98% are married. In no woman's statement has she mentioned that she is either divorce or separated.

**Table 8. Marital status of Complainant**

<b>Marital status</b>	<b>Police statement</b>		<b>Woman's statement</b>	
	<b>Numbers</b>	<b>Percent</b>	<b>Numbers</b>	<b>Percent</b>
Married	191	82.3	225	96.98
Widowed	7	3.0	7	3.01
Separated	24	10.3	-	-
Divorced	10	4.3	-	-
<b>Total</b>	<b>232</b>	<b>100.0</b>	<b>232</b>	<b>100.0</b>

## Kind of marriage

**Table 9. Kind of marriage**

Kind of marriage	Numbers	Percent
Arranged	227	97.8
Self-arranged	5	2.2
<b>Total</b>	<b>232</b>	<b>100.0</b>

Police records of both the *Mahila Thanas* state that 97.8% of women who have filed complaints under 498A have had their marriages arranged by their family.

## Residential status at the time of filing of the case

**Table 10. Residential status at the time of filing of the case**

Residential status according to woman statement	Woman's statement		Police's statement	
	Numbers	Percent	Numbers	Percent
Staying with marital family	34	14.7	13	5.6
Staying with natal family	87	37.5	202	87.1
Staying on her own	2	.9	-	-
Woman left home with her husband	-	-	2	.9
I.N.A.	109	47.0	15	6.5
<b>Total</b>	<b>232</b>	<b>100.0</b>	<b>232</b>	<b>100.0</b>

According to the woman and the Police, most of the Complainants were staying with the natal family at the time of filing of the case (37.5% and 87.1% respectively). The fact that women are staying with their natal family shows that they are supportive of the woman's decision as well as recognise the violence that she has experienced. In the woman's statement, in many places it is written that there was a quarrel between the

Complainant and her husband because of which she went to her natal home (“*aur mere pati ki kahasuni ho gayi aur mein pihar aa gayi*”).

## History of violence

### Marriage and violence

The above table shows that 25.4% of the Complainants are married between 1 and 2 years at the time of filing of the case. Thus, most the complaints are married for 1 to 2 years before reporting violence to the CJS. 14.2% of the Complainants have filed that complaint after 3 to 4 years of marriage.

**Table 11. Marriage and violence**

<b>Duration of marriage</b>	<b>Numbers</b>	<b>Percent</b>
Less than a year	13	5.6
1 to 2 years	59	25.4
3 to 4 years	33	14.2
5 to 6 years	24	10.3
7 to 8 years	26	11.2
9 to 10 years	15	6.5
11 to 13 years	25	10.8
14 to 16 years	11	4.7
17 to 19 years	9	3.9
20 years and above	12	5.2
I.N.A.	5	2.2
<b>Total</b>	<b>232</b>	<b>100.0</b>

### Perpetrators of violence according to women

**Table 12. Perpetrators of violence according to women**

<b>Perpetrator of violence</b>	<b>Numbers</b>	<b>Percent</b>
Husband	218	94
Mother-in-law	181	78
Father-in-law	181	78
Other marital family members (male and female)	202	87.1
Any other (self arranged partner, village head, son)	7	3.0

*Multiple responses*

*(N= 232)*

94% of women in their statement to the Police have mentioned that their husbands are the perpetrators of violence, whereas 74% have identified their in-laws as the perpetrators. In cases where the woman has not named either her husband or her mother-in-law as perpetrators of violence, they have either been supportive or were dead. Women, in their statements have also detailed the nature of violence that they faced from the perpetrators. 87.1% other family members that have been mentioned include brother-in-law, sister-in-law and sister-in-law's husband.

## Kind of violence

**Table 13. Kind of violence**

Nature of violence	Woman's statement		Police's statement	
	Numbers	Percent	Numbers	Percent
Physical violence	232	100	-	-
Verbal violence	232	100	1	.4
Financial violence	222	95.7	-	-
Sexual violence	15	6.5	-	-
Force to leave marital home	140	60.3	-	-

*Multiple responses*

*(N= 232)*

All of the Complainants in their statement have stated that they have been subjected to physical and verbal violence<sup>14</sup>. From dragging the woman by her hair to tearing her clothes to hitting with sharp objects to cutting off her thumb to not giving her food—a range of severe of physical violence can be seen in the women's statements. A large percentage of women have also said that they have been financially abused<sup>15</sup> (95.7%). Only 6.5% of the women have reported sexual violence, but under-reporting of this kind of violence is a common phenomenon. It is important to keep in mind that it is not only the physical wounds, bruises or any other visible signs of injuries that are an impact of the violence, but the woman's mental health is also impacted.

<sup>14</sup> Verbal violence includes swearing, continuous threatening to remarry or kill her.

<sup>15</sup> Financial violence includes continuous demand for dowry, not having access to *streedhan*, deprivation of rights over matrimonial property.

The Police's statement is completely contrary to the woman's statement in the Police records. Only in one case have the Police mentioned a history of verbal violence. In all the other cases, the Police have denied existence of any violence.

### Nature and reasons of problem according to Police

Table 14. Nature and reasons of problem according to Police

Nature of problem	Numbers	Percent
Minor differences	175	75.4
Woman wants to live separately	9	3.9
Other reasons	46	19.9
No problem	2	.9
<b>Total</b>	<b>232</b>	<b>100.0</b>

While the Police in their statements state that there is no violence that the Complainant is facing, in 75.4% of the statements the Police has mentioned that there are minor differences between the couple<sup>16</sup>.

According to the Police, 3.9% of the women were wanted to live separately and hence, filed a complaint under 498A. In 0.4% cases, according to the Police statement, the husband denied the woman from accessing higher education because of which she filed a complaint.

The 'other reason' category includes: women wanting to get married to brother-in-law, women wanting her share in her husband's property and women's natal family members having issues with marital family members. Thus, according to the Police, most of the women have filed a complaint due to minor differences between her and her husband.

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<sup>16</sup> Minor differences include verbal arguments between the couple in relation to life style, disagreements on household matters ('gharelu baton ke upkar manmutav ho gaya') and food habits ('gharelu kam kaj, khan pan, rahan sahan ke upar kahasuni ho gayi'). In some cases it was issues related to children health.

## Reasons for violence

**Table 15. Reasons for violence**

Reason for violence	Woman's statement		Police's statement	
	Numbers	Percent	Numbers	Percent
Dowry demand	215	92.7	-	-
Alcoholism	6	2.6	2	.9
Matrimonial property issue	6	2.6	9	3.9
Other reasons	6	2.6	-	-
Not mentioned	-	-	221	95.3
<b>Total</b>	<b>232</b>	<b>100.0</b>	<b>232</b>	<b>100.0</b>

According to the Police records, 92.7% of the women in their statement have attributed dowry demand as the reason for violence, whereas there is no mention of dowry demand at all in the Police statement. 2.6% women attribute alcoholism as a reason for violence. An equal percentage of women have said that there was violence due to issues over matrimonial property. For instance, after the death of her husband the woman's martial family were not giving her a rightful share of the property.

In 95.3% of the Police's statements there is no mention of any reason for violence. As mentioned in the tables above, the Police find existence of no violence during their investigation which is reflected in the table above. In 3.9% cases, the Police have acknowledged that issues over matrimonial property do exist.

## Violence to members of natal family according to women

**Table 16. Violence to members of natal family according to women**

Violence to natal family members	Numbers	Percent
Yes	51	22.0
No	181	78.0
<b>Total</b>	<b>232</b>	<b>100.0</b>

The table shows that (22%) of Complainants said that there was violence including hitting, tearing clothes, taking away mobile, verbal abuse and physical violence to natal family members. When natal family members had negotiation with the marital family members, they had verbally abused by saying 'bhukhe nange'. When natal family members came to negotiate they had been thrown out of the house by marital family members.

### Violence to children according to women

**Table 17. Violence to children according to women**

<b>Violence to children</b>	<b>Numbers</b>	<b>Percent</b>
Yes	79	34.1
No	61	26.3
Not applicable	92	39.7
<b>Total</b>	<b>232</b>	<b>100.0</b>

The women's statement not only mentions the violence inflicted upon her, but also her children. In cases where the couple has children, 34.1% women have said that the children are also survivors of violence. A range of violence has been described in the woman's statement: physical violence is perpetrated against the children, they are not given food, not given appropriate medical care.

### Reasons for not residing with marital family as identified by women

**Table 18. Reasons for not residing with marital family as identified by women**

<b>Reasons for not residing with marital family as identified by women</b>	<b>Numbers</b>	<b>Percent</b>
Thrown out of the marital home	140	60.3
Left marital home due to violence	36	15.5
I.N.A	56	24.2
<b>Total</b>	<b>232</b>	<b>100.0</b>

As mentioned before, only 5.6% of the women at the time of filing of their complaint are staying with their marital family. The table above gives us an insight into the reasons of the woman not staying at her marital home. The table shows that 60.3% of the women are thrown out of their matrimonial home, whereas 15.5% have left due to the extent of violence. This shows, that in more than half of the cases, it is not the woman's decision to leave her marital home.

### Previous intervention

In 61.6% of the complaints filed under 498A, the woman has mentioned that other stakeholders have tried to intervene before filing of the case.

**Table 19. Number of closed cases filed under 498A**

Previous intervention done by before filing 498A	Numbers	Percent
Mediation by natal family	139	59.9
Natal family gave more money to stop violence	27	11.6
Mediation by <i>panchayat</i> members and relatives	55	23.7

59.9% of Complainants have said their natal family had intervened in the past, while 23.7% have said that the *panchayat* had tried to intervene. It has been mentioned in the statements that the mediation from all the above mentioned stakeholders has been geared towards reconciliation.

With the aim for the woman to reconcile with her husband and/or to stop violence, in 11.6% cases, the woman's natal family has fulfilled the demands of the woman's marital family by giving money.

Police data of Shri Ganganagar and Bharatpur shows that medication was done by *panchayat* and family members (36.2% and 11.3% respectively) before filing of the complaint under section 498A.

## Outcome of previous intervention according to women

Table 20. Outcome of previous intervention according to women

Outcome of previous intervention	Numbers	Percent
Failed to stop violence	138	59.5
Violence lessened but eventually recurred	5	2.2
N.A.	89	38.4
<b>Total</b>	<b>232</b>	<b>100.0</b>

In 59.5% of the women's statement, it is mentioned that the intervention by different stakeholders did not make any difference to the violence whereas in only 2.2% the intensity of the violence reduced, but the woman faced a recurrence of violence after some time.

## Registration of the Case

### Number of witnesses

Table 21. Number of witnesses

No. of witness	Numbers	Percent
1	4	1.7
2	16	6.9
3	32	13.8
4	30	12.9
5	17	7.3
6	6	2.6
7	4	1.7
8	1	.4
9	2	.9
11	3	1.3
12	1	.4
13	2	.9
I.N.A.	114	49.1
<b>Total</b>	<b>232</b>	<b>100.0</b>

In 49.1 % of the cases, there is no mention of any witness in the Police’s statement and in 26.7 % of the cases there is mention of 3 to 4 witnesses.

### Intent of filing of complaint according to the Police

**Table 22. Intent of filing of complaint according to the Police**

<b>Intent of filing of complaint according to the Police</b>	<b>Numbers</b>	<b>Percent</b>
Wanted to pressurise husband to take her back in marital home	83	35.8
In retaliation of complaint of neglect filed by mother-in-law	2	.9
Woman in relationship with another man	3	1.3
Other reasons <sup>17</sup>	59	25.4
Misunderstandings between woman’s natal and marital families	3	1.3
Case filed in anger to punish the husband and his family	82	35.3
<b>Total</b>	<b>232</b>	<b>100.0</b>

The Police, in their statement, have written the reasons behind the filing of the complaint. According to Police, in 35.8% complaints, the women have registered the complaint to pressurise their husbands to take her back into the martial home while almost an equal percentage of complaints (35.3%) are filed in anger and to punish the husband and his family.

Police records of Bharatpur district shows that 70.5 % complaints were filed in anger to punish the husband and his family, while a similar number of complaints (71.6%) were filed in Shri Ganganagar in order to pressurize husbands and to go back to marital home.

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<sup>17</sup> Other reason includes those reasons which are related to property and marital family issues.

### Place of registering the case

The table shows that majority of the cases (84.5 %) were filed through court whereas very few cases (15.5 %) went directly to the Police station. It indicates that sometimes Complainant approached the Police and they may not have registered the case. The interviews (primary data) also suggest that the Police do not register cases, therefore they file the case through the court. It is not woman's lack of faith, but Police reluctance to file cases. In these cases, the women had asked for and the court had directed the investigation by the Police and orders under Section 156 (3) CrPC had been passed.

The secondary data of Ganganagar district shows that among 116 cases, 69% of the cases were filed through court whereas 31% cases directly went to Police. In the Ganganagar district the previous SP has given order to all the Police station to register all cases of violence against women. Hence the number of cases going to the Police station is high in comparison with Bharatpur district.

**Table 23. Place of registering the case**

Mode of registering the case	Ganganagar		Bharatpur		Total	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Directly to Police	36	31.0	0	0	36	15.5
Through court	80	69.0	116	100.0	196	84.5

The secondary data of Bharatpur district shows that among 115 cases, (100%) of the cases filed through court. It indicates most of the cases directly going to court than Police station. It clearly shows that Complainants don't have faith in the Police. It is a matter of concern that a high number of Complainants are choosing to register through the court hiring a lawyer instead of exercising the easy option of registering in the Police station and approach to Superintendent of Police if the SHO is not ready to register the FIR.

## Dowry given according to women's statements

In 87.5% of complaints filed, the woman has mentioned that dowry<sup>18</sup> had been given to her natal family at the time of the wedding. As harassment due to dowry is criminalised under Section 498A, most of the women give detailed information on this aspect of violence. Only 31% of the Police statements mention dowry demand.

## Time taken to investigate and prepare Final Report

**Table 24. Time taken to investigate and prepare Final Report**

Time taken to investigate and prepare FR	Numbers	Percent
1 to 7 days	10	4.3
8 to 14 days	18	7.8
15 to 21 days	27	11.6
22 to 28 days	38	16.4
29 to 35 days	25	10.8
36 to 42 days	21	9.1
43 to 49 days	17	7.3
50 to 56 days	8	3.4
57 to 63 days	5	2.2
64 to 70 days	11	4.7
71 to 77 days	5	2.2
78 to 84 days	2	.9
85 to 91 days	1	.4
92 to 98 days	8	3.4
99 to 105 days	9	3.9
106 to 245 days	21	9.1
260 and above	5	2.2
I.N.A.	1	.4
Total	232	100.0

The table below details out the duration of the time the case is filed till the time the Police has prepared the Final Report. 16.4% of the cases are finalised between 22 to 28 days. Only 4.2% cases' final reports are prepared in the first week of filing of the report.

## Role of *Panchayat* during Police process

<sup>18</sup> Dowry includes cash, jewellery, car and other motor vehicles.

In most of the complaints filed at Shri Ganganagar *Mahila Thana*, the Police have taken help of the *panchayat* to achieve reconciliation (88.8%)<sup>19</sup>. The Bharatpur *Mahila Thana* does not take help of the *panchayat* while intervening in cases of 498A.

## Status of women

### Outcome of the Police intervention according to FR

Table 25. Outcome of the Police intervention according to FR

Outcome of the Police intervention	Numbers	Percent
Reconciliation	195	84.1
Mutual consent divorce and retrieval of <i>streedhan</i>	10	4.3
Living separately	27	11.6
<b>Total</b>	<b>232</b>	<b>100.0</b>

According to Police intervention the outcome of the intervention shows that majority of the cases (84.1%) ended in reconciliation. The misunderstanding between husband and wife was clear. Women were staying with the marital family. Very few of the cases (4.3%) have taken mutual consent divorce and retrieved *streedhan*. In the secondary data of Ganganagar it has been written that *panchayat* members and relatives helped them to stay separately and they have taken mutual consent divorce. (11.6 %) of the cases were living separately and retrieved *streedhan*. In such cases they have mentioned separation, but have not talked about divorce. It has been written as '*dono pati patni alag alag apni sahmati se rah rahe hai*' (with the consent of both, they decided to live separately).

## Closure

<sup>19</sup> In the Police records of Shri Ganganagar, it is written that, "*pachayat ... ke dwara dono pati patni ke manmutav ko dur kiya gaya*" (with the help of *panchayat* members the differences between husband and wife has been cleared).

## Reasons for closing the case

Table 26. Reasons for closing the case

Reason for closing the cases	Ganganagar		Bharatpur		Total	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
<b>Misunderstanding</b>	103	88.79	0	0	103	44.39
<b>False case</b>	13	11.21	116	100	129	55.61
<b>Total</b>	116	100	116	100	232	100

The secondary data (Closed Cases of 498A) collected from Ganganagar and Bharatpur district. The table shows that 100% of the cases closed due to a false report. Police statement says that the cases have ended in reconciliation. It is quoted as '*dono pati patni ek sath rah rahe hai*' (Both husband and wife are staying together) or '*dono ne aapsi sahmati se alag alag rehne ka tay kiya hai*' (With the consent of both they decided to live separately). Women are started staying with the marital family members. There is no difference in both the districts data.

The secondary data of Bharatpur says that '*jhootha mukadma darj kara diya*' (False case has been registered), which is why the cases have been closed as false.

The secondary data of Ganganagar says that '*galatfahmi mein case darj kara diya*' (Cases filed due to misunderstanding). Very few cases (11.21%) closed due to false allegations against the marital family members. After intervention the Police have come to the above conclusion and have made a final report.

**B. Shri Ganganagar and Bharatpur: Analysis of Primary data**  
**Interviews with women complainants, witnesses, Police, Sarpanch and**  
**women's rights activists**

**Woman/ Complainant**

*Demographic details*

**Age**

**Table 27. Age of woman Complainant**

<b>Age (in years)</b>	<b>Numbers</b>	<b>Percent</b>
18 to 24	16	41.0
25 to 34	20	51.3
35 to 44	2	5.1
45 to 54	1	2.6
<b>Total</b>	<b>39</b>	<b>100.0</b>

The age profile of the women in this study follows the same pattern as the age profile of women survivors of violence recorded in other researches which show that women in the reproductive age are the most susceptible to violence (Dave,2001)<sup>20</sup>. The primary data shows a similar trend as most of the women interviewed were between the age group of 18 to 24 years (41%) and from 25 to 34 years (51. 3%). Women in the older age groups of 35 to 44 years (5.1%) and 45 to 54 years (2.6%) had also registered and closed cases in 498A.

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<sup>20</sup>Dave, A. And Solanki, G. (2001) Journey from Violence to Crime: A Study of Domestic Violence in the City of Mumbai. Mumbai, Tata Institute of Social Sciences.

## Education

Table 28. Education of woman Complainant

Level of education		Shri Ganganagar		Bharatpur	
		Numbers	Percent	Numbers	Percent
	Non-literate	2	11.1	9	42.9
	Primary school	3	16.7	2	9.5
	Secondary school	5	27.8	5	23.8
	S.S.C.	2	11.1	1	4.8
	H.S.C.	1	5.6	2	9.5
	Graduate	1	5.6	1	4.8
	Post graduate	4	22.2	-	-
	Any other	-	-	1	4.8
	<b>Total</b>	<b>18</b>	<b>100.0</b>	<b>21</b>	<b>100</b>

Women of all educational levels, from non-literate (11.1%) to post graduate (22.2%) were represented in this sample. Thus education of the woman did not seem to have any correlation with the violence from marital family, the decision to seek intervention against it and the decision to withdraw that intervention.

## Occupation

Table 29. Occupation of woman Complainant

Occupation	Numbers	Percent
Non-remunerative	29	74.4
Self-employed home based occupation	3	7.7
Seasonal/marginal/ Occasional worker	3	7.7
Salaried employment	2	5.1
Any other	2	5.1
<b>Total</b>	<b>39</b>	<b>100.0</b>

Research has shown that women who are financially dependent are more vulnerable to violence (Dave, 2001). A similar trend is observed from the primary data collected for this study as 74.4% were engaged in work that was non-remunerative.

### **Combined monthly income of the marital family**

**Table 30. Combined monthly income of the marital family**

<b>Monthly income of marital family</b>	<b>Numbers</b>	<b>Percent</b>
No idea	27	69.2
Up to Rs. 20,000 per month	8	20.5
Rs. 21,000 to Rs. 50,000	3	7.7
Rs. 51,000 to Rs.1,00,000	1	2.6
Total	39	100.0

A large majority of the women (69.2%) confessed that they had no knowledge of the combined monthly income of the marital family. If marriage is considered as livelihood for women, especially when they are engaged in non remunerative work, women are unaware of the income of the marital family which puts her at a disadvantage when she is asking for her rights. She is unable to claim her rightful share as she is denied the information on which to base her claim, thus increasing her dependence and hence her vulnerability.

### **Combined monthly income of the natal family**

**Table 31. Combined monthly income of the natal family**

<b>Monthly income of the natal family</b>	<b>Numbers</b>	<b>Percent</b>
No idea	7	17.9
Up to Rs. 20,000	23	59.0
Rs. 21,000 to Rs. 50,000	9	23.1
Total	39	100.0

Women seemed to be better informed about the financial conditions of the natal family. More than three fourth (76.9%) were from the lower socio economic strata while others

(23.1%) were from lower-middle socio-economic strata. This indicates that even though, natal family supported the woman's decision to seek Police and legal intervention for violence, financial constraints faced by the family might directly or indirectly might influence her decision to revoke this intervention.

## Religion

**Table 32. Religion of Complainant**

<b>Religion</b>	<b>Numbers</b>	<b>Percent</b>
Hindu	32	82.1
Muslim	1	2.6
Sikh	6	15.4
Total	39	100.0

A large majority of the women were Hindu (82.1%). Since Shri Ganganagar is located on the Punjab border, there is a sizable Sikh population in the city, and that may account for the 15.4% Sikh women in the sample. There was only one Muslim respondent. As per the experience of women's rights activists and members of NGOs working in the field, Muslim women do not come forward to file a complaint in the Police station due to societal pressure, despite violence in the community.

## Caste

**Table 33. Caste of Complainant**

<b>Caste category</b>	<b>Numbers</b>	<b>Percent</b>
SC	12	30.8
OBC	13	33.3
General	14	35.9
Total	39	100.0

Women from all caste categories, SC, OBC and General were almost equally represented in the sample.

## Marital status at the time of interview

Table 34. Marital status at the time of interview

Marital status	Numbers	Percent
Married	14	35.9
Divorced	9	23.1
Separated	9	23.1
Widowed	2	5.1
Divorce pending	3	7.7
Divorced and remarried	2	5.1
Total	39	100.0

The table shows that in more than half the cases the marriage has broken down. In more than one-third of cases (35.9%) divorce had already taken place or was in process while in 17.9% of the cases which are recorded in the table as “separated”, the husband has not kept his promise of reconciliation given at the time of the closure of the case; the woman was still with the natal family.

## Residence at present

One of the women whose divorce process was going on had moved out of her natal home to a location which was not known to her husband because of continued violence from the husband. Another respondent, after obtaining divorce was staying in a hostel in another city to peruse her education. Others who had obtained divorce, were separated or were in the process of getting divorce were staying with the natal family. In three of the cases where the marital dispute had originated because of adjustment problems with the in-laws, the husbands had moved to the woman's natal home after reconciliation. Thus the data substantiate the claim made by the women regarding the support that they had of their natal family.

## Witnesses

In cases where addresses could be located but women were out of station, interviews of family members were taken as they were the witnesses in these cases. In Shri

Ganganagar, 12 such witness' interviews were conducted while in Bharatpur, 15 witness' interviews were done.

### Relationship of the witness to woman

**Table 35. Relationship of the witness to woman**

Relationship of the witness to woman	Numbers	Percent
Member of natal family	25	92.6
Neighbor	2	7.4
Total	27	100.0

Most of the witnesses interviewed for the study were members of natal family (92.6%), except for two who were the neighbours of the woman. One of them had known her for more than 5 years while the other was a neighbour of the marital family.

### Education

**Table 36. Education of witness**

Education	Numbers	Percent
Non-literate	11	40.7
Primary	4	14.8
Secondary school	1	3.7
S.S.C	6	22.2
H.S.C.	3	11.1
Graduate	1	3.7
Any other	1	3.7
Total	27	100.0

A majority of the family members interviewed as witnesses for this study were non literate (40.7%).

### Occupation

The women who were interviewed as witnesses were engaged in non-remunerative work (33.3%), except a few who were employed as domestic help (18.5%). Some of the male witnesses had salaried employment (18.5%) while others were running small

business establishments such as grocery shops (18.5%).

**Table 37. Occupation of witness**

<b>Occupation</b>	<b>Numbers</b>	<b>Percent</b>
Non-remunerative (working on farm/ at home)	9	33.3
Self employed home based occupation	1	3.7
Seasonal/marginal/occasional worker	5	18.5
Salaried employment	5	18.5
Business	5	18.5
Any other	2	7.4
Total	27	100.0

## History of violence

### Duration of violence according to the women

**Table 38: Duration of violence according to the women**

<b>Duration of violence</b>	<b>Numbers</b>	<b>Percent</b>
0-2 years	15	38.5
3-5 years	9	23.1
6-8 years	8	20.5
9- 11 years	3	7.7
12-16 years	4	10.3
Total	39	100.0

Almost all the Police officers as well as the advocates who fought cases on behalf of women interviewed for the study lamented that “*Auratonki sahanshakti khatam ho gayi hai*” (women’s tolerance level has gone down). The table reporting the duration of violence according to the women shows that more than one-third of the women had sought help against violence within two years of experiencing it (38.5%). However an almost equal number of women had waited for more than 5 years for the violence to subside. Nearly one-fourth of the respondents had tolerated violence for 3 to 5 years (23.1%) before reporting it to the Police.

## Duration of the violence according to the witnesses

As shown in the table below, more than half the witnesses said that the survivor of violence had sought help against violence within 3 to 5 years of marriage (51.9%).

**Table 39. Duration of the violence according to the witnesses**

Duration of violence	Numbers	Percent
0-2 years	8	29.6
3-5 years	14	51.9
6-8 years	3	11.1
9- 11 years	1	3.7
17+ year	1	3.7
Total	27	100.0

## Types of violence

### Nature of violence described by the women

**Table 40. Nature of violence described by the women**

Nature of violence	Numbers	Percent
Physical violence	31	81.6
Not giving maintenance	33	86.8
Verbal violence	36	94.7
Sent back to natal family	22	57.9
Child marriage	1	2.6
Sexual violence	2	5.3
Marriage by fraud	1	2.6
<b>Total</b>	<b>126</b>	<b>331</b>

Most of the women interviewed for the study were subjected to verbal violence (94.7%). They had to listen to taunts for bringing inadequate dowry, derogatory comments about them not being up to the expectations of the husband, threats about second marriage, or constant bickering about trivial household matters such as quantity of food prepared at home. In most of cases, husband was not giving money for household and other

expenses (86.8%). A large majority of these women were forcibly sent back to the natal family (57.9%) Physical violence was reported in a large majority of cases (81.6%), and severe physical violence was reported in some of these cases—in one case a woman was being forcibly drugged by her husband who was himself an addict and a peddler, and it had resulted in a total breakdown of her health; she had lost all her hair including her eyebrows and eyelashes. Another woman was beaten so severely by husband that she lost consciousness. Not many women talked about sexual violence, one of the women interviewed said that the husband was not interested in having any sexual relations with her while in another case the husband was impotent. One of the girls had been married as a minor against her wishes. In one case the marital family had not informed the girl or her family that the husband was not a natural son, was not even legally adopted and had no rights in the family property.

### **Nature of violence described by the witnesses**

**Table 41. Nature of violence described by the witnesses**

<b>Nature of violence</b>	<b>Numbers</b>	<b>Percent</b>
Physical violence	22	88.0%
Not giving maintenance	16	64.0%
Verbal violence	22	88.0%
Sent back to natal family	15	60.0%
Denial of economic rights by father-in-law	1	4.0%
Total	76	304.0%

According to the witnesses, most of the women were subjected to physical and verbal violence (88.0%). Not getting maintenance (64.4%) and being forcibly sent back to the natal home were (60.0%) other types of violence reported by a large number of the group.

### **Nature of violence described by the Police**

When asked about the severity of violence faced by the women whose cases registered under 498A were not chargesheeted, a majority of the Police said that there was emotional violence, which could also be interpreted as cruelty according to the law and

hence neither the court nor the Police could refuse to file an FIR in such cases. This is shown in the following table.

**Table 42. Nature of violence described by the Police**

<b>Presence of cruelty</b>	<b>Numbers</b>	<b>Percent</b>
Emotional violence is defined as cruelty	6	66.7
There are hardly any cases of cruelty	2	22.2
Sometimes there is cruelty	1	11.1
Total	9	100.0

### **Nature of violence as per women activists**

Women's rights activists insisted that there was violence faced by women, which does not get reflected in the Police statement. According to them, Police respond only when there is evidence of physical violence. However, there is often a time gap between incidence of violence and registration of complaint, when women and their families try other means of mediation. Women very rarely could show any visible proof of violence to the Police, especially since hardly any of them get medical tests done immediately after an incident of physical violence. Sometimes women are reluctant to show marks of violence on their bodies due to reasons of modesty.

### **Reasons for violence**

#### **Reasons for violence according to the women**

Demand for dowry was reported as the reason for violence by a little more than one fourth of the respondents (28.6%). According to the women, alcoholism/ drug addiction was a major reason for violence (42.9%) ("nasha karake maar peet karata hai"). More than one third of respondents (37.1%) were facing adjustment problems with in laws. In one of these cases, the woman was well educated and found it impossible to abide by

the extremely superstitious beliefs and practices of her marital family. In another case, a girl who was extremely religious was having adjustment problems with her non believer husband. To make the matters worse, this girl who had done Ph. D. in music was not allowed to pursue it later by the husband. In other instances the constant nagging over minor issues was proving mentally draining for the women. Out of marriage relationship of the husband was reported by some of the respondents as being responsible for violence (20%). Not having children and having only girl child had triggered off violence in a few cases (11.4%) while gambling by the husband was the reason given in some other cases (5.7%). The objectification of the woman was apparent from the responses of three women who were left at their natal place because “they were not as per their husband's liking.”

**Table 43. Reasons for violence according to the women**

<b>Reasons for violence</b>	<b>Numbers</b>	<b>Percent</b>
Dowry demand	10	28.6%
Out of marriage relationship of husband	7	20.0%
Alcoholism/drug addiction	15	42.9%
Gambling	2	5.7%
Having only girl child	4	11.4%
Adjustment problems with in-laws	16	41.02%
Total	54	154.3%

*Multiple response*

### **Reasons for violence according to witnesses**

Even in the data obtained from the witnesses, who were largely members of the natal family, dowry did not feature as a major reason for violence (13.0%). Alcoholism/drug addiction of the husband (43.5%) and adjustment problems with in-laws and husband (43.5%) appeared to be responsible for the violence faced by the women. In two of the cases, the girl was subjected to violence as she suffered from mental illness.

**Table 44. Reasons for violence according to witnesses**

<b>Reasons for violence</b>	<b>Numbers</b>	<b>Percent of Cases</b>
Dowry demand	3	13.0
alcoholism/ Drug addiction	10	43.5
Having only girl child	2	8.7
Adjustment problems with in-laws	10	43.5
Girl was mentally retarded	2	8.7
Total	27	117.4

### **Reasons for violence according to Police**

According to the Police, even though the statement submitted by the women to the Police station or to the court invariably highlighted dowry as the cause of violence, actual reasons that surfaced in the process of investigation was quite different. These are listed in the table below:

Adjustment problems with in-laws/husband was the reason most often cited by the Police (88.9%) as leading to disputes within the family, and eventually to the filing of a complaint under 498A. When asked why such adjustment problems occurred, one policeman replied, "*rasoi me bartan to khanaktehi hai!*" According to another, if a girl from the city is married off in a village, she cannot adjust with the lifestyle nor can she cope with the amount and the kind of housework required in a rural household. Differences in the socio-economic status of the natal and the marital family may also

cause difficulties in adjustment even when both families are in a similar—urban or rural—geographical setting. Educated girls cannot and do not unquestioningly accept the traditional norms of behaviour in the marital family. One policeman pointed out that in especially in Shri Ganganagar, there is a high incidence of migration to Western countries, and as a result more exposure to Western culture and values, while an equally large section of society remains highly tradition-bound. Friction invariably results when different members of the family are exposed to such different influences.

**Table 45. Reasons for violence according to Police**

<b>Reasons for violence</b>	<b>Numbers</b>	<b>Percent</b>
Adjustment problems with husband /in-laws	8	88.9
Alcoholism	6	66.7
Out of marriage relationship	4	44.4
Lack of patience and tolerance	2	22.2
Interference from natal family	1	11.1
Stress due to high aspirations and limited means	2	22.2
Property dispute	1	11.1
Not having children	1	11.1
Total	25	277

Alcoholism of the husband was reported to be another leading cause of violence (66.7%) followed by out of marriage relationship of either husband or wife (44.4%).

Even though the data show that only 22.2% of policemen interviewed for the study said that women rush to the Police station to register a complaint because they lack patience and tolerance, the refrain that “*sahanshakti naam ki cheese hi nahi rahi*” was constantly heard during all the interactions the researchers had with the Police. Similarly though the same number of interviewees reported stress due to increasing aspirations and shrinking means as a trigger for violence for the slightest of reasons, the sentiment was echoed by many others during informal conversations at the Police stations.

### **Reasons for violence according to advocates and *sarpanch***

Interestingly the same sentiment “*sahanshakti naam ki cheese hi nahi rahi*” was expressed by even lawyers who took up cases of women and who were interviewed for this study. As per one of the advocates, the kind of upbringing that daughters received had changed drastically, while the kind of expectations that the husband and marital family had from the daughters-in-law had remained the same. The girls did not get the freedom after marriage which they had got used to in their natal families, leading to clashes at home. According to another, girls found it hard to adjust in a joint family and desired to stay in nuclear family, which the husbands did not agree to. Alcoholism and out of marriage relationships were stated by some as leading to violence. According to a village *sarpanch* interviewed for the study, increasing greed of people pushed them to make increased financial demands from a girl's family. However, another community *sarpanch* differed in his view saying that the media showcased a lifestyle that people desired to have but could not achieve. This caused dissatisfaction leading to a greater number of and more violent family quarrels, which got converted in cases of 498A.

### **Approaching the Police**

#### **Decision to go to Police according to woman**

The decision to go to Police was taken more often by the natal family (56.4%) than by the woman (41.0%). One of the women activists had corroborated the fact stating her observation that in Rajasthan, it is the family rather than the woman herself, who took all the decisions.

**Table 46. Decision to go to Police according to woman**

<b>Who took the decision to go to Police</b>		<b>Numbers</b>	<b>Percent</b>
	The woman herself	16	41.0
	Members of natal family	22	56.4
	Any other	1	2.6
	Total	39	100.0

## Reasons for approaching Police according to women

**Table 47. Reasons for approaching Police according to women**

Reasons for approaching Police	Numbers	Percent
Desertion by marital family	6	15.4
Physical violence when pregnant	5	12.8
Other mediations failed	4	10.3
Physical violence started	1	2.6
Physical violence increased in gravity	6	15.4
Physical violence to children	1	2.6
Husband filed case of divorce	3	7.7
In-laws stopped protecting from husband	1	2.6
Husband ran away with another woman	2	5.1
Stopped giving money totally	1	2.6
As a response to husband's complaint	1	2.6
Husband took away my children	1	2.6
Husband asked me to get money from my family	1	2.6
In-laws refused share in marital property	3	7.7
Not interested in continuing with marriage	1	2.6
Physical violence to other members of the family/	2	5.1
Total	39	100.0

“*Kharcha pani ke liye kuch bhi paise nahi milenge to kaise hoga? Kya karenge*” was the “*majboori*” that forced the women and the families to approach the Police—when the woman was forcibly left in the natal home without any financial support (15.4%) and

especially when all other hopes of reconciliation were dwindling, as other attempts at mediation had failed (10.3%) or the husband had filed a case of divorce (7.7%). Financial violence was the reason for approaching the Police in other cases as well where the husband had left home due to his out of marriage relationship with another woman or when he had shrugged off his responsibilities totally. In one case, a girl was pretending to have a normal marital life even after discovering that her husband was impotent. However, when the husband started demanding money from her natal family she decided to voice her grievances.

*“Jab baradasht ke bahar ho gaya tab Police ke paas jana pada”* was another plea vary frequently heard from the women. Beginning of physical violence (2.6%), escalation of violence (15.4%) and violence to children (2.6%), to unborn foetus (12.8%) or to other members of the family (5.1%) were other reasons that prompted the decision to approach the Police, as can be seen from the table below. In one case, the woman had no choice but to approach the Police for protection when her in-laws, who used to shield her from her abusive husband, finally admitted their inability to do so. In another case, husband of a woman filed a case against her when she left home due to violence which made her seek help from the Police.

### **Reasons for approaching Police according to women**

The voices of women find an echo in the data obtained from the witnesses presented in the table above, which also shows that financial violence followed by escalation of physical violence were the reasons for which families sought Police help.

**Table 48. Reasons for seeking Police help according to witnesses**

<b>Reason for seeking Police help</b>	<b>Numbers</b>	<b>Percent</b>
Suspicious death of the woman	1	3.7
Escalation of violence	7	25.9
Beginning of physical violence	1	3.7
Other intervention failed	4	14.8
Woman was kept in the natal home for a long time without giving any maintenance	8	29.6
No idea	1	3.7
No other option	1	3.7
No maintenance given by husband	1	3.7
Husband filed a case of divorce	2	7.4
Husband remarried	1	3.7
Total	27	100.0

### **Help expected from the Police according to women**

One of the respondents who had filed a complaint under Section 498A was married as a minor against her consent but was not sent to live in her marital home at that time. She refused to continue with the marriage when after reaching majority; preparations were made for her *gauna*, i.e. for sending her to the marital home. She approached the Police for a speedy divorce.

As described in the case above, some of the women had approached the Police to expedite divorce process (12.8%), and almost the same number said that they wanted to see the perpetrators of violence punished. However, in a majority of the cases the women had come to the Police with the desire to preserve the marriage. They expected

the Police to achieve a non-violent reconciliation (30.8%) or to help her get back into the marital home (23.1%). There were cases where Police were expected to help in persuading the husband to stay separately (2.6%) or in-laws to give a share in marital property (7.7%), but they were fewer in number.

**Table 49. Help expected from the Police according to women**

<b>Help expected from the Police</b>	<b>Numbers</b>	<b>Percent</b>
To end violence	12	30.8
To gain entry into marital home	9	23.1
To gain maintenance	3	7.7
To gain child custody	1	2.6
To bring perpetrators of violence to justice	5	12.8
To get divorce	5	12.8
Husband should earn and live separately from his parents	1	2.6
To get share in marital property	3	7.7
Total	39	100.0

**Decision to register 498A according to the women**

**Table 50. Decision to register 498A according to the women**

<b>Decision to register 498A</b>	<b>Numbers</b>	<b>Percent</b>
The woman herself	6	15.4
Members of natal family	23	59.0
Police	2	5.1
Advocate whose advice was sought	5	12.8
Doctor to whom the woman went for treatment	1	2.6
Employer	1	2.6
Elder brother	1	2.6
Total	39	100.0

Again, in support of the observation by the activist recorded earlier, that the decision making power was concentrated in the hands of the natal family, the data from this study shows that the decision to register a case of 498A was taken in a majority of the cases by the natal family (59.0%).

### Reasons for registering the case, according to women

“498A aurat ke liye Rambaan hai” was the answer given by one of the women interviewed, when she was asked for the reason for registering the case under this law. More than half the respondents (53.8%) said that they had registered the case under 498A to put pressure on the husband. The lawyer had advised them to use this section for the same purpose (10.4%). The desperation of the respondents that made them exercise this “unfailable weapon” was apparent from the responses recorded in the table above when they said that the case was registered as the last option (20.5%), because they wanted the violence to stop by any means (5.1%) or to force a resolution one way or the other (2.6%). Very few of the respondents had punitive intentions (5.1%).

**Table 51. Reasons for registering the case, according to women**

Reasons for registering the case	Numbers	Percent
There was no other option	8	20.5
To put pressure on husband	21	53.8
To force a resolution	1	2.6
To stop violence by any means	2	5.1
To avenge behaviour meted out to parents by husband and in-laws	1	2.6
To get justice	1	2.6
As per lawyer's advice	4	10.3
To get share in marital property	1	2.6
Total	39	100.0

### **Reason for registering the case under Section 498A according to lawyers**

The four advocates who were interviewed for this study agreed that a case was registered under section 498A only to pressurize the husband, and to make him agree to the demands put forth by the woman or the natal family. According to them in very few cases was there any demand for dowry, however, they believed that they had to fabricate such demands while preparing the statement in order to put up a strong case as the Police and the judiciary responded favorably only if the violence was shown as caused due to dowry. Apparently cases were prepared according to a set formula, only the type of dowry demanded changed as per the socio-economic status of the family. e. g. if the family was from lower-middle class, it would be stated that a motor bike was demanded, if it was from middle class the dowry demand would be recorded as that of a Maruti car, and for families from higher economic strata, the demand would be changed as that of Honda City or BMW. As per these lawyers, since DV Act did not provide for the arrest of husband and in-laws, it could not be used to create pressure on husband, also, the court procedures under PWDV Act and other laws were very time consuming and women did not have the capacity to sustain financial and other demands created by such cases.

### **Reason for registering the case under IPC 498A according to activists/ NGO workers**

Members of women's organisations for the study concurred that though dowry was demanded in some cases and there was extreme and continued violence in others, more often than not women were misguided by lawyers to register cases of 498A. Sometimes, women heard of other women filing cases of 498A, and followed suit even when their case was entirely different. They also observed that there was a set formula used by advocates in filing section 498A. The activists claimed that IPC, Judiciary, advocate and Police focused on dowry instead of on violence. The NGO workers and activists confirmed the opinion of the advocates that there was no utilisation of PWDV Act; as, in the PWDV Act there was no provision for any immediate action against marital family members.

## Use of PWDV Act 2005, according to women

Table 52: Use of PWDV Act 2005, according to women

Use of PWDVA 2005	Numbers	Percent
Yes	6	15.4
No	33	84.6
Total	39	100.0

Very few of the women (15.4%) had filed a case under PWDV Act 2005. A large majority was not aware about the Act (84.6%).

## Registration of cases

### Police station where case is registered

The sample was drawn from the cases of 498A registered and closed in *Mahila Thana*, Sri Ganganagar and *Mahila Thana*, Bharatpur.

In Shri Ganganagar the jurisdiction of *Mahila Thana* is limited to Ganganagar city. There are four Police stations in Shri Ganganagar city. The jurisdictions of Kotwali, Jawahar Nagar and Purani Abaadi Police stations encompass mostly urban area, while the jurisdiction of Sadar encompasses villages on the outskirts of the city. The natal or marital families of the women were from Shri Ganganagar city or the surrounding villages.

### Police station first approached

In Shri Ganganagar City, all the cases related to women were registered in *Mahila Thana*. Women who were aware of the fact had gone directly to *Mahila Thana*. Others had approached the Police station in whose jurisdiction either natal or marital family was staying, and were then directed to go to *Mahila Thana*. As a majority of women were forcibly sent back to the natal family by the husband/marital family and were staying there when the case was lodged and in almost all the cases Police help was sought with

the support of the natal family; a majority of the women had first approached the Police station where natal family was staying. In one case, the Police station under whose jurisdiction the marital family was located had been approached. In this case the husband had left home due his out of marriage relationship and the woman had continued to stay in the marital home, while her natal family was in another city.

In Bharatpur, the jurisdiction of *Mahila Thana* covered the entire district of Bharatpur. However, other Police stations could also register and intervene in cases related to women. An aggrieved woman could register her complaint in the Police station of the area where her natal or marital family stayed or in *Mahila Thana*, as per her convenience. The intervention was done from the Thana where her complaint was registered. In Bharatpur as well the sample was drawn from the cases registered and closed in *Mahila Thana*. All these women had approached *Mahila Thana* directly. Some of them were from the city while others were from the *tehsils* or the villages in the district.

**Table 53. Police station first approached**

Police station first approached		Shri Ganaganagar		Bharatpur	
		Numbers	Percent	Numbers	Percent
	Residence of natal family	9	50.0	-	-
	Residence of marital family	1	5.6	-	-
	<i>Mahila Thana</i>	3	16.7	21	100
	Residence of both marital and natal family	5	27.8	-	-
	Total	18	100.0	21	100

## Mode of registering the case

Table 54. Mode of registering the case

Mode of registering the case	Shri Ganganagar		Bharatpur	
	Numbers	Percent	Numbers	Percent
Directly	9	50.0	2	9.5
Through court	9	50.0	19	90.5
Total	18	100.0	21	100.0

*“Police to mahilaonka suanti hi nahi hai”* was a feeling strongly voiced by the women. 498A is a criminal law and cases under 498A can be registered directly in the Police station. In spite of this, half the women had chosen to register the case through the court as they were apprehensive that Police would not validate their experience of violence. The 9 cases who had registered through court had experienced this themselves, and had then opted to register their cases through court while others had gone straight to court.

Apparently, as it came out during the Police interviews, the previous SP of Shri Ganganagar had directed the Police to register all cases of 498 A, which might account for the fact that the Shri Ganganagar data was showing 50% of the cases as being directly registered in the Police station. The data from Bharatpur, presented in the table below, show that most of the cases (90.5%) were registered through court.

If a woman comes directly to the Police with her complaint, she does not have to spend any money. She can write a complaint on a plain piece of paper or get it written for her. However, as one of the SHOs interviewed for the study pointed out, they almost never got any handwritten complaints. According to him women always go to a lawyer to get her complaint drafted and typed, and more often than not, the advocates advised her to register her complaint through court. According to the Police, documents are made in such a way as to highlight dowry demand and harassment even when there is none,

and court after seeing the prima facie evidence, send these cases to the Police. When a case comes to the Police through court, then the Police have no choice but to register it.

It is no surprise that in Bharatpur, where most of the cases had gone directly to the court, the statement had been drafted by the advocate, as shown in the following table.

### Mode of registering the case according to the NGOs

The NGO workers and activists also observed that Police were reluctant to file cases of 498A when women approached them directly, especially if there was no evidence of physical violence and hence the cases were filed mostly through court. According to them, Police did not register a case if a woman went to them alone, without family members or neighbours as witnesses. Police registered the cases only after court orders.

### Writing of the statement

Table 55. Writing of the statement

Writing of the statement	Bharatpur		Shri Ganganagar	
	Numbers	Percent	Numbers	Percent
Advocate	19	90.5	16	88.9
The woman	1	4.8	1	5.6
Police	1	4.8	1	5.6
Total	21	100.0	18	100.0

Even in Shri Ganganagar, where half the women studied in the sample had approached the Police directly, they had taken legal advice from an advocate and got their statement written by the advocate as is seen in the following table.

The fear of and lack of confidence of these women regarding the CJS which prompted them to approach the advocates was apparent from their response, "*hum to unpadh hai, aisi baate samazate nahin hai*".

## Explanation of the law according to the Police

Table 56. Explanation of the law according to the Police

Explanation of the law to the woman as per Police	Numbers	Percent
Advocates	4	44.4
The woman was aware/the lawyer explains	3	33.3
Police explain	2	22.2
Total	9	100.0

According to the Police, with the proliferation of law colleges there were plenty of lawyers even in rural areas, who informed the women/explained to the woman, Section 498A IPC. (44.4%) Because of education and exposure to media, many women were also aware of the law (33.3%). In a very few cases did the Police have to explain the provisions of the law to the women (22.2%).

## Explanation of the law according to the women

Table 57. Explanation of the law according to the women

Who explained the law to the woman as per the woman	Numbers	Percent
No explanation given to the woman	12	30.8
Police explained	3	7.7
Natal family explained/ woman was aware	5	12.8
Lawyer explained	17	43.6
Any other	2	5.1
Total	39	100.0

Data from the interviews of women bears out the fact that in a majority of the cases the provisions of 498A IPC were explained to the woman by a lawyer (43.6%). Very few women had said that they got information/explanation of the law from the Police (7.7%).

## Support to the woman during the process of filing FIR

In all of the cases, the complaint was filed with the support of the natal family. Even in the case of child marriage, where the girl had rebelled against the marriage arranged by

her parents against her wish, her brother had supported her in filing the case.

## **Police intervention**

### **Women's rights activists' opinion on intervention by the Police**

One of the NGO workers interviewed for the study reported that the Police generally spoke only to the parents and suggested to them that it was better to compromise. Hardly one or two meetings were done jointly with both parties coming face to face; other meetings were conducted by the Police separately with each party, which made such dealings suspicious. Some of the activists openly accused the Police of taking bribes to close the cases of 498A. Bribes were supposedly demanded for omitting certain names from the FIR. According to them, a woman's voice was not heard by the Police and she was pressurized to go back to a violent marital home. One of the husbands interviewed for the study revealed that Police had taken Rs. 4,000 from him to settle the case and a woman respondent alleged that money was demanded from her to speed up the investigation process. The activists felt that the Police are lax in the investigation process. They found that often women were unable to talk about certain kinds of violence or show the marks of physical violence on their bodies to Police because of social conventions and women Police did not take part in the examination.

### **The intervention in cases of 498A according to the Police**

The intervention followed in cases of 498A IPC at the Police stations in Ganganagar and Bharatpur was understood from the Police personnel interviewed for the study and was as follows.

Once the case was registered, and FIR was filed, both the parties were called again for a "face to face" meeting, in which, according to the Police, the truth of the matter was revealed. (*"Jab dono paksh aamne saamne aa jate hai tab sach ka pata lag jaata hai"*). Apart from that witness interviews or photographs were considered as evidence during the process of investigation. Many members of the marital family were mentioned in the complaint filed by the woman as perpetrators. After preliminary investigation, the Police

made a decision about whether to include all these names in the FIR. Certain people were not included as perpetrators in FIR on the ground that they were not staying in the marital home or in the vicinity of the marital home, or if the Police found them too old or too infirm to commit the crime attributed to them.

Even in the course of the joint meeting the Police tried to work out reconciliation. The Police interviewed for the study maintained that, even though there were no directions by the law to do this, counselling was done by the Police as their own initiative, on humanitarian grounds. (*"Samaaj ke saath hamara dayitva hota hai ki parivaar basa rahe"*). If they were successful, the Complainant gave in writing that she wanted to go back to her husband, a FR was filed and the case was closed. FR was also filed when both the parties decided on a mutual consent divorce. If the parties failed to arrive at a mutually satisfying course of action, (*"agar rajaamandi nahi hoti hai"*) then the chargesheet (*chalaan*) was filed. A case was closed stating that it was a false case (*jhooth*), or that it was filed under misconception (*galatphahami*). In Ganganagar, whenever the parties mutually decided to close a case, it was closed as a case of misconception (*galatphahami*) because a person filing a false case was liable to be prosecuted by the court. However, the Police in Bharatpur maintained that the number of false cases being registered was so high that it was impractical for the court to bother to take action against them. Hence cases were closed under the heading of false if they were found to have been registered without any actual ground. One of the interviewees pointed out that even after chargesheet was filed there could be reconciliation as both the parties usually got tired of court procedures.

In both Ganganagar and Bharatpur, arrests under 498A cannot be made without prior permission of the SP.

### **Time gap between the FIR and FR**

A chargesheet in cases of 498A is supposed to be filed within the period of 90 days. The time gap between the FIR and the FR was normally reported by the interviewees to be 15 days to 3 months. It was however noticed that in Shri Ganganagar cases were being

closed within a few days of being filed, while in Bharatpur cases took much longer than the prescribed time limit to get resolved. The following reasons were put forth as explanations-

1. In Shri Ganganagar the jurisdiction of the *Mahila Thana* is only the city and the surrounding few villages. So the caseload is less and it was comparatively easier to summon the parties who do not promptly report to the Police station when called. In Bharatpur, the jurisdiction of *Mahila Thana* comprises of the entire district. Hence, the caseload is much more, and it is much more difficult to ensure prompt reporting by the accused party.

2. Bharatpur is geographically much more spread out than Shri Ganganagar. Also, the number of women being married to families settled in other districts or states was also very high. When any of the concerned parties stayed a considerable distance away from the Police station, it might not be possible for them to report to the Police station within this period. They asked for concession in time, and since, as one of the Police interviewed for the study said, "these people are not criminals," it was usually granted to them. The investigating officer could ask for more time for investigation with permission from the superior officers.

3. Sometimes while a case of 498A was registered in the Police station or in court, the process of mediation was initiated through other sources such as the *panchayat*. Then either of the parties could request the Police to stall the investigation till that process was completed. On the other hand, sometimes by the time a case registered in the court was referred to a Police station and the investigation process was initiated, the parties might reach a compromise through these other mediation processes. However, since the case came through the court, Police were compelled to register FIR and then immediately register FR as the accuser did not want them to proceed with the case.

4. Since most of the time, the objective of registering a case of 498A was to create pressure on the husband or the marital family, the woman wanted to keep the case

pending as long as possible to keep the pressure on.

## Police cooperation

### Police cooperation according to women

**Table 58. Police cooperation according to women**

<b>Police cooperation</b>	<b>Numbers</b>	<b>Percent</b>
Yes	17	43.6
Initially the Police were cooperative, but later tried to dissuade the woman from perusing the cases	7	17.9
Police were not cooperative, they did very little to exert pressure on the husband/in-laws	1	2.6
Police uncooperative when approached directly, the case had to be filed through court	5	12.8
Police were not cooperative, very rude	6	15.4
Police not cooperative, asked for bribe	1	2.6
Not cooperative, allegedly took money from husband	2	5.1
Total	39	100.0

In spite of their prior apprehensions regarding the response from the Police, nearly half of the women have admitted that they found the Police cooperative (43.6%), at least initially; though some of the women found that later on the response of the Police changed and they asked them to rethink about the consequences of filing the case (17.9%). A few of the women accused the Police of asking/taking bribes, either from them (2.6%) or from their husband (5.1%). One of the husbands whom the researchers had met during the course of this study and who had reconciled with his wife said that he had paid the Police Rs. 4,000 to close the case. Some of the women reported that the Police were very reluctant to register the case when they had approached them directly, so they had to file their case through court (12.8%) while some others had found the Police very rude (15.4%).

### Reason for dissatisfaction with the Police according to women

A large number of the women (56.3%) who were dissatisfied with the intervention by the Police were of the opinion that Police had not put enough pressure on the perpetrators, and they had got away very lightly. (“*Woh to sar uncha karacke, muchhe tight karke ghoom rahe the*”). Some of them said that the investigation had not started immediately after filing the complaint, and no reason was given for the delay (37.5%); the perpetrators were immediately released on a minimum amount of bail (12.5%); while according to others, some of the perpetrators named in FIR were not called even once to the Police station (12.5%). “Police *hamara kutch nahi bigad sakati*” was the boast made by the perpetrators in these cases. As the activists and NGO workers had claimed, some women had accused the Police of putting pressure on them to compromise (25.0%).

**Table 59. Reason for dissatisfaction with the Police according to women**

Reason for dissatisfaction with the Police according to women	Numbers	Percent
Long gaps between registration of complaints - starting investigation-filing of charge sheet-arrests made (if any)	6	37.5
If there was a delay, no reason was given for delay	6	37.5
Perpetrators were immediately granted bail	2	12.5
Perpetrators were released on a minimum amount of bail	2	12.5
Police did not put enough pressure on the perpetrator	9	56.3
Perpetrators named in FIR were not called even once	2	12.5
Police put pressure on woman to compromise	4	25.0
Total	31	193.8

## Points of dissatisfaction with the Police according to witnesses

A majority of the witnesses also reported no dissatisfaction with the Police (63%). A few had found the Police reluctant to register the complaint till the SP was approached (11.1%), and a few alleged that the Police played no role, as a mutual compromise was reached by the parties on their own (7.4%). One respondent alleged that the Police forcibly closed the case while one said that the Police closed the case as it was registered for the third time, while the previous one was still pending in court. According to one respondent the Police had not put enough pressure on the husband, and according the perpetrators were granted nominal bail immediately.

**Table 60. Points of dissatisfaction with the Police according to witnesses**

<b>Points of dissatisfaction with the Police according to witnesses</b>	<b>Numbers</b>	<b>Percent</b>
Medical reports were fabricated	1	3.7
Filed FIR only after approaching SP	3	11.1
No dissatisfaction	17	63.0
Perpetrators were granted nominal bail immediately	1	3.7
Police did not put enough pressure on the husband	1	3.7
Police closed the case because it was registered for the third time	1	3.7
Police had no role to play as both parties mutually decided everything	2	7.4
Police forcibly closed the case	1	3.7
Total	27	100.0

## Measures taken by Police to ensure that there was no recurrence of violence

### Support mechanism to woman as reported by the Police

The mediation by the Police consisted of one meeting in which both the parties were brought face to face, were made to accept their mistakes (*galatiyan maan lete hai*), were given counselling by the Police (*samazaya jata hai*) and were expected to arrive at a mutually acceptable decision (*sahamatise mamale ka hal nikala jata hai*)—either reconciliation or mutual consent divorce. There was not much attempt to work out a safety plan for the woman in case of recurrence of violence. According to one respondent, the counselling done by the Police was enough to ensure that there would be no further incident of violence. Though almost half of the respondents (44.4%) described various ways in which they tried to create support mechanism to women who were going to marital homes which had been violent, which are listed in the table below, an almost equal number admitted that given the existing work load, it was not possible for the Police keep a follow up and ensure continued support to such women.

**Table 61. Support mechanism to woman as reported by the Police**

<b>Support mechanism created by the Police as reported by the Police</b>	<b>Numbers</b>	<b>Percent</b>
Not possible	4	44.4
Tell women to approach us when required	1	11.1
Counsel both parties to ensure that there would be no violence	1	11.1
Telephone number is given to the women in case of need	1	11.1
Keep an informal follow up	1	11.1
A respectable person in the community is asked ensure that there is no violence	1	11.1
Total	9	100.0

### Support mechanism to woman as reported by the women

Information obtained from the women however shows that only in less than 10% of the cases the Police have told the woman to approach them again in case of recurrence of violence.

### Measures taken by Police to ensure that there was no recurrence of violence

Table 62. Measures taken by Police to ensure that there was no recurrence of violence

Measures taken by Police to ensure that there was no recurrence of violence as reported by the woman	Numbers	Percent
No measures taken	33	84.6
Police told me to contact them in case of violence	3	7.7
Police told husband that they will take action if did not behave	1	2.6
Police accepted that they cannot take any measures and the girl should not be sent back	1	2.6
Police had assured help, but I never went back to the Police	1	2.6
Total	39	100.0

The data show that only in one case the Police were honest enough to admit that they would not be able ensure that there would be no violence once the woman goes back to her marital family, they could not take responsibility of the outcome, and the girl should not be sent back if she felt that the violence would recur. In another case the Police have threatened the husband that they would take action if he started harassing the wife again. In one case, the woman never went back to the Police for help, because as she said, she was aware that they would not be able to protect her from her alcoholic and violent husband.

## Closure of 498A

### Reason for high FR according to NGO workers/women activists

As per the observations of NGO workers and women activists, of every two cases of 498A, one case was closed in Rajasthan. According to them, women chose to go back to the marital family as they did not have any alternatives. (*“Auraten ek sath violence ke sath rahti hai”*). When women realised that the initial support offered by the natal family was dwindling due to monetary, social or other compulsions, then they got ready for compromise. Natal family had greater say in the matter of filing FR.

### Reason for high FR according to Police

**Table 63. Reason for high FR according to Police**

<b>Reason for high FR according to Police</b>	<b>Numbers</b>	<b>Percent</b>
We have to register cases sent by the court which opt for compromise, resulting in high FR	2	22.2
Cases are filed without any basis in reality	3	33.3
Paucity of other mediation agencies in Rajasthan	1	11.1
Police try their best to reconcile cases which result in FR	1	11.1
cases are filed with the view of pressurising and compromising	2	22.2
<b>Total</b>	<b>9</b>	<b>100.0</b>

According to the Police, since cases of 4978A were mostly sent to them by the court, they were compelled to file an FIR against their better judgement. In these cases there was no dowry demand, or severe violence. Most of these cases were filed by the women or their natal families as a leverage to negotiate a compromise with the husband/marital family. Since there was a dearth of NGOs or counselling centres that would support women in such negotiations, this was often the only recourse open to them. Police, with the objective of preserving the family encouraged and assisted both parties to arrive at a compromise. All these reasons, which were put forth by the interviewees and are listed in the table below, resulted in the high number of FR. The data obtained from the women, which is reported below, seem to tally with these observations by the Police.

### **Reason for closing the case according to the women**

In a majority of the cases, the woman had withdrawn the case after the husband had agreed to amend his ways—stop violence (46.2%), stop drinking (28.2%), bring the woman back into marital home (43.6%), take responsibility for household expenses (48.7%) and return streedhan (17.9%). In some cases the case was closed when both parties had agreed to a mutual consent divorce (25.6%). The husband had apparently agreed to give a lump sum amount or share in property to the woman only in half of such cases (12.8%). In a few cases, women had to give in to the pressure by relatives and community to close the case, even when the husband or the in-laws did not show any inclination to change (10.5%). In some cases (7.7%), the women admitted that the fact that the natal family could ill afford to spend time and money on a court case forced the pace of closure (*dehadi karanevale roji roti kamayenge ya court me jayenge*). In one case, where the woman had filed the case of 498A against the in-laws, and wanted to live separately with her husband, the case was closed after the in-laws had promised her a share in marital property. As mentioned earlier, two of the women were allegedly duped in to closing the case, one by her brother and another by the Police.

**Table 64. Reason for closing the case according to the women**

<b>Reason for closing the case according to the women</b>	<b>Numbers</b>	<b>Percent</b>
Husband/in-laws promised not to be violent	18	46.2
Husband agreed not to drink	11	28.2
Husband/in-laws agreed to accept me back in marital home	17	43.6
Husband/in-laws agreed to give me money for maintenance	19	48.7
Husband/in-laws agreed to return streedhan	7	17.9
Husband/in-laws agreed to give lump sum amount	5	12.8
Husband agreed for divorce	10	25.6
We did not have the time and the resources to conduct a court case	3	7.7
I was duped into taking back the FR	2	5.1
Pressure from relatives	4	10.5
In-laws promised share in marital property	1	2.6
Total	97	100

### **Leading the FR process**

In some of the cases (23.1%) the Police had asked the women to take back the case as they had reached an out of court settlement with the marital family. In one-fourth of the cases it was the decision of the woman to close the case (25.6%), while in a large number of cases (43.6%) the natal family had taken that decision. Even when people other than the woman had led the FR process, most of the time it was with the consent of the woman,

hence no action was contemplated against the closure of the case (94.4%), as shown in the table below.

**Table 65. Who led the FR process**

<b>Who led the FR process</b>	<b>Numbers</b>	<b>Percent</b>
The woman herself	10	25.6
Police	9	23.1
Natal family	17	43.6
<i>Panchayat</i>	2	5.1
Elder brother	1	2.6
Total	39	100.0

In one case, the woman's brother, who was addicted to alcohol, was a friend of the husband, and was also a heavy drinker, had duped the woman into closing the case. In another case, the woman alleged that the Police had closed the case without her knowledge. These women had not taken any action against the closure as they did not know what could be done. In two cases even when women had reservations about closure of the case led by the Police or the natal family, other people in their social circle had persuaded them not to take any action. One woman had filed another complaint of 498A when Police had led the closure of the case. In other cases, even when closure was by persons other than the woman, no action was taken by the woman since it was done with their consent.

**Table 66. FR Process**

Who led the FR process	Action against closure of complaint					Total
	No action taken since did not know about alternate steps	No action taken since results were agreeable	Filed another 498A case	No action taken since was assured that the best outcome has been achieved	N.A.	
The woman herself	0	0	0	0	10	10
Police	1	6	1	1	0	9
Natal family	1	15	0	1	0	17
<i>Panchayat</i>	0	2	0	0	0	2
Elder brother	0	1	0	0	0	1
Total	2	24	1	2	10	39

**Effort made to pressurise/persuade for Final Report**

The fact that the consent of the women can also be influenced by other pressures operating in the environment is apparent from the table below.

Though in less than half of the cases (41.0%) the women claimed that there was no pressure on them to withdraw the case against the marital family, the table shows that in the remaining cases, women were pressurised through various channels to take back the case. It is not surprising that members of the marital family (15.4%) who wanted the case to be withdrawn pleaded with the woman to reconcile. (*Saas sasur ne pair pakad liye, mafi maang li*). Because of the traditional mindset which claims that “*shadishuda ladki apne sasuraal me hi achhi lagati hai*” in many cases (20.5%) *panchayat*, i.e. the prominent members of the community, neighbours and relatives and in a few cases even members of the natal family (12.8%) had attempted to persuade on the woman to go back to the marital home. In one case, a woman's brother, who was an alcoholic and

a friend of her alcoholic husband, had tried to pressurise and then tricked her into signing the FR. Overcrowded dwellings and financial constraints were also responsible for forcing natal families to take such a stand. (*Isko kaha rakhenge? Kya khilayenge?*). In some cases the Police had tried to dissuade them from pursuing the case (7.7%) before taking the lead to close it. According to a woman, the Police tried to make her to close the case, saying “*apani ma baap par boz banake rah jaogi*”.

Not only direct efforts made by other people, but the woman’s own mindset; her sensitivity to the emotions, problems and predicaments of others around her; and her upbringing which teaches her to think of her family before thinking about herself; also leads her to make certain choices. This is seen in the following table which records the women’s own thoughts and feelings which made them close the cases.

**Table 67. Effort made to pressurize/persuade for Final Report**

<b>Effort made to pressurize / persuade the woman for FR</b>	<b>Numbers</b>	<b>Percent</b>
No effort made	16	41.0
In-laws and relatives requested to take back the case	6	15.4
Police pressurized me to go back to husband	3	7.7
Pressure from <i>panchayat</i>	8	20.5
natal family members pressurized to withdraw the case	5	12.8
Spiritual advised me to compromise	1	2.6
<b>Total</b>	<b>39</b>	<b>100.0</b>

## Indirect pressure to take back the case

**Table 68. Indirect pressure to take back the case**

<b>Indirect pressure on woman to take back the case</b>	<b>Numbers</b>	<b>Percent</b>
No pressure	21	53.8
I do not have a father, I thought it would be better to compromise	1	2.6
I was worried about effects on my sister's marriage prospects	1	2.6
I have children. Where will I go with them	3	7.7
The neighbors passed negative comments	1	2.6
Family members wanted to be free of the hassle of the court case as soon as possible	1	2.6
Family members wished me to return to husband	3	7.7
I was resigned to my fate	1	2.6
A married woman should stay in her marital home	1	2.6
Did not want to be a burden on natal family	1	2.6
Everybody wanted the case to be closed when the opposite party was ready to compromise	4	10.3
I ultimately had to go back to the same family	1	2.6
<b>Total</b>	<b>39</b>	<b>100.0</b>

Though more than half the women claimed that there was no indirect pressure which led them to close the case, the comments made by some of them gave a glimpse into their thinking that resulted in compromise. Some of them said that they were aware of the fact that everybody wanted the case to be closed once the opposite party showed willingness to compromise, and they fell in with their wishes (10.3%). Some (7.7%) were aware that their natal families favoured reconciliation and this influenced their choice. Thoughts about future of the children were another factor which made women opt for reconciliation (7.7%). Women were apprehensive about being an economic burden on their natal family (2.6%) especially when there was no support of the father (2.6%),

about the effect of their actions on their siblings (2.6%), and about the strain of the court case on their family members (2.6%). One of them shared that the neighbours gossiped about her (2.6%). One woman said that she simply gave up and decided to suffer what according to her was her fate (*Adhi jindagi kat gayi, baki bhi kat jayegi*). The general sentiment that “*shadishuda ladki apne ghar me hi acchi lagati hai*”(married women are best placed in their homes) was echoed by one woman while another one said, “*jana to usi ghar me hai, fir case karke kya fayada*” (ultimately I have to return to that home, then what is the use of filing a case).

### Alteration in behaviour of other people after filing 498A

**Table 69. Alteration in behaviour of other people after filing 498A**

<b>Alteration in behaviour of other people after filing 498A</b>	<b>Numbers</b>	<b>Percent</b>
In-laws were angry but parents were supportive	11	28.2
In-laws started behaving in a more polite manner	2	5.1
Some members of the family were unhappy	4	10.2
People think I have done wrong and am unnecessarily troubling my marital family	7	17.9
Husband started spreading rumors about me	1	2.6
There was a mixed reaction from friends and relatives	7	17.9
Joint family broke up due to different stand taken by members over the issue	1	2.6
Natal family suffered financial loss	6	15.4
<b>Total</b>	<b>39</b>	<b>100.0</b>

Not only the words, but the behaviour of others displayed their resentment towards the woman after the FIR was filed. Some women faced anger from in-laws after filing the case, though they said that they had the support of their natal families (28.2%). However, the responses of others indicate that not all members of the natal family were supportive, and there were fights within the family over the issue. In one case, the joint family had broken up over the issue, and brothers had taken up separate residences. Some women spoke about the financial losses incurred by the court case on their families (15.4%). According to some, they were blamed by the community for taking this step, (17.9%) though an equal number said that the reaction of their friends and relatives was mixed and though some accused them of creating unnecessary trouble, others were supportive. One woman shared that after filing the case, the husband started spreading rumours about her character as a way of retaliation. However, two other women reported a positive change in their in-laws, who started behaving in a more polite manner (*naramise pesh ane lage*).

### Support given to the woman in the process of filing FR

Table 70. Support given to the woman in the process of filing FR

Support to the woman in the process of filing FR		Numbers	Percent
	Natal family	35	89.7
	Natal family and <i>panchayat</i>	2	5.1
	Woman was duped into filing FR	2	5.1
	Total	39	100.0

Barring the two women who claimed that they did not file the FR voluntarily, all the other women have had support from their natal family while filing FR. The girl who had filed a case against her husband whom she was married as a child, and who had no parental support, still had the support of her brother.

## Need for more support

**Table 71. Whether need for more support (women)**

<b>Need for more support</b>	<b>Numbers</b>	<b>Percent</b>
Can't say	11	28.2
No other support was required	24	61.5
Missed support of father or a brother	1	2.6
Needed emotional support	1	2.6
More financial support was required to continue with the case	1	2.6
Support from parents was required	1	2.6
Total	39	100.0

Except for this girl who was married as a child and who said that she missed the support of her parents as well as another one who only had a widowed mother to fall back on, a majority (61.5%) was satisfied with the support they had, as shown in the following table. One woman did say that she would not have closed the case if there was more financial support and another felt that more emotional support was required than that provided by her family; however more than one fourth (28.2%) could not imagine what other support could have been available from sources other than the family.

### **Measures taken by *panchayat* to ensure that there was no recurrence of violence**

From the responses of the women, the role of the community *panchayat* seems limited to the mediation done at the time of the face-to-face meeting between the two parties. Except in one case, where the community *panchayat* had given explicit assurance that they would take responsibility for ensuring that the husband would not go back to the violent ways, the *panchayat*, or other responsible persons of the community did not seem to have made any effort to ensure that the reconciled woman did not have to undergo harassment again. As per the experience of one respondent, the *sarpanch*

had been very persuasive in his attempts to convince her to take back the case of 498A registered against her husband, which she did, and when the husband again started being abusive, asked him to intervene. The *Sarpanch* met the husband once and tried to counsel him, but the husband refused to pay any heed. Thereafter the violence to the woman went on increasing, she kept calling the *sarpanch* but he refused to mediate.

**Table 72. Measures taken by *panchayat* to ensure that there was no recurrence of violence**

<b>Measures taken by <i>panchayat</i> to ensure that there was no recurrence of violence</b>	<b>Numbers</b>	<b>Percent</b>
Yes	1	2.6
No	37	94.9
<i>Sarpanch</i> tried to counsel husband once to no effect, never tried later	1	2.6
Total	39	100.0

## Current status

### Recurrence of violence

**Table 73. Recurrence of violence**

<b>Recurrence of violence</b>	<b>Numbers</b>	<b>Percent</b>
After FR violence recurred	19	48.7
No recurrence of violence	17	43.6
Violence recurred but severity is less	1	2.6
Violence was always continuing	2	5.1
Total	39	100.0

The table shows that in only less than half the cases (43.7%), was there no recurrence of violence. Because of financial constraints, pressure from the community and her own fatalistic mindset, one of the women had closed the case while her husband continued to be violent, whereas another claimed that she was tricked into closing the case when the financial harassment that she was facing from her in-laws had not lessened in any way. In another case, after reconciliation, the husband had stopped being physically

abusive, but the financial harassment had continued. In almost half the cases, the violence had recurred after the FR.

**Table 74. Status at the time of FR and recurrence of violence**

Status at the time of FR	Recurrence of violence				Total
	After FR violence recurred	No recurrence of violence	Violence recurred but severity is less	Violence was always continuing	
Reconciled	18	8	1	2	29
Divorced	1	9	0	0	10
<b>Total</b>	<b>19</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>39</b>

The above table shows that out of the 29 cases who had reconciled at the time of filing the FR, only in 9 cases the reconciliation proved to be non-violent. In the remaining 20 cases, women were still facing violence. Even in one of the ten cases which had ended in mutual consent divorce, the husband later tried to harass the woman on the streets (*Ghar ke samane khada rahata hai, daat dikhata hai*).

**Table 75. Status at the time of FR and marital status**

Status at the time of FR	Marital status						Total
	Married	Divorced	Separated	Widowed	Divorce pending	Divorced and remarried	
Reconciled	16	1	7	2	2	1	29
Divorced	0	8	0	0	1	1	10
Total	16	9	7	2	3	2	39

As shown in the table above, the reconciliation attempted by the Police and the *panchayat* after filing 498A, did not succeed in saving the marriage. In almost half of the reconciled cases the marriage had broken down. Only one woman, who was financially harassed by her in-laws, was already a widow at the time of reconciliation (which she claimed was done without her knowledge by the Police while the violence was still continuing). In case of other women who were widowed at the time of the interview, the husband had gone back to drinking and brutalising the woman after reconciliation, and the addiction had ultimately resulted in his death. In 11 cases, even after promising reconciliation, the husband had not accepted the woman in the marital home or had sent her back to her natal home once the case was withdrawn. Four of them had later filed cases for divorce while in seven cases the women were back to the situation they were in before filing the FR, living in the natal family, separated against their will. And as stated earlier, only 9 cases out of the 16 who had stayed married were currently living a violence free life; the other 7 were continuing in violent marriages because of various compulsions.

### **Type of violence that recurred**

**Table 76. Type of violence that recurred**

<b>Recurrence of violence</b>	<b>Numbers</b>	<b>Percent</b>
Physical violence started	12	54.5
I was sent to natal home	12	54.5
Husband resumed out of marriage relationship	7	31.8
Husband stopped giving money	18	81.8
Did not give promised lumpsum share in property	3	13.6
Harassment after divorce	1	4.5
Total		240.9

It is apparent from the table above that the husband and the in-laws had gone back on the promises they had made at the time of filing FR. In a majority of the cases (81.8%) the financial violence had started again. In more than half of the cases (54. %) husband was again physically abusive and the same number of cases women were sent back to

their natal home. In almost one-third of the cases, the husband had resumed his out of marriage relationship. There were three cases in which the husband/in-laws did not give the woman the promised lump sum or the share in property. And as reported earlier, in one case, the husband had started harassing the woman on the streets after divorce.

### Satisfaction with the way things have turned out

**Table 77. Satisfaction with the way things have turned out**

Satisfaction with the way things have turned out		Numbers	Percent
	Yes	19	48.7
	No	20	51.3
	Total	39	100.0

As per the table above a little less than half the women (48.7%) said that they were now satisfied with the way things turned out.

### Whether things could have been done differently

**Table 78. Whether things could have been done differently**

Whether things could have been done differently	Numbers	Percent
Should not have filed FR	9	23.1
No	18	46.2
Can't say	6	15.4
There should be some mechanism to resolve the case without filing FIR	1	2.6
Should have filed FR after getting divorce/Lump sum/share in property	5	12.8
Total	39	100.0

As the table shows, nearly one-fourth of the women (23.1%) felt that they made a mistake by filing an FR. They should have pursued the case to ensure that the husband got the punishment he deserved. A few of them (12.8%) regretted that they lost the opportunity of using the case as leverage to get a lump sum/divorce/share in property. One of them observed that had there been some other mechanism to resolve the case

without filing FIR, she would have preferred that instead.

### **Suggestions to prevent the high number of FR**

**Table 79. Suggestions to prevent the high number of FR**

<b>Suggestions by witnesses</b>	<b>Numbers</b>	<b>Percent</b>
Govt. should establish a mediation center to resolve disputes on 498A	3	11.1
Can't say	10	37.0
resolve issues before registering FIR	13	48.1
Cases should be resolved in the <i>panchayat</i> instead of going to the Police station	1	3.7
Total	27	100.0

Nearly three-fourth of the witnesses, who offered suggestions to prevent the high number of FR, expressed the need for an agency other than the Police to resolve disputes which got filed under 498A. Almost half of the witnesses (48.1%) said that there should be some way of resolving the issues before registering FIR while a few suggested that a mediation centre established by the Govt should mediate in such cases. According to one of the witnesses, since it was only the family/community members and the members of the *panchayat* who worked out a compromise sitting in the Police station after a case got registered, they might as well be asked to do the job before approaching the Police station.

### **Suggestions by NGOs/ activists**

Women activists were strongly opposed to the role of the mediator undertaken by the Police with the objective of reconciliation in criminal cases. The activists interviewed in Shri Ganganagar and Bharatpur were of the opinion that counselling centres run by NGOs would be of great help to ensure that women were not compelled to file cases of 498A when violence that they faced required other types of mediation; and also to ensure that they were not forced into a compromise after filing a case. According to the activists, such centres would provide the women extra spaces to express themselves, and could also work towards creating legal awareness among people, especially girls,

and towards sensitizing men about changing aspirations of women. Some of them, who had the experience of running such centers in other cities, cautioned that it was difficult to help women staying with the marital family to talk about their experience of violence, as they were never allowed to speak to the counsellor alone. Handling cases of Muslim women was also a challenging task.

### **Suggestions by Police**

The responses of the Police regarding the effectiveness of counselling centres to deal with those cases which get registered under 498A are recorded in following table.

**Table 80. Suggestions by Police**

<b>Suggestions by Police</b>	<b>Numbers</b>	<b>Percent</b>
Can be of help	3	33.3
Social workers are not neutral hence ineffective	1	11.1
Can't say	1	11.1
Women do not want to go to these centres	1	11.1
Such centres are not always effective if not manned by professionals	2	22.2
Intervention by people other than the extended family is not accepted in villages	1	11.1
Total	9	100.0

Though one-third of the Police felt that NGOs and Special Cells would be of help in dealing with cases of domestic violence (33.3%), a little more than half (55.5%) had reservations about them. In the opinion of one interviewee, in the rural areas, such centres would not work as people would refuse to accept any authority other than the “thok”—the extended family—to mediate in the matters of family disputes. According to another, women and their natal families opted to file a case of 498A rather than under the PWDV Act as they wanted quick results, which even these centres would be unable to promise them. In his experience, women did not want to go to such centres because

of this reason, and had in fact complained against the Police who had tried to refer them there for delaying the investigation. Others pointed out that the effectiveness of these centres in dealing with cases of family violence would depend upon the quality of personnel working there. Very often the people working in such centres were not properly trained, inexperienced or were biased, and the intervention could not be successful.

## **PART II: CITIES OF JODHPUR AND JAIPUR (EAST)**

This section details out the methodology employed for data collection and the analysis of the data found in the *Mahila Thanas* of the cities of Jodhpur and Jaipur (East).

### **Methodology**

The method of data collection in Jaipur and Jodhpur was similar to the one employed in Bharatpur and Shri Ganganagar, though the tool for collection of primary data was different. Police records of cases registered and closed under section 498A IPC in the year 2011 in the *Mahila Thanas* of Jodhpur and Jaipur City (East) formed the secondary data of the study. There were 51 cases from Jodhpur and 54 cases from Jaipur City (East) which fell into this category. Using purposive sampling method, 12 cases from Jaipur and 12 cases from Jodhpur were selected for collection of primary data.

### **Summary of findings**

The findings have been organised as follows:

1. Profile of the woman
2. History of violence
3. Previous intervention
4. Registration of the case
5. Police intervention
6. Closure
7. Current status of the women

### **Profile of the woman**

**Age of the woman:** Though the Police records of Jaipur and Jodhpur do not mention the age of the woman in more than half the cases (52.4%), the primary data, in keeping with the findings from Bharatpur and Shri Ganganagar districts, shows that a large majority of the women were in the reproductive age group of 18 to 34 years.

**Marital status:** According to the Police records in the *Mahila Thanas* of Jaipur and

Jodhpur, 96.2% of the women were married at the time of registration of the case. The primary data does not mention the marital status of the woman at the time of data collection.

**Duration of marriage:** As per the secondary data, majority of the Complainants (65.6%) were married for 1 to 6 years at the time of registering the case. Information regarding the duration of marriage was not available in the primary data.

**Education:** The Police records of both Jaipur and Jodhpur do not mention the education of the woman. According to the primary data, there were many more women who were educated up to graduation (29.2%) and above (8.3%) in these two cities as compared to Shri Ganganagar and Bharatpur. This could be because Shri Ganganagar and Bharatpur are smaller districts having limited facilities for and less awareness regarding education. This data negates the myth that educated women do not face violence.

**Socio-economic status:** The secondary data of Jaipur and Jodhpur did not provide information regarding the socio-economic status of the women. However it was apparent from the primary data that a majority of the women were from lower socio-economic strata. Most of the women (83.3%) were engaged in non-remunerative work. In a majority of the cases, the monthly income of the husband and that of the father was less than Rs. 20,000 per month (66.7% and 50% respectively). This finding is in keeping with the finding from Bharatpur and Shri Ganganagar and gives support to the argument that financial constraints faced by the woman and the natal family may have influenced her decision to revoke the legal intervention sought by her.

**Religion and caste:** The information regarding religion of the women was not available in the primary data of Jaipur and Jodhpur and was not available in more than one third of the cases (36.2%) in the secondary data. The available information from the Police records indicates that nearly half the Complainants belong to the Hindu religion. The Police records of Jaipur and Jodhpur do not mention caste of the women in nearly half

the cases (42.9%). The available data shows a very small representation of cases belonging to the Scheduled Caste (4.8%).

**Residential status:** Though information was not available in the primary data regarding the residential status of the women at the time of data collection, the statements of the women recorded in the *Mahila Thanas* of Jaipur and Jodhpur show that half of the women (52.2%) were living with their natal family members at the time of registration of the case, which is in tandem with the finding from Bharatpur and Shri Ganganagar and indicates that the natal family is a major source of support for these women.

### **History of violence**

**Duration of violence:** Most of the women (91.7%) interviewed in Jaipur and Jodhpur stated that violence had started within two years of marriage.

**Perpetrators of violence:** The primary as well as the secondary data from Jaipur and Jodhpur shows the husband (87% and 93.3% respectively) and the mother-in-law (83% and 91.4% respectively) as major perpetrators of violence. Father-in-laws have been identified as the perpetrator of violence in 68.6% of the cases in the Police records and in 79% of the cases in the interviews of the survivor. Women were found to have faced violence at the hands of other relatives such as brother-in-law, son, sister-in-law, as well as from male friends of the husband.

**Forms of violence:** Similar to the data from Bharatpur and Shri Ganganagar, in Jaipur and Jodhpur too women were found to have been subjected to all types of violence which included physical, verbal, financial and sexual violence. In most of the cases the violence was physical (100% according to the statement of the women in the Police records and 54.2% according to the primary data) as well as emotional (100% as per secondary data and 87.5% as per primary data). Apart from kicking, dragging and beating up the woman, physical violence also included attempts to kill the woman. Verbal and emotional violence consisted mainly of continuous mental torture to bring dowry. In 80% of the statements given to the Police, women reported that they were

thrown out of the house. Physical and verbal violence to children and also to the natal family members was reported in the statements of the women given to the Police (42.9%). However, as seen in Bharatpur and Shri Ganganagar, in Jaipur and Jodhpur as well, there was no mention of any violence in the Police report.

**Reason for violence:** In tandem with the data from Bharatpur and Shri Ganganagar, in the secondary data in Jaipur and Jodhpur, in 63.8% of the cases demand for dowry was stated as the reason for violence. Two-third of the women interviewed in these two cities (75%) cited dowry demand as the major cause of violence. However, in Shri Ganganagar and Bharatpur only about one-fourth of the women interviewed for the study had reported that demand for dowry was responsible for the violence inflicted on them.

**Nature of dowry demand:** In cities such as Jaipur and Jodhpur, the nature of the dowry demanded was found to be different as compared to that in the district places of Shri Ganganagar and Bharatpur. It was found that in the city in a majority of the cases there was a demand for a house, land or air conditioner while in the districts the demand was more often for a motorbike or jewellery.

### **Previous intervention**

Just as in Shri Ganganagar and Bharatpur, it was seen in Jaipur and Jodhpur that women approached the Police to stop domestic violence only after other interventions failed. Women in these two cities had reported in the Police records that prior to approaching the Police the natal family and *panchayat* members had intervention with the marital family members (59.9%). In 33.3% of the cases natal family had given the demanded dowry to stop violence and to save the marriage. In a majority of the cases (65.7%) intervention had not succeeded in stopping the violence.

### **Registration of the case**

**Place of registration:** It was apparent from the secondary data of Jaipur and Jodhpur that a majority of the cases (59%) were filed through court whereas very few cases

(21.9%) had directly gone to the Police station. A similar trend was observed in the secondary data of Bharatpur and Shri Ganganagar district. This underlies the failure of the *Mahila Thanas* to create a supportive environment for the women to report domestic violence.

**Case filed by:** The primary data from Jaipur and Jodhpur show that in a majority of the instances (70.8%) the case was filed by the woman with the help from natal family. All the women denied having filed the case under pressure, however, in all the cases parents were consulted before filing the case (100%). Such support from the natal family throughout the journey of the woman in the CJS was evident in the data from Bharatpur and Shri Ganganagar as well.

A majority of the women (58.3%) said during their interview that they were aware of the section 498A of IPC prior to filing the complaint, however, only some of them (33.3%) were aware of the exact provisions of the law. Many of these and others who later came to know about the law had got this awareness through their lawyers (70.8%).

**Reason behind filing of the case:** In Jaipur and Jodhpur, the intent behind registering the case was not mentioned in the Police report in nearly half the cases (42.9%). In more than one third of the cases (38.1%) the Police have reported that the case was filed in anger to punish the husband and marital family members. The primary data from Jaipur and Jodhpur does not mention the intent behind filing of the cases.

**Witnesses:** The secondary data from Jaipur and Jodhpur show that in a majority of the cases (81%) 1 to 6 witnesses were called during the process of investigation.

## **Police intervention**

**Time taken to investigate and prepare final report:** The process of investigation and preparation of final report appeared to be much faster in Jaipur and Jodhpur as compared to that in Bharatpur and Shri Ganganagar. In a majority of the cases (83.8%) it had taken less than 50 days to prepared final report, and very few cases (15.2%)

required more than 50 days to be finalised, while data of Bharatpur and Ganganagar district showed that in 64% of the cases it had taken more than 50 days to file the FR.

**Opinion of women about Police intervention:** Interviews with the women in Jaipur and Jodhpur revealed that in a majority of the cases the FR was checked by the woman (79.2%), the FR was read out to the woman by the Police (75.0%), no blank paper was signed by the woman (91.7%), and no bribe was demanded (91.7%). The number of women stating that there was no investigation was very few (12.5%) though 37.5% of the women did say that the Police did not come to their home for investigation. Thus it would seem that in a majority of the cases there was no major lapse in the process of investigation by the Police. Very few women (16.7%) had found the Police to be non-cooperative.

## **Closure**

**Reason for closing the case:** The Police records in Jaipur and Jodhpur show that a majority of the cases (78.1%) were closed as being filed due to “*galatphehemi*” or misunderstanding. The remaining 21.9% of the cases were closed as false cases. The same two reasons of 'misunderstanding' (88.79%) and 'false cases' (11.21%) were given while closing the cases filed under IPC 498A in Shri Ganganagar while all the cases in Bharatpur were closed as false cases. The primary data from Bharatpur and Shri Ganganagar had brought out in detail the reasons for which the women had closed the cases filed by them. The primary data from Jaipur and Jodhpur mentioned “compromise”, which might be the summary of these reasons, for filing FR in a majority of the cases (66.7%). The fact that in most of the cases no action was taken against the FR by the woman (95.8%) indicates her complicity in closure, which was clearly brought out by the data from Bharatpur and Shri Ganganagar.

The fact that there are many influences leading a woman to the decision to close the case filed under section 498A of IPC was indicated by the primary data from Jaipur and Jodhpur as well as from Bharatpur and Shri Ganganagar. In Jaipur and Jodhpur, women in their interviews have mentioned that filing the case had adversely affected their

families (62.5%) and children (20.8%), was a financial burden (50%), and affected their own health (29.2%). They also stated that there was pressure from the community and the relatives to compromise (54.2%). In some instances the marital family had tried to threaten the woman (29.2%). It seems likely that these factors had influenced her decision to close the case.

### **Current status of the women**

According to the Police records of Jaipur and Jodhpur, most of the cases (97.4%) ended in reconciliation at the time of closure. These Police reports stated that there was misunderstanding between husband and wife, due to which the wife had filed the complaint; however after the Police intervention the misunderstanding was cleared, the couple was reconciled and the case was closed. Very few women were reported to have taken divorce by mutual consent (2.9%). Information about the current marital status as well as residential status of the women was not available from the primary data.

## A. Jodhpur and Jaipur (East): Analysis of secondary data Police Records

### Number of cases filed and subsequently closed under section 498A IPC in 2011

Table 81. Number of cases filed and subsequently closed under Section 498A IPC in 2011

	Numbers	Percentages
Jodhpur	51	48.6
Jaipur City East	54	51.4
Total	105	100.0

A total of 105 cases filed under section 498A of IPC and subsequently closed in the year 2011 in the cities of Jaipur and Jodhpur, were looked at in this study. Out of these, 51 cases were from Jodhpur and 54 cases were from Jaipur City East.

### Profile of the Complainant

Table 82. Profile of the Complainant

	Numbers	Percentages
Women herself	104	99.0
Natal family members	1	1.0
Total	105	100.0

Except in one case, where the woman was no more and the complaint under section 498A IPC was registered by her natal family, in all the cases the woman herself was the Complainant.

## Profile of the women

### Age

**Table 83. Age of woman Complainant**

	Numbers	Percentages
18 to 24	18	17.1
25 to 34	29	27.6
35 to 44	2	1.9
45 to 54	1	1.0
Not mentioned	55	52.4
Total	105	100.0

The table shows that in almost half of the Police records the information regarding the age of the violated woman was not available (52.4%). From the available data, it can be seen that a majority of the women belonged to the age group of 18 to 34 years (44.76%). The number of women in the older age group of 25 to 34 years was a little more (27.6%) than in the age group of 18 to 24 years (17.1%).

### Religion

**Table 84. Religion of woman Complainant**

	Numbers	Percentages
Hindu	52	49.5
Muslim	15	14.3
Not mentioned	38	36.2
Total	105	100.0

The above table shows that in the Police records the information related to the religion of the Complainants was not available in more than a third of the cases (36.2%). The available information states that nearly half of the Complainants belonged to Hindu religion (49.5%), while some (14.3%) were Muslim.

## Caste

**Table 85. Caste of woman Complainant**

	Numbers	Percentages
General	22	21.0
SC	5	4.8
ST	2	1.9
OBC	31	29.5
I.N.A.	45	42.9
Total	105	100.0

In a large number of the cases (42.9%) information regarding the caste of the women was not available in the secondary data. The available data indicates that 29.5% of the women were from Other Backward Castes whereas 21% of the Complainants were from General Category. Very few of the women were from Scheduled Caste (4.8%), or from Scheduled Tribes (1.9%).

## Marital status

**Table 86. Marital status of woman Complainant**

Marital status	Women statement		Police statement	
	Numbers	Percentages	Numbers	Percentages
Married	105	100.0	101	96.2
Separated	-	-	3	2.9
Divorced	-	-	1	1.0
Total	105	100.0	105	100.0

According to women's statements reported in the Police records, 100% of women who had filed cases under section 498A of IPC were married whereas as per the Police statement 96.2% women were married, one woman had already obtained divorce and 3 were separated.

## Kind of marriage

**Table 87. Kind of marriage**

	Numbers	Percentages
Arranged	103	98.1
Self arranged	2	1.9
<b>Total</b>	<b>105</b>	<b>100.0</b>

The table shows that, as per the secondary data most (98.1%) of the women had their marriages arranged by their family.

## Residential status at the time of filing of the case

**Table 88. Residential status at the time of filing of the case**

<b>Residential status</b>	<b>Women statement</b>		<b>Police statement</b>	
	<b>Numbers</b>	<b>Percentages</b>	<b>Numbers</b>	<b>Percentages</b>
Staying with marital family	5	4.8	12	11.4
Staying with natal family	55	52.4	14	13.3
Women left home with her husband	-	-	6	5.7
Information not available	45	42.9	73	69.5
<b>Total</b>	<b>105</b>	<b>100.0</b>	<b>105</b>	<b>100.0</b>

According to women's statements in the Police records, more than half of the women (52.4%) were staying with their natal family members at the time of filing the complaint. A large number of women (42.9%) had not mentioned their residential status in the statement given to the Police.

In the Police statement, information related to the residential status of women who have filed complaint under section 498A was not available in a majority of the cases (69.5%). As per the available data, 13.3% of the women were staying with the natal family, while 11.4% of the women were staying with the marital family. Very few of the women (5.7%) were living separately with their husband at the time of filing the complaint.

## History of violence

### Marriage and violence

The above table shows that more than one-fourth (29.5%) of the women were married for 3 to 4 years at the time of filing of the case. Some (19%) of the women were married for 5 to 6 years. Thus, most of the women were married for less than 6 years at the time of reporting the violence to the CJS.

**Table 89. Marriage and violence**

<b>Duration of marriage</b>	<b>Numbers</b>	<b>Percentages</b>
Less than a year	6	5.7
1 to 2 years	18	17.1
3 to 4 years	31	29.5
5 to 6 years	20	19.0
7 to 8 years	7	6.7
9 to 10 years	6	5.7
11 to 13 years	5	4.8
14 to 16 years	4	3.8
17 to 19 years	1	1.0
20 years and above	5	4.8
I.N.A.	2	1.9
<b>Total</b>	<b>105</b>	<b>100.0</b>

## Perpetrators of violence according to women

**Table 90. Perpetrators of violence according to women**

<b>Perpetrator of violence</b>	<b>Numbers</b>	<b>Percentages</b>
Husband	98	93.3
Mother-in-law	96	91.4
Father-in-law	72	68.6
Other family members (male and female relatives)	92	87.6
Any other (son, male friend of husband)	4	3.8

The table shows that most (93.3%) of the women in their statement to the Police had mentioned the husbands and the mother-in-law (91.4%) to be the perpetrators of violence. 68.6% had identified their father-in-law as the perpetrator.

Other family members, such as the brother-in-law, sister-in-law and sister-in-law's husband, were also identified as perpetrators of violence (87.6%).

## Kind of violence

**Table 91. Kind of violence**

<b>Nature of violence</b>	<b>Numbers</b>	<b>Percentages</b>
Physical violence	105	100.0
Verbal violence	105	100.0
Financial violence	100	95.2
Sexual violence	17	16.2
Force to leave marital home	84	80.0

*Multiple responses (N= 105)*

All the women in their statement to the Police had stated that they had been subjected to physical and verbal violence (100%). Physical violence was described as not giving food, locking the woman up in the dark room, kicking, continuous beating and hitting with sharp objects while verbal violence consisted of nagging for dowry, using abusive language, casting doubts on character etc. The husband was not giving money for household expenses in a large number of cases.

The statement of Police in the secondary data made no mention of the violence faced by the women.

### **Reason for filing the case according to Police**

In a large number of cases (43.8%), the reason for filing the case was not mentioned in the Police report. According to more than one third of the reports (39.0%) the case was filed as a result of minor differences between husband and wife. A few reports mentioned that the cases were filed because women did not want to stay in the joint family and desired to live separately (2.9%). Other reports (14.3%) mentioned reasons such as woman wanted to take divorce or the woman wanted to pressurise the marital family members to settle disputes related to property in her favour.

**Table 92. Reason for filing the case according to Police**

	Frequency	Percent
Minor differences	41	39.0
Woman wants to live separately	3	2.9
Other reasons	15	14.3
Not mentioned	46	43.8
Total	105	100.0

### **Reasons for violence**

As the table shows, in a majority of the cases the women had attributed the violence faced by them to the dowry demand by the marital family (63.8%). Alcoholism of the husband was mentioned along with dowry demand (34.2%) and separately (1.9%) as another major reason for violence faced by them.

In few instances, the Police reports had acknowledged that there was alcoholism or dowry demand (2.9% respectively) without mentioning the resulting violence on the woman.

**Table 93. Reasons for violence**

<b>Reasons for violence</b>	<b>Women's statement</b>	
	<b>Numbers</b>	<b>Percentages</b>
Dowry demand	67	63.8
Alcoholism	2	1.9
Dowry demand and alcoholism	34	32.4
Matrimonial property issue	-	-
Other reasons	2	1.9
Not mentioned	-	-

**Violence to members of natal family according to women**

**Table 94. Violence to members of natal family according to women**

	<b>Numbers</b>	<b>Percentages</b>
Yes	45	42.9
No	60	57.1
Total	105	100.0

42.9 % of the women said that the members of their natal family were also subjected to physical and mental violence, when they had tried to intervene in the family dispute.

## Violence to children

**Table 95. Violence to children**

	Numbers	Percentages
Yes	45	42.9
No	9	8.6
N.A.	51	48.6
Total	105	100.0

The table shows that children were also subjected to abuse in a large number of the cases (42.9%).

## Reasons for not residing with marital family as identified by the women

**Table 96. Reason for not residing with marital family as identified by woman**

	Numbers	Percentages
Thrown out of the marital home	84	80.0
Left marital home due to violence	8	7.6
I.N.A.	13	12.4
Total	105	100.0

The table shows that according to the statement of the women recorded in the Police reports in a large majority of the cases (80%) women were thrown out of the marital home. In a few of the cases (7.6%) the women had left marital home due to continuous violence.

## Registration of the case

### Number of witnesses

The table below shows that in 25.7% of the cases there were 3 witnesses while in

27.6% of the cases there were 4 to 5 witnesses. Thus in a majority of the cases up to 6 witnesses were called during the course of the investigation. In a few cases (10.6%) more than seven witnesses were called. In one case there were 17 witnesses.

In the secondary data of Bharatpur and Shri Ganganagar, names and other details of the witnesses were not mentioned in nearly half of the cases (49%). However in the Jaipur and Jodhpur data details of the witnesses were missing in only a few cases (7.6%).

**Table 97. Number of witnesses**

	Numbers	Percentages
1	7	6.7
2	15	14.3
3	27	25.7
4	16	15.2
5	13	12.4
6	7	6.7
7	5	4.8
8	1	1.0
9	2	1.9
10	3	2.9
17	1	1.0
I.N.A.	8	7.6
Total	105	100.0

### **Intention behind filing of complaint according to Police**

The Police in their statement had mentioned the intention of the women behind the filing of the complaint. According to them, more than one-third (38.1%) of the cases were filed in anger to punish the husband and the marital family members. In 42.9 % of the cases the information related to the intent behind filing of complaint was not available.

**Table 98. Intention behind filing of complaint according to Police**

	Numbers	Percentages
Wanted to pressurize husband to take her back in marital home	4	3.8
Case filed in anger to punish the husband and marital family members	40	38.1
Other reasons	13	12.4
No reason	3	2.9
Not mentioned	45	42.9
Total	105	100.0

**Place of registering the case****Table 99. Place of registering the case**

Mode of registering the case	Jaipur City East		Jodhpur		Total	
	Numbers	Percentages	Numbers	Percentages	Numbers	Percentages
Directly to Police	12	22.2	11	21.6	23	21.9
Through court	42	77.8	20	39.2	62	59.0
I.N.A.	-	-	20	39.2	20	19.0

The secondary data of Jaipur City (East) shows that a majority of the cases (77.8%) were filed through court whereas very few cases (22.2%) went directly to the Police station.

The secondary data of Jodhpur City shows that 39.2% of the cases filed complaint through court and 21.6% of the cases filed complaint directly in the Police station. The combined table shows that a majority of the cases (59%) were filed through court whereas very few cases (21.9%) had gone directly to the Police station. The secondary data of Bharatpur and Shri Ganganagar district also showed a similar trend. It indicates

that Police were reluctant to file cases under section 498A IPC.

### Time taken to investigate and prepare FR

**Table 100. Time taken to investigate and prepare FR**

	Numbers	Percentages
1 to 7 days	4	3.8
8 to 14 days	13	12.3
15 to 21 days	32	30.4
22 to 28 days	21	20.0
29 to 35 days	9	8.5
36 to 42 days	1	0.9
43 to 49 days	8	7.6
50 to 56 days	7	6.6
57 to 63 days	3	2.8
71 to 77 days	1	0.9
78 to 84 days	1	0.9
92 to 98 days	2	1.9
106 to 112 days	1	0.9
I.N.A.	2	1.9
Total	105	100.0

The above table details the duration of the time taken to investigate the case and prepare a final report. Majority of the cases (83.8%) were finalised within 50 days. Very few cases (15.2%) took more than 50 days to be finalised.

As per the secondary data of Jodhpur in a majority of the cases (86.7%) it had taken less than 50 days to file FR. According to the secondary data of Jaipur city East in a majority of the cases (81.4%) it had taken less than 40 days to finalise FR. However, the data from Bharatpur and Shri Ganganagar district showed that in a majority of the cases (64%) it had taken more than 50 days for the case to reach its conclusion.

## Outcome of the Police intervention according to FR

**Table 101: Outcome of the Police intervention according to FR**

	Numbers	Percentages
Reconciliation	102	97.1
Mutual consent divorce and returned <i>streedhan</i>	1	1.0
Living separately	2	1.9
Total	105	100.0

According to the Police reports, a majority of the cases (97.1%) were reconciled after intervention. The reports mentioned that the misunderstanding between husband and the wife was cleared with the help of the *panchayat* members and relatives. Very few (2.9%) women had taken a mutual consent divorce and were living separately.

## Previous intervention

### Previous intervention done by before filing 498A

**Table 102. Previous intervention done by before filing 498A**

Previous intervention done by before filing 498A	Numbers	Percentage s
Mediation by natal family	73	59.9
Natal family gave more money to stop violence	35	33.3
Mediation by <i>Panchayat</i> members and relatives	25	23.8

According to women's statement recorded in the Police report, prior to seeking help from the Police in as many as 59.9% of the cases the natal family members had intervened to stop the violence faced by the women. In one-third of the cases (33.3%) the natal family had tried to appease the husband and the marital family by giving more money to them. In some cases (23.8%), the *panchayat* members and relatives had tried

to intervene.

### **Outcome of previous intervention according to women**

**Table 103. Outcome of previous intervention according to women**

	Numbers	Percentages
Failed to stop violence	69	65.7
Violence lessened but restarted	3	2.9
NA	33	31.4
Total	105	100.0

As per the statement of the women, in a majority of the cases (65.7%) the intervention by the different stakeholders failed to stop the violence. In a few (2.9%) cases the violence had reduced after these interventions but recurred after a month or a year, and the women were forced to seek help from the Police.

## **Closure**

### **Reason for closing the case**

The table below shows that in Jaipur city East 'mistake of fact' was the reason given by the Police for filing FR in a large majority of the cases (90.7%). Very few cases (9.3%) were closed as being 'false'. The Jodhpur data shows that a majority of (64.7%) cases were closed as 'due to mistake of fact' while the number of cases (35.3%) closed as false was also sizable.

**Table 104. Reason for closing the case**

Reason for closing the cases	Jaipur city east		Jodhpur		Total	
	Numbers	Percentages	Numbers	Percentages	Numbers	Percentages
<b>Misunderstanding</b>	49	90.7	33	64.7	82	78.1
<b>False case</b>	5	9.3	18	35.3	23	21.9
<b>Total</b>	54	100	51	100	105	100.0

## B. Jaipur and Jodhpur (East): Analysis of Primary Data

### Interviews with woman complainants

#### Number of closed cases filed under 498A

**Table 105. Number of closed cases filed under 498A**

	Numbers	Percentage
Jodhpur	10	41.7
Jaipur City East	14	58.3
Total	24	100.0

The sample for the primary data was selected purposively from the cases registered and subsequently closed as false under section 498A of IPC in the year 2013 in the *Mahila Thana* of Jodhpur City as well as in the *Mahila Thana* of Jaipur City, East. 10 cases were selected from Jodhpur while 14 were from Jaipur City, East.

#### Profile of woman

##### Age of woman Complainant at registration

**Table 106. Age of woman Complainant at registration**

Age (in years)	Numbers	Percentage
18 to 24	10	41.7
25 to 34	12	50.0
35 to 44	2	8.3
Total	24	100.0

Most of the women interviewed were a part of the age group of 18 to 34 years (91.66%), which is the reproductive age of the woman. The previous research has shown women to be especially vulnerable to violence during this period (Dave, 2001)<sup>21</sup>. As in case of

<sup>21</sup>Dave, A. And Solanki, G. (2001) *Journey from Violence to Crime: A Study of Domestic Violence in the City of Mumbai*. Mumbai, Tata Institute of Social Sciences.

Bharatpur and Shri Ganganagar, women in the age group of 25 to 34 were slightly more in number than in the younger age group.

## Education

**Table 107. Education of woman Complainant**

	Numbers	Percentage
Non literate	4	16.7
SSC	2	8.3
HSC	5	20.8
Graduate	7	29.2
Postgraduate	2	8.3
Below SSC	3	12.5
I.N.A.	1	4.2
Total	24	100.0

All educational levels were found reflected in the sample. A little less than one-third of the women interviewed were graduates (29.2%), thus busting the myth that educated women do not face violence.

## Occupation

A large majority of the women (83.3%) were engaged in non-remunerative work, which is in keeping with the findings of previous research studies that women who are financially vulnerable are more susceptible to violence (Dave, 2001)<sup>22</sup>. The data from Bharatpur and Shri Ganganagar shows similar findings.

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<sup>22</sup>Dave, A. And Solanki, G. (2001) Journey from Violence to Crime: A Study of Domestic Violence in the City of Mumbai. Mumbai, Tata Institute of Social Sciences.

**Table 108. Occupation of woman Complainant**

	Numbers	Percentage
Non-remunerative	20	83.3
I.N.A.	4	16.7
Total	24	100.0

**Caste****Table 109. Caste of woman Complainant**

	Numbers	Percentage
SC	5	20.8
ST	2	8.3
OBC	8	33.3
General	9	37.5
Total	24	100.0

The table shows that the sample consisted of more women from the General (37.3%) and OBC (33.7%) categories than from Scheduled Castes (20.8%) and Scheduled Tribes (8.3%).

**Monthly income of woman****Table 110. Monthly income of woman Complainant**

	Numbers	Percentage
Up to Rs. 20,000 per year	2	8.3
NA	20	83.3
I.N.A.	2	8.3
Total	24	100.0

As reported earlier, a majority of the women (83.3%) were engaged in non-remunerative employment.

## Monthly income of husband

**Table 111. Monthly income of husband of woman Complainant**

	Numbers	Percentage
Up to Rs. 20,000	16	66.7
Rs. 21,000 to Rs.50,000	2	8.3
I.N.A.	6	25.0
Total	24	100.0

A majority of the women were married to men who were earning up to Rs. 20,000 per month (66.7%), thus indicating that the marital families belonged to the lower socio-economic strata of the society.

## Monthly income of father

**Table 112. Monthly income of father of woman Complainant**

	Numbers	Percentage
Up to Rs. 20,000	12	50.0
Rs. 21,000 to Rs. 50,000	3	12.5
Nil	2	8.3
I.N.A.	7	29.2
Total	24	100.0

Though the information about the monthly income of the father was not available in nearly one-third of the cases (29.2%), the available data showed that in very few of the cases the monthly income of the father was Rs. 21,000 or more. Thus, the findings are in tandem with finding from Shri Ganganagar and Bharatpur.

## Age at marriage

**Table 113. Age at marriage of woman Complainant**

	Numbers	Percentage
18 to 24	20	83.3
25 to 34	4	16.7
Total	24	100.0

The age at marriage of a large majority of the women (83.3%) was between 18 to 24 years.

## Dowry related information

### Whether dowry was demanded

**Table 114. Whether dowry was demanded**

	Numbers	Percentage
Yes	2	8.3
No	20	83.3
I.N.A.	2	8.3
Total	24	100.0

According to a large majority of the women (83.3%), no dowry was demanded at the time of their marriage.

### Whether dowry was given

Even though there was no demand for dowry from the marital family, probably because of social pressure and tradition, in most cases (91.7%) dowry in some form or the other was given at the time of marriage.

**Table 115. Whether dowry was given**

	Numbers	Percentage
Yes	22	91.7
No	2	8.3
Total	24	100.0

## **History of violence**

### **Nature of violence**

**Table 116. Nature of violence**

	Numbers	Percentage
Physical	13	54.2%
Emotional	21	87.5%
Financial	3	12.5%
Sexual	2	8.3%
I.N.A.	2	8.3%
Total	41	170.8%

(Multiple response) N= 24

As seen in Shri Ganganagar and Bharatpur, women in Jodhpur and Jaipur as well were found to have been subjected to all kinds of violence. A large majority of the respondents reported facing emotional violence (87.5%). More than half the respondents (54.2%) had to face physical violence as well as while financial violence was faced by some respondents (12.5%). Very few women had reported sexual violence (8.3%) but that could be because of the reluctance of the women to talk openly about the subject.

## Reason for violence

**Table 117. Reason for violence**

	Number	Percentage
Dowry demand	18	75.0%
Alcoholism	7	29.2%
Out of marriage relationship	2	8.3%
Having only girl children	1	4.2%
Information not available	3	12.5%
Total	31	129.2%

(Multiple response) N= 24

While in Shri Ganganagar and Bharatpur only about one-fourth of the women had cited dowry as the reason for violence, in Jaipur and Jodhpur three-fourth of the women (75%) reported dowry demand as the reason for the violence to which they were subjected. Alcoholism of the husband was also reported to be a reason for violence in nearly one-third of the cases (29.2%).

## When did the violence start?

**Table 118. When the violence started**

	Numbers	Percentage
Within 2 years of marriage	22	91.7
More than five years after marriage	2	8.3
Total	24	100.0

The table shows that an overwhelming majority of the women (91.7%) had experienced violence within two years of marriage.

## Perpetrators of violence

**Table 119. Perpetrators of violence**

	Numbers	Percentage
Mother-in-law	20	83.3%
Husband	21	87.5%
Father-in-law	19	79.2%
Step children	1	4.2%
Other in-laws	15	62.5%
	76	316.7%

(Multiple response) N= 24

As per the data shown in the table above, a large majority of the women (87.5%) had named their husbands as the major perpetrator of violence, followed by the mother-in-law (83.3%). Father-in-law (79.2%) and other members of the marital family (62.5%) such as brother-in-law and sister-in-law were also named as perpetrators of violence in a very large number of cases.

## Registration of the case

### Whether the case was filed by the woman

**Table 120. Involvement in filing of the case**

	Numbers	Percentage
With the help from natal family	17	70.8
I.N.A.	2	8.3
By the woman on her own	2	8.3
By the woman with help from advocate	3	12.5
Total	24	100.0

The support of the natal family during the journey of the woman in the Criminal Justice System became apparent during the interviews with the women. A majority of the women (70.8%) reported that the case was filed by them with the help from the natal family. Some women (12.5%) had taken help of the advocates while filing the cases. Very few of the women (8.3%) had filed the case on their own.

### **Whether the case was filed under pressure**

**Table 121. Whether the case was filed under pressure**

	Numbers	Percentage
No	24	100.0

As the table shows, all the women interviewed for the study denied filing the case under pressure.

### **Whether parents were consulted before filing the case**

**Table 121. Whether parents were consulted before filing the case**

	Numbers	Percentage
Yes	24	100.0

The data showed that all the women (100%) had consulted their families before filing the case, thus underling the importance of the role played by the natal family in their decision making process.

## Police intervention

### Whether FIR was checked by the woman

**Table 122. Whether FIR was checked by the woman**

	Numbers	Percentage
Yes	19	79.2
No	4	16.7
I.N.A.	1	4.2
Total	24	100.0

A large majority of the women (79.2%) stated that they had checked the FIR, though some (16.7%) had not done so.

### Whether FIR was read out to the woman by the Police

**Table 123. Whether FIR was read out to the woman by the Police**

	Numbers	Percentage
Yes	18	75.0
No	3	12.5
NA	3	12.5
Total	24	100.0

In three fourth of the cases (75.0%) the FIR was read out to the woman by the Police, though a few women stated the Police had not read out the FIR to them (12.5%).

## Investigation done by

**Table 124. Who conducted the investigation**

	Numbers	Percentage
Inspector	2	8.3
Sub inspector	13	54.2
Police rank not specified	6	25.0
No one came for investigation	3	12.5
Total	24	100.0

As the table shows, though one-fourth of the women did not know the rank of the Police personnel who had come to their house for investigation (25.0%), the data indicated that in more than half the cases (54.2%) the investigating Police was of the rank of sub inspector. In some cases, the inspector had done the investigation (8.3%). The cases where no investigation was done were fewer in number (12.5%).

## Whether any blank paper was signed by the woman

**Table 125. Whether any blank paper was signed by the woman**

	Numbers	Percentage
Yes	2	8.3
No	22	91.7
Total	24	100.0

According to the table, in most of the cases, (91.7%) women were not made to sign any blank paper.

## Whether any bribe was demanded

**Table 126. Whether any bribe was demanded**

	Numbers	Percentage
No	22	91.7
I.N.A.	2	8.3
Total	24	100.0

As per most of the interviewees (91.7%) no bribe was demanded from them during the course of investigation. None of the women interviewed for the study complained of any demand for a bribe.

## Whether Police came to the woman's home for investigation

**Table 127. Whether Police came to the woman's home for investigation**

	Numbers	Percentage
Yes	13	54.2
No	9	37.5
I.N.A.	2	8.3
Total	24	100.0

In more than half the cases (54.2%) the Police had come to the woman's home for investigation, though in a considerable number of cases (37.5%) the Police had not done so and had asked the woman to come to the Police station.

## Closure

### Reason for FR

Some of the women interviewed in Jaipur and Jodhpur cited specific reasons that prompted them to close the cases filed under section 498A IPC. As listed in the above table, husband agreed for divorce, husband agreed to accept the woman back in the marital family, pressure from relatives were some of the reasons that were put forth. In a majority (66.7%) of the cases, though no details were given, the women stated that the case was withdrawn after a compromise was reached between the two parties.

**Table 128. Reason for FR being filed**

	Numbers	Percentage
Due to compromise	16	66.7
Husband agreed to divorce	4	16.7
Husband agreed to accept her back in marital family	1	4.2
Due to pressure from relatives	1	4.2
No action taken by the Police	1	4.2
I.N.A.	1	4.2
Total	24	100.0

**Effect of action taken against FR****Table 129. Effect of action taken against FR**

	Numbers	Percentage
NA	23	95.8
I.N.A.	1	4.2
Total	24	100.0

Since the FR was filed with the complicity of the women, and no action was taken against the FR by them, the question regarding effect of action taken against FR remained 'not applicable' in almost all the cases.

## Awareness regarding Section 498A

### Whether aware of 498A

**Table 130. Whether aware of 498A**

	Numbers	Percentage
Yes	14	58.3
No	9	37.5
I.N.A.	1	4.2
Total	24	100.0

The data show that more than half of the women interviewed for the study (58.3%) were aware of the section 498A of IPC, though a sizable number (37.5%) said that they were not aware of the law prior to filing the complaint.

### Whether aware of provisions of 498A

A majority of the women (62.5%), including some of those who were aware of the law, said that they did not have knowledge of the provisions of the law. Only a little more than a third of the women (33.3%) appeared to know the provisions of the law.

**Table 131. Whether aware of provisions of 498A**

	Numbers	Percentage
Yes	8	33.3
No	15	62.5
I.N.A.	1	4.2
Total	24	100.0

### How did you become aware of 498A?

A majority of the women (70.8%) said that they became aware of the law, either prior to or after filing the complaint, through their advocates.

**Table 132. How did you become aware of 498A?**

	Numbers	Percentage
Through newspaper	1	4.2
Through lawyer	17	70.8
Through Police	1	4.2
N.A.	3	12.5
I.N.A.	2	8.3
Total	24	100.0

**Thoughts about Police****Table 133. Thoughts about Police**

	Numbers	Percentage
Police has been cooperative	6	25.0
Police is ok ( <i>theek hai</i> )	2	8.3
Police is uncooperative	4	16.7
Police is good ( <i>acche hai</i> )	1	4.2
Police counseled both the parties, but in-laws refused to listen	1	4.2
Police worked out a compromise between us	7	29.2
I.N.A.	3	12.5
Total	24	100.0

Similar to what was observed in Bharatpur and Shri Ganganagar; very few of the women expressed their dissatisfaction with the Police. The number of women saying

that Police were uncooperative was very low (16.7%). According to others, the Police were cooperative; they tried to counsel both the parties and in many cases succeeded in bringing about a compromise between both the parties.

### Previous intervention

**Table 134. Whether previous intervention was done**

	Numbers	Percentage
Yes	23	95.8
No	1	4.2
Total	24	100.0

Almost all the women except one (95.8%) said that they had tried other interventions before approaching the Police, thus endorsing the finding from Shri Ganganagar and Bharatpur that women approach the Police only when other interventions by family and community fail to bring about a solution to their problems.

### Effect of filing of case on family and women

As per the data, a majority of the women said that filing a case under section 498A IPC had adversely affected their own family (62.5%) as well as their natal family (50.0%). Less than a third of the women (29.2%) said that their mental health was affected after filing the case. Women also talked about how their children had suffered because of the case (20.8%).

**Table 135. Effect of filing of case on family and women**

	Numbers	Percentage
Adversely affected the family ( <i>parivaar pe bura asar pada</i> )	15	62.5%
Children got affected ( <i>bacchon pe bura asar pada</i> )	5	20.8%
Adversely affected	12	50.0%

natal family financially		
Woman's own mental health suffered	7	29.2%
No information	3	12.5%
	42	175.0%

(Multiple response) N= 24

### Effect of filing of case on children

**Table 136. Effect of filing of case on children**

	Numbers	Percentage
Yes	3	12.5
No effect	6	25.0
No money for medical treatment of children	3	12.5
Children's future is affected	9	37.5
I.N.A.	3	12.5
Total	24	100.0

While speaking at length about the effect of filing the case on children, the women appeared to be worried about the effect that the case would have on their children's future (37.5%). Some of the women said that they had no money even for the medical treatment of the children (12.5%). Only one-fourth of the women interviewed said that there was no effect of the case on their children (25%).

### Reaction of community after filing the case

Half of the women had experienced that the members of the community had tried of counsel both the parties to agree for a compromise (50%). According to one of the

interviewees, community members had urged her to compromise. In some cases, the community had chosen to remain neutral (20.8%). Very few women had found the community members supportive of their decision to file a case (12.5%).

**Table 137. Reaction of community after filing the case**

	Numbers	Percentage
Reaction was ok ( <i>thik thi</i> )	2	8.3
Community members were supportive	3	12.5
No reaction	3	12.5
Urged me to compromise	1	4.2
Tried to counsel both parties	12	50.0
I.N.A.	3	12.5
Total	24	100.0

### Reaction of the relatives after filing the case

**Table 138. Reaction of the relatives after filing the case**

	Numbers	Percentage
Relatives were supportive	3	12.5
Reaction was ok ( <i>thik thi</i> )	1	4.2
Relatives opposed me	2	8.3
No reaction by relatives	1	4.2
Urged me to compromise	13	54.2
I.N.A.	4	16.7
Total	24	100.0

The number of cases in which relatives who supported the women in filing a case of section 498A IPC was also small, as shown in the table (12.5%). In more than half the

cases (54.2%) the relatives had urged the woman to compromise. In two of the cases, the woman's own relatives had opposed her decision to file the case while in a few cases the relatives took a neutral position.

### **Whether respondents tried to threaten the woman**

**Table 139. Whether respondents tried to threaten the woman**

	Numbers	Percentage
Yes	7	29.2
No	15	62.5
I.N.A.	2	8.3
Total	24	100.0

A majority of the women had not experienced any threats from the opposing party after filing the case (62.5%), though nearly one third of the women interviewed for the study said that they had to face such threats from the marital family (29.2%).

### Part III: The Emergent Picture

In 1983, the introduction of section 498A in the Indian Penal Code was society's recognition of family violence on women as a crime. This empowered women to consider legal recourse for the violence, believing that the State & CJS will take due cognizance of the crime committed against them and offer justice.

Marriage, in our country is seen as sacrosanct, a relationship which is meant to last forever and is unbreakable. It is when her rights get violated in this 'pure', 'long lasting' relationship that the woman feels at loss and after exhausting her other options of help, she turns to the CJS, a State system which is supposed to uphold her rights, while hoping that her marriage lasts forever.

The data of this study paints a similar picture. Women who have filed cases under Section 498A have entered the relationship thinking that it will last forever. This is evident from the women's interviews in which they have said that they approached the Police to find a solution/ way out to reconcile with their husbands. Before accessing the CJS—a formal mechanism established to safeguard her rights—the woman has also gone to other informal mechanisms such as her natal and marital family, and the *panchayat*. When all her options are exhausted, she seeks some form of justice and enters the CJS.

It is important to note that in spite of the existence of the *Mahila Thanas*, a specialised establishment which seeks to provide women with an environment conducive to reporting a crime, most of the women entered the CJS through the lawyers and Court rather than directly approach the Police. The data shows that women do so because they feel vulnerable and unsure of the response of the Police to invisible and visible signs of physical and emotional injuries (even of the *Mahila Thana*). The data is also telling of the fact that in spite of being subjected to verbal and physical violence, it is when there is financial demand or escalated physical violence that the woman goes to the CJS. Thus, producing any marks of physical violence to prove to be a survivor of

abuse from the marital family is rarely an option for the woman.

Once the woman is in front of the lawyer she relies on his/her judgement which, according to the data, is to over emphasise on or even fabricate the dowry demands made by the perpetrators of violence with the understanding that this would make the case stronger and force the court to take cognisance of the complaint. This strategy used by the lawyers is for the purpose of making the Police recognise the violence that she is experiencing. Thus, to validate her experience of violence and for it to find a voice within the CJS, she has to hierarchise one form of violence above the other. Her natal family, lawyers and others advise her that an inherent threat of immediate arrest of the perpetrator would prove to be an effective leverage for negotiations and hence she files her complaint under 498A. If arrest is seen as a form of punishment or justice by the survivor or the lawyer, then filing her complaint under PWDVA 2005<sup>23</sup> is not an option as there is no immediate arrest under this Act and probably this is the reason why most of the lawyers do not give information regarding the PWDVA. While on one hand it is evident that the woman does not want her husband to be put behind bars forever as she wishes to reconcile with him, filing her complaint under 498A seems to be her last and 'best' resort to be taken back into the matrimonial home from which she was removed.

Based on the statement of the woman prepared by the lawyers, the Court refers the case to the *Mahila Thana* where another statement of the woman (an abridged version of the statement written at the lawyer's) is recorded. The woman's statement (which is now a part of the Police records) which emphasises dowry demand does not get validated through the investigation and neither does the violence experienced by the woman get recognised under section 498A as "cruelty" as according to the law. The lack of evidence of dowry demand and the inability of categorising the woman's experience of violence as defined by the law, results in the creation of a platform for negotiations between the woman and her husband. Other stakeholders—such as the woman's marital and natal family, *panchayat*—also get involved in this process of negotiations.

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<sup>23</sup> Protection of Women from Domestic Violence Act 2005.

This space which gets created for negotiation to bring about reconciliation between the couple materialises only due to Police authority. With this attempt to bring about *samjhota*/settlement, the woman gives her consent to closing of the case with the hope that the threat of the law alone would ensure the aggressors to accept the terms put up by her and her family for a non-violent reconciliation.

The nature of the complaint is such that it is thought to be a 'family' matter and the impact of the investigation is on the family and society at large and not only on the life of the woman. Thus, cases of 498A are looked at as 'social' complaints, making the nature of such complaints as civil rather than criminal. Due to this, complaints against society, women and violence against them are not necessarily seen as a crime, even within the CJS. More often than not, as the data of this study also indicates, there is an effort to 'compromise' and negotiate without truly addressing the violence, especially because there is no clear right and wrong in 'social' and civil complaints. Similar to the existence of a male patriarch or a male decision maker in a family unit, even in the Police Station, the perspective of the leader is reflected on the way the complaint is looked at as. Thus, if the leadership feels that the complaint is more of a civil matter rather than a crime, the investigation conducted by the other Police will also get influenced.

In the bargain for negotiations and 'compromises', no serious effort has been made to change the circumstances that lead to violence or to ensure that the violence would not recur in future, the woman consents to the closure of the case and the Police prepare the Final Report stating that the case is 'false'. This report is then forwarded to the Court, where the closure is confirmed if the woman does not come forward within a stipulated period to challenge it. The data shows that no woman has gone back to the Court to challenge the report.

The study shows that the compromises worked in this manner are fragile and fall apart when the threat of the law was no longer present. When the present study was conducted, less than a year after the cases were closed, it was found that out of the cases that had reconciled, only 32.14% were living in a violence-free marriage. In one-

fourth of the cases (25%) the woman was still married and was living with the husband, however the violence had recurred. In another fourth of the cases (25%) the woman was forcibly sent back to the natal family, some (14.28%) women had obtained divorce because of recurrence of violence and one had widowed. Thus, in spite of seeking intervention from the family, the community, the Police and the Court, for a majority of the women there was no respite from violence nor did the intervention succeed in their 'saving the marriage'.

Her journey through the CJS becomes counterproductive as it has not addressed her issue of violence and by closing the case and labelling it as 'false', the woman falls off the Court, Police, legal systems as well as other social services of the State that are available to address violence against women, thus making her more vulnerable and susceptible to other forms of exploitation and violence.

As mentioned in the methodology section, this data (Police records) has been analysed by employing content analysis. Thus, language and its use have been very central to the study. While reading the Police records, it was observed that the language used for drafting the complaints in the districts of Shri Ganganagar and Bharatpur and Jodhpur and Jaipur (East) differs. The language reflects the prevalent perspective and the perceptions about violence, its nature and family. The consistency in the language and the drafting of the complaint also indicates that there is a particular format of drafting the complaint which is peculiar to every *Mahila Thana*.

What this study has been unable to address is the role of the judiciary in cases of 498A. While it is clear through the data at what stage the woman approaches the court and the reasons for approaching, the role of the judiciary especially after the filing of the Final Report is not clear. The scope of this study was not to look at the role of the Courts, and hence the question remains unanswered.

Based on the findings of this study, certain recommendations emerged. As discussed previously, most cases came from the court, and were not filed directly at the Mahila

Thanas. Mahila Thanas were created to be spaces where the violated woman can go to in time of need without any apprehension, and it is thus crucial that they be made more woman-friendly. Constant capacity building of the personnel should take place to ensure an effective response to women Complainants, and Mahila Thanas must also have women police officers and personnel to respond to violated women.

Mahila Salah evam Suraksha Kendras (MSSKs) have been set up by the Government of Rajasthan to provide socio-legal support to women at each district. They can thus play a key role in interventions for 498A cases, amongst others, and it must be ensured that they are fully functioning at every *Mahila Thana*.

The 498A gives the Police the powers to register and investigate the case, but from the interactions with the women and women's activists it is evident that the Police also mediate in such cases. It is advisable that the Police refrain from mediating in cases filed under Section 498A IPC as their role, training and skills do not equip them to do so effectively.

One of the findings that emerged from the study was that after the case is closed, the Complainant falls out of the purview of the CJS, and the police is often unable to put in place measures to prevent the recurrence of violence. Thus, safety planning and monitoring system should be designed for those women who re-enter marital home and relationships through mediation of the court, MSSK etc.

Consciousness raising and awareness building about legal and social provisions is necessary at several levels. The need to raise consciousness on PWDV Act with the Judiciary, lawyers and health facilities was identified, as was a need for regular awareness programmes, training and capacity building of the Police on the issue of violence against women. It is vital to raise public awareness on domestic violence and PWDV Act and the remedies available to women under different laws and social services; and address men and women across age groups to create awareness on all the available social and legal options for the violated woman.

## ANNEXURES

### Annexure 1: Primary data: Interview schedules

#### Shri Ganganagar and Bharatpur

##### Interview Schedule for woman

#### **Schedule No.:**

Identification information:

1. District
2. FIR no.
3. Police station where the case is registered
  1. Residence of natal family
  - 2 Residence of marital family
  - 3 Any other (specify)
4. Case registered
  1. Directly
  2. Through court

#### **Demographic information**

5. Status at present
  1. Married
  2. Divorced
  3. Separated
  4. Widowed
  5. Any other (specify)

6. Age at present:

1. 18 to 24 years
2. 25 to 34 years
3. 35 to 44 years
4. 45 to 54 years

5. 55 years and above

7. Education:

1. Non literate
2. Primary school
3. Secondary school
4. S.S.C.
5. H.S.C
6. Graduate
7. Any other(specify)

8. Occupation:

1. Non remunerative(Working on farm/ at home)
2. Self employed home based occupation
3. Seasonal/ marginal/ occasional worker
4. Salaried employment
5. Business
6. Professional
7. Any other(specify)

9. Religion: 1 Hindu

1. Muslim
2. Sikh
3. Any other(specify)

10. Caste:

11. Combined monthly income of marital family/ assets owned by marital family

12. Combined monthly income of natal family/ assets owned by natal family

13. Residence at present:

- 1 Living on her own

- 2 With husband in a nuclear family
- 3 With husband in a joint family
- 3 With natal family
- 4 With friends
- 5 Any other

**Case history**

14. Can you talk about the kind of problem you were having with your husband/ marital family?

15. What was the duration of the violence before Police intervention was sought?

- 1. 0-2 years
- 2. 3-5 years
- 3. 6-8 years
- 4. 9- 11 years
- 5. 12- 16 years
- 6. 17+ year

**Decision to go to the Police**

16. Who decided to go to Police?

- 1. The woman herself
- 2. Members of natal family
- 3. NGO whose help was sought
- 4. Any other (Specify)

17. If you did, what precipitated it?

18. What help did you expect from the Police?

- 6. To end violence
- 7. To gain entry into marital home

8. To gain maintenance
9. To gain child custody
10. To bring perpetrators of violence to justice
11. Any other (Specify)

19. Who took the lead in registering 498A?

1. The woman herself
2. Members of natal family
3. NGO whose help was sought
4. Police
5. Any other (Specify)

20. If you did take the lead, what was your thought on it?

21. If someone else did, what were your thoughts and concerns about going to the Police?

### **The woman's experience of Police intervention and Investigation**

22. Were you explained about the provisions of 498A? By whom?

1. No , I was not explained about it
2. Police explained
3. Natal family explained
4. lawyer explained
5. NGO
6. Any other (Specify)

23. Did you find the Police cooperative at the time of making the complaint?

24. Who wrote down your statement? Who else was present?

25. Did you read the statement? Was the statement read out to you to ensure that it was

recorded correctly?

1. Yes
2. No
3. Any other(Specify)

26. If a medical test was indicated, was it done?

1. Yes
2. No
3. Any other(Specify)

27. Who were the witnesses?

28. Total number of witnesses \_\_\_\_\_

29. Besides 498A, what other sections, if any, have the Police used while registering the case?

30. Was any case filed under the DV act? If yes, for what?

31. Were you sent for any kind of mediation by the Police prior to filing the complaint?

1. No, not sent
2. Yes, sent to *panchayat*
3. Yes, sent to NGO
4. Yes, sent to Special Cell
5. Any other (Specify)

32. Do you have any points of dissatisfaction regarding Police investigation?

1. Long gaps between registration of complaints - starting investigation -filing of charge sheet - arrests made(if any)
2. If there was a delay, no reason was given for delay
3. Perpetrators were immediately granted bail

4. Perpetrators were released on a minimum amount of bail
5. Any other

33. At that time were you satisfied with the way Police handled the case?

1. Yes
2. No
3. Any other

### **Closure**

34. What caused the change from registration of the case to FR?

35. Who led the FR process in your case?

12. The woman herself
13. Police
14. Natal family
15. Any other (Specify)

36. If you did not lead/agree with the FR process, what action, if any did you take against the closure of the case?

37. If no action was taken against the FR, what was the reason?

38. If any action was taken, what was the effect of that?

39. If there was any effort made to pressurize/persuade you to take back the case, can you describe it?

40. If you felt indirectly induced to take back the case because of the attitude of people around you, can you talk about it?

41. What was your thought regarding such experiences?

42 Was there any mediation by the *panchayat* (caste/ village) after the case was filed? If yes, what?

43. When the case was closed, did the Police take any measures to ensure that there was no recurrence of violence? If yes, what?

**Support available**

44. Who supported you during the process of filing FIR?

16. Natal family

17. Friends

18. NGO

19. Any other

45. What kind of support did they give you?

a) Residence

b) Financial help

c) Guidance

d) Emotional support

e) Any other

46. What more support do you feel/think was required? From whom?

47. Who supported you in the process of filing FR? In what way?

**Present status**

48. Do you think the experience of filing 498A/ FR has altered perception/ behaviour of other people towards you, can you describe it?

49 Is there any recurrence of violence?

50. Did the *panchayat* [caste/village] make any effort to ensure that there was no recurrence of violence?

51. Are you now satisfied with the way things have turned out?

52. Looking back, do you think anything done differently would have been more beneficial to you?

By whom?

Name of the interviewer:

Date of interview:

## Interview schedule for Police

**Schedule No.:**

**District:**

**Designation of the Person interviewed:**

1. What usually is the procedure followed when a woman comes to you with the complaint of family violence/domestic violence or cruelty?
  - a) Rajasthan Police [any GR/directions given by Govt.]
  - b) PI/IO
  
2. What usually is the time taken for this procedure?
  
3. Why do you think a woman complains to Police about family violence?
  
4. When do you think a woman complains to Police about family violence?
  
5. When registering a case under 498A, are the law and its provisions explained to the woman?
  
6. Can you tell us how many cases of 498A got registered in the Police station in the last year?
  
7. Can you tell us in how many of these cases FR has not been filed?
  
8. Data shows high no. of FR in 498A cases in Rajasthan. What could be the reasons?

9. Can you tell us how and when a case reaches the conclusion of 'false' /'galatphemi'?
  
10. Does Police participate in mediation of these cases?
  
11. Does Police create any support mechanisms to these women who are going to marital homes which have been violent?
  
12. What do you think of the existing mechanisms to respond to FV/DV? (NGO/Special Cell/ DV act)?
  
13. Do you think sending a woman to Special Cell or an NGO before filing FR would benefit a woman?
  
14. Can you suggest any measures to prevent such a high no of FR?

Name of the interviewer:

Date:

## Interview Schedule for Women's Activist Groups/ NGO

**Schedule No.:**

**District:**

**Designation of the person interviewed:**

**Name of the organisation/ group:**

1. Why and when do 498A cases get registered?
2. Why do you think a high no of cases of 498A get converted to FR?
3. What are your thoughts on the investigation process carried out by the Police?
4. In your opinion why does the "galatfahemi" as mentioned in the FR happen?
5. What can be done to prevent the high number of FR, especially by women's organisations?

Name of the interviewer:

Date:

**Interview Schedule for the Panchayat**

**Schedule no.:**

**District:**

**Village:**

**Caste *panchayat*/village *panchayat*:**

1. Why and when do you think cases of 498A get registered?
  
2. What is the role played by the *panchayat* in 498A cases?
  
3. Why do a high no. of cases get converted to FR?
  
4. What in your opinion can be done to prevent a high number of FR, especially by the *panchayat*?

Name of the interviewer:

Date:

## Interview Schedule for the Witness

Schedule no:

Identification data

District:

Village where the witness is based:

FIR no. :

Police station where the case is registered:

1. Jurisdiction of woman's natal family
2. Jurisdiction of marital family
3. Any other

### **Demographic details**

1. Relationship to woman
2. Member of natal family
3. Member of marital family
4. Neighbour
5. *Panchayat* member
6. Any other (Specify)

2. Education:

1. Non-literate
2. Primary
3. Secondary school
4. S.S.C.
5. H.S.C
6. Graduate
7. Any other

3. Occupation:

1. Non-remunerative (Working on farm/at home)

1. Self employed home based occupation
2. Seasonal/marginal/occasional worker
3. Salaried employment
4. Business
5. Professional
6. Any other

4. Duration of acquaintance with the woman

5. Why did the woman complaint to the Police?

6. Can you talk about the kind of problem the applicant was having with her husband/in-laws?

7. When did violence begin on the woman?

7. 0-2 years
8. 3-5 years
9. 6-8 years
- 10.9-11 years
- 11.12-16 years
- 12.17+

8. What kind of violence was there?

2. physical
3. emotional
4. financial
5. sexual
6. verbal

9. What was the duration of the violence before Police intervention was sought?

1. 0-2 years
2. 3-5 years
3. 6-8 years
4. 9- 11 years
5. 12- 16 years
6. 17+ year

10. What precipitated her going to the Police?

### **Experience with the Police**

11. Did you read the FIR? Was the FIR read out to you to ensure that it was recorded correctly?

2. Yes
3. No

12. What statement did you give to the Police?

13. Are you satisfied with the way Police conducted the investigation? If not, why?

### **Closure of the case**

14. What was the time gap between filing of complaint and filing FR?

15. What caused the change from registration of the case to FR?

16. Who led the FR process?

- f) The woman herself
- g) Police
- h) Natal family
- i) Any other

17. What were your thoughts about it?

18. In your opinion why did the “galatfahemi” as mentioned in the FR happen?

19. Why do you think a high no of cases of 498A get converted to FR?

20. What can be done to prevent the high number of FR?

Name of the interviewer:

Date:

## JODHUR AND JAIPUR (EAST)

### Interview schedule for woman

#### 1. Personal Information

Name of the city/ village:

Name of Police station:

Applicable law:

Complainant Name	Caste	Age	Educational Qualification	Do you have Govt. Job	Approx. Monthly Income
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Woman

Husband-

wife

Father

Brother

Mother

Sister-in-law

Sister

#### 2. Background Information

1. Can you tell us about the case?
2. Was there late reporting?
3. If yes, why?
4. Did you check what was written in the FIR?
5. Did Police read out the FIR to you?
6. Did the Police reached the venue of the incident in time?
7. If they arrived late, what was the reason?
8. Who had come for investigation?
9. Did you sign any blank paper?

10. Did anyone demand money from you during the investigation of the case?
11. Did the Police come to you for investigation or you had to go to the Police?
12. If you had to go the Police, were you given the travelling expenses?
13. Did you get any maintenance while the case was in progress?
14. If yes, how much?
15. Why was the case closed?
16. Did you file a complaint against the FR?
17. What was the result of that?

### **3. Legal Awareness**

1. Are you aware of the section 498A of the IPC?
2. Are you aware of the provisions of 498A?
3. From where did you get information about section 498A IPC?
4. According to you what is the meaning of justice?
5. What are your thoughts regarding Police?
6. What are your thoughts regarding lawyers?
7. What are your thoughts regarding Court?

### **4. Social Background**

1. What was your age at the time of marriage?
2. Was the marriage arranged as per your wishes or your family's wishes?
3. Have you married within your caste or have you had an inter-caste marriage?
4. Was dowry demanded at the time of marriage?
5. Did your parents pay dowry at the time of marriage?
6. Is the custom of dowry prevalent in your community?
7. How was the financial condition of your marital family at the time of your marriage?
8. Were your parents aware of the financial condition of your marital family?

## **5. Domestic Situation after Marriage**

1. When did the violence start after marriage?
2. Were you harassed physically or mentally?
3. Were any derogatory comments made against you?
4. What was the nature of violence?
5. Who were the perpetrators of violence?
6. How did you feel when dowry was demanded from you for the first time?
7. Did you take help of someone to register the case under 498A or you had done you had done it yourself?
8. Did you register the case under pressure from someone?
9. Did you consult your parents before registering the case?
10. Was there any attempt at reconciliation before registering the case?

## **6. Social Change**

1. What was the effect of registering the case on your family?
2. What was the effect of registering the case on your children?
3. What was the reaction of community after registering the case?
4. What was the reaction of your relatives after registering the case?
5. Did you get any warning or threats from the opposite party after registering the case?
6. Your reaction\_\_\_\_\_

## **Annexure 2: Section 498A, Indian Penal Code (IPC)**

### **Indian penal code–Section 498A, IPC**

498A- HUSBAND OR RELATIVE OF HUSBAND OF A WOMAN SUBJECTING HER TO CRUELTY:

Whoever being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation: - for the purposes of this section, “cruelty” means

- j) Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- k) Harassment of the woman when such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Analysis of this section shows that this law deals with four types of cruelty:

- 20. Any conduct that is likely to drive a woman to suicide ,
- 21. Any conduct which is likely to cause grave injury to the life, limb or health of the woman,
- 22. Harassment with the purpose of forcing the woman or her relatives to give some property or
- 23. Harassment because the woman or her relatives are either unable to yield to the demand for more money or do not give some share of the property.

Violation of Section 498A of the Indian penal code is a Criminal offence.

It is a cognizable, non- bailable and non- compoundable offence. <sup>24</sup>

Punishment- Imprisonment for three years and fine.

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<sup>24</sup> A Research study on the use and misuse of section 498A of the Indian Penal Code, study summary (2005), Centre for Social Research

**Basic information pertaining to the law:**

**B Report** is the report filed by the Police to state that there is nothing to investigate and the complaint is a mistaken fact as provided under 157(b) of CrPC<sup>25</sup>. Once this is accepted, the case is closed. However, the Police are duty bound to inform the de facto complainant about such a report and if the de facto Complainant is aggrieved, they may prefer a protest petition. After the information to the de facto Complainant and the protest petition filing time is over, the case is deemed closed.<sup>26</sup>

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<sup>25</sup> Criminal Procedure Code

<sup>26</sup> [http://www.498a.org.in/rsrscs\\_faqs\\_498a.html](http://www.498a.org.in/rsrscs_faqs_498a.html) seen on 28th August, 2014, seen at 3.45pm

### Annexure 3- Registered cases under section 498A IPC

Bharatpur district<sup>27</sup> data between the years 2011- 2013

Data of 2011:

Sr. no.	Name of the Police station	Total no. of cases registered	Registered through court under CrPC 156(3)	Registered in the Police station	FR	Chargesheet filed	Pending
1	Madhuragat e	3	1	2	1	2	-
2	Udyog Nagar	2	1	1	2	-	-
3	Atalbandh	2	1	1	1	1	-
4	Chiksana	1	1	-	1	-	-
5	Kotwali	1	1	-	1	-	-
<b>6</b>	<b>Mahila Thana</b>	<b>211</b>	<b>175</b>	<b>36</b>	<b>132</b>	<b>78</b>	<b>1</b>
7	Kumher	6	5	1	4	2	-
8	Nadbai	21	14	7	10	11	-
9	Sevar	1	1	-	-	1	-
10	Bhusavar	8	7	1	4	4	-
11	Vair	6	5	1	3	3	-
12	Halal.N.A.	4	4	-	1	3	-
13	Bayana	31	28	3	19	12	-
14	Rudaval	17	13	4	12	5	-
15	Rupvas	18	17	1	11	7	-
16	Uchain	9	8	1	5	4	-
17	Gadi Bajna	1	1	-	1	-	-
18	Dig	29	28	1	12	17	-
19	Nagar	15	13	2	10	5	-
20	Sikari	25	23	2	17	8	-
21	Khoh	-	-	-	-	-	-
22	Kama	20	19	1	12	8	-

<sup>27</sup> Source – Police records of Bharatpur district of Rajasthan, 2011-2013

23	Pahadi	17	15	2	14	3	-
24	Jurhara	21	19	2	13	8	-
25	Gopalgadh	9	8	1	4	5	-
26	Kaithbada	-	-	-	-	-	-
<b>27</b>	<b>Total</b>	<b>478</b>	<b>408</b>	<b>70</b>	<b>290</b>	<b>187</b>	<b>1</b>

**Data of 2012:**

Sr. no.	Name of the Police station	Total no. of cases registered	Registered through court under CrPC 156(3)	Registered in the Police station	FR	Chargesheet filed	Pending
1	Madhuragate	9	7	2	5	4	-
2	Udyog Nagar	8	8	-	5	3	-
3	Atalbandh	2	2	-	-	2	-
4	Chiksana	7	6	1	6	-	1
5	Kotwali	8	5	3	6	2	-
<b>6</b>	<b>Mahila Thana</b>	<b>221</b>	<b>215</b>	<b>6</b>	<b>145</b>	<b>74</b>	<b>2</b>
7	Kumher	15	15	-	9	6	-
8	Nadbai	21	18	3	10	10	1
9	Sevar	6	4	2	6	-	-
10	Bhusavar	8	8	-	3	5	-
11	Vair	16	16	-	11	5	-
12	Halal.N.A.	5	5	-	3	2	-
13	Bayana	17	13	4	10	7	-
14	Rudaval	11	11	-	8	3	-
15	Rupvas	33	31	2	20	13	-
16	Uchain	3	2	1	2	1	-
17	Gadi Bajna	2	1	1	1	-	1
18	Dig	49	47	2	36	13	-
19	Nagar	33	33	-	21	12	-
20	Sikari	28	27	1	11	17	-
21	Khoh	-	-	-	-	-	-
22	Kama	29	25	4	19	9	1
23	Pahadi	16	14	2	7	9	-

24	Jurhara	14	14	-	11	3	-
25	Gopalgadh	5	3	2	3	2	-
26	Kaithbada	1	1	-	1	-	-
27	<b>Total</b>	<b>567</b>	<b>531</b>	<b>36</b>	<b>359</b>	<b>202</b>	<b>6</b>

**Data of 2013:**

Sr. no.	Name of the Police station	Total no. of cases registered	Registered through court under CRPC 156(3)	Registered in the Police station	FR	Chargesheet filed	Pending
1	Madhuragat e	17	17	-	10	6	1
2	Udyog nagar	2	2	-	1	1	-
3	Atalbandh	4	4	-	2	2	-
4	Chiksana	8	6	2	3	4	1
5	Kotwali	11	9	2	6	4	1
<b>6</b>	<b>Mahila Thana</b>	<b>212</b>	<b>207</b>	<b>5</b>	<b>146</b>	<b>53</b>	<b>13</b>
7	Kumher	11	4	7	3	7	1
8	Nadbai	23	17	6	14	9	-
9	Sevar	4	4	-	3	1	-
10	Bhusavar	19	18	1	11	8	-
11	Vair	7	7	-	6	1	-
12	Halal.N.A.	6	4	2	4	2	-
13	Bayana	20	15	5	11	8	1
14	Rudaval	9	8	1	2	7	-
15	Rupvas	24	20	4	13	11	-
16	Uchain	5	4	1	1	4	-
17	Gadi Bajna	1	1	-	1	-	-
18	Dig	44	40	4	23	19	2
19	Nagar	17	15	2	8	9	-
20	Sikari	24	23	1	14	10	-
21	Khoh	8	7	1	4	3	-
22	Kama	34	29	5	18	15	1
23	Pahadi	20	17	3	7	13	-
24	Jurhara	23	21	2	15	6	2
25	Gopalgad	12	10	2	7	4	1

**Shri Ganganagar district<sup>28</sup> data between the years 2011-2013**

**Data of 2011:**

Sr. No.	Name of the Police station	FR		Chargesheet filed	Pending
		Misunderstanding	False		
1	<b>Mahila Thana</b>	<b>62</b>	<b>6</b>	<b>65</b>	<b>60</b>
2	Hindumalkot	7	2	9	9
3	Chunavadh	1	2	9	9
4	Matili Rathan	2	-	7	7
5	Sadulshahar	16	2	8	8
6	Lalgadh	3	1	8	7
7	Karanpur	10	1	5	5
8	Kesarisinhapur	2	8	2	2
9	Padampur	11	3	13	13
10	Ghamudwali	9	-	4	4
11	Gajsinhapur	5	1	7	6
12	Raysinhanagar	23	4	24	21
13	Vijaynagar	15	-	15	14
14	Muklava	1	-	9	9
15	Sameja Kothi	-	-	-	-
16	Anupgadh	8	8	39	39
17	Ghadsana	29	-	22	19
18	Ravla	20	1	19	19
19	Ramsinhapur	2	3	13	12
20	Suratgadh	30	1	17	17
21	Suratgadh Sadar	11	3	5	5
22	Rajiyasar	9	12	5	5

**Data of 2012:**

Sr. No.	Name of the Police station	FR		Chargesheet filed	Pending
		Misunderstanding	False		
1	<b>Mahila Thana</b>	<b>93</b>	<b>6</b>	<b>58</b>	<b>54</b>
2	Hindumalkot	5	3	12	12
3	Chunavadh	13	2	7	7
4	Matili Rathan	11	2	4	4
5	Sadulshahar	19	3	8	8
6	Lalgadh	8	-	7	7
7	Karanpur	10	2	7	7

<sup>28</sup> Source- Police records of Shri Ganganagar district of Rajasthan, 2011-2013

8	Kesarisinhapur	6	10	16	16
9	Padampur	10	5	17	13
10	Ghamudwali	6	1	6	6
11	Gajsinhapur	5	1	3	3
12	Raysinhanagar	19	-	14	14
13	Vijaynagar	20	2	12	12
14	Muklava	1	1	13	13
15	Sameja Kothi	-	-	-	-
16	Anupgadh	14	8	55	55
17	Ghadsana	36	1	23	18
18	Ravla	16	2	8	8
19	Ramsinhpur	10	2	21	19
20	Suratgadh	15	3	28	28
21	Suratgadh Sadar	27	3	19	17
22	Rajiyasar	20	1	20	17

**Data of the year 2013:**

Sr. No.	Name of the Police station	FR		Chargesheet filed	Pending
		Misunderstanding	False		
1	<b>Mahila Thana</b>	<b>110</b>	<b>15</b>	<b>105</b>	<b>86</b>
2	Hindumalkot	10	6	7	7
3	Chunavadh	8	1	10	10
4	Matili Rathan	10	-	7	7
5	Sadulshahar	5	-	16	11
6	Lalgadh	9	-	17	16
7	Karanpur	10	9	10	10
8	Kesarisinhapur	10	2	21	17
9	Padampur	14	9	18	15
10	Ghamudwali	6	3	10	10

11	Gajsinhapur	14	-	11	11
12	Raysinhanagar	24	1	12	12
13	Vijaynagar	23	3	18	18
14	Muklava	6	2	8	7
15	Sameja kothi	10	2	10	9
16	Anupgadh	23	16	48	48
17	Ghadsana	23	2	33	26
18	Ravla	17	-	11	11
19	Ramsinhpur	7	2	4	4
20	Suratgadh	18	4	31	30
21	Suratgadh Sadar	4	11	14	10
22	Rajiyasar	4	2	22	21

## Annexure 4: Bibliography

1. Special Cell for Women and Children (1999). *Shades of Courage—Women and IPC Section 498A*. Tata Institute of Social Sciences.
2. Census of India (2012). Chapter 3: Estimates of Fertility Indicators, *SRS Statistical Report*. Available at: [http://www.censusindia.gov.in/vital\\_statistics/SRS\\_Report\\_2012/10\\_Chap\\_3\\_2012.pdf](http://www.censusindia.gov.in/vital_statistics/SRS_Report_2012/10_Chap_3_2012.pdf). Accessed on 10 September 2014, 1:50 PM.
3. FAQs related to 498A. Available at: [http://www.498a.org.in/rsrscs\\_faq\\_498a.html](http://www.498a.org.in/rsrscs_faq_498a.html). Accessed on 28 August 2014, 3:45 PM.
4. Centre for Social Research (2005). *Study Summary: A Research Study on the Use and Misuse of Section 498A of the Indian Penal Code*. Centre for Social Research.
5. A. Dave, G. Solanki. (2001). *Journey from Violence to Crime... A Study of Domestic Violence in the City of Mumbai*. Tata Institute of Social Sciences.