

**Domestic Violence and the Caste System: Evaluating the Protection of
Women from Domestic Violence Act of 2005**

by

Kayla Gail McInroy

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Approved by

Greg Weaver, Chair, Associate Professor of Sociology
Allen Furr, Co-Chair, Professor Emeritus of Sociology
Natalia Ruiz-Junco, Committee Member, Associate Professor of Sociology

Abstract

The Protection of Women from Domestic Violence Act (PWDVA) of 2005 was implemented in October 2006 to provide women in India with more civil and legal protection. My research seeks to assess the effectiveness of the PWDVA for domestic violence survivors, specifically survivors who identify as either scheduled caste, scheduled tribe, or other backwards caste. The current study utilizes the National Family Health Survey (NFHS) data to compare India's 2005-2006 and 2015-2016 survey responses to evaluate the effect of the PWDVA. The NFHS surveys asked women and girls questions regarding their experience with, their efforts for seeking help from, and their opinions regarding domestic violence, as well as who perpetrated the violence. With the NFHS surveys being administered at the cusp of the act being put in place and again ten years later, any significant change in the data could reflect the influence of the PWDVA.

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List of Abbreviations

IPC	Indian Penal Code
NFHS	National Family Health Survey
PWDVA	The Protection of Women from Domestic Violence Act of 2005
WHO	World Health Organization

Chapter 1

Introduction

The World Health Organization (WHO) has declared gender-based violence as an urgent global health priority (Garcia-Moreno & Watts, 2011; Heise, Raikes, Watts, & Zwi, 1994; Stephens & Eaton, 2020; WHO, 2013). Gender-based violence can include a wide variety of detrimental behaviors such as, but not limited to, intimate partner violence, sexual assault, dowry-related murder, malnutrition of girls, female infanticide, forced prostitution, human trafficking, and female genital mutilation (Heise, Raikes, Watts, & Zwi, 1994). It is estimated that worldwide one in three women, worldwide, have experienced physical or sexual violence by a partner at some point in their life - with intimate partner or domestic violence being the most widespread gender-based violence against women (Heise, Raikes, Watts, & Zwi, 1994; WHO, 2013). However, the true extent of gender-based violence is difficult to assess due to reluctance to disclose traumatic events because of feelings of shame, self-blame, devotion to the abuser, or fear (Heise, Raikes, Watts, & Zwi, 1994; WHO, 2013). Furthermore, in cultures with patriarchal values, women may be socialized to accept some forms of abuse as an expectation of marriage, thus making them less likely to recognize their mistreatment as abuse (Heise, Raikes, Watts, & Zwi, 1994).

Domestic violence in India is the focus of this study. Not only is India arguably the largest democracy, the influence of the caste system is also important. Domestic violence rates are highest in countries with greater social and economic inequalities between men and women (Garcia-Moreno & Watts, 2011; Heise, Raikes, Watts, & Zwi, 1994; Stephens & Eaton, 2020). This finding is particularly apparent in India, where roughly 40% of Indian women reporting experiencing domestic violence at least once in their lifetime (Jain & Cohen, 2013; Kalokhe et

al., 2015; Kumar, Jeyaseelan, Suresh, Ahuja, 2005; Stephens & Eaton, 2020). Furthermore, reports of crimes against women in India have increased by 117.2% between 2005 and 2014 (National Crime Records Bureau, 2015) which covers the time period of interest in the present study.

The specific objectives of this research are: 1) to compare the 2005 NFHS domestic violence data with the 2015 NFHS domestic violence data with a specific interest in the respondents' age, religion, education attainment, household wealth, their husband's education attainment, and the respondent's caste classification; 2) To examine the trends in seeking help after experiencing physical or sexual domestic violence; 3) To investigate the changes in attitude towards domestic violence between year one and year two; and 4) To assess other potential domestic violence offenders other than spouses.

This thesis discusses gender, Indian history, as well as Indian cultural background relevant to domestic violence. Chapter 2 reviews relevant literature related to Indian cultural and legal history including the Protection of Women from Domestic Violence Act. Chapter 3 covers theories pertinent to domestic violence. Chapter 4 on data and analysis method provides background information for the 2005 and 2015 NFHS surveys, research objectives, and analysis details. Chapter 5 reviews the findings of the research objectives, and chapter 6 provides further discussion of the research objectives and theories.

Chapter 2

Literature Review

Domestic violence in India is a complex intersection of gender, class, caste, and religion. In the following section I begin by explaining India's caste system and its cultural implications. Next, I review India's legal system history regarding caste and domestic violence. Finally, I introduce the Protection of Women from Domestic Violence Act (PWDVA) of 2005 and discuss the provisions and limitations of the act.

Caste

Caste is the hierarchical and hereditary stratification of people based on their occupation (Nadkarni 2003). While individuals can change caste through marriage, typically the hierarchical division is rigid, and individuals tend to marry within their own caste (Nadkarni, 2003). The caste system is primarily associated with Hinduism, however, most major religions in India have hierarchical groups (Arya, et al., 2019). There are four castes or "varnas", listed in descending order: Brahmins, Kshatriyas, Vaisyas, Shudras, plus Ati Shudras as a subcategory or outside of the caste system (Sharma, 2015). Ati Shudras have historically been referred to as "untouchable" or Dalits (Sharma, 2015). Dalits have been restricted from desirable careers and limited to menial jobs or unwanted jobs by the upper caste members, such as handling human and animal waste or preparing bodies for burial (Chalam, 2007). Dalits were often prohibited from participating in everyday social life and were not to be touched, seen, nor engaged in interaction with individuals of a higher castes (Chalam, 2007). To promote welfare for disadvantaged populations, Dalits are referred to as 'scheduled caste' in India's constitution. Another disadvantaged group was organized as 'scheduled tribes' who are not associated with the Hindu caste system. Scheduled tribes have their own culture, language, religions, and practices and they primarily reside in

remote areas in India (Kijima, 2006). The third disadvantaged group is ‘other backward caste’, which was established by the Indian government to categorize other groups that are socially, economically, and educationally disadvantaged for any reason other than caste (Vaid, 2014). Any Indian citizen who does not fall within scheduled caste, scheduled tribes, or other backward caste is referred to as ‘general caste’.

Equality for disadvantaged caste groups made headway after India gained independence from Great Britain in 1947. Dr. Bhimrao Ambedkar drafted India’s lengthy constitution with the belief that political democracy only works when there is also social and economic democracy (Vyas, 2006). Dr. Ambedkar, born in British India in 1891, born into an untouchable or Dalit family. Dr. Ambedkar’s father and teachers worked diligently to formally educate Ambedkar and to send him to college at Elphinstone College, Bombay (now Mumba) (Kumar, Bapuji, & Mir, 2021). After graduating with a degree in English and Persian, Ambedkar earned two economic doctorate degrees from Columbia University and the London School of Economics (Kumar, Bapuji, & Mir, 2021). In 1924 Dr. Ambedkar returned to India with several educational degrees and began practicing law with the goal to advocate for and help educate the Dalit community. Dr. Ambedkar’s career and activism for Dalits resulted in serving as the nation’s first Law Minister as well as Chairman of the Constitution Drafting Committee (Kumar, Bapuji, & Mir, 2021).

The Indian Constitution abolished and criminalized the practice of “untouchability” and any other form of discrimination based on caste (India Const. art. 17). Six years later in 1955, The Untouchability Offenses Act (renamed The Protection of Civil Rights Act) was enacted to specifically criminalize preventing a person from entering a place of worship, access to any public space (including educational institutions), from using a public tank or well for water,

refusing to sell goods or services, and encouraging others to practice untouchability (Arora, 2020). However, previous laws proved ineffective and discrimination against the disadvantaged castes continued. In 1989, the Indian government passed the Prevention of Atrocities Act which provides compensation for victims of caste-based discrimination and established a special court to handle such cases (Arora, 2020).

While Ambedkar's constitution aimed to guarantee all citizens civil, political, social, cultural, and economic rights, several rights (including gender equality) are not fully acknowledged within modern day India (Vyas, 2006). Despite several constitutional rights for scheduled caste and tribe people, they remain the most disadvantaged population in India today. Schedule caste and tribe communities tend to have low literacy rates, low overall education rates, high poverty levels, increased adverse health outcomes, and lower life expectancy compared with the general population (Arya, et al., 2019; Khubchandani et al., 2018; Sethuraman, Lansdown, & Sullivan, 2006; Thomas, Rita, & Vignesh Kumar, 2013). In a study of 565 villages within 11 states in India, 33% of the villages had public health workers who refused to enter scheduled caste homes, 73% denied scheduled caste people from entering the homes of higher castes, 37.8% required children of scheduled caste families to sit separately in public schools, and 25% prohibited buying milk from scheduled caste farmers (Khubchandani et al., 2018; Thomas, Rita, & Vignesh Kumar, 2013).

As of 2017, the Indian government raised the income level to qualify for other backward caste from 6 lakh rupees to 8 lakh rupees per year (equivalent of U.S. \$8,045 prior to 2017 and U.S. \$10,727 in 2018, keeping in mind that India's average household income differs from the United States) (Kak Ramachandran, 2017). Of India's total population, 41.1% belong to other

backward caste, 30.8% to general caste, and 28.2% to scheduled caste or scheduled tribe (Khubchandani et al., 2018).

Caste and Women

Scheduled caste women face an increased amount of discrimination compared to general caste women. For example, scheduled caste women often work outside the home due to their income being crucial to the family's survival (Sujatha, 2014). Scheduled caste women are more likely to be raped and sexually abused by men in dominant castes, and more likely to experience domestic violence at home than women of general caste (Sujatha, 2014). Not only do scheduled caste women face discrimination based on their caste and their gender, but also by class stratification (Sujatha, 2014). In a series of interviews, scheduled caste women discuss their plight with discrimination in public spaces and domestic violence in private homes (Sujatha, 2014). These stories from scheduled caste women exemplify scheduled caste women's disadvantaged intersectionality with class, caste, and gender. Scheduled caste women of a lower socio-economic household share the burden of working to support their family, the responsibility of taking care of the children and the household chores due to gender role expectations, but also hold the burden of caste discrimination within her community. Dowry related violence is also high among scheduled caste and/or lower socio-economic status women due to the already strenuous economic problems within their marital home (Sujatha, 2014).

Cultural Aspects to Domestic Violence

It is difficult to research domestic violence in India without first discussing dowries. The origin of dowries can be linked to Hindu succession laws dating back to the 13th and 14th Century AD (Dalmia & Lawrence, 2005). According to the Hindu succession laws, daughters were not entitled to parental wealth while sons were entitled to their parent's wealth at birth (Dalmia &

Lawrence, 2005). Giving daughters their parental wealth, usually at the time of marriage, was a strategy to compensate for the restrictions (Dalmia & Lawrence, 2005). Thus, 'dowry' is the pre-mortem transfer of parental wealth or inheritance in the form of movable property (i.e., cash, jewelry, property, or consumer items) (Dalmia & Lawrence, 2005; Gangoli & Rew, 2011).

Without a marriage there is not an opportunity for transfer of parental wealth for women, while men's inheritance is guaranteed (Dalmia & Lawrence, 2005). Before Hindu law reforms in the 1950's, dowries were the only legal strategy available for families to pass their wealth on to their daughters. However, for dowries to act as inheritance, the bride must be in control of the wealth - which is not always the case (Dalmia & Lawrence, 2005). The removal of property rights from women created a dangerous custom of exchanging monetary value for the marriage of daughters. In many cases, the bride never receives their inheritance which is instead controlled by members of the marital household (Gangoli & Rew, 2011; Rudd 2001). Unfortunately, the husband's family can use these gifts to coerce the bride's family into giving more money in exchange for the bride's safety and wellbeing (Gangoli & Rew, 2011). In these situations, if the demands are not met the bride may be harassed, physically abused, or even killed at the hands of her husband or a member of his family.

In Indian society, some religious and cultural groups marriages are arranged by family members or the community because they are regarded as an economic investment and used to enhance social bonds (Bhopal, 2011). While not every family is the same, traditionally Indian households follow a patrilocal system, where newlyweds reside with the husband's family and grow their family in his parents' home with his parents, his brothers (if he has any), and their families (Gangoli & Rew, 2011). This transition between households can isolate a married woman from her natal family and has been linked to the limited autonomy women have in India

(Gangoli & Rew, 2011). Because women were stripped of their property rights, sons were valued more highly due to their economic freedom, and in turn daughters-in-law are “often viewed as threats to the strong maternal-son relationship” (Gangoli & Rew, 2011, p. 422). Due to this perceived threatened relationship and proximity within the marital home, there is often little to no privacy for the married couple which can cause tension (Gangoli & Rew, 2011; Sonpar, 2005).

It is estimated that 33-40% of domestic violence cases involved additional marital family members either as perpetrators or instigators (Dave & Solanki, 2000; Panchanadeswaran & Koverola, 2005). Furthermore, cases of mother-in-law perpetrated domestic violence typically do not appear in discussions regarding domestic violence policymaking in India (Palkar, 2003; Rew, Gangoli, & Gill, 2013). The most common violence between women is perpetrated by mothers-in-law against their daughters-in-law and are frequently dowry related (Gangoli & Rew, 2011).

One cultural aspect of the tension within the Indian household is that motherhood is viewed as holy and superior compared to young married women who are seen as deserving less respect than mothers (Gangoli & Rew, 2011; Derné, 1994; Kishwar, 1997; Sonpar, 2005). Consequently, policymakers have argued that young women should use their sexuality to gain respect within the household. This line of thinking could lead some women to have unwanted pregnancies to solidify themselves within the family as mothers (Gangoli & Rew, 2011). While becoming a mother could establish some autonomy, this claim ignores the subservient and alienated position of the daughter-in-law that prevents her from asserting herself within the marital home. The stereotype of the murderous mother-in-law who seeks for more dowry can sometimes negate the control that men within the family and household play (Gangoli & Rew, 2011).

Debates over legislation of domestic violence and dowry exchanges highlight the growing concern that these legislations threaten the concept of Indian family life (Gangoli & Rew, 2011). These concerns are linked to the argument that newlywed women could take advantage of these circumstances by filing false claims against their marital family for extortion (Gangoli & Rew, 2011). Mothers-in-law and women in position of power continue to keep the status quo against single or sonless women because their status directly keeps them in control and in power. Thus, they continue to support patriarchal agendas.

Legislation before 2005

Until 2005, only two statutes in India existed for women seeking legal action for domestic violence: the Dowry Prohibition Act and the Anti-Cruelty Act (Vyas, 2006). In the following section I will discuss the history and limitation of the Dowry Prohibition Act and the Anti-Cruelty Act, respectively.

Women's rights groups advocated for Indian independence as a fight toward women's independence (Liddle & Joshi, 1985; Vyas, 2006). After India gained independence from Britain, women's rights along with women's involvement in congress was prioritized by the leading political party for four decades after India's constitution was put into action in early 1950 (Vyas, 2006). The political activism of women led to the formation of the Dowry Prohibition Act of 1961 (section 304B of the Indian Penal Code) which criminalizes the husband, or relatives of the husband, when his wife dies under unusual circumstances within seven years of the marriage and her death can be linked to dowry demands shortly before her death (IPC, 1961). The Dowry Prohibition Act also made any dowry negotiation illegal and required that all gifts given to the newlyweds be given to the bride directly and recorded, those who do otherwise are subject to imprisonment (Liddle & Joshi, 1985). However, a few loopholes remained: first, the Dowry

Prohibition Act only ensures investigations into dowry related causes of homicide within the first seven years of marriage because it assumes that tensions over dowry payments will ease after that point. Secondly, families are still able to give gifts to brides if the gifts are not “excessive”, which is an arbitrary financial value (Liddle & Joshi, 1985). Lastly, the Dowry Prohibition Act only applies to married women as the definition of dowry according to the act means “any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage” (The Dowry Prohibition Act, 1961, p. 1). Unfortunately, due to the statutes’ wording, police frequently declined to file cases under the provision unless some form of dowry demand could be indisputably linked to the crime within a “reasonable” timeframe before her death or injury (Gangoli & Rew, 2011; Vyas, 2006).

In 1966 India appointed their first (and only) woman Prime Minister, Indira Gandhi, who served until 1977 and was appointed again in 1980 (Vyas, 2006). Indira Gandhi, dedicated to supporting women’s issues, created the Committee on the Status of Women which strived for economic empowerment for women (Vyas, 2006). The Indian supreme court ruled, in the landmark case of *Maneka Gandhi v. Union of India* in January of 1978, that Article 21 of the Indian Constitution (which guarantees the right to life) should extend beyond the freedom of physical restraint and should rather encompass an overabundance of rights that contribute to independence (Vyas, 2006). Since 1978, the Court has played more of an active role in social progress in recognizing fundamental constitutional rights, including the rights of women (Vyas, 2006). The women’s movement argued that neither Article 14 of the Indian Constitution (which states “the State shall not deny to any person equality before the law or the legal protection of the laws within the territory of India”) nor any other constitutional law, addresses violence against women within the home (Bhatia, 2012; Indian Const., p. 6). Since domestic violence was

considered a private matter, the initial laws were blind to women's vulnerability within their homes (Bhatia, 2012). In response, section 498A (or the Anti-Cruelty Act), was added to the Indian Penal Code (IPC) in 1983 which criminalized mental or physical abuse towards married women perpetrated by husbands or any of their extended family members (Bhatia, 2012; Gangoli & Rew, 2011). However, limitations of the law included providing evidence, proof beyond reasonable doubt, that the crime happened within the marital home, and the law did not protect unmarried women (Bhatia, 2012). Another issue with section 498A of the IPC was that it only protected married women against domestic violence (Bhatia, 2012; Vyas, 2006). Husbands or relatives of the husband could be found guilty for "any willful conduct...likely to drive the woman to commit suicide or ... to cause grave injury... of the woman" or "harassment of the woman where such harassment is...coercing her or any person related to her to meet any unlawful demand", as stated under Section 498A of the IPC (IPC, 1983, p. 217).

Indira Gandhi served her second term in office from 1980 until her assassination in 1984. When support of women's issues faded from public interest and was overshadowed by an emerging Hindu nationalism that paired with the National Democratic Alliance, a collaboration of right wing and Hindu nationalist political groups (Vyas, 2006). The National Democratic Alliance led the Indian government until 2004 when the Indian National Congress prevailed (Vyas, 2006). Due to the ineffectiveness of The Dowry Prohibition Act and the Anti-Cruelty Act to prosecute perpetrators of domestic violence between married and unmarried couples and incidents without "sufficient evidence" of dowry demands, domestic violence was allowed to increase without any means of criminalizing abusers (Vyas, 2006). From 1986 to 2004, the women's movement, along with Lawyers' Collective, pushed for more progressive laws to ensure protection for all women from domestic violence (Vyas, 2006). The Indian National

Congress political party was ready with a drafted proposal after their 2004 election victory. All the while, dowry deaths and domestic violence were virtually unchecked (Vyas, 2006).

Women often do not have the autonomy to file a legal case against their perpetrator nor economic autonomy to afford legal action or a place to move into after separation (Bhatia, 2012). The biggest omission from matrimonial laws before 2005 was the lack of women's protected rights to their property or the right to reside within the marital home after a case of domestic abuse was made, both of which discouraged women from taking legal action and left women open to coercion (Bhatia, 2012). The definition of shared household also needed to be refined so that any proposed law could be applied to both a marital home and a shared living space (Bhatia, 2012). Another concern for women looking to divorce their husbands was the potential loss of custody of their children, as fathers were seen as natural guardians (Bhatia, 2012). Domestic violence was also not defined within the legal framework, and thus made bringing legal action against a perpetrator difficult (Bhatia, 2012; Stephens & Eaton, 2020). For example, because domestic violence is not explicitly spelled out within the criminal or civil law systems in India, many domestic violence cases that were addressed by the legal system were passing as dowry-related violence (Bhatia, 2012). The issue with this is that dowry-related violence often fails in court due to the strict evidence requirements. The 'beyond reasonable doubt' guidance in criminal cases, leaves women without remedies for their abusive situations, such as a safe residence or proper legal redress (Bhatia, 2012). Lastly, previously within the criminal legal system, the aggrieved person did not have the option of dropping or renegotiating their case once the process was started. Which could lead to further abuse by the opposing party. Noticing the need to close these large gaps within the Indian legal system to protect women from domestic violence, the Lawyers' Collective, and other women's organizations, spent years drafting a new

law with the understanding that domestic violence violates the human rights of women (Bhatia, 2012).

The Protection of Women from Domestic Violence Act

India passed the PWDVA in 2005 and went into effect on October 26, 2006. The PWDVA offers civil protection to women experiencing domestic violence, including the right to the matrimonial home, custody of children, and compensation from the perpetrator (Bhatia, 2012; Gangoli & Rew, 2011). To begin, section 3 of the PWDVA expands the definition of ‘domestic violence’ to include all forms of physical, verbal, emotional, sexual, and economic abuse that “harms, injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person” (PWDVA, 2005, p. 3). The PWDVA also extends to women who share a household with the abuser (or respondent) to include anyone related to the abuser, whether by blood, marriage, or adoption or in a relationship ‘in nature of marriage’ with the abuser (PWDVA, 2005). Section 2(a) also covers any woman who has previously been in a domestic relationship with the respondent as an ‘aggrieved person’ who can file a complaint under the PWDVA (PWDVA, 2005). The PWDVA also specifies that a woman can “file a complaint against her husband/male partner or his relatives, it does not permit a female relative of the husband/male partner to file a complaint against the wife/female partner”, meaning the ‘aggrieved person’ can apply to many but is gender specific (PWDVA, 2005, p. 2). The PWDVA not only covers the ‘aggrieved person’ but also any woman or child (girl or boy) residing in the same household who is related in some way to the respondent (Bhatia, 2012). According to Section 4(1), complaints do not have to be filed by the ‘aggrieved person’, “any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed” can file a complaint under the PWDVA (PWDVA, 2005, p. 4). However, any

neighbor, passerby, social worker, relative, etc. who initiates the legal complaint must do so “in good faith” as Section 4(2) emphasizes (PWDVA, 2005).

While the PWDVA includes widespread provisions that could be abused, it provided relief of the fear of homelessness, loss of property and custody of their children effectively stopped many women from taking legal action (Bhatia, 2012; Jaising, 2002). Section 17 and Section 19(1)(f) of the PWDVA explicitly protects the right of the aggrieved person to reside in a shared household, or in an equivalent alternative accommodation, provided by the respondent (PWDVA, 2005). If the aggrieved person is to continue to reside within the shared household, the court can order that a section of the house be allocated to her, even if she has no legal rights to the property, as stated under Section 19(1)(c) (PWDVA, 2005). The aggrieved person is also granted temporary custody of her children which according to Section 21 of the PWDVA, until a permanent decision is made (PWDVA, 2005).

Reports have suggested that a contributing factor for some women who want to leave abusive relationships lack independent financial resources to do so (Koenig, Stephenson, Ahmed, Jejeebhoy, & Campbell, 2006; Lindauer, 2015; MN, 2013). A lack of monetary resources or stability could leave a victim of domestic violence without the resources to pay for adequate representation in court or the courage to separate from the abusive household even if she could afford adequate representation. Before 2005, there were no specific laws in place to prevent economic abuse (Vyas, 2006). However, articles 14, 15, 16, 21, and 51(e) of the Indian Constitution are relevant to economic equality (Vyas, 2006). Article 14 guarantees all citizens “equal protection of the law” and Article 15 states that no person will be discriminated against by the state or private institution based on religion, race, caste, place of birth, or sex (Galanter, 1961; India Const., p. 6; Vyas, 2006). Article 16 promises equality of opportunity to all citizens

regarding employment, Article 21 assures the protection of life and personal liberty, and Article 51(e) encourages all citizens to “renounce practices derogatory to the dignity of women” (India Const., p. 25; Vyas, 2006). Furthermore, in 1966, sections 38 and 39 were added to the constitution that ensures equal pay for equal work among men and women (Galanter, 1961; India Const.; Vyas, 2006). The court’s ruling of *Olga Tellis v. Bombay Municipal Corporation* in 1985 supported the understanding that depriving a person of the right to employment would violate their right to life according to Article 21 of the Indian Constitution (Vyas, 2006). Thus, Vyas argues that “disallowing a woman to work or by denying her control over her finances, she is being deprived of the right to earn a livelihood which amounts to a denial of the right to life and liberty” (Vyas, 2006, p. 195).

The PWDVA prohibits economic abuse, described as “deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law” (PWDVA, 2005, p. 3). The PWDVA also prohibits or the deprivation of “household necessities for the aggrieved person and her children”, or any “property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household”, and “alienation of assets whether movable or immovable” (PWDVA, 2005, p. 3). Section 20 allows the judge to impose various monetary reliefs from the respondent to the aggrieved person and any children to cover any expenses endured due to domestic violence (PWDVA, 2005). Monetary expenses could include the loss of income, medical expenses, property damages or loss of property, and the maintenance for the aggrieved person as well as her children, including an order under section 125 of the Code of Criminal Procedure, 1973 or any other law (PWDVA, 2005). Section 22 allows the judge to make the respondent pay compensation and damages for injuries, including mental torture and emotional distress caused by acts of the respondent (PWDVA, 2005).

Once a conviction has been made, the Magistrate equips each party with a copy of the order once decided and the respondent must comply with payments or risk payments automatically removed from the respondent's paycheck (PWDVA, 2005). This broad definition of economic abuse helps to ensure that women and their children cannot be systematically controlled by their abuser. This detail was not guaranteed prior to 2005. However, Vyas (2006) introduces some concerns that lawyers or magistrates may interpret the PWDVA as not including a woman's right to economic autonomy. In other words, depending on the interpretation, the PWDVA may not include a woman's right to work and keep her earnings as economic abuse. Also, the term "necessity" is vague and can be left to interpretation (Vyas, 2006). Vyas argues that to answer these questions would require understanding the purpose of creating the PWDVA, was it created to empower women's autonomy and uphold India's constitutional right to equality or was it simply created to prevent domestic violence and prosecution to perpetrators?

The PWDVA also promises swift action. The criminal justice system in the past was not effective at acting quickly as lawyers did not prioritize low profit cases such as domestic violence. Section 12(4) specifies that the first hearing within three days of the Court receiving the submitted complaint and Section 12(5) states that the judge should have all cases filed under the PWDVA resolved within 60 days of the first hearing (PWDVA, 2005). Lastly, Section 32(2) states "upon the sole testimony of the aggrieved person, the court may conclude that an offence... has been committed by the accused" (PWDVA, 2005, p. 13).

If the respondent is found guilty of violating any of the orders stated in the PWDVA, the respondent could receive up to one year of imprisonment without the opportunity of bail and/or receive a fine of up to ₹20,000 (equivalent to roughly \$270), according to sections 31 and 32

(PWDVA, 2005). Furthermore, the magistrate may also issue charges under section 498A of the IPC or the Dowry Protection Act, 1961 if the case permits (PWDVA, 2005).

Concerns about the PWDVA

One concern of the PWDVA is that magistrates could use Section 14 to undermine the cause and efforts made to achieve the act. Section 14 states that “the Magistrate may, at any stage of the proceedings under the PWDVA, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling” (PWDVA, 2005, p. 8). The fear is that mandatory counseling may be used to ignore the issue at hand, postpone difficult decisions on how to handle the case, or convince women to stay in abusive situations (Jaising, 2002). Before 2005, judges and police officers would often use mandatory counseling for women and/or their partner as an attempt to reconcile their relationship, and with the potential use of mandatory counseling for victims written into this new law, more harm and distrust of formal remedies for domestic violence can ensue (Jaising, 2002). Another concern is that if the PWDVA is vague in any way, magistrates will have freedom of their own interpretation of the law and its extents which may lead to dismissal of domestic violence cases (Jaising, 2002). Lastly, there were concerns that cases before the PWDVA was put in place, would not be able to utilize the PWDVA in their resolution. However, in July of 2009 the Bombay High Court ascertained that the PWDVA would apply retroactively (Ghosh & Choudhuri, 2011; Khanal & Sen, 2020).

Post 2005

A recent study observed young Indian women while participating in focus groups discussing their willingness to report domestic violence and where to find help both formally and informally (Stephens & Eaton, 2020). The discussions revealed that the willingness to report their own experiences with abuse was dependent on whether it happened in private or in a public

space, with public displays of abuse being more likely to be reported by the victim. Seeking informal help was primarily left to the victim's senior women in the family (such as mothers, grandmothers, and aunts) and disclosing information on abuse did not necessarily justify family members to act. It was only when familial resources had been exhausted, or potentially when the abuse became "severe enough", that the women in the study recommend seeking formal help from women specific organizations (such as women's nongovernment organizations or Women's Police Station Offices). The women in Stephens and Eaton's study also communicated that even if a woman decided to seek formal help, the judicial system often avoided domestic violence cases because they were considered private matters to be dealt with privately. Another hurdle for women considering reporting an abusive spouse is the response from the community or group of people she decides to disclose to. Some women said that often a woman's cry for help is returned with little to no advice, victim blaming, and individual and familial shame. Although these women recognized the cultural impediments of disclosing domestic violence, they were adamant that these cultural systems should change and recognize the importance of disclosing abuse (Stephens & Eaton, 2020). According to India's National Crimes Record Bureau (2015), crimes against women that were reported have increased by 117.2% between 2005-2014, however, it is difficult to speculate whether this increase in reports is equivalent to the percentage increase in crime rates (Gupta, 2014).

Through these discussions, it is clear that domestic violence in India is seen as a private matter, one in which no one is obligated to act on other than the individuals involved which highlights "the dominate role of family, kinship networks, and cultural communities in shaping their ideas about personal autonomy, and communal hierarchies" (Stephens & Eaton, 2020, p. 426). The role of patriarchy and gender norms is important to consider when women are

victimized for behavior that is considered against traditional gender expectations “because the use of violence to correct or punish a woman violating gender roles may be viewed as appropriate for those valuing specific frameworks of respect for family and culture rules” (Stephens & Eaton, 2020, p. 430). Research has shown that the fewer opportunities women have for economic independence and self-autonomy, the less agency they have in negotiating domestic violence victimization and thus are less likely to report abuse (Gezinski, Gonzalez-Pons, & Rogers, 2019; Jeyaseelan et al., 2007; Koenig et al., 2006; Krishnan et al., 2010; Stephens & Eaton, 2020). Furthermore, countries with restricted political power and education inequality between men and women have fewer employment opportunities and ridged gender norms tend to reinforce patriarchal values (Bourey, Williams, Bernstein, & Stephenson, 2015; Stephens & Eaton, 2020).

Chapter 3

Theories

For the current study, I am using a cultural perspective to understand the connection between domestic violence, criminal and civil law, and caste stratifications. Observing India's legal history, a pattern emerges of negligence to properly enforce laws that protect marginalized groups (Kaushik, 2003). According to Marc Galanter (1989), India has several examples of traditional norms that have been formally displaced through a mirage of new legislation which he refers to as modern law (was referenced in Krieger, 1999). However, genuine transformation can be mistaken for this mirage of displacement; even if modern law displaces traditional norms into a formal legal system the traditional norm can morph in response to the formal law (Galanter, 1989; Krieger, 1999). Galanter (1989) categorizes law into three forms: "normal law" which aims to enforce traditional norms, "transformative law" which aims to transform traditional norms and is successful in doing so, and "captured law" which is a law that tries to genuinely transform a cultural norm but fails because the culture resists change (Kaushik, 2003; Krieger, 1999). For example, India's Dowry Prohibition (Amendment) Act of 1961 intended to completely do away with dowries, however, Indian society has continued this tradition despite the laws put into place. Therefore, this is an example of "captured law" (Galanter, 1989; Kaushik, 2003; Krieger, 1999).

A theory as to why some laws do not curb the rate of crime is deterrence theory. Deterrence theory assumes that (a) a message from an authoritative figure (such as the government) is communicated to the public; (b) the interested group receives the message, understands it, and recognizes it as a threat; and (c) the group makes rational choices based on the information received and chooses not to break the law because this threat has deterred them

from doing so (Tomlinson, 2016). However, since crime has not stopped worldwide, we can deduce that these assumptions cannot always be made. Either the assumed authoritative figure, whether it be a government or law enforcement, has defaulted on previous threats and some individuals may not perceive these threats as a deterrent due to the punishment not being likely. Or the entirety of the public did not receive or understand these threats which has led them into a criminal act either unknowingly or unaware of the consequences. It could also be possible that someone received and understood the threat but assumed they could get away with the criminal act or thought the punishment is worth the risk for the crime, meaning the punishment is not severe enough. Deterrence theory also assumes that once receiving and understanding the threat, everyone will act rationally. This may not be the case for someone who is under the influence of substances or someone who has a mental illness or mental handicap (Tomlinson, 2016).

It is important to distinguish between micro- and macro-deterrence theory, or specific deterrence and general deterrence. Specific deterrence suggests that after someone who commits crime(s) has committed a crime, are caught, and punished, they will be deterred from committing criminal acts again (Tomlinson, 2016). While general deterrence assumes that the general public will avoid committing criminal acts if they know that being caught and punished are certain (Tomlinson, 2016). Tomlinson emphasizes that “both specific and general deterrence, however, are grounded in individuals’ perceptions regarding severity, certainty, and celerity of punishment (Tomlinson, 2016, p. 33). Crimes are most likely deterred both specifically and generally when there is swift apprehension, prompt and apt punishment, and that apprehension and punishment are certain (Tomlinson, 2016). It is important to have all three present because one without the other deteriorates the effects of deterrence. However, emphasizing too heavily on severity of punishment can be a slippery slope. An increase in severity in punishment can lead to crime

reduction within a community or society it could also be attributed to incapacitation effects or high incarceration rates and not general deterrence per se (Kleck, Sever, Li & Gertz, 2005).

According to a study examining perceptual deterrence of active home burglars', severity alone had no meaningful influence on offenders' decision to conduct a burglary (Decker, 1993). The severity of the crime's punishment only changed the burglar's decision when it outweighed the gains of the burglary. This finding suggests that offenders follow the theory's suggested rational decision-making process, but it also highlights a flaw in the theory's core assumption that harshness of punishment deters individuals (Tomlinson, 2016). Criminals who avoid facing legal punishments through the criminal justice system for their crimes usually become chronic or repeat offenders and have been shown to perceive their chances of apprehension as very low (Bridges & Stone, 1986; Tomlinson, 2016). Tomlinson suggests the perception of low chances of apprehension may be due to confirmation bias - "a form of selective thinking that focuses on evidence that supports what believers already believe while ignoring evidence that refutes their beliefs" - and observation selection - the tendency to focus on favorable circumstances while ignoring unfavorable ones (Tomlinson, 2016, p. 35).

Improvements have been made to the original deterrence theory, specifically in trying to combine the dichotomization of specific versus general deterrence, include the idea of punishment avoidance and including other perspectives of rational decision-making processes. The reconceptualization model effectively improved all those three aspects (Stafford & Warr, 1993; Tomlinson, 2016). The model includes four types of effects that may impact an individual's choice to defy the law: (a) personal history and experience with threats of sanctions; (b) personal history with punishment avoidance; (c) indirect experience with punishment; and (d)

indirect experience with or knowledge of punishment avoidance strategies (Stafford & Warr, 1993; Paternoster & Piquero, 1995).

Chapter 4

Data and Analysis Method

Over the past several decades, research conducted in India have tried to understand the complex causes of domestic violence both from a micro and a macro perspective. Only a handful of studies have researched the effect of PWDVA on a nationwide level. Furthermore, an inadequate amount of research on domestic violence in India has dedicated time to study how the caste system plays a role in domestic violence and access to resources. The current research is an effort to examine the effect of the PWDVA on a nationwide scale with an emphasis on how caste affects women's autonomy to find resources and help after experiencing intimate partner violence.

Research Objectives

Previous research on domestic violence and the effectiveness of the Indian legal system have focused on specific regions within India and often use qualitative research methods. However, few studies have used both the 2005-2005 and the 2015-2016 NFHS data sets to examine the effects of the PWDVA on women's responses to questions regarding their domestic violence experience. There is also a research gap in analyzing how the PWDVA has affected citizens of underprivileged caste and tribe groups. Therefore, the current research is an effort to address the research gaps in legal, domestic violence, and caste studies.

The specific objectives of the current research are:

1. To compare year one experience of domestic violence data, that represents the culture of domestic violence and woman empowerment before the PWDVA was enacted, to year two data, to represent post PWDVA enactment.

My hypothesis is that there will be a statistical difference between year one and year two when comparing experiences of domestic violence. I also hypothesize that women who identify as scheduled caste, scheduled tribe, and other backward caste are more likely to experience domestic violence compared to women who do not know their caste identification or women who do not identify with the caste group options.

2. To examine the trends in seeking help after experiencing physical or sexual domestic violence.

I hypothesize that women are more likely to resort to formal sources of help (i.e., the police or women's service organizations) compared to informal sources of help (i.e., family members or friends) in year two compared to year one.

3. To investigate the changes in attitude towards domestic violence within year one and year two.

I hypothesize that women are more likely to justify domestic violence in year one compared to year one.

4. To assess other potential domestic violence offenders other than spouses.

I hypothesize a woman's in-laws are more likely to physically harm the respondent compared to other family members.

Background of Demographic and Health Survey

The current study uses the National Family Health Survey (NFHS) which began conducting surveys in 1984 in roughly 70 countries to better understand and measure global health concerns. NFHS uses three questionnaires to collect information about members within a household, those surveys are the household questionnaire, a woman's questionnaire, and a men's questionnaire. India is one of these countries that has participated in NFHS research since the 1990's and currently has four series of surveys called the NFHS. The first survey was conducted from 1992-1993, the second was conducted from 1998-1999, the third from 2005-2006, and the fourth from 2015-2016. These datasets are publicly available for research on the NFHS website.

In the late 1990s, the NFHS introduced gender-based questions to their surveys to further understand the joint and separate relation between gender and sex regarding population, health, and nutrition to emphasize the need for gender specific legislation. These questions were implemented in questionnaires in more than 20 countries, including India. The increase in gender-related data included questions regarding autonomy and experience of and attitudes towards domestic violence. Among these questions were women's experience in various forms of domestic violence, gender-related hurdles in accessing health care and help with various forms of domestic violence, and attitudes towards gender-role norms. The NFHS domestic violence module that assesses physical and sexual violence is a shortened version of the 19-item Conflict Tactics Scale originally developed by Murray Straus (Kishor & Johnson, 2004; Straus, 1979). These questions are in addition to questions included in previous NFHS such as indicators of women's education, media exposure, employment and earnings control, and age at marriage (Kishor & Johnson, 2005). The current study is based on the NFHS India III (year one) and India

IV (year two) that contains data on the updated list of items on autonomy indicators, attitudes towards gender-role norms, and domestic violence.

Year One Data and Sample Description

The India NFHS was conducted through a nationwide survey during 2005-2006. The NFHS surveyed 109,041 occupied households and of the interviewed households, a random sample of women between the ages of 15 and 49 was selected for the women's survey (N=124,385). Precautions were taken to protect the women participating in the NFHS survey. This means that only one woman was administered the domestic violence module for each sample household and the domestic violence module was not administered if privacy for the interview was not achieved (N= 83,703). Participants from the data set who identified as a visitor in the house and not a usual resident were removed from this study (N=81,081). Finally, participants who did not complete the domestic violence module were removed from this study (N= 67,237).

Year Two Data and Sample Description

The India NFHS was conducted through a nationwide survey during 2015-2016. The NFHS surveyed 616,346 occupied households and of the interviewed households, a random sample of women between the ages of 15 and 49 was selected for the women's survey (N=699,686). Precautions were taken to protect the women participating in the NFHS study, only one woman was administered the domestic violence module for each sample household and the domestic violence module was not administered if privacy for the interview was not achieved (N= 79,729). Participants from the data set who identified as a visitor in the house and not a usual resident were removed from this study (N= 77,797). Finally, participants who did not complete the domestic violence module were removed from this study (N= 64,381). A variable

for year was created, the two datasets were merged, and a random sample of 10% of 131,618 for a total of 13,170 participants for this study.

Variables

Dependent Variables. For this study there are four dependent variables: experience with domestic violence, attitudes towards domestic violence, seeking help, and tracking accused offenders of domestic violence.

1. The domestic violence questionnaire was asked discretely and privately to protect the respondent. The domestic violence questionnaire and the answer choices are provided in Table 1 on page 35. Experience of domestic violence among women is categorized into physical violence (severe and less severe experiences), emotional violence, and sexual violence. The NFHS surveys modified Murray Straus's Conflict Tactics Scale on specific measures on emotional, physical, and sexual domestic violence (International Institute for Population Sciences, 2007). The original responses to these questions are 0 for "No, not at all"; 1 for "Yes, but now widowed"; 2 for "Yes, but not in the last 12 months"; 3 for "Yes, sometimes in the last 12 months"; 4 for "Yes, often in the last 12 months." The responses will be recoded to 0 for "No, not in the past 12 months" and 1 for "Yes, within the past 12 months".
2. Sought Help. If a respondent responded with yes to any of the physical or sexual domestic violence questions they were also asked if they sought help after the incident. These answers are not specific to spousal abuse nor does the answer take place within the past 12 months. The response choices are "No" coded as 0 or "Yes" coded as 1, and "Don't know" coded as 8, however "Don't know" responses were changed to "Missing".

3. Attitudes Towards Domestic Violence. Respondents were asked if the following situations are justifiable for physical violence from a husband: a) if she goes out without telling him, b) if she neglects the children, c) if she argues with him, d) if she refuses to have sex with him, e) if she does not cook food properly, f) if he suspects her of being unfaithful, and g) if she shows disrespect for in-laws. The answer choices for these questions are “No” coded as 0, “Yes” coded as 1, and “Don’t know” coded as 8, however “Don’t know” responses were changed to “Missing”.
4. Accused Domestic Violence Offenders. Respondents who had experienced any physical violence since the age of 15, were asked who committed the crime. The answer choices for these questions are “No” coded as 0, “Yes” coded as 1, and “Don’t know” coded as 8, however “Don’t know” responses were changed to “Missing”. The respondent’s response(s) are categorized by relationship.

Independent Variables. The independent variables for the current study include caste (scheduled caste, scheduled tribe, other backward caste, don’t know, or none of these), year (one or two), age (ranging from 15-49 in 5-year increment groups), education level of the respondent (no education, primary school, secondary school, or higher), education level of the respondent’s husband/partner (no education, primary school, secondary school, or higher), wealth (poorest, poorer, middle, richer, richest)¹ and religion (non-Hindu or Hindu).

For the current study, descriptive statistics and logistic regression analysis will be conducted to understand domestic violence trends among different castes.

Table 1. Domestic Violence Variables

Did/does your husband ever do any of the following things to you?	Original Survey Codes 0= No, not at all 1= Yes, often in the last 12 months 2= Yes, sometimes in the last 12 months 3= Yes, but not in last 12 months 4= Yes, but now widowed Modified Survey Codes 0= No, not in the past 12 months 1=Yes, in the past 12 months
Less Severe Physical Violence - Push you, shake you, or throw something at you? - Slap you? - Punch you with his fist or with something that could hurt you? - Twist your arm or pull your hair?	
Severe Physical Violence - Kick or drag you? - Strangle or burn you? - Threatened you with a knife, gun, or any other weapon?	
Severe Physical Violence - Kick you, drag you or beat you up? - Try to choke you or burn you on purpose? - Threaten or attack you with a knife, gun, or any other weapon?	
Sexual Violence - Physically force you to have sexual intercourse with him even when you did not want to? - Force you to perform any sexual acts you did not want to?	
Emotional Violence - Say or do something to humiliate you in front of others? - Threaten to hurt or harm you or someone close to you? - Insult you or make you feel bad about yourself?	

Chapter 5

Findings

This chapter presents the results of the analysis of the domestic violence module from the NFHS year one and year two. The first objective of the current study was to compare respondent's experience of domestic violence data from year one, with year two data. This will be done to determine if there was a change over the decade with a specific interest in the respondents' age, religion, educational attainment, household wealth, their husband's educational attainment, and the respondent's caste classification. The second objective is to examine the trends in seeking help after experiencing physical or sexual domestic violence to determine if the PWDVA has changed women's willingness to seek help from domestic violence. The third objective is investigating the changes in attitude towards domestic violence between year one and year two. Finally, the fourth objective is to assess other potential domestic violence offenders other than spouses. This chapter discusses the findings on each of the research objectives.

Table 2. Frequencies

	Year One (2005)		Year Two (2015)	
	N	Percent	N	Percent
Total	6792	51.6	6378	48.4
Respondent's Age				
15-19	302	4.4	148	2.3
20-24	1030	15.2	845	13.2
25-29	1514	22.3	1320	20.7
30-34	1409	20.7	1257	19.7
35-39	1166	17.2	1120	17.6
40-44	802	11.8	909	14.3
45-49	569	8.4	779	12.2
Respondent's Educational Level				
No education	2635	38.8	2177	34.1
Primary	1046	15.4	915	14.3
Secondary	2534	37.3	2725	42.7
Higher	577	8.5	561	8.8
Partner's Educational Level				
No education	1536	22.6	1245	19.5
Primary	1049	15.4	958	15.0
Secondary	3229	47.5	3302	51.8
Higher	922	13.6	856	13.4
Wealth Index				
Poorest	953	14.0	1222	19.2
Poorer	1117	16.4	1383	21.7
Middle	1295	19.1	1318	20.7
Richer	1510	22.2	1287	20.2
Richest	1917	28.2	1168	18.3
Religion				
Non-Hindu	1689	24.9	1619	25.4
Hindu	5093	75.1	4759	74.6
Caste				
Scheduled caste	1141	16.8	1146	18.0
Scheduled tribe	912	13.4	1187	18.6
Other backward caste	2218	32.7	2458	38.5
Do not know	307	4.5	320	5.0
None of them	2214	32.6	1268	19.9

Objective One

The first objective of the current study was to compare respondent's experience of domestic violence data from year one with year two data. Tables 3-7 present logistic regression analysis for any physical violence, less severe physical violence, severe physical violence, sexual violence, and emotional violence within the past 12 months from the interviewed day. The reference category for each of the independent variables is 0, meaning the respondent has not been harmed by her husband in the past 12 months. The reference category for age is 15-19, for education the reference category is no education, wealth index is poorest, for religion it is non-Hindu, and for caste the reference category is "none of them".

Table 3. Any Physical Violence in the past 12 months Logistic Regression Analysis

	B	S.E.	χ^2	
Year	.193***	.043***	19.75***	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	-.105***	.020***	-.039	.020
Highest Educational Level	-.165***	.043***	-.183***	.042***
Wealth Index	-.188***	.030***	-.126***	.029***
Religion	.000	.008	.346***	.082***
Partner's Educational Level	-.130***	.035***	-.185***	.039***
Type of Caste or Tribe	-	-	-	-
Scheduled caste	.387***	.097***	.115	.107
Scheduled tribe	.132	.109	.118	.109
Other backward caste	.245**	.085**	.135	.092
Do not know	.091	.166	-.514**	.196**
Constant	-.291*	.128*	-.599***	.160***

*p < .05 **p < .01 ***p < .001

Table 4. Less Severe Physical Violence in the past 12 months

Logistic Regression Analysis				
	B	S.E.	χ^2	
Year	.188***	.044***	18.59***	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	-.105***	.020***	-.043*	.020*
Highest Educational Level	-.158***	.043***	-.191***	.042***
Wealth Index	-.186***	.030***	-.126***	.029***
Religion	.000	.008	.338***	.082***
Partner's Educational Level	-.139***	.035***	-.185***	.039***
Type of Caste or Tribe	-	-	-	-
Scheduled caste	.391***	.097***	.079	.107
Scheduled tribe	.112	.109	.109	.109
Other backward caste	.242**	.085**	.139	.093
Do not know	.075	.167	-.574**	.200**
Constant	-.294*	.128*	-.576***	.161***

*p < .05 **p < .01 ***p < .001

Table 5. Severe Physical Violence in the past 12 months Logistic Regression

	B	S.E.	χ^2	
Year	.130	.074	3.08	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	-.056	.034	-.007	.034
Highest Educational Level	-.163**	.074**	-.213***	.073***
Wealth Index	-.251***	.051***	-.180***	.050***
Religion	-.232	.135	.250*	.142*
Partner's Educational Level	-.025	.054	-.284***	.066***
Type of Caste or Tribe	-	-	-	-
Scheduled caste	.653***	.177***	.454**	.191**
Scheduled tribe	.408*	.192*	.284	.196
Other backward caste	.667***	.157***	.210	.177
Do not know	.070	.320	-.279	.353
Constant	-1.944***	.244***	-2.015***	.280***

*p < .05 **p < .01 ***p < .001

Table 6. Sexual Violence in the past 12 months Logistic Regression Analysis

	B	S.E.	χ^2	
Year	-.021	.078	.073	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	-.148***	.035***	-.041	.036
Highest Educational Level	-.175*	.073*	-.196**	.078**
Wealth Index	-.333***	.051***	-.208***	.054***
Religion	-.134	.137	.002	.145
Partner's Educational Level	.099*	.048*	-.191**	.070**
Type of Caste or Tribe	-	-	-	-
Scheduled caste	-.132	.164	.136	.190
Scheduled tribe	-.658**	.200**	-.252	.199
Other backward caste	-.183	.142	-.141	.173
Do not know	.162	.251	-.218	.311
Constant	-1.019***	.227***	-1.592***	.281***

*p < .05 **p < .01 ***p < .001

Table 7. Emotional Violence in the past 12 months Logistic Regression Analysis

	B	S.E.	χ^2	
Year	.072	.057	1.60	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	-.029	.026	-.043	.026
Highest Educational Level	-.053	.055	-.117*	.055*
Wealth Index	-.194***	.039***	-.075*	.038*
Religion	-.225*	.101*	.056	.103
Partner's Educational Level	-.045	.043	-.248***	.052***
Type of Caste or Tribe	-	-	-	-
Scheduled caste	.471***	.130***	.208	.139
Scheduled tribe	.359**	.140**	.180	.140
Other backward caste	.465***	.112***	-.014	.124
Do not know	.515**	.199**	-.255	.237
Constant	-1.500***	.183***	-1.320***	.207***

*p < .05 **p < .01 ***p < .001

Any Physical Violence. There was a statistically significant positive difference between year one and two for any physical violence, meaning that from 2005 to 2015 the trend of physical domestic violence increased. Women's age had a negative association with experiencing physical violence, this implies that as a woman ages she is less likely to experience physical domestic violence. Age was a significant predictor for physical domestic violence in year one but was just shy of being statistically significant in year two. The respondent's and her husband's educational attainment had a notable negative association with experiencing physical domestic violence. Both the respondent and her husband's educational attainment had similar effect sizes for both years. Household wealth had a substantial negative association with experiencing physical violence for year one and year two. This means as a respondent's marital household income and resources increase her likelihood of experiencing physical violence decreases. In year one there was not a statistically significant difference between women who follow non-Hindu religions and those who follow Hinduism. However, in year two there was a noteworthy positive association between household wealth and experiencing physical domestic violence. This result indicates that women who identify as following Hinduism are more likely to experience domestic violence than those who follow non-Hindu faiths in 2015. In year one, scheduled caste and other backward caste are more likely to experience physical domestic violence compared to women who did not identify with the caste group options. In year two, women who did not know their caste were statistically less likely to experience domestic violence compared to women who did not identify with the caste group options.

Less Severe Physical Violence. There was a statistically significant positive difference between year one and two for less severe forms of physical violence, meaning that from 2005 to 2015 the trend of less severe physical domestic violence increased. Women's age for both years had a substantial negative association with less severe physical domestic violence. This indicates that as women age, they are less likely to experience less severe forms of domestic violence (i.e., husband has pushed, shook, slapped, punched respondent, or pulled the respondent's hair, twisted the respondent's arm, hit the respondent with an object or has thrown something at the respondent). Women's and their husband's educational attainment had a notable negative association with less severe physical domestic violence for both year one and year two. Household wealth had a significantly negative association with experiencing less severe physical violence. These results imply that the more women and men are educated and have access to resources the less likely they are to experience or perpetrate less severe forms of physical violence. In year one there was not a significant difference between women who follow non-Hindu religions and women who follow Hinduism when experiencing less severe physical domestic violence. However, in year two there was a significant positive difference between non-Hindu women and women who identify as Hindu and experiencing less severe physical domestic violence. This implies that in 2015 Hindu women are more likely to experience less severe domestic violence. In year one scheduled caste and other backward caste women are significantly more likely to experience less severe domestic violence compared to women who do not identify with the caste group options. In year two women who did not know their caste identity were less likely to experience less

severe physical domestic violence compared to women who did not identify with the caste groups options.

Severe Physical Violence. There was not a statistically significant difference between year one and year two for severe physical violence (i.e., husband has kicked, dragged, strangled, burned, threatened use of a weapon, or used a weapon against respondent). This means that from 2005 to 2015 there was not a significant shift in severe physical violence self-reports. Women's age also did not have a statistically significant difference within year one nor year two for severe domestic violence. The respondent's educational attainment had a substantial negative association with severe physical domestic violence for both years. This indicates that the more educated a woman is the less likely she is to experience severe domestic violence. The respondent's husband's educational level also had a negative association with severe physical violence. However, these results are only significant in year two. Household wealth had a negative association with experiencing severe physical violence that was statistically significant for both years. This implies that as a respondent's household income and resources increase her husband is less likely to inflict severe physical violence towards her. In year one there was no statistically significant difference between women's religion and their likelihood to experience severe domestic violence. However, there was a substantial positive difference in year two between non-Hindu women and Hindu women experiencing severe domestic violence. This indicates that in year two Hindu women were more likely to experience severe domestic violence compared to non-Hindu women. In year one, scheduled caste,

scheduled tribe, and other backwards caste women were more likely to experience severe physical domestic violence compared to women who did not identify with the caste groups options. While in year two only scheduled caste women were significantly more likely to experience severe physical domestic violence compared to women who did not identify with the caste groups options.

Sexual Violence. There was not a statistically significant difference between year one and year two for sexual violence, meaning that from 2005 to 2015 there was not a significant shift in sexual violence self-reports. For year one women's age had a substantial negative association with sexual violence, meaning that as women mature in age the less likely they are to experience sexual violence by their spouse. However, for year two there was not a significant association between age and sexual domestic violence. The respondent's education attainment had a negative association with sexual violence; however, this was only statistically significant in year two. The respondent's husband's educational attainment had a notable positive association with sexual violence in year one. However, in year two there was a significant negative association between husband's educational attainment and sexual violence. Household wealth had a statistically significant negative association with women experiencing sexual violence for both years. This indicates that as a woman's household income and resources increase her likelihood of experiencing sexual violence decreases. For both year one and two, religion was not a statistically significant factor for predicting the likelihood of a women experiencing sexual violence. In year one, only scheduled tribe women were notably less likely to experience sexual

violence by their husbands compared to genal caste women. In year two, there was not a significant difference between caste groups for sexual domestic violence.

Emotional Violence. There was not a statistically significant difference between year one and year two for emotional violence, meaning that from 2005 to 2015 there was not a significant shift in emotional violence self-reports. Women's age did not have a statistically significant association with emotional abuse for either year. The respondents' educational attainment and her husband's educational attainment had a negative association with emotional abuse for both years. However, only year two had statistically significant results for both educational attainment for women and their husbands. Household wealth for both years had a notable negative association with the respondent experiencing emotional abuse. This implies that as a respondent's household income and resources increase her likelihood of experiencing emotional abuse from her husband decreases. Religion was not a statistically significant factor for predicting the likelihood of a women experiencing emotional violence for either year. For year one scheduled caste, schedule tribe, other backwards caste, and women who did not know their caste group were more likely to experience emotional domestic abuse compared to women who did not identify with the caste groups options. For year two there were not any significant results comparing caste and emotional abuse.

Objective Two

The second objective of this study was to investigate year, the respondent's age, religion, wealth, and caste variables along with her husband's education variable and their effect on the likelihood of the respondent seeking help after experiencing physical or sexual violence by their husband. Table 8 on page 47 presents a logistic regression analysis for seeking help after experiencing physical or sexual violence by their husbands. The reference category for each of the independent variables is constant 0, meaning the respondent has not been harmed by her husband in the past 12 months. The reference category for year is 2005, age is 15-19, for education the reference category is no education, wealth index is poorest, and for religion it is non-Hindu. Table 9 presents a cross-tabulation for seeking help after experiencing physical or sexual violence by their husbands and who they sought help from.

Table 8. Sought Help Logistic Regression Analysis

	B	S.E.	χ^2	
Year	-.621	.079	62.66***	
	Year One (2005)		Year Two (2015)	
Variable	B	S.E.	B	S.E.
Respondent's Age	.000	.031	-.042	.042
Highest Educational Level	-.029	.065	-.035	.082
Wealth Index	.012	.045	-.007	.057
Religion	.003	.013	-.016	.172
Partner's Educational Level	-.047	.049	.158*	.071*
Type of Caste or Tribe	-	-	-	-
Scheduled caste	.439**	.144**	.315	.210
Scheduled tribe	.132	.175	-.080	.231
Other backward caste	.253	.132	-.044	.192
Do not know	.022**	.277**	-.462	.464
Constant	-1.360***	.198***	2.289***	.485***

*p < .05 **p < .01 ***p < .001

Table 9. Sought Help Cross-tabulation

	Year One (2005)		Year Two (2015)	
Variable	N	Percent	N	Percent
Sought Help				
No	1847	76.8	1821	86.1
Yes	557	23.2	295	13.9
Sought Help From:				
Own Family	383	15.9	178	8.4
Husband/Partner's Family	177	7.4	103	4.9
Current/Former Husband or Partner	4	.2	2	.1
Current/Former Boyfriend	1	0	0	0
Neighbor	94	3.9	34	1.6
Other Person	7	.3	4	.2
Service Organization	2	.1	5	.2
Friend	62	2.6	42	2.0
Police	12	.5	11	.5
Religious Leader	5	.2	4	.2
Lawyer	5	.2	3	.1
Doctor/Medical Personnel	1	0	4	.2

Sought Help. Although there was a significant negative statistical difference between the year one and year two for seeking help, there was not a significant difference when seeking help was separated by age, women's educational attainment, household wealth index, and religion for either year. There was a substantial positive association between a women's husband's educational attainment and a woman seeking help for domestic violence in year two but not for year one. Scheduled caste women and women who do not know their caste identity are significantly more likely to seek help for domestic violence in comparison to general women for year one. However, there was not a notable difference between caste and tribe groups for seeking help in year two. Cross-tabulations for seeking help for year one and year two are listed in Table 9 for further analysis. Seeking help dropped by 9.3% between year one and year two and most respondents who sought help did so from their natal family over formal sources such as contacting the police or a women's service organization. Although my hypothesis for this research objective was incorrect, these results suggest that the PWDVA has not encouraged women to seeking help for their violent relationships. These results imply that the PWDVA has either not been strictly enforced and infrastructure has not been implemented, or that not enough effort has been made to make citizens aware of the PWDVA and its legal protections.

Objective Three

The third objective of the current study was to investigate the attitudes towards domestic violence between year one and year two to determine if the PWDVA had any potential effect on societal change in India. Table 10 presents a logistic regression analysis for attitudes towards domestic violence and year. The reference category for year is 2005. Table 11 on page 50 presents a cross-tabulation for attitudes towards domestic violence.

Table 10. Attitude Towards Domestic Violence by Year

Logistic Regression Analysis		
Variable	B	S.E.
If wife leaves house without telling him	-.251***	.039***
If wife neglects the children	-.301***	.037***
If wife argues with husband	-.113**	.039**
If wife refuses to have sex with husband	-.031	.051
If wife does not cook food properly	-.064	.044
If wife is unlawful	-.222***	.041***
If wife disrespects the in-laws	-.179***	.036***

*p < .05 **p < .01 ***p < .001

Table 11. Attitudes Towards Domestic Violence Cross-tabulation

Justifies Domestic Violence Variables:	Year One (2005)		Year Two (2015)	
	N	Percent	N	Percent
If wife leaves house without telling husband				
No	4718	69.8	4744	74.8
Yes	2039	30.2	3634	25.2
Total	6757	100	6339	100
If wife neglects the children				
No	4210	62.4	4384	69.1
Yes	2541	37.6	1958	34.4
Total	6751	100	6342	100
If wife argues with husband				
No	4693	69.9	4575	72.2
Yes	2024	30.1	1762	27.8
Total	6717	100	6337	100
If wife refuses to have sex with husband				
No	5710	85.9	5451	86.2
Yes	941	14.1	871	13.8
Total	6651	100	6322	100
If wife does not cook food properly				
No	5414	80.2	5153	81.2
Yes	1333	19.8	1190	18.8
Total	6747	100	6343	100
If wife is unfaithful				
No	4850	72.6	4854	76.8
Yes	1826	27.4	1463	23.2
Total	6676	100	6317	100
If wife disrespects in-laws				
No	3948	58.7	3987	63.0
Yes	2774	41.3	2343	37.0
Total	6722	100	6330	100

Attitude Towards Domestic Violence. A logistic regression analysis was performed on the justifying domestic violence questions by year. There was a significant negative statistical difference for justifying domestic violence for a wife leaving the house without telling their husband, a wife neglecting their children, a wife arguing with their husband, a wife being unlawful, and a wife being disrespectful towards their in-laws. This indicates that women are more likely to justify domestic violence in year one than in year

two for the previously listed acts. Cross-tabulations are included for a more detailed understanding of attitude changes between year one and year two (See Table 11 on page 50). Notably, for both years disrespecting the in-laws was the most excused act that justified physical violence from a wife's husband at 41.3% in year one and 37% in year two. Neglecting the children was the second most excused act that justified physical violence from a wife's husband at 37.6% in year one and 34.4% in year two.

Objective Four

The fourth objective was to assess other potential domestic violence offenders other than spouses. Table 12 presents a cross-tabulation for domestic violence accused offenders by year.

Table 12. Accused Domestic Violence Offenders Cross-tabulation

	Year One (2005)		Year Two (2015)	
	N	Percent	N	Percent
Hurt by someone other than husband				
No	6259	92.4	5876	92.9
Yes	512	7.6	448	7.1
Hurt By:				
Mother/Stepmother	277	4.1	273	4.3
Father/Stepfather	133	2.0	150	2.4
Daughter/ Son	5	.1	3	0
Sister/ Brother	120	1.8	108	1.7
Other Relative	32	.5	20	.3
Former Partner	10	.1	0	0
Current Boyfriend	0	0	3	0
Former Boyfriend	1	0	7	.1
Mother-in-law	34	.5	8	.1
Father-in-law	15	.2	7	.1
Other-in-law	25	.4	8	.1
Teacher	33	.5	47	.7
Someone at work	1	0	1	0
Other Person	6	.1	10	.2

Domestic Violence Offenders. Respondents were asked if they had ever been physically hurt by anyone other than their husband. If the respondent had been physically harmed by someone other than their husband, they were asked a series of questions to determine the relationship to the respondent (See Table 12 on page 51). A cross-tabulation analysis was run for domestic violence offenders, there was not a significant statistical difference between year one and year two. However, these results show that, other than the respondents' husband, dropped by .5% between year one and year two. Furthermore, among the participants who had encountered domestic violence by someone other than their spouse, respondents accused their mother/stepmother or father/stepfather of domestic violence. Although this is not consistent with my hypothesis, it is of interest that, of the relationships that are gendered, women reported to have been physically harmed by women more frequently than by men. For instance, 4.1% and 4.3% of respondents reported to have been physically harmed by their mother or stepmother in year one and in year two respectively. While 2% and 2.4% reported to have been harmed by their father or stepfather in year one and year two respectively. This is consistent with the notion that women may contribute to the continuation of domestic violence.

Chapter 6

Discussion and Conclusion

Year only a had a significant negative effect on any physical violence and less severe forms of physical violence, this result may mean that the PWDVA deterred “less risky” level of violence regarding domestic violence. There was also a substantially negative difference between year one and year two for women seeking help. This implies that women were less likely to seek help in year two compared to year one which could indicate that the PWDVA has not encouraged women to find help from violent relationships. Overall, attitudes towards justifying domestic violence have decreased between year one and year two meaning women are less likely to justify physical abuse for certain actions. Overall, age, educational attainment for both men and women, and wealth index had a negative association with all forms of domestic violence. This indicates that as being more mature in age, obtaining higher levels of education, having access to resources can dramatically decrease a women’s likelihood of experiencing domestic violence. Similarly, these results could imply the same for men, that the more educated a man is and the more resources he has access to, the less likely he is to inflict violence towards his wife.

Results for religious faith are not statistically significant for year one, however, Hindu women are less likely to experience emotional violence in year one. In year two, Hindu women are more likely to experience all forms of physical violence but results for sexual and emotional violence are not statistically significant.

Results for caste are not as definitive as other independent variables. Scheduled caste women are more likely to experience all forms of physical violence and emotional violence compared to women who did not identify with the caste groups options in year one. However, no significant conclusion can be made for sexual violence for scheduled caste women. Scheduled caste women in year two only had significant results for severe physical violence, these results indicate that scheduled caste women are more likely to experience severe domestic violence compared to women who did not identify with the caste groups options. Scheduled tribe women were substantially more likely to experience severe physical violence and emotional violence in year one compared to women who did not identify with the caste groups options. However, scheduled tribe women were less to experience sexual violence compared to women who did not identify with the caste groups options in year one. Scheduled tribe women did not have statistically significant data for year two, thus no predictions can be formulated. Other backward caste women were more likely to experience all forms of physical violence and emotional violence compared to women who did not identify with the caste groups options in year one. However, other backwards caste women did not have statistically significant data for year two, thus no predictions can be formulated. The only significant data that was gathered for women who did not know their caste identity was that they were more likely to experience emotional violence in year one and less likely to experience less severe forms of physical violence in year two compared to women who did not identify with the caste groups options. Because the results on are inconsistent it is

difficult to confidently conclude whether religion overall effects a woman's likelihood of experiencing domestic violence and further research is needed.

Respondents seeking help after experiencing physical or sexual violence by their husband did not result in any significant findings by age, women's educational attainment, wealth, or religion. There was a positive statistical difference in year one for scheduled caste, other backwards caste and women who did not know their caste identity. This indicates that scheduled caste women, other backwards caste and women who did not know their caste identity were more likely to seek help in year one compared to women who did not identify with the caste groups options. However, in year two there were no substantial results for caste and seeking help from domestic violence. There was also a positive difference between a women's partner's educational attainment and seeking help meaning the more educated a women's spouse was in year two the more likely she sought help. There was a statistically significant negative difference between year one and year two which means that women were less likely to seek help from anyone in 2015 than they were in 2005. The results are not consistent with my hypothesis but is consistent with previous research that has indicated that the lack of resolve in legal justice has led women to distrust formal sources of help for domestic violence despite the goal of reversing domestic violence trends, set by the PWDVA (Stephens & Eaton, 2020). However, these results are inconsistent with the Indian National Crime Records Bureau's findings (National Crime Records Bureau, 2015).

Respondents were more likely to justify domestic violence in year one compared with year two results which is consistent with my hypothesis. The decrease in

justification of domestic violence indicates that there is a cultural shift in India regarding domestic violence. It is difficult to say whether this is exclusively due to the introduction of the PWDVA of 2005 or other factors. However, it is a reassuring sign that there is hope for the better. It is important that everyone, including women, be aware of and understand the complex issues regarding gendered based domestic violence so that women do not perpetuate patriarchal ideas that endanger the safety of young girls and women.

The results of this research indicate that the PWDVA is not effective in providing gender equality to Indian culture. According to Marc Galanter (1989), the PWDVA would be considered a “captured law” because it attempts to transform Indian society to decrease gendered based violence, however, it fails to do so. This failure could be explained by deterrence theory in that the PWDVA has not been enforced strictly or widely enough to deter citizens from committing domestic violence related crimes. The following section discusses practical implications that could make the PWDVA a transformative law instead of a captured law.

Practical Implications

There are some barriers to seeking domestic violence justice that are not unique to India. For example, legal processes are usually lengthy, tedious, and costly which deter citizens from seeking prosecution. Although the PWDVA promises timely prosecution, requirements for sufficient evidence usually extends the process (Bhatia, 2012; Carpenter & Vauqueline, 2016; Dhar, 2014; Hornbeck, Johnson, LaGrotta, & Sellman, 2006). Court

hearings usually interfere with work schedules which can lead to job loss and further financial troubles for someone who is in the process of divorce or separation (Bhatia 2012; Dhar 2014). Stigma also prevents victims from seeking help or moving to a shelter, as domestic violence is widely considered a private matter (Dhar, 2014; Hornbeck, Johnson, LaGrotta, & Sellman, 2006). If a victim of domestic violence is not sure if she can find safe shelter away from her assailant in a timely manner, she may not report the domestic violence in fear of retaliation. Furthermore, a victim may not report their assailant if apprehension and punishment are not certain (Bhatia, 2012; Dhar, 2014). If a woman's husband is the primary provider in the household, there may be motive to refrain from reporting to have access to housing and resources for herself and her/their children. This is especially true if the victim's natal family is unable or unwilling to financially support her (Bhatia, 2012; Dhar, 2014).

Education. This research has highlighted the importance of prioritizing general education for boys and girls on a nationwide level. Education, preferably through secondary school, is crucial for bettering the lives of citizens, not just for work but for personal empowerment and wellbeing. Although there is a sex education curriculum in place in India, reports show that the curriculum may not cover all the necessary topics or, in some states, the curriculum is not being taught at all (Bhattacharya & Bhattacharya, 2014; Ismail, Shajahan, Sathyanarayana Rao, & Wylie, 2015; Stephens & Eaton, 2020). Sex education is widely opposed in most sectors of society in India and is usually viewed as a taboo topic even for educators (Das, 2014). To combat the lack of sex and gender equality education in India, a New Delhi non-government organization called Talking

About Reproductive and Sexual Health Issues has organized a helpline for anyone seeking information on reproductive health, sexual anatomy and physiology, counseling, and referrals for further help (Das, 2014; Ismail, Shajahan, Sathyanarayana Rao, & Wylie, 2015).

It is vital that adolescents and adults are educated on reproductive health, appropriate sexual conduct, human rights, effective communication skills, and that domestic violence is never the answer. It is especially imperative that men receive this message, their involvement in ending domestic violence is key (Stephens & Eaton, 2020). A growing trend in India has been attending pre-marital counseling before being wed which is an impeccable opportunity to discuss effective communication and coping skills to avoid domestic violence (Stephens & Eaton, 2020). Another crucial intervention point is medical staff; when a woman visits the hospital with injuries or for a simple checkup, medical staff could ask routine questions about any experience with domestic violence (Stephens & Eaton, 2020). Although domestic violence victims may not offer information willingly, with the potential fear of her livelihood being at stake, the medical staff could provide women with a pamphlet of information regarding domestic violence, information about the PWDVA, and resources to contact for help if they should need it. Citizens of India also need to be made aware of the resources that were promised to them by the PWDVA. Previous research has suggested that, although the act promised to spread the word about the act and the resources the government should provide, that messages has not reached the majority of people or at least the ones in need of the information (Carpenter & Vauqueline, 2016; Hornbeck, Johnson, LaGrotta, & Sellman,

2006; Jhamb, 2011). These messages could come from non-government organization efforts through campaigns across a variety of media sources to spread the word about the act and even provide a tip line for whistle blowing on local law enforcement who are not meeting the minimum standards promised by the act (Hornbeck, Johnson, LaGrotta, & Sellman, 2006; Stephens & Eaton, 2020).

Agencies. Domestic Violence is a societal issue that needs to be addressed at a macro-level and the perception that domestic violence is a private matter is part of the reason women refrain from seeking help. The PWDVA does not specify any minimum funding requirements for local police agencies to hire and train the new position of protection officer (Carpenter & Vauqueline, 2016; Hornbeck, Johnson, LaGrotta, & Sellman, 2006; Jhamb, 2011). Thus, many states have not hired any protection officers to handle gender-based violence in local communities (or not enough hires for the vast urban population size) nor made any budget changes to address gender-based violence or to provide shelters for victims (Hornbeck, Johnson, LaGrotta, & Sellman, 2006; Jhamb, 2011). The act also does not specify any qualification or training for protection officers or existing police forces which could lead to inadequate help for citizens in need of help (Hornbeck, Johnson, LaGrotta, & Sellman, 2006).

As for the requirements and consequences the act does specify, respective agencies should be held accountable if the minimum requirement is not met. For example, under section 33 of the PWDVA, protection officers who fail to report a domestic violence complaint without sufficient cause may be punished with imprisonment and/or fined 20,000 rupees (approximately \$492.28 on August 14, 2007)

(Hornbeck, Johnson, LaGrotta, & Sellman, 2006; PWDVA, 2005). Although these regulations are in place, there seems to be little to no enforcement of these consequences (Carpenter & Vauqueline, 2016; Hornbeck, Johnson, LaGrotta, & Sellman, 2006).

Extensive police and judicial corruption, inefficiencies, and lack of urgency to address gender-based violence prevent the PWDVA from being enforced effectively (Hornbeck, Johnson, LaGrotta, & Sellman, 2006; Jhamb, 2011). The government also promised, under section 11, to provide periodic sensitization training to police forces and to members of the judicial services (PWDVA, 2005). It is unclear whether this training is taking place or not, or if it is being administered regularly enough or if there are enforced consequences for not putting the training into practice. Either way, there is no evidence that the sensitization training has been helpful (Stephens & Eaton, 2020). This lack of resources likely results in domestic violence crimes increasing while being underreported and/or not properly processed in a timely manner. Furthermore, defaulting on the promises made by the PWDVA affirms domestic violence assailants that punishment of these crimes is not certain nor immediate.

Lawyers are another source of inefficiencies when it comes to seeking justice for victims of domestic violence. Many plaintiffs are left with government issued lawyers who are either ill prepared for hearings or do not prioritize domestic violence cases (Bhatia, 2012; Carpenter & Vauqueline, 2016). Hornbeck (2006) suggests offering student loan forgiveness to lawyers who take on domestic violence cases pro bono as a way of incentivizing lawyers to prioritize domestic violence cases.

The Indian government as well as non-government organizations should prioritize women's shelters for women seeking to evade abusive husbands or family members. Although the act specifies a woman's right to her marital home, this protection is only temporary and does not address the issue of residing in a home that is harmful to her wellbeing (Bhatia, 2012; Jhamb, 2011; Hornbeck, Johnson, LaGrotta, & Sellman, 2006).

Research. It is imperative to continue to monitor the efforts the government, non-government organizations, and local communities make towards fulfilling the promises the PWDVA promises. Prioritizing research and journalism that focus on these progresses and pitfalls is crucial in moving forward. Research can be instrumental in determining what needs to be addressed when constructing future policies as well as bringing the relevant issues to the attention of the public (Stephens & Eaton, 2020). The government and activist groups should be made aware of investigative efforts and the results of research regarding the effectiveness of PWDVA to make improvements.

Limitations of the Research

There are several limitations of the current study. This research relies on self-reporting of domestic violence, and although precautions were made to reduce any negative consequences of participating in the domestic violence segment of the interview, it is likely that domestic violence variables were underreported due to social-desirability bias (Kishor & Johnson, 2005). The second potential limitation is that participants of the NFHS module were limited to individuals between the ages of 15-49 which excludes women of post-reproductive age who may have difference experiences with domestic

violence. Selected participants for the NFHS domestic violence survey were also limited to women or girls who had been married, which excludes individuals in the household who are not married but experience domestic violence. These individuals are included in the legislation but not included in this research. Another limitation is that questions regarding the caste status of other members in the family, including the respondent's husband, were not included in the NFHS survey. Without variables regarding inter-caste relationships, it is unclear how they may play a role in domestic violence in the current study. Finally, there is a survivor bias with the current research, meaning that women who have passed away due to domestic violence are not observed, thus the effect size of reported experience with domestic violence is lower than the actual effect size.

Future Research

The NFHS is currently in the process of collecting and compiling data in India for the NFHS-5 data report. However, the Corona Virus pandemic is likely to interfere with data collection and may postpone the report. Recent reports suggest that sheltering in place due to the COVID-19 pandemic could increase women's likelihood to experiencing domestic violence or make it difficult to escape abusive situations with access to shelters potentially disrupted, an issue faced by communities globally (Bradbury-Jones & Isham, 2020; Gulati & Kelly, 2020; Kofman & Garfin, 2020; Sharma & Borah, 2020). In addition, women over represent unpaid family labor and other informal economies (such as street vendors) and this disproportion may widen during and after the COVID-19 pandemic. This could leave women susceptible to insecure income and lead to further

gender-wage gaps (Bahn, Cohen, & van der Meulen Rodgers, 2020; Carli, 2020; UN Women, 2020; Power, 2020). Indian women are no exception to the issues regarding domestic violence and COVID-19 complications that are being witnessed around the world (Chakraborty, 2020; Gopalan & Misra, 2020; Krishnakumar & Verma, 2021; Maji, Bansod & Singh, 2021; Nigam, 2020).

The NFHS-5 could be used in conjunction with the previous NFHS data for a thirty-year longitudinal study of domestic violence trends in India. The NFHS-5 could also be used to investigate how the pandemic may have affected domestic violence trends. Although a few qualitative studies have been conducted and are referenced in this research, continuous qualitative research is critical for understanding how the PWDVA is being utilized in practice from court cases to police offices to non-government organizations (Carpenter & Vauqueline, 2016; Stephens & Eaton, 2020).

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¹ Wealth Index is based off the following 33 assets and housing characteristics: access to electricity; type of windows; source of drinking water; type of toilet facility; flooring material; material of exterior walls; roofing material; cooking fuel source; house ownership; number of household members per bed room; ownership of a bank or post-office account; and ownership of a mattress, a cot/bed, a pressure cooker, a chair, a table, an electric fan, a radio/transistor, a black and white television, a color television, a sewing machine, a mobile telephone, any other telephone, a computer, a refrigerator, a watch or clock, a bicycle, a motorcycle or scooter, an animal-drawn cart, a car, a water pump, a thresher, and a tractor (International Institute for Population Sciences, 2007).