



**Symbiosis Law School, Nagpur**

**Report of**

**National Seminar**

on

**'Identification of Abusive Relationships and  
Prevention of Domestic Violence'**

**March 08, 2022, Tuesday**

organized by

**Symbiosis Law School, Nagpur**

a constituent of

**Symbiosis International (Deemed University), Pune**

in collaboration and sponsored by

**National Commission for Women, New Delhi**

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## **1. INTRODUCTION**

### **(a) Background of the Seminar:**

Women in a domestic space often are vulnerable and subjected to abuse in the background of the patriarchal norms. Sec. 3 of the Protection of Women from Domestic Violence Act, 2005 recognizes 'abuse' in a broad perspective including physical abuse, sexual, verbal and emotional abuse, and economic abuse. However, it is usually only the physical and sexual abuse that is addressed seriously. The abuse is in a variegated form, often combination of multiple abuses depending on the age, social strata, economic stability, cultural background in which the woman is situated in. Despite the passage of more than a decade, the number of reported cases of domestic violence have been increasing. Even during the COVID-19 pandemic, the National Commission for Women, Delhi registered an increase of 2.5% cases of domestic violence since the national lockdown. The lockdown during the pandemic further deprived women of any possible institutional support in reporting the same. Women suffering from domestic violence, not only require medical aid, but require psychosocial support in the backdrop of possible ostracization once the incident is reported. Even the first responders to the victims sometimes transmit institutionalized patriarchal attitudes. Incidents where the instance of domestic violence is occurring for the first time are often settled so as to protect the honor of the families involved.

Unlike other forms of violence, domestic violence is situated with the perpetrator and the victim continuing to share the same physical space. However, certain aspects of violence including crimes like Rape, Stalking, Voyeurism do not perceive and recognize husbands as possible perpetrators. Particularly, in the background of household chores as unpaid work, long and extended working hours have been glorified as familial duties.

### **(b) Objectives of the Seminar:**

1. To serve as an effective platform for sharing experiences on the existing legal framework and identify the possible gaps in its effective implementation including the rehabilitative measures.
2. To discuss and analyze the varied abuses that are not recognized by the existing legal framework.



3. To serve as a platform for women from academia, profession and other backgrounds, to discuss the impact of COVID-19 pandemic in domestic spaces and their challenges.
4. To come with suitable suggestions and recommendations in addressing the gaps and lacunae in the existing justice system.

**(c) Outline of the Procedure adopted for conducting the Seminar:**

The Seminar was structured with a view to constructively engage the resource persons and participants thereby providing a comprehensive understanding of the theme of the seminar. Resource persons from Law, Sociology, Women's Studies and Social Work with experience in the theoretical and practical actualities were identified to address the theme. Resource persons with Judicial background were additionally identified to understand the gaps, if any in the existing legislations or the challenges in the implementation of the same.

Papers were invited for presentations from students, academicians, practitioners for exploring other dimensions of the issue and also to engage them with the same. Broader thematic areas under the theme of the Seminar were identified based on which the presenters further narrowed their topics for their presentation.

**2. PROCEEDINGS:**

The Seminar began with a brief Inaugural session and welcoming the guests. After the lighting of the lamp ceremony, Dr. Sukhvinder Singh Dari, Director, Symbiosis Law School, Nagpur delivered the welcome address. He thanked the National Commission for Women for the support and financial assistance provided to Symbiosis Law School, Nagpur in organizing the seminar. He mentioned on how despite the visible changes in the status of women in the society, women continue to be a vulnerable section of the society in the backdrop of the patriarchal norms and, gendered roles and biases associated with women. He emphasized on how even the form and nature of abuse differs particularly when the victim is a woman. Additionally, the UN theme for International Women's Day being "Gender Equality today for a Sustainable tomorrow" emphasizes the role and contributions in national building and development, and thus the need to ensure legal and social protections in ensuring their rights. He welcomed all the guests and thanked for their willingness to deliberate and share their



knowledge on the theme. The Seminar then proceeded with individual sessions by the resource persons.

#### **Session-wise Summary of the Sessions:**

- **Hon'ble Justice Bhushan Pradyumna Dharmadhikari, Former Chief Justice, Bombay High Court**

Hon'ble Justice B. P. Dharmadhikari initiated the session with an incident he experience to stimulate the participants in understanding the importance of family as an institution. He referred to how the spouse is referred as 'better half' in English was more gender neutral, used by both women and men. However, he emphasized on how it was only women who were referred as '*ardhangini*' in Hindi, Sanskrit, Marathi and other Indian languages. A change could be made by referred even men being referred as 'ardhang', emphasizing a change in the mindset would a step towards addressing women's equal status in the society. It included a change in the notion of women's contribution in household and acknowledging their contributions to the financial stability and growth of the family. For the same, gendered roles of married women including limiting their voices in the decision-making processes must be revisited and changed.

Additionally, he emphasized on how there are laws that address abuse in domestic spaces and domestic violence including Sec. 498A of the Indian Penal Code, 1860 and Protection of Women from Domestic Violence Act, 2005. However, he mentioned on it was only the married women who use the law against the husband and/or the in-laws when they experience abuse. He emphasized on how the law refers to women in domestic relationships as aggrieved persons and how domestic relationship does not limit the scope to marriage. The law addresses other relationships through adoption, consanguinity, joint family as well. Additionally, the law covers also relationships that are in the nature of marriage, emphasizing that the possible protection of women who may not be in a valid marriage. He said that the laws can only achieve the goals for which it was made when there is sufficient awareness in the society. Only once awareness of the laws is achieved, would only women identify abuse and then may access the legal institutions and seek justice. This must be done from the grassroot-level through value-based education in schools through folktales and stories for wider reading and acceptance.



- **Dr. Rekha Pande, Former Professor and Director, Women's Studies, University of Hyderabad and Director, SEED (Society for Empowerment through Environment Development)**

Dr. Rekha Pande initiated her session by emphasizing the long struggle for recognizing women's rights. The laws have to some extent recognized rights that aids in the equal footing of the woman in the society. She started her session by revisiting the women's struggle on March 8<sup>th</sup>, 1857 in New York raising concerns on inhumane working conditions and low wages. She traced the struggle by women as labour for dignified and humane working conditions, gradually permeating to recognizing women's rights in private and public spaces. This has been primarily been achieved through women's movements globally. However, she emphasized that the struggle continues and gender-based violence has been more prevalent in recent times. She reviewed the data on the cases of domestic violence, dowry deaths, honor killing in India and highlighted the need to review the legal mechanisms to address the same. She emphasized the 'abuse' as understood under law excludes power control, which is a dominant factor in domestic spaces. She additionally looked at the reasons for which women continue to stay in the abusive relationship for reasons which may be emotional, psychosocial, social, religious or societal. She highlighted certain hindrance that affect women's access to rights – Lockdown during the COVID-19 pandemic, Patriarchal structures making legal institutions inaccessible, patriarchal attitudes among the personnels in the legal institutions, attitude of normalizing abuse and violence. She emphasized on how India ranks law in the Global Gender Gap report and the need to review domestic violence with the economic, social and political costs. She concluded on how as community we could contribute in providing the psychosocial and financial support in helping women to speak up and effective measures for combatting violence against women.

- **Prof. (Dr.) Nuzhat Parveen Khan, Dean, School of Law, Bennett University**

Dr. Nuzhat Parveen Khan initiated the session by basing that the laws on domestic violence acknowledge and question the safety of women in their homes. She highlighted how through the Conference of Women in Beijing, global consensus and solidarity in combatting violence against women was strengthened. She highlighted how even today women do not find the necessary support in voicing their experiences and fight against domestic violence. She



emphasized on how the judiciary through liberal interpretations of laws have broadened the scope of protection and claim maintenance. She highlighted how power abuse materializes in domestic spaces through unequal footing of women in the household in terms of power, resources, finances and decision-making. She emphasized that the COVID-19 pandemic and lockdown grossly affected households with loss of jobs and livelihood and hence affecting the extent of resources available in hand. Additionally, the movement of the woman was additionally restricted during this period, thereby facilitating more and intense instances of abuse and violence. Other reasons include socio-economic status, education also contribute as factors. She emphasized that the lack of awareness of the laws also further marginalizes women. She concluded by emphasizing sensitization and awareness programmes which could aid in bridging the gap. Additionally, she emphasized the media could also play a role in creating awareness and empowering women.

- **Dr. M. V. Laxmi Devi, Principal, K. V. Ranga Reddy Law College**

Dr. M.V. Laxmi Devi initiated her session with discussing the Protection of Women from Domestic Violence Act, 2005. She emphasized on the power imbalance existing between men and women as reasons for abuse. Studies have discussed how abuse and violence are often more psychosocial violence than physical. She emphasized that the former unfortunately is not addressed to that extent and are often normalized. She additionally looked into the how market responds to women's rights. Examples like special discounts on International Women's Day celebrates and brands women as victims in a subtle way. She emphasized on how women unknowingly carry victim identities of abuse. Gendered roles of women further limits their choices and decision-making. Additionally, abuse and violence have been normalized as part and parcel of relationships. She concluded her session how deep introspections must be undertaken in identifying power imbalances and abusive relationships beyond physical abuse.

- **Hon'ble Justice M. N. Gilani, Former Judge, Bombay High Court**

Hon'ble Justice M. N. Gilani initiated his session by reviewing the mythological texts that have documented violence against women. He emphasized constitutional provisions which protect right to equality and right to life with dignity. He emphasized how gender based



violence unearths the different forms of violence targeted against women. Issues of trafficking are seen more prevalent with women. Provisions of the Criminal Procedure Code protecting the women were elaborately discussed. He concluded the session by emphasizing that how everyone as individuals in the society have a role working in furtherance of women's rights. It could be done through engaging with the community through awareness programmes, capacity building measures with the concerned stakeholders and identify a shared common interest.

- **Dr. Vibhuti Patel, Former Professor, Centre for Women's Studies, Tata Institute of Social Sciences, Mumbai**

Dr. Vibhuti Patel started her session with the year's theme 'Break the Chain'. She emphasized while countries were restructuring a post-COVID world, efforts to build the society in gender neutral way must be taken ahead. She emphasized how change could only be brought in with the existing value system. The women's movement must take same in a multi-faceted manner where the issue has several dimensions to the same. While referring to the concerns women face, emphasis was laid on how the value system contributes to the administration not providing a proper hearing to women survivors. She emphasized on how domestic violence must be understood in a gender-neutral manner so as to better enforcement. She highlighted certain myths including alcohol as main cause, it being more prevalent in lower social-economic class. She emphasized on how the sensitization and awareness at the grassroots. The same also requires to be addressed education, which would help mould the social values.

#### **4. RECOMMENDATIONS/ACTION POINTS:**

##### **(i) At the local level:**

- Legal awareness at the grassroots is quite limited. The same requires a multi-stakeholder strategic approach under the supervision and aegis of the National Commission for Women (NCW) and State Commission for Women (SCWs). Academic institutions and Civil society groups could aid and assist the NCW and SCWs for formulation of content in vernacular languages and training of the volunteers. The District Legal Services Authority (DLSA) and State Legal Services



Authority (SLSA) can also create awareness on laws that protect women and their interests. This would help them understand the legal framework that is in place.

- Sensitization on gender equality and a woman's role in nation building must be undertaken at local self-governments. This could be done through student internships or that of the nature of Para-legal volunteer through District Legal Services Authority. Street plays, skits, rallies could act as effective tools in the greater sensitization.
- Capacity-building programmes for the stakeholders must be undertaken for better institutional responses to women survivors.

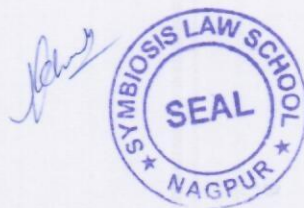
**(ii) At the State level:**

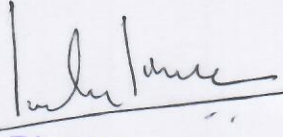
- Since education falling under Concurrent list, there needs inclusion of gender equal contents in the curriculum. The books often depict women in particular roles like homemakers, stitching or cooking in a domestic space. Inclusion of more women in different roles and capacities would nurture young minds to perceive women beyond the traditional roles.
- Apart from the modifications in the curriculum, inclusion of activities sensitizing the children of issues pertaining to women would contribute to gender equal spaces. Activities that break the traditional conception of feminine and masculine characteristics would also address the power imbalance in domestic space.
- SCW and SLSA must take measures to create awareness of their role and women's right to free legal aid. Other women-centric provisions for their protection must also be addressed. Often, violations of rights are unaddressed due to fear of costly and lengthy court processes.
- The State Commission for Women must play an active role in making itself visible at the local-level, thereby strengthening their involvement at the grassroot level.
- Issues of gender inequality remain passive and hidden in the society. This requires greater prioritization on the issues of gender inequality through effective involvement of the Department of Women and Child Development at the State and the Ministry of Women and Child Development at the Central level.

- Establishment of Shelter/Special homes must be created for survivors to have protection and support for their pursuit of justice.

**(iii) At the Central level:**

- Suggestion of gender sensitive curricula in educational instructions can be achieved through active direction of Ministry of Human Resource Development.
- Use of Media including social media can be easing mechanisms to reaching to masses. NCW can create contents that ensures contents reaching to the maximum individuals.
- The National Commission for Women plays an inviolable role in ensuring violations of rights of women is catered to. Traditional approach of catering to legal issues of matrimonial nature must be broadened to encompass issues of domestic relationships. With the prevalence of live-in relationships, awareness specifically to this must be undertaken.
- A distress call at a national-level specifically for women survivors of domestic violence requires counselling for psychosocial and financial support. Additionally, shelter/protection homes for aiding the survivors' access to justice and legal institutions are to be strengthened with requires a multi-stakeholder support and collaboration. The existing Nirbhaya fund could be channeled for cases of domestic violence.



  
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## **Annexure A**

### **List of Resource persons:**

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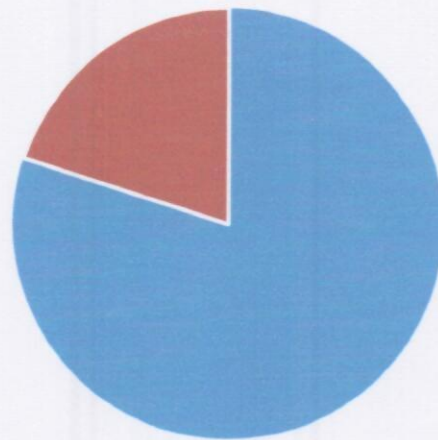


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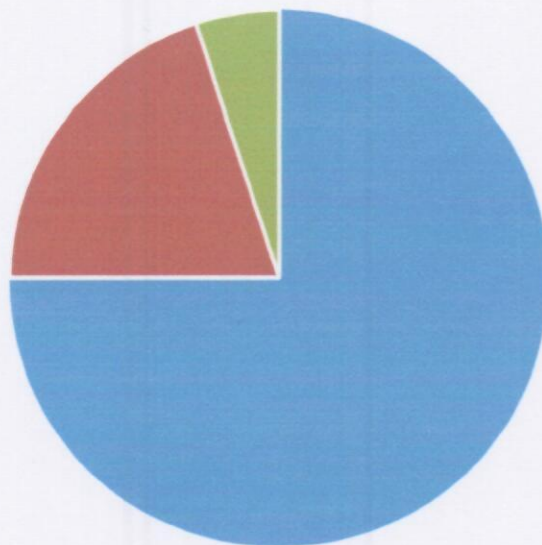
**Feedback of the Participants:**

Theme of the seminar



■ Excellent ■ Very Good ■ Good ■ Poor

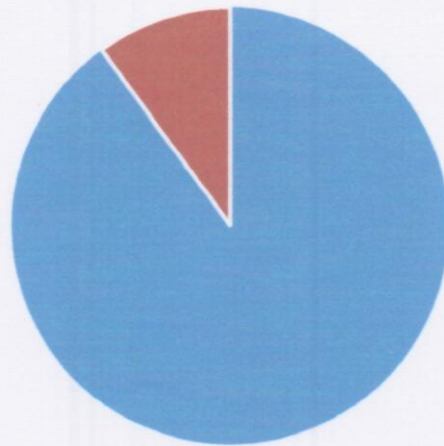
Arrangement and Organisation



■ Excellent ■ Very Good ■ Good ■ Poor

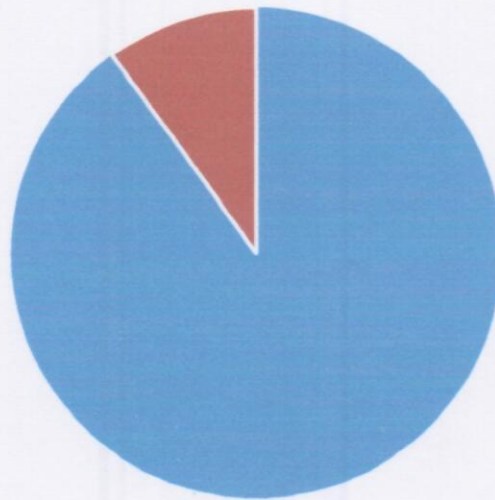


### Speeches/Discussions in the Seminar



■ Excellent ■ Very Good ■ Good ■ Poor

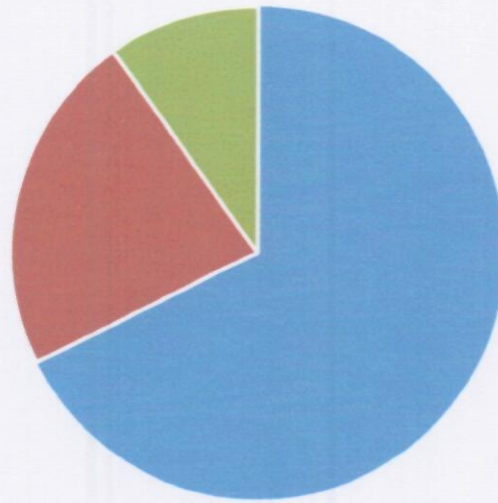
### Cooperation by Staff and Volunteers



■ Excellent ■ Very Good ■ Good ■ Poor

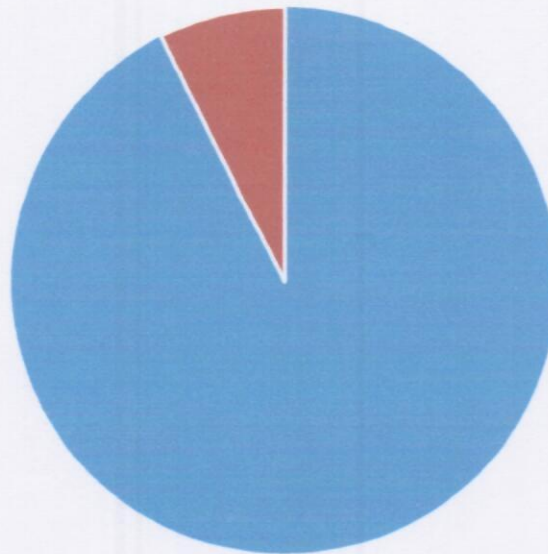


### Quality of Food and other services



■ Excellent ■ Very Good ■ Good ■ Poor

### Overall experience as participant

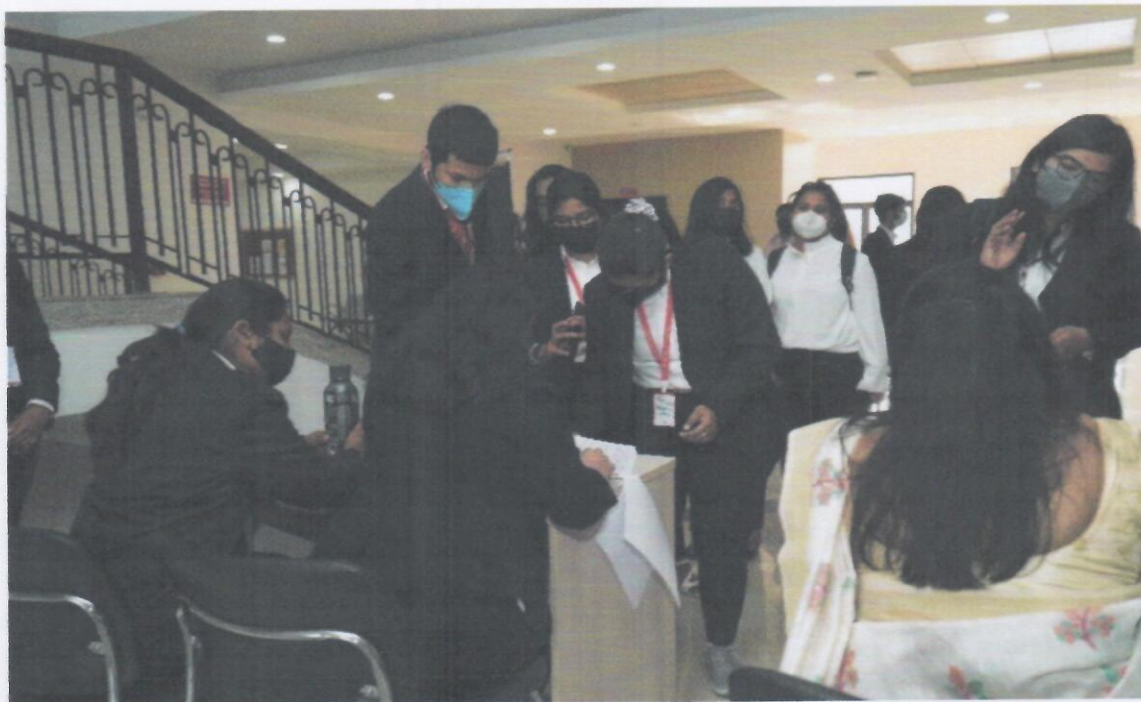


■ Excellent ■ Very Good ■ Good ■ Poor



## Annexure C

### Glimpses of the event:



**Participant registering for the seminar and collecting their kits from Registration Desk**





**Arrival of Guests**



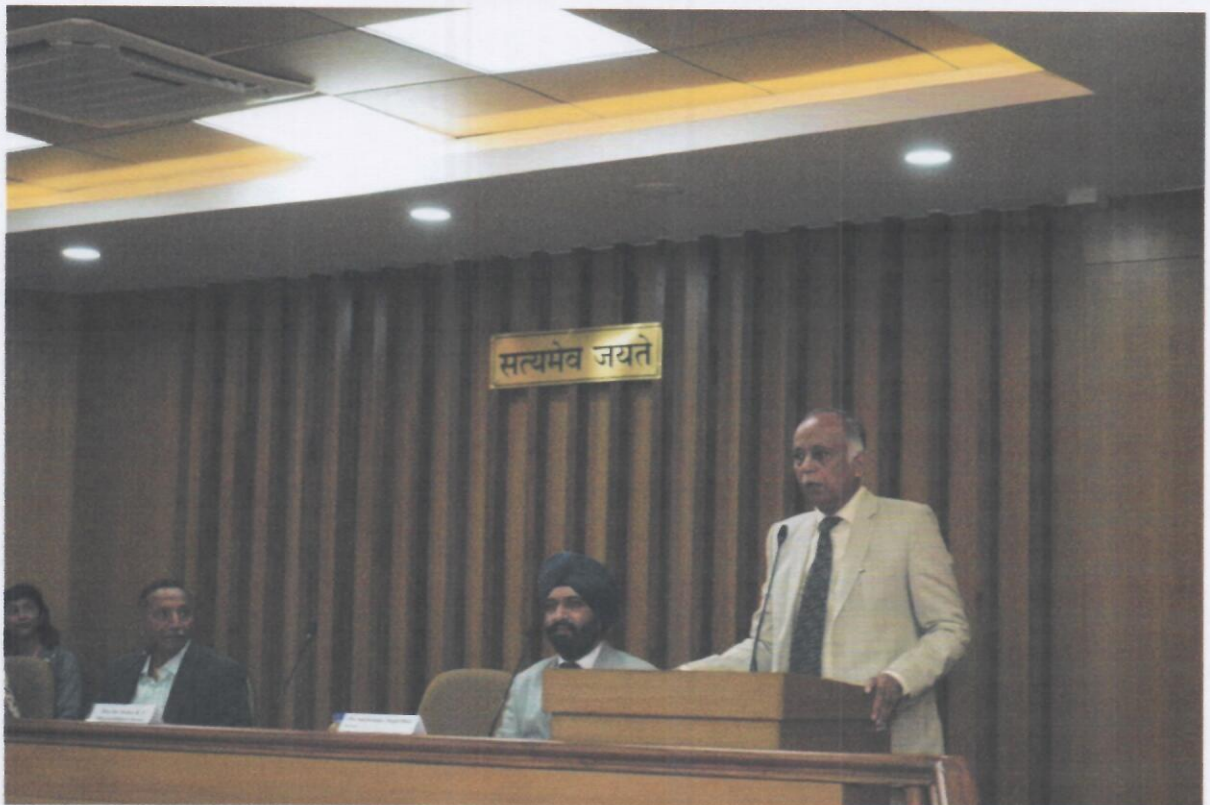




**Glimpses from the Seminar**





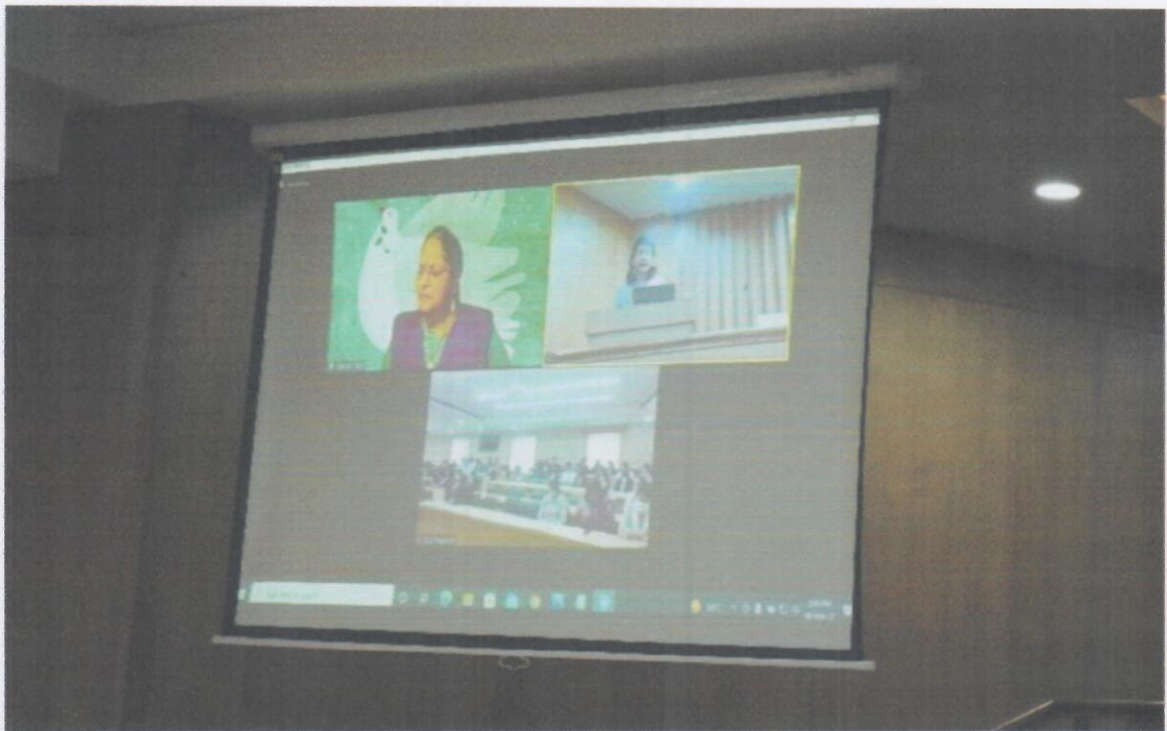


**Hon'ble Justice B. P. Dharmadhikari addressing the gathering**





**Dr. Rekha Pande addressing the gathering**



**Dr. Vibhuti Patel addressing the gathering**





**Students attending the session by Dr. Vibhuti Patel**



**Participants presenting the papers during seminar**

*Sehrai*



*[Handwritten Signature]*

**Director  
Symbiosis Law School,  
Nagpur**