



Critical Analysis Of Domestic Violence On Women

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CHAPTER-I

INTRODUCTION

"Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women hymen and to the prevention of the full advancement of women." (1)

United nations declaration on the elimination of violence against women, general assembly resolution, December 1993

Domestic violence is the wilful intimidation. physical assault. battery. sexual assault and other abusive behaviour as part of a systematic pattern of power and control perpetrated by one intimate partner against another. It includes physical, sexual, psychological violence and emotional abuse. The frequency and severity of domestic violence can vary dramatically. however the one constant component of domestic violence is one partners consistent efforts to maintain power and control over the other. It occurs in all cultures. people of all races ethnicities and religions can be perpetrators of domestic violence. (2)

Domestic violence is an epidemic affecting individual in every community, regardless of age, economic status, sexual orientation, gender, race, religion or nationality. it is often accompanied by emotionally abusive controlling behaviour that is only a fraction of a systematic pattern of dominance and control. The devastating physical emotional and psychological consequence of domestic violence can cross generations and last a lifetime.

Domestic violence can be easily inflicted on the vulnerable sections of the society which include women and children. Consequently, violence against women and children is not looked seriously and is still regarded as a private matter, especially for the women.

Therefore, the magnitude of domestic violence is still unknown and yet to be determined.

Its continued existence is morally indefensible. Its cost to individual health systems and to society is enormous, yet no other major problem of public health has been so widely ignored and so little understood. Domestic violence is simply not an argument, it is a pattern of coercive control that one-person exercises over another.

It is believed that domestic violence is a learned behaviour rather than a result of unhappy relationships, stress or alcohol misuse. All these may be factors of domestic violence but not its causes. The effects of

domestic violence are that the immense victims of domestic violence are often not recognized and the lack of

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1. UNICEF (2000). Domestic Violence against Women and Girls. Innocenti Digest NO. 6. available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf>.
 2. Dr. Reddy G.B. women and the law. Geogia law agency Hyderabad 20 14 pg. no. 144-G

Of knowledge on adequately identifying domestic violence is commonly presented as a barrier.

Women in our society have mainly been the victims of humiliation, torture and exploitation from the time immemorial, irrespective of the fact that they are also worshipped.

Almost every home in India must be suffering from some kind of domestic violence where women either as a daughter, daughter-in-law, or as a wife are abused physically, mentally, verbally economically. (3)

Traditional and cultural practices are important in understanding low prosecution of domestic violence cases in the sense that they depend on the subordination of women and the superiority of men, which is culturally determined. In such situations, discrimination is showed by the patriarchal concept that the man is the head of the household, owns and controls everything in it including the wife and children. A lot of traditional practices regard women as minors to men and hence both their gender and sex roles preserve the stereotype view of women. A woman or wife is conditioned to make her marriage a success by preserving and keeping her marriage problems secret which may lead to failure to report or withdraw domestic violence cases once reported to the police station.

They have been through ages victimized, humiliated, tortured and exploited. Violence affects the lives of millions of women worldwide in all socio-economic and educational classes. It cuts across all cultural and religious barriers impeding the rights of women to participate fully in society.

The issue of domestic violence directly affects the most basic rights of women. Domestic violence is a problem that affects the lives of many women both in the urban and rural areas.

It is also an episode that has been found to persist throughout the life cycle of women and has extensive repercussions. A woman who has been the foundation stone of family and society in general who gives birth to life nurtures and strengthens it who is an instrument through which culture is preserved and transmitted from generation to generation, is subjected to domestic violence irrespective of her age, race, caste, social, economic and political status. Her vulnerability in various forms is the common phenomena of Indian society. The silent suffering of a woman is making her an easy prey to the male domination which is supported by prevalent patriarchy.

The authoritative, autocratic nature of male member in society and victimization of female makes the situation worst.

The complex system of social institutions, norms of behaviour and religious prescriptions, some of which have congealed and hardened like statutory laws come in the way of proper implementations of special protective legislations for women.

3. Dr Narwadkar Pooja P., Law Relating to Domestic Violence in India, 1st Ed. Hind Law House. 2014 Pg.No.8

The fact remains undeniable that in spite of the medley of laws, women in India still continue to live under the stress and strain of male domination that manifests itself in the form of various kinds of cruelties.

Violence against women has been known as a silent public health epidemic, which has tremendous impact not only on morbidity and mortality but also on the life and health care resources, decrease productivity, increase medical costs, increase the burden on police, courts and criminal justice system and also it is a problem of such magnitude that it has reached beyond criminal justice methods of protecting the public. (4)

Domestic violence is now emerging as a global problem and is resulting in increased female injuries in almost every country of the world. Abusive relationships are very common in the society. They involve a cycle of dangerous emotions and once established are very hard to break.

The global dimensions of this violence are alarming, as highlighted by studies on its incidence and prevalence. No society can claim to be free of such violence, the only variation is in the patterns and trends that exist in different countries and regions. Specific groups of women are more vulnerable, including minority groups, indigenous and migrant women, refugee women and those in situations of armed conflict, women in institutions and detention, women with disabilities, folic children, and elderly women.

According to 2013 global review of available data, 35 per cent of women worldwide have experienced either physical and or sexual intimate partner violence or non-partner sexual violence. However, some national violence studies show that up to 70 per cent of women have experienced physical and or sexual violence in their lifetime from an intimate partner. (5)

Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination and discrimination against women by men and to the prevention of the full advancement of women.

The problem of domestic violence is dispersed geographically, making it typical and accepted behaviour. Domestic violence is deeply ingrained in the society and has serious impacts on women.

While violence against women still occurs today, great strides have been made particularly relating to providing support and empowerment to women. Various legislation laws which criminalize violent acts towards women, acceptable behaviour and the treatment of woman as a whole will be redefined criminalize violent acts towards women, acceptable behaviour and the treatment of woman as a whole will be redefined.

4 The world health organization report- 2006, working together for health.

5. World Health Organization, Global and Regional Estimates of Violence against Women. https://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf. p. 2.

The legislations have been brought out in order to give women equal rights and privileges with men, eliminate any sort of discrimination, abolish inequality and remove all the external barriers coming in the way of their development.

In the interest of equality and empowerment of women, it is necessary that the law should be accompanied by sensitization of the police the judiciary and the society, as a whole. The law by itself will not stop the violence, but it would provide the women with a protection mechanism and would signify the official response of the state that violent behaviour even within the confines of the 'home' will not be excused or tolerated.

The very first and major step taken to provide help and assistance to women was the passing of the convention on the elimination of all forms of discrimination against women (CEDAW). The convention was adopted by the UN, general assembly in the year 1979. CEDAW mainly aims at eliminating every form of discrimination existing the women everywhere with the goal of attaining full equality between men and women. Currently 190 countries are signatories to the convention and they are required take all appropriate measures in every field including political, education employment, economics, social and cultural fields, to ensure complete development and advancement of women. The countries are also required to submit reports to the UN stating all the progress made by them. The convention came out as the first international treaty to systematically and substantively address the needs of women. The basic principles of the conventions are: -

- Substantive equality
- Non-discrimination
- State obligation

The general assembly, UN also adopted another declaration on 20 December 1993 which states the elimination of all sorts of violence against women. recognizing the urgent need for a universal application to women of the rights and principles with regard to equality. security. liberty, integrity and dignity of all human beings. The primary concern for the passing of the convention is that violence against women is an obstacle to the achievement of equality, development and peace. Any sort of violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs their enjoyment of those rights and freedoms and the concern relating the long-standing failure to protect and promote those rights and freedom.

The convention also recognizes that its effective implementation on the elimination of all forms of discrimination against women would contribute to the elimination of violence against women. The convention constitutes of a total of 6 articles.

The protection of women from domestic violence Act 2005, is another step taken by the govt of India to protect women from all forms of domestic violence. This act for the first time in Indian law gave out a definition of domestic violence in a much broader and wider sense, not only just including physical violence, but also taking under all other forms of violence such as emotional, verbal, sexual and economic abuse. The act is a civil law primarily focusing on protection orders and not to penalize criminally. The act also provides for the women rights to reside in the matrimonial or shared household whether or not she has any title or rights in the household.

The provisions of the act also provide for appointment of protection officers and NGOs to provide assistance to the women like medical examinations, legal aid. safe shelters etc.

Domestic Violence Act is a new attempt to prevent the atrocities against the female within the four walls of a house. Women organizations all over the world observe November 25 as the 'International Day for Elimination of Violence against Women.' Today. in India women groups have reasons to celebrate because Parliament has enacted a law to protect women against domestic violence which also include live-in relationships.

Even after the promulgation of these laws (legal measures) the protection enjoyed by the large masses of women don't numerically constitute a minority they are beginning to acquire the features of a minority

community) by the recognized dimensions of inequality of class, economic situation, status (social position) and political power. (6)

Violence against women narrows down women's opportunities in nearly every domain of life, be it in public or private, at home or in school in any workplace or in community spaces.

It limits their options directly by destroying their health, disrupting their lives, constricting the scope of their activity and indirectly by quashing their self-esteem and self-confidence. In all of these ways, violence hinders women's full participation in society, including participation in the full spectrum of development.

In most of the legal systems all over the world, the issue of domestic violence has only been addressed from 1990s onwards thus in most of the countries there was very little protection in law against domestic violence. In the year 1993 the UN published strategies for confronting domestic violence: a resource manual. ⁷ This manual required all the countries around the world to treat domestic violence as a criminal act.

In a comparative study of the laws relating to the elimination of domestic violence in other countries, with the Indian laws-

The parliament of United Kingdom passed a law namely the domestic violence, crimes and victims 2004. The act pays attention to criminal justice and concentrates upon legal protection and assistance to victims of crime particularly domestic violence. The provisions of the act also expand to trials constituted without a jury, brings in new rules for trials for causing the death of a child or vulnerable adult. The act contains a wide range of reforms in the areas of domestic violence, crime and victims.



6 Umar Mohd. Bride Burning in India: A Socio Legal Study.

7 UNODC, strategies for confronting domestic violence: a resource manual. New York: UN office on drugs & crime (UNODC).

Accordingly, the govt of Pakistan also enacted a major law to combat the issue of domestic violence. The domestic violence (prevention and protection) act was passed in 2012 by the Pakistani Senate. The definition of domestic violence under the act states that "all acts of gender based and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons". (8) The definition further states that assault, attempt at assault, criminal force, criminal intimidation, emotional, physical, psychological, verbal abuse, harassment, stalking, sexual and economic abuse which is included within the ambit of this definition of domestic violence.

The French parliament also has adopted a law on violence against women, violence happening between the spouses and the effects of such violence on the children which sets forward new and fresh means of protection against violence available to the people in any of the following familial structure (marriage,

cohabitation or civil-partnerships). The act provides "protection measures for victims of violence". The aforementioned act extends protection to both the sexes; however, the law primarily focuses in providing help to children and women who are victims of domestic violence. The act contains both civil and criminal proceedings. The law also introduces a new instrument for the first time which is a protection order that will be passed by a family judge to provide protection of the victim through various measures.

Domestic violence is a form of violence against women and is one of the most severe forms of violence recognized and accepted by lawmakers. However, although many cases have been filed against people, the laws regarding domestic violence are still under development. The recent reality is that there are also other places, many judicial decisions have been published from the courthouse where women complain about domestic violence. Except for one or two cases, it has not been fully resolved >> It has been developed legally. Violence against women in domestic violence follows a completely different course. For too long there has been a great reluctance to go into people's homes to understand and intervene in cases of domestic violence. It took the plight of many women and long and tireless lobbying by women for legislators to recognize domestic violence and laws were needed to protect women.



8. Domestic violence prevention and protection act 2012.

1.1 Importance of study: -

A detailed study of domestic violence which shows that intimate partner violence is the most common and prevalent forms of violence in which women's lives - much more than assault or rape by strangers and acquaintances. The women are more at risk from violence at home than in the street and this is causing very serious repercussions to women's health. Therefore, it becomes very important to shine a spotlight on domestic violence globally and treat it as a major public health issue. Research also shows that violence against women is inextricably linked to entrenched views about masculinity and entitlement. It's pervasive, even when we're pretty sure we believe in equality we find it hard to make calls on whether abuse in a relationship is conflict or mutual or something more sinister.

The biggest challenge for policymakers is keeping the abuse secret. At least 20% of women who reported experiencing physical violence did not tell anyone before the interview. Despite the health consequences, very few women reported seeking help from legal services or information, such as health and the police, preferring to seek help from friends, neighbors and family. People seeking support often experience the worst abuse.

Research on violence against women is often difficult because many women are reluctant to disclose information they consider confidential and private. To eliminate domestic violence against women, it is important to understand the context of violence and the social processes that support its success. Evidence on the prevalence and identification of domestic violence in India is scarce and requires urgent attention. It is especially important to understand this serious problem in rural areas with lower economic status, especially where women have poor educational and economic backgrounds.

If violence or threat of violence has happened more than once or twice, it is extremely likely to happen again. The violence usually gets worse over time, increasing in both frequency and severity. It is common for the abuse to develop into a pattern or cycle of abuse.

In an oppressive relationship, there must inevitably be a cycle of oppression in which tensions increase, violence occurs, followed by periods of compromise and silence. Victims of domestic violence must be brought into the domestic violence situation through isolation, power and control, cultural acceptance, lack of resources, fear or shame, or protection of children. As a result of abuse, victims may experience physical disabilities, violence, long-term health problems, mental illness, lack of money, and reduced ability to form relationships. Victims may develop serious psychological problems such as post-traumatic stress disorder. Children living in violent homes often experience early-onset psychological problems that can lead to injury, such as avoidance, caution, and negative behaviour.

Throughout the ongoing battles to attain freedom and equality, women are cruelly and openly fought. All across the world, women are severely punished for expressing an opinion, falling in love, or disobeying a parent. Women are stoned to death for adultery or killed by their own fathers in the name of honour. In some countries, girls are even not allowed to go to school or have a job. Young girls are sold into marriages and are publicly killed were they choose their own romantic partner. Violence against women is still prevalent and obvious.

It is also important to study domestic violence as it is the most common form of violence which is spreading like a serious disease within the roots of the society, nearly every woman is facing violence at some step of her life. It is thus necessary to study the devastating effects it is causing to the society. Domestic violence as an issue is mainly ignored by the people, believing it to be a personal matter in a family, the victims themselves believe that if happened once, the acts of domestic violence shall not take place again ahead. They take domestic violence to be occurred in the heat of a moment, where the perpetrator did not intentionally want to cause hurt to the victim but does so by getting influenced under something e.g.-influence by alcohol or stress etc. A comprehensive study of domestic violence is likely to reveal the factors contributing to domestic violence, the causes in influence of which domestic violence is taking place, the impact it causes to the vulnerable sections of the society and to their health and lifestyles, the measures taken by the law enforcing agencies to combat a crime of such a serious nature, the awareness amongst the people about a crime of such a serious nature, whether they are able to understand and calculate the seriousness of it etc.

People shall also be made aware of the importance of reporting of such crimes, one of the major reasons for the spreading of domestic violence is that most of the incidences of domestic violence go unreported because the victim does not want to face humiliation in the society, does not want to get into legal matters, believes it to be for the first and last time, or simply is not able to gather courage to move out of their houses and file a complaint against anyone submitting them to a crime of domestic violence non-reporting of these

causes can take a much more serious and scary nature ahead in time by then It will almost become impossible to handle it.

1.2 Other forms of abuse or domestic violence: -

Sexual Abuse

Sexual abuse often occurs along with physical and emotional abuse. It is difficult for victims to explain how sexual abuse can occur through threats of further abuse or physical violence. Often the victim is forced to comply with the abuser's desire for sex, sometimes when his body is not suitable for sex. For example, immediately after birth, after surgery, or while sick. The shame the victim feels after passing this on to their abuser.

Child Abuse

Research shows that approximately half of families experiencing child abuse may have some form of physical and/or sexual child abuse. An abuser is usually a person who abuses children. Oftentimes, when children experience violence at home, they can become emotionally distressed and put themselves at higher risk of violence. Additionally, research shows that violence affects children even before birth. Attacks during pregnancy cause miscarriage, fetal damage, and premature birth. The existence of child abuse leads to a dangerous situation, especially when social service organizations have to intervene without understanding the nature of the relationship. Removing the abuser or child from the home will do more to prevent violence than to prevent it.

Elder Abuse

Research shows that older victims are more likely to be abused by older adults and caregivers than those abused by nonfamily caregivers. Domestic violence often does not end on its own. Domestic violence often does not end on its own. Domestic violence is a public health problem.

Mutual Violence

It is difficult to distinguish the differences between self-defense and violence among war victims. The victim who needs to be arrested must confess that he escaped and returned to his children as soon as possible. A victim who struggles to defend himself or protect others should be considered a victim

Dating Violence

Sexual violence is verbal, physical, mental or sexual abuse that occurs in the context of a consistently good relationship with a married or cohabiting partner. One method is considered a violent conversation that takes place in the context of a day or over a period of time. Despite the relationship (rape cases), researchers have noted that all crimes, including murder, occur in sexual relationships.

Economic Violence

Victims are often denied the opportunity or ability to create and work. Discrimination, deprivation and obstacles may be encountered in achieving goals. Victims may be denied opportunities to go to school or work outside the home and may have little or no access to or control over money.

Victims of domestic abuse behave in ways that may be difficult for those who do not understand abuse to understand. The victim may not understand their actions. An effort not to accept torture for the purpose of self-defense. Managing abuse against a victim can affect even the simplest decision the victim has to make. Domestic vi

olence is a crime committed by the perpetrator, not the victim. Abusers must take full responsibility for their crimes.

Abuse Escalates in Frequency and Severity Over Time.

Victims of domestic violence often lose the ability to view others' behavior from an objective or impartial perspective. The victim cannot trust others. For this reason, he often feels lonely. No one likes to be abused. The victims' expectations about love, hope and relationships are the same as our expectations about love. Faith and relationship as we all do. The abuser is under the influence of alcohol or drugs. Although drugs and alcohol do not cause violence, they are often used as an excuse for violence. Not every hitter is the same. Some people are also guilty of other crimes and may have a long history of crime and violence.

Even in today's Indian society, the situation of women is not good. In addition to being a person who is respected, admired and seen as the source of patience and virtue, she is also the victim of many pains, evils and violences that she experiences and exploits in her home, the most sacred and safe place of a male-dominated society.

Domestic Violence as Medico legal cases

In most cases, domestic violence is a legal solution. When an injured woman seeks help, medical attention is often needed. When domestic violence causes serious injuries, the doctor is often the first person to seek medical attention. In almost all cases of domestic violence, doctors can determine whether the injuries were caused by another person, self

inflicted, or resulted from a collision. It has been observed that in most cases of domestic violence, doctors do not ask for explanations from the injured women and often the injured women/patients act as if they had slipped or fallen down the stairs. Sometimes the injured woman herself becomes a passive catalyst because she refuses to tell the truth about the injury. It is recommended that you talk to a doctor. Of course, it is the doctor's professional responsibility to give the injured woman a clear explanation of her injuries. Doctors should encourage the injured woman to describe her injury history. Of course, medical counseling for injured women victims of domestic violence can be effective and effective. It is the doctor's duty and legal duty to not only provide medical assistance to the victim, but also to make an effort to understand and document the cause of the injury.

Since all cases of domestic violence are more or less legal, the police are sent to all emergency/casualty hospitals of public hospitals, where their duty is to register complaints in the family in accordance with the law. He believes that the doctor can effectively help the victim of domestic violence because he is the first person to make contact. Medical professionals should evaluate victims.

1.3 Statement of problem: -

Domestic violence is known to be a criminal net which involves victims and offenders who are related to each other. Domestic violence includes forms of intimidation, aggravated and sexual assault. Domestic violence has now become a national dilemma, with a crime of this type occurring every 9 seconds.

The family members of the victim and the neighbours do not want to get involved. The victim usually is helpless to understand the problem, let alone determine the solution to it.

Instead of the difficulties being addressed, law enforcement agencies are usually left to handle each case only after a criminal act has taken place and someone has been injured.

The officers themselves are currently in danger due to the instability of the situation. Although is a crime, domestic violence knows no boundaries of race, gender, age, religion, health or sexuality and statistics show that these crimes affect us all in some way.

1.4 Objectives of research: -

The research aims at:-

- To explore the nature of physical abuse, emotional abuse, verbal abuse. sexual abuse and economic abuse on women and its impact on their health and marital relationship.
- To determine the prevalence characteristics, reasons and socio-demographic conditions of domestic violence.
- To identify the key determinants and predisposing factors of domestic violence.
- To measure the effects of such determinants of domestic violence on women.

1.5 Hypothesis :-

Based on what is already known about victims of stranger violence, the effects of domestic violence appear to be dually devastating. An environment that is first assumed to be safe and comfortable is instead replaced by one that is tainted, ever threatening and without solace. Possibly the only support system the victim may have assumed to have is now stripped from her and replaced with fear and loneliness.

The effects of this type of isolation usually lead to decreased self-esteem and increased feelings of shame and guilt, which may cause a ripple effect in many other areas of the victims life. Due to abuse she may feel she cannot achieve her educational or career goals. She may be isolated from family and friends due to the perpetrator's fear that they may find out she is being abused. The victim may feel tremendous shame and guilt for staying in an abusive relationship and thus, subjecting her children to such a volatile environment. Lastly, and most critically, the abuse can lead to the victims severe harm and many times even death.

The research aims at optimistically analysing the problems faced by the victims of domestic violence and putting forward the solutions and suggestions by way of which changes can be brought up in our system and society and attention can be drawn up to the issue of domestic violence by creating awareness amongst the people in our society.

1.6 Research methodology: -

The present research work is doctrinal based on second hand data collection. Number of books and articles have been studied while cases have been analyzed and examined to develop a better understanding of the particular topic and to be able to critically analyze the crime of domestic violence. The doctrinal method involved arranging, ordering and systematizing legal propositions study of legal institutions through legal reasoning. Thereafter a conclusive viewpoint is formulated in hope of encompassing the different methods of study.

CHAPTER-2

HISTORY AND STATUS OF WOMEN IN INDIA

The foundations of domestic violence are imbedded deep in evolutionary history of mankind in India. The history of mankind is history of repeated injures and usurpations towards women, with an objective to establish oppression over her.

Domestic violence can be constituted as old as recorded history which has been described in almost every society and every civilization. Discrimination and domination leading to physical, mental or emotional violence have been accepted as a part of every patriarchal society. Except for the recent times it is found that domestic violence has been both socially and legally acceptable. Some significant events, laws, codes, deliver historical context, within which conceptualization of domestic violence becomes very clear. The two major elements combined to seal the status of women are male dominance and projecting women as a 'property' an object which belongs to men and secondly expectations from women as an ideal 'role model' suit each other. in such a way as to make her susceptible and subject to all forms of discrimination, oppression and all sorts of victimization and resultantly induce their subordination. (9)

Women in India have been humiliated a lot of ways since the very beginning of time. They have never received the respect, importance and affection from the society that is given to the men around. Thus, they have always lived a life full of deprivation, discrimination, inequality and have never been conferred with same rights as the male in society receive.

For instance, women were never considered capable enough to make decisions for themselves or for her family or for the society she is a part of. Being an essential part of the family, she has been given no authority and control over the affairs and issues arising from the household. They have always been confined within the four walls of the house limiting their duty to just cooking, cleaning, taking care of the children and the family. Getting educated was an unfavourable dream for a majority of women. The other who managed to step out of the house and received education faced a lot of discrimination as their work was limited to certain areas like agriculture and handicrafts. Under many circumstances they were also paid lesser than the men.

Since many years, a number of sociologists have dedicated their time and effort to evaluate the problems afflicting women and to study the quality of change in the status of women in our society.

While some writers have mentioned about the legal rights relished by women in marriage, inheritance and involvement in social affairs, others have referred to the widespread inequality and discrimination suffered by women because of the social arrogances of males and the prevailing customs and traditions.

Howsoever high the status of women has been raised under the law, in practice they still continue to suffer discrimination, harassment and disgrace. They are even now not taken seriously in procuring opinions and ideas, and are not treated equal to men and do not receive due respect.

9. Dr. Narwadkar Pooja .P.. Law Relating to Domestic violence in India, 1st Edn. 2014, Hind Law House, Pg.No.9.

Within the association between a man and women, one of them having a powerful character is the one who acquires a place of domination over the other. Mostly, it is a man who commands power over a woman, however in some cases, a woman can also exercise control over men. Under Indian culture since very early period women as a group have been conquered by men and their position has been low in the family and society.

Violence as a concept was still not-existent in the earlier times as both men and women were related to each other at an equal pain, and no term as Domestic Violence was found. (10)

The history of women in India narrates the story of women being targeted since the very beginning of the times, the Indian society believed a man to be at a superior position from the women which is why the men in the society realizing the fact of women being so vulnerable discriminated against them. They never felt that being natives to a same place both of them have equal rights and opportunities. However, the situation changes now, unlike the historic times the women now a days are confident and self-sufficient enough to manage their own selves, women today can stand against any sort of violent activity taking place against them. Education and awareness can be seen as two most important variants that helped women to gain the confidence of speaking against any wrong being done to them and fighting for their fundamental rights. The women in India as a concept has been evolved since the times immemorial.

To understand the development of Domestic Violence Against Women in the present society, it is necessary to study its genesis from the history of position of woman in the Indian society from the Pre-historic times.

10. Legal service India (Para 1.6)

2.1 Vedic period: -

In the Vedic period women were treated much equal to the men and enjoyed a significant degree of freedom and equality. There was no discrimination prevalent on the basis of one's gender. Mainly, a male child was preferred over a female child, but females were still as free as the males were. The Vedic period provided an opportunity for women to access education and were also able to study in gurukuls along with the male children. Getting educated was considered to be very important for every child in this period, therefore Women were also allowed to study and refer Vedas and would also practice arts. The women in Vedic period also had the tradition of undergoing the thread ceremony like the men at that time did.

Practices such as the "purdah" system were not prevalent and women were allowed to roam around freely without any restrictions. In respect of marriage in this period the wife was considered as the true companion of husband in Upanishads. Women had complete rights to select their partner according to their choice and aspirations for marriage. Divorcing the married partner was however not permissible.

Giving and taking of dowry and practices like polygamy were in prevalence but were confined to the ruling class. Widow remarriages were also permissible. Men in this period were required to bend their will before that of his wife and to serve and adore her. In the households too, women enjoyed complete freedom and were treated as Ardhanginis (better halves).

Thus, within the social parameters woman's position was not completely disable but was one which was dictated by justice and fairness.

In the economic fields also, women enjoyed freedom in a lot of ways. They helped their husbands in agricultural pursuits and many were also engaged in the teaching work.

Within the religious grounds women enjoyed full rights and regularly participated in all religious Ceremonies with her husband. In many situations the performance of religious ceremonies was considered as unacceptable without the wife joining her husband being his full partner.

Therefore, it can be observed that in the Vedic period the status of women was not low, they had ample rights and were not treated as inferior or subordinate but equal to men.

The Vedic period was one of those periods where the women in the society were glorified for being someone who Just had the image of rendering a lot of things to the society, to her parents, to her husband, to her children, her in laws etc. from giving out services, love, care, protection and affection to them whenever they needed.

2.2 Post Vedic period: -

The Post-Vedic period experienced the implications of Manu and his views. His views on women and their status in society are ironical in nature. According to him women must always be honoured and must be respected by the father, brother, husband and brother in law who desire their own welfare and that wherever women are honoured the gods there are pleased but where they are not honoured no sacred rite even could yield rewards." (11)

Manu on one side prescribed that a family in which women are not respected is bound to be ruined, and on the other side demotes women to an entirely subservient position. He does so by barring women from taking education.

He addresses self-negation as the uppermost ideal of a wife. According to him a wife is advised to serve and worship her husband, irrespective of his character.

Manu deprived women her economic rights as well. As per one of his saying a wife, a son and a slave are declared to have no property, the wealth they earn is for him to him they belong. The Post-Vedic period was highly influenced by Manu's principles. Therefore, this era experienced a major downfall in the status of women.

A number of restrictions and conditions were imposed on the freedom of women in this period. Girls were not allowed to go to schools, henceforth were denied any access to education. Marriageable age for girls was reduced to 9-10 years as pre-puberty marriages were encouraged between the people in society.

Amongst all these restrictions a lot of privileges were only conferred to the women belonging to ruling classes of the society. They were allowed to receive education, training in military science and administrative sciences.

Amidst all these disadvantages woman's right to property was recognized as a means of economic safety for women. Manu also stated that "stridhan" is the basic right of women, which was given to her before the nuptial fire, in bridal procession by her father, mother, brother and husband. Apart from this widow remarriages were totally prohibited and cruel customs such as "sati" and "purdah" system became predominant. Practicing polygamy also came to be tolerated.

In the economic arena also, women were completely denied a share in her husband's property. In the religious ground, women were prohibited to offer sacrifices and prayers, practice penances and accept pilgrimages.

Sometimes the reasons for such downfall in the status of women mainly occurred because of the rigid restrictions imposed by the caste system, the joint family system, lack of educational facilities to women, obligations of Brahmanical severities on the entire society. Women were also held to be weak-minded and undeserving of being trusted.

11. "Shukla Ekta, women and law.

2.3 Medieval period: -

The Post-Vedic period experienced a downfall in the status of women. However, the condition deteriorated during the medieval period when the position of women reached an all-time low. Medieval India was considered to be the "dark ages" for Indian women.

During the first Muslim invasion in India the Hindu society was developing under the directions of Shankaracharya, who re-emphasized on the sovereignty of Vedas where the high status was rendered to the women.

The second invasion of the country by Muslims brought a major and serious deterioration in the position of woman. Life for them became uncertain. Restrictions on her rights, freedom and her subsequent hardships were intensified. Women were forcibly taken away to be slaves into Muslim homes or marry Muslim men. The resulting insecurity and instability further narrowed down woman's social rights.

Education for women came to a standstill as they were not allowed to go to schools and were also being married off at a tender age. Child marriage was being practiced widely in the society.

Social problems like sati pratha, child marriage, female infanticide, polygamy, etc. were at their peak during this period. The practice of "purdah" came to be followed to an extent which resulted in the complete seclusion of women from the society.

The existence of women in the medieval age was not less than a curse for them as all their lives were misery with zero amount of respect and worship. Women were being treated worse than the animals that time. There were no rights for women, to ensure their security and empowerment and they were just confined to the walls of the house restricting them to only work for her parents, children, husband and in laws.

On the one hand, the Muslim conquerors tried to force them to enforce the rights of the conquered Hindu people, on the other hand, the Hindu society became increasingly rigid, thus limiting the rights and freedoms of the lower castes and women. For these two reasons, the middle ages were one of the darkest periods for women in Indian history. Its events continued until the 19th century.

The organization of the first Bhakti Movement by Ramunajcharya introduced new trends in the social and the religious life of women in India. Though the complete outset of women's status was not quite free from the then usual attitude to women, yet this movement made way for the religious freedom to women. As a result of this liberty they protected certain social freedom also. The purdah system started to abolish and women were allowed to attend religious prayers which ultimately freed women from the restricted domestic life. There were 15 popular saints of the bhakti movement. The position of women in medieval India was oppressed and deteriorated within every sphere.

Even during the darkest period, when the black cloud of social reaction completely submerged the freedom of woman, a silver lining was visible. Some of the Mughal Emperors through social reforms tried to relieve the hardships and the position of women.

The bhakti movement also emphasized on "grihastashram" under which saints were not permitted to take sanyas without the consent of the wife which eventually gave a very major right to the women. This movement provided a new life to women. Since the period of Manu, women were not allowed to be educated, but now when they had religious freedom, the saints encouraged them to read religious books and texts through which they were able to gain Knowledge from. However, since the movement did not

bring any substantial change in the economic structure, the women continued to hold in the society dependent on their husbands for maintenance.

2.4 Modern period:-

A major revival in the status of women arose during British rule. A large number of major changes were introduced in economic and social structure of women in the society. Some significant development was made in eliminating inequalities between men and women in education, employment, social rights and so forth.

The idea of giving access to education to women emerged within the British period. It was nearly collectively thought that since women did not have to earn their livelihood, there was no need of them being educated. It was only after the commencement of bhakti movement that the need for educating women was taken into consideration.

The bhakti movement is however is being in progress was not able to majorly change the status of women.

The important changes introduced in women's position can be attributed to two significant social movements of this period:

- **Social reforms movement** – the movement emerged in the 19th century and majorly affected the practices of sati pratha, purdah system and child marriage and promoting widow remarriages, also securing the interest of women in property rights. The social reforms under this movement was of the opinion that women can achieve a healthier social position only if they are given access to education by means of progressive legislation. Some of the reformers directed by swami Vivekanand, Dayanand Saraswati and Annie Besant thought in restoration of the vedas for reaffirming the lost status of women.
- **Nationalist movement** – This movement brought a new trend of confidence and enlighten between the people and also had major effects on position and status of women. Women begin to participate enthusiastically in independence movement and re-asserted their position as an equal citizen of the nation. In 1927, All India Women Conference was formed and it proved to be an important and crucial movement towards securing the right to equality for women.

The British era brought an age of foreign regulation to India but for the women of the country it brought about the rule of law. The formation of all India Women's Conference in 1927 also proved to be a vital movement in safeguarding right of equality for women. Various legislations such as Widow Remarriage Act, Child Marriage Prohibition Act, Hindu Women's Right to Property Act and many more were also introduced to eradicate the social evils prevailing in the society. As a result, women were freed from the restraints of societal issues by means of legislations. Chief amendments were also introduced to the industrial laws to accommodate welfares of the working women and thereby providing them with a sense of economic freedom. Some more changes in the establishment of creches, reduction of working hours for women, restrictions on working in mines etc. were also made to promote women employment and welfare.

The modern era women were persuaded towards the social subjects and were trying hard to recover their lost social status at large.

Increased awareness and education stimulated women to come out of the four walls of the house. A number of woman energetically supported the nationalist movement and held important positions and offices in the administration of free India. The woman started caring about their health, cultural

requirements, comforts, academic pursuits, social communication, religious activities, etc. They desired that their status and position in society should grow higher. The traditional role of women was breaking up and new role-sets built on achievement, freedom and equality were progressively coming up.

2.5 The Post-Independence India: -

The most important event in the protection of women's rights after independence was the creation of the Indian Constitution, which is considered the basis of our country's constitution. > the issue of women's freedom. They have witnessed from the beginning the problem of the weak, weak and poor in society and have seen that they need to be given special treatment in order to bring these to the main agenda. They also know that the most important thing for the development of the country is equality. Reducing inequality in the class system that has long ruled the country is, of course, eliminating inequality and providing a better opportunity for the exercise of human rights; Measurement and social justice, which have existed since ancient times and provide them with additional protection. In other words, with freedom and law, women are given equal status with men in the country. The government is making efforts to improve the status of women in various professions through legislation. Miseducation, Hindu Marriage Act of 1955, raising the age of marriage for women, Adoption Act of 1956, Dowry Prohibition Act of 1961, legalization of abortion etc. Everything is good for women. The Indian constitution provides equal status and opportunities to women across the country. After independence, the evolution of women's status took place at a faster pace as Indian women became leaders, political leaders and officials in the Indian government.

Additional avenues were unlocked for them to present their talent and have a sense of participation in the ongoing national activities of the country.

Indian women, like men received the right to vote and also the right to be elected, constitutionally they have been granted with equal rights being a citizen of India. In the present-day, Women were serving on juries, and many of them became doctors, lawyers and even justices.

But the law alone is not enough to bring about a radical change in the status of women. With rapid urbanization and industrialization in the country, exploitation of women in recent years has been a serious threat to our society.

Although legislation has been created in many places to improve social rights, the economy and the status of women, public age knowledge is subject to torture, early and dangerous pregnancy, female pregnancy, illegal abortion, gifts leading to child marriage and premature birth. Death, rape, night visions and all kinds of harassment against women still exist. In fact, even with the of the passing of the Dowry Prohibition Act and after several amendments to the I.P.C, cr. P.C. and the Evidence Act", dowry deaths are still rapidly on increase.

Until the twentieth century, lack of economic pressure was one of the main reasons for the slow progress in women's education. Since then, women have evolved: They need to have the necessary skills from education to live a good life, protect their rights and privileges, and achieve economic independence. Therefore, the number of women in higher education continues to increase. According to a report published in 1991, the number of women finding employment outside the family wall, whether in the city or in the countryside, also increased. The ability to work, economic poverty and social conditions encourage women to work outside the home. People's attitudes towards women's work and selfemployment today are different than previously thought. People are no longer against women working. Today, the focus of production has shifted outside the home and the industrial economy requires women's equal participation with men in the production process. This increases women's opportunities in family and society. (12)

According to the report of the Commission on the Status of Women in India (1974), the number of women in professional, technical and organizational, primary and secondary teachers' jobs has increased since th

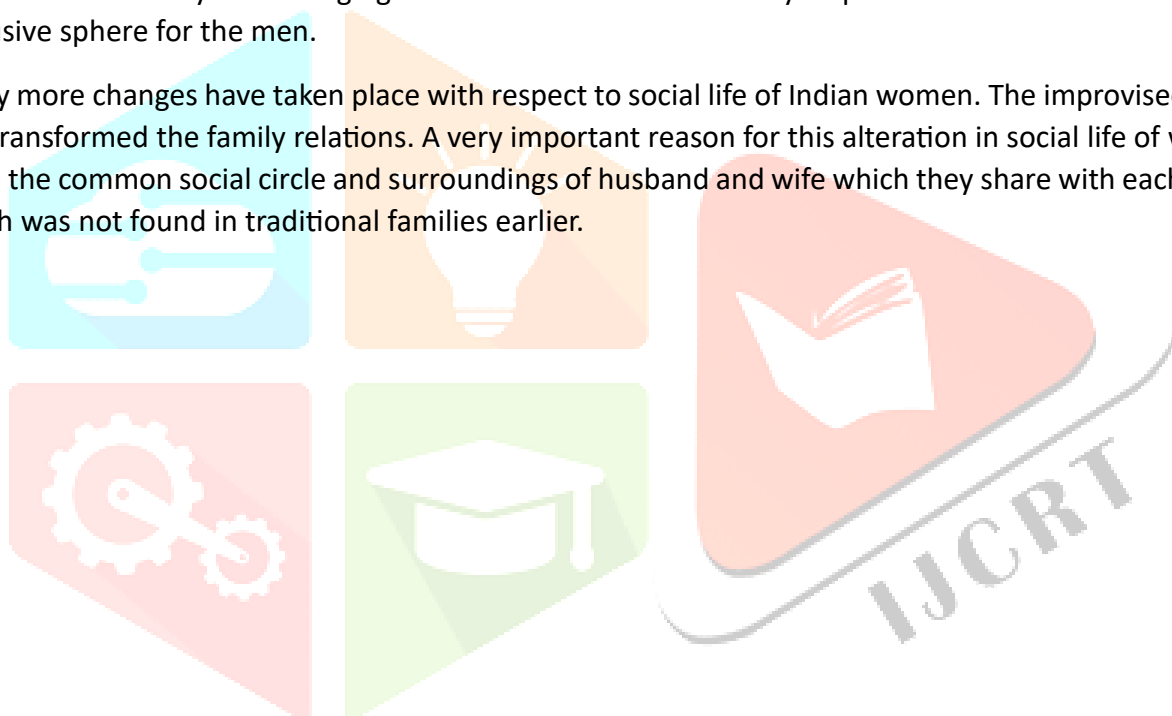
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1960s,

Public and The Director of Private Sector Employment and Work Training has identified teaching, healthcare, workers and remote workers as the four main types of work. In politics, women are now equal to men. The two most important rights that the Indian Constitution grants to women in politics are: women's right to vote and the right to be elected to legislative bodies. Before independence, When parliamentary elections were held in 1946, Sarojini Naidu, Hansa Mehta, Renuka Rai and many other famous Indian women were elected as members of Construction Committee. In the first general elections in 1952, many women contested to become members of the Lok Sabha. Some of them also had power in terms of seats such as prime minister, prime minister, deputy prime minister and state government.

Now each and every political party has a women's cell or section where mainly women leaders are now on the position of president or secretary of the party. Women from different parties have now been actively participating in campaigning, organizing and shaping meetings at the time of elections. Their families on the other side are always encouraging them to have a smooth entry in politics. Politics now is not only the exclusive sphere for the men.

Many more changes have taken place with respect to social life of Indian women. The improvised life in city has transformed the family relations. A very important reason for this alteration in social life of women has been the common social circle and surroundings of husband and wife which they share with each other and which was not found in traditional families earlier.



12 Misra Preeti. Domestic Violence Against Women: Legal Control and. Judicial Response.

Attitude of people towards separation of sexes has also been. Co-education has created an environment for amalgamation of boys and girls. At the time of leisure, women can easily visit their friends and relatives for a fun time without anyone questioning, restricting or confining the.

Industrialisation has been very effective when it comes to bringing up changes in the position of women, it has not only affected the joint family system severely, but also the relationship between the husband and wife. An important position of women as a consultant is observed in most families where she holds the responsibility of making the major family decisions along with her husband or father. Authority in a family now, not only vests with the eldest male but also on the females of the house.

It is very well known that freedom movement in India created great awareness amongst the women of the country about their social and legal rights social responsibilities in the larger social order. A very main result of this was the manifestation of a new imaginative impulsive within the women of post-independent India.

The position of women and their social relationship as required by the new social, political and economic organization in society has come out through the routine factors of social change.

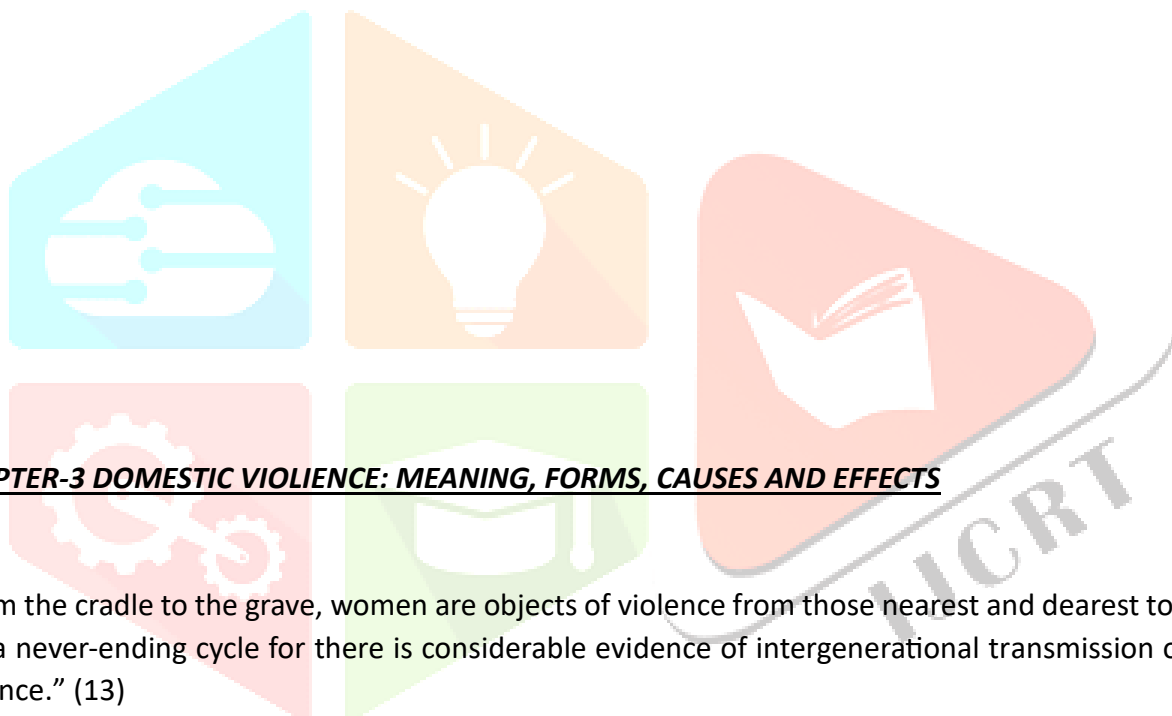
Certainly, in the period before 1947 there was a substantial change in thinking, outlook and value Indian women. Subsequently the Indian women have progressively moved towards their self-reliance and independence. The status of Indian women through the ages has continuously been changing and the one, which was misplaced during the middle and earlier ages of the 19th century, has been somewhat recovered. It seems that the status of women has gone high in India in the recent times. However, the sad reality is that even now a large majority of women in the villages or women of low caste still suffer injustice and inequalities from everywhere around.

If we take a look at them, we can notice that no specific social change of much importance has been introduced amongst them as their condition keeps on deteriorating day by day. A very high number of women in villages are still illiterate and irrational and willingly do not participate in the political, social and economic aspects of the nation. Rural women are considered backward due to their traditional practices, illiteracy, ignorance, superstition, social evils and many other various factors. Henceforth, liberation of women in rural India is an indispensable requirement for social progress of the country.

The government asked leading women's organizations to support them in developing a five-year strategy to examine and document women's changes. These organizations agree with the government that economic growth is the most important issue. The best working women became organizations where they had permanent residence, full staff, libraries, and their own administrative offices. They have created and continue to manage projects and activities designed to help women, especially nurseries, women's offices, training centers and pharmacies. Like the government, the main policy of these organizations has always been women's health. However, some of these institutions have been criticized for this approach and accused of not preparing women for new roles and opportunities. Women themselves are also believed to hinder change and make women dependent on the traditional role. Communist women directly expressed their grievances about the constitution, the five-year plan, the government and party commitments.

There are other women who were close friends of Mahatma Gandhi and believed that economic and social reforms were more important than the laws and regulations presented to them. But many of these people also believe in volunteerism and focus on grassroots projects.

Despite these criticisms, the Indian government's commitment to gender equality was not seriously questioned until 1974, when the Women's Equality Report was published. Responsible for reviewing laws, regulations and policies affecting women's social, educational and employment opportunities and assessing the impact of these policies. There is still an internal demand for this information, but in real time the United Nations' request for all countries to prepare information on the situation of women for International Women's Year is being responded to. It takes place in 1975.



CHAPTER-3 DOMESTIC VIOLENCE: MEANING, FORMS, CAUSES AND EFFECTS

“From the cradle to the grave, women are objects of violence from those nearest and dearest to them. And it is a never-ending cycle for there is considerable evidence of intergenerational transmission of domestic violence.” (13)

For the women around them, violence is a phenomenon that begins with pregnancy and continues throughout life. Access to adequate food, timely medical facilities, household chores, care of relatives, etc. gender-based discrimination in matters still exists; This leads to a lack of education and therefore a lack of knowledge and motivation. Early marriage and childbearing increase the risk with its harmful effects on health. Millions of Indian women are subjected to severe harassment due to their husbands' or relatives' inability to meet dowry demands, and many women also become victims of murder and are easily driven to suicide. All of this creates a deep sense of hopelessness among women who have no choice but to continue their partners' abuse.

Women There is no doubt that domestic violence is one of the most serious crimes against women world wide. The difference between domestic violence and other types of violence against women is that it occurs within the framework of a holistic relationship and it is almost impossible to disclose it to the public and obtain information. After the big blow, it is still seen as a problem that can be solved within the four walls of the house and part of the normal 'wear and tear' of marriage.

The Omens have about half of the population, but they still live in many adverse situations due to gender differences and human injustice. Although

after years of efforts to include women in basic development processes, its effectiveness is still questionable due to the many factors that lead to the continued marginalization of women.

Domestic violence against women is one of the most common forms of violence but is rarely understood and recognized across the country.

13 Freeman, 1979 (p 239).

3.1 What is violence?

The term violence denotes any form of physical force for or any damage or injury to person or property.

According to Oxford Dictionary (14)

"Violence as behaviour involving physical force intended to hurt, damage or kill someone or something

According to WHO, (15)

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community. which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation".

As per the definition given by Webster's new collegiate dictionary" (16) violence means exertion of any physical for instance: (a) violent treatment or procedure, (b) profanation infringement, outrage, assault, (c) strength, energy, activity displayed or exerted, vehement, forcible or destructive action or force, (d) vehemence in feeling, passion, order, furry, fervor.

A narrow concept of violence may recommend any act which is illegal, has criminal use of physical force and also includes exploitation, discrimination, upholding of an unequal economic and social structure, the creation of an atmosphere of terror a situation of threat, reprisal and other forms of violence. While on one hand all the concepts of violence are interrelated, the specificity of violence related to the situation of women demands a closed and critical look of the aspects of acts of violence exercised on the parts of the family and society. The state not only tends to overlook these forms of violence but preserves them in the name of the cultural rightfulness and the maintenance of law and order.

Although the definition of violence is stated by many, it still lacks an operational definition which can include all types of violence against women occurring in the society. Beside physical injury, any form of verbal abuse,

threats, eve teasing, deprivation, discrimination are all different forms of violence against women. If not any physical injury, they lead to psychological injury and destruction of a woman's personality.

The violence of any type can be demonstrated in two forms one in institutionalized and other is direct. First type of violence is existing in political economic and social system by maintaining oppression against those who are vulnerable. Institutional violence serves a basis for direct violence because it influences the pattern of socialisation. (17)

14. <http://www.oxforddictionaries.com/definition/englishviolence>

15. World Health Organisation 2002 "World report on violence and health"

16. Webster's new collegiate dictionary, 1961, p. 952

17. Violence against Women a Literature Review available at http://ihro.org.in/women_violence.html.

It conveys to those individual who suffer that they accept it according to social role played. In case of women as a weak section of society both institutionalised and direct violence are complimentary in the form of domestic violence. The basis for the violence against women in different spheres is deeply rooted in hierarchy established for sexes in power relations, where women are placed in the inferior position. (18) Since ancient times domestic violence against women is introduced with predetermined form of power relations in which; violence is used as a weapon of control and order.

3.2 Concept of domestic violence: -

According to the Merriam-Webster dictionary definition' (19)

Domestic violence is "The inflicting of physical injury by one family or household member on another; also, a repeated or habitual pattern of such behaviour."

Domestic violence is now more broadly defined, often but not always including "all acts of physical, sexual, psychological or economic violence" that may be committed by a person who is a family member or a person that has been an intimate partner or spouse, irrespective of whether they lived together. (20)

In 1993. The UN Declaration on the Elimination of Violence against Women identified domestic violence as one of three contexts in which women occurs, describing it as: (21)

"Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation."

"Domestic violence refers to violence against women within the family, usually committed by men. Inflicting physical or mental pain on the woman... This then happens and is usually the woman who is abused but does not accept it. (22)

18. Ray Suranjita, 'understanding patriarchy: Foundation course Human Rights, Gender & environment' Delhi university available at http://www.du.ac.in/fileamin/DU/Academics/course_material/hrg_e_06.pdf
19. <http://www.merriam-webster.com/dictionary/domestic%20violence>.
20. <http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>.
21. "A/RES/48/104. Declaration on the Elimination of violence against women". Un.org. Retrived 2013
22. Indira Jaisingh, law of Domestic Violence, Universal Law Pub. Co. Pvt. Ltd. Delhi ,2001, pg.No.9.

According to Sec.32 (dd) of the Parsi Marriage and Divorce Act, 1936 the term "Domestic violence" means any act or commission or conduct which is of such a nature as to harm or injure or has the potential of harming or injuring the health, safety or well-being of the person aggrieved.

It is to be noted that under the laws in India the expression "domestic violence" is yet to be defined, but it should not mean that the acts of domestic violence are not punishable in India There is no solitary form of domestic violence, it differs with situations, individuals and households. The impact of domestic violence is to be measured by its degree of severity. has been seen that the domestic violence could yield drastic and extreme results in the form of death, though there may be minor scar and injury in some cases of domestic violence against women, there could also be a situation where domestic violence could result neither death nor minor scars but cause psychological disaster.

3.3 Characteristics of domestic violence: -

The following are some of the characteristics of domestic violence which helps in an easy understanding of the term.

- Domestic violence denotes the victimization of women within the boundaries of a family, the victim can be any women, a girl child, married, elderly or like relationships.
- Domestic violence against women is an organized and structural phenomenon of patriarchal control on women which is built by male dominance and female inferiority.
- It is a stereotype role expected by the society for men to be the predominant and women to be the subordinate.
- The violence can take place in private sphere, which can be the home of the victim itself, where she expects love, affection, care, warmth and the person inflicting violence is her own family member.
- Domestic violence can be of any type, physical, psychological, emotional, economical etc. it shall also include threats or aggressive behaviour towards the women and even towards her self-respect and self-confidence too.
- It is a gender-based violence that reflects the existing asymmetry in power relationship between men and women that perpetuates the subordination and devaluation of female as opposed to male and exists within the framework of patriarchy as a symbolic system that denies women their rights and reproduces the imbalance and inequality between the sexes It is rightly described as gender specific crime occurring within family between individuals related through intimacy, blood or law. (23)
- Domestic violence states a pattern of violent, abusive and coercive behaviour by one partner in a relationship to establish and uphold power and control over another person's life.
- Violence against women is the most disgraceful human right violation. It does not identify boundaries, geography, culture, caste, wealth or anything else. It is a widespread phenomenon found in all developing, developed and under developed countries in varying forms and magnitude.
- An easy form of domestic violence is the use of intimidation or manipulation as a means of exercising control over the victim.

23. Indira Jaising, "Domestic Violence & Law" 1 Journal of NHRC, 2002. 73.

- Domestic violence is an increasing concern all over the world community as a result of feminist movements. Terms like Marital Violence, are used to connote the violence between spouses while other terms like Interfamily violence, domestic violence are used to broadly include violence in spouses, exhibited against children, between siblings and generally between persons who shared a mutual residence and live in close relationship. (24)
- Victimization is often kept secret due to embarrassment, fear of revenge by the perpetrator, the wish to avoid legal interferences into their lives and the belief that violence is unavoidable and universal.
- The basis for the violence against women in different spheres is deeply rooted in hierarchy established for sexes in power relations, where women are placed in inferior position. (25) Since ancient times domestic violence against women has been introduced as predetermined form of power relations in which violence is used as a weapon of control.

3.4 Forms of domestic violence: -

The many different forms of domestic violence against women shall include,

1. Intimate partner violence- intimate partner violence is the form of domestic violence which is committed by a current or previous spouse or partner of an intimate relationship against the other partner of that relationship. In general, it is violence which takes place between a couple connected to each other by marriage, cohabitation etc. An intimate partner can be described as a person who has close relationship with the other partner that can be characterized by
 - Emotional connectivity with each other
 - Having knowledge about each other's personal life
 - Ongoing physical or sexual contact
 - Being in regular contact with each other
 - Identity as a couple

The world health organization gave out a definition for intimate partner violence and sated it as any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship, including acts of physical aggression, sexual coercion, psychological abuse and controlling behaviours. (26)

24. Shankaran M.V., Intra-Family Violence & Law'13 Indian Bar Review, 1986,86.

25. Ray Suranjita, 'Understanding patriarchy: Foundation Course Human Rights, Gender and Environment' Delhi University available at <http://www.du.ac.in/fileadmin/DU/Academics/Course>

26. Krug, Etienne G, Dahlberg, Linda L, Mercy James A, Zwi Anthony B, Lozano, Rafeal (2002). World report on Violence and Health. Geneva, Switzerland: WHO. ISBN 9789240681804

Michael P. Johnson argues that there are four major types of Intimate partner violence (also known as Johnson's typology"). (27) This is also supported by successive research and estimation, as well as independent researchers. The Types of violence identified by Johnson are:

- Common couple violence (CCV) is not associated to general control behaviour but results from a single argument where one or both partners in a relationship physically lash out at the other. This is the most common form of intimate partner violence. It is also known as situational couple violence (SCV).
- Intimate terrorism (IT) involves emotional and psychological abuse. This type of violence occurs when one partner exercises coercive control and power over the other partner in a relationship by means of threats, intimidation isolation etc. Intimate terrorism is more likely to escalate over time, not as likely to be mutual, and more likely to involve serious injury. IT batterers include two types: "Generally- violent-antisocial" and "dysphoric-borderline". The first type includes people with general psychopathic and violent tendencies. The second types are people who are emotionally dependent on the relationship. (28)
- Violent resistance (VR), is a type of self-defence exercised by the victim of abuse against the partner who has exerted violence on them.
- Mutual violent control (MVC) is the type of intimate partner violence happening when both the partners in a relationship act in a violent manner, battling for control.

2. Physical violence- physical violence is the intentional use of physical force of a person with the potential of causing death, disability, injury or harm to someone else. Physical violence results in a bodily harm which is suffered by the victim because of the application of immediate and unlawful physical force. The injuries suffered by the victim resulting from physical violence may or may not be of a serious nature, not every injury shall require medical assistance. For example, slapping is a form of physical abuse of domestic violence but it may not result in any major injury and therefore will not require any sort of medical help.

Physical violence not only includes the bodily force applied by someone to cause an injury to the victim, but it can also include giving out threats to destroy or to actually destroy the valuable possessions of the victim.

Physical violence is one of the most recognizable form of domestic violence taking place within the society. It is always illegal in nature. It often begins with a less violent behaviour such as pushing slapping etc, however with time when the abuser sees no retaliation from the side of the victim the violence takes a much serious and gruesome face.

27. Nicolson Paula., Domestic Violence and Psychology: A Critical Perspective (<https://books.google.com/books?Id=WSANCERMa2MC&pg-PA40>). Taylor & Francis; 14 December 2010. ISBN 9781136698613. P.40.

28. Johnson, Michael P; Ferraro, Kathleen j. (November 2000). "Research on domestic violence in the 1990s: making distinctions". Journal of marriage and family. Wiley for the national council on family relations.

The many ways of physically abusing a victim shall include-

- Pushing, shoving. hitting, slapping, choking, hair-pulling. punching or using harmful weapons on the victim.

- Deliberately undermining the victim's confidence, acts which shall humiliate or degrade the image of the victim in the society.
- Smashing property, throwing away things or destroying things and possessions which are valuable for the victim.
- Using intimidating body looks such as giving angry looks to the victim, giving threatening gestures, talking to the victim in raised voice etc.
- Harassing the victim by making persistent phone calls and sending text messages or emails of offensive nature. Following her consistently or loitering around her near her home or workplace.
- Also, sometimes physical violence can result into deaths.

Physical violence is the most tortures forms of violence done by the abuser on the victim, there are no limits to how much a physical violence act shall constitute, it can begin from just a slap and can result even in the death of the victim. Due to a lot many reasons physical violence is not reported and just stays within the walls of the house, victim alone suffering all of it. There is a need to prevent such actions of physical violence with strict punishments to the abuser, which is able to create fear in the hearts of the abuser and restrict them from further using such force on anybody.

The victims of physical violence shall also take steps forward to stop such heinous acts done by the abuser. Any act of physical violence shall be reported to the police so that the abuser can be dealt with. Also spreading awareness and creating knowledge about physical violence and why one should speak against it, would help the people in need.

3. Sexual assault- sexual assault is that form of violence in which one person sexually touches or physically forces another person to engage in a sexual act without having the other person's consent or against their will.

According to the definition given by National Centre for Victims of Crime (29) "sexual assault takes many forms including attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats. Usually a sexual assault occurs when someone touches any part of another person's body in a sexual way, even through clothes, without that person's consent."

The world health organization has also given out a definition of sexual assault as "any sexual act, attempt to obtain sexual act, unwanted sexual comments or advances, or acts of traffic, or otherwise directed, against a person's sexuality using coercion. It also includes obligatory inspections for virginity and female genital mutilation."(30)

29. "The National Centre for Victims of Crime-library/document viewer". Ncvc.org.

30. WHO (2002), "the forms and context of violence" in WHO, world report on violence and health: summary, Geneva, Switzerland: World Health Organization, PP. 17-18.

Sexual assault shall include mass sexual assault, sexual harassment, rape, groping etc. women who are pregnant, disabled, the ones not able to provide their consent or women that make attempts to leave their abusers are always at a high risk of being sexually assaulted. The abusers who are physically violent towards their partners are also very often sexually abusive. In the cases of sexual abuse 90% of the women victims know the perpetrator prior to the happening of the offence.

Women in many societies do not consider sexual abuse done by their partners as a crime if they are married to or cohabitating with such abuser.

4. Psychological abuse- psychological abuse (or emotional abuse) takes place in forms of intimidation, threats of harm and isolation inflicted upon the victim by the abuser. Such abuse shall include misusing of the spiritual or religious beliefs to manipulate or exert power and control over the intimate partner, constant supervision, exercising control on what the victim does and to whom they talk to or by damaging the property or valuable possessions of the victim. According to the Istanbul convention, psychological abuse is a serious attack to impair the psychological integrity of person through control and threats. (31)

Psychological abuse does not leave physical scars or marks on the body of the victim but can have a bigger impact on the mental health of the victim. People suffering from such abuse may experience depression, anxiety etc. It is a direct attack on the victim's independence, confidence and self-esteem. Psychological violence starts slowly on a small scale and gradually escalates. The abuser is likely to behave inconsistent, irrational, and unpredictable and may blame the victim in any case for his moods and behaviour. This form of domestic violence shall include: -

- Continually criticizing, calling and shouting of names
- Insulted or driven away the friends or family of the victim
- Humiliated the victim in private or public
- Kept the victim restricted from working, controlled money or made all the decisions
- Refused to work or to share money
- Taken car keys or money from the victim
- Regularly threatening to leave the house
- Threatened to kidnap the children when the abuser was angry
- Abused pets to hurt the sentiments of the victim
- Manipulated the victim with lies and contradictions

31. Conventions.coe.int. Council of Europe, "convention on preventing and combating violence against women and domestic violence (CETS no. 210)".

5. Economic abuse- according to economically abusing someone, one shall exercise control over the other partner's access to economic resources. This type of abuse shall involve preventing a spouse from resource acquisition, limiting the things a victim is likely to use or in any other way exploiting the economic resources of the victim.

Economic abuse abolishes the victim's capacity to maintain and support themselves which results into their increasing dependence on the abuser. The abuser tries to limit the victims access to education, employment, career advancement and assets acquirement. While exercising economic abuse the abuser may compel victims by pressurizing them to sign documents to sell things, or to

change a will etc. There are certain parts of the world where women highly depend on their husband's income and allowances in order to survive, in such places economic abuse can have very severe consequences. Economic abuse can be often seen in places where an abuser forces the victim into complete isolation by limiting their communication with family and friends. Isolation from the outer world in such cases makes it more difficult for a victim to have any type of financial freedom.

3.5 Causes of domestic violence: -

"Violent behaviour is often caused by an interaction of situational and individual factors. This means that the abusers learn violent behaviour from their family, people in their community and other cultural influences as they grow up. They may witness violence often and there are also chances of them being victims of domestic violence themselves. Alcohol and other chemical substances may also contribute to violent behaviour. A drunk or high person will be less likely to control his or her violent impulses."(32)

Only one single factor cannot be accounted for violence perpetrated against women. Gradually, a lot of researches has focused on the inter-relatedness of a number of factors that should improve our understanding of domestic violence within different cultural contexts. Various compound and interconnected established social and cultural factors have kept women particularly vulnerable to the violence directed at them, all of the indicators of historically unequal power relations between men and women. Factors contributing to these unequal power relations include: socioeconomic forces, the family institution where power relations are enforced, fear and control over female sexuality, belief in the inherent superiority of males, and legislation and cultural sanctions that have traditionally denied women and children an independent legal and social status.

However, no such cause of domestic violence justifies the actions of the abuser, not it should be used as a rationale to their behaviour. Every possible cause of domestic violence is only to understand why an abuser believes that it will be acceptable to abuse the other partner physically, sexually, mentally, financially etc.

In the past few decades, with increasing evidences the phenomenon of domestic violence has drawn the attention of several concerned feminists, human rights groups, social scientists and social work practitioners. Many scientists have also attempted to study the phenomenon and have proposed several theories to explain the causes of what constitutes domestic violence.

32. MD. Goldsmith Toby, What Causes Domestic Violence?

Even after the studies and researches constituted to understand the main cause of domestic violence an important question that is still looked up by sociologists, criminologists, law maintenance officers and the public alike is that, what causes men to be so violent, abusive and cruel towards women who ought to be their respective partners in an intimate relationship.

Following are the causes that constitute domestic violence: (33)

1. Cultural:
 - Gender-specific socialization
 - Cultural definitions of appropriate sex roles
 - Expectations of roles within relationships
 - Belief in the inherent superiority of males
 - Values that give men proprietary rights over women and girls

- Notion of the family as the private sphere and under male control
 - Customs of marriage (bride price/dowry)
 - Acceptability of violence as a means to resolve conflict
2. Economic: -
- Women's economic dependence on men
 - Limited access to cash and credit
 - Discriminatory laws regarding inheritance, property rights, use of communal lands, and maintenance after divorce or widowhood
 - Limited access to employment in formal and informal sectors
 - Limited access to education and training for women
3. Legal: -
- Lesser legal status of women either by written law and/or by practice
 - Laws regarding divorce, child custody, maintenance and inheritance
 - Legal definitions of rape and domestic abuse
 - Low levels of legal literacy among women
 - Insensitive treatment of women and girls by police and judiciary
4. Political: -
- Under-representation of women in power, politics, the media and in the legal and medical professions
 - Domestic violence not taken seriously
 - Notions of family being private and beyond control of the state
 - Risk of challenge to status quo/religious laws
 - Limited organization of women as a political force
 - Limited participation of women in organized political system

33. UNICEF (2000), Domestic Violence against Women and Girls, Innocenti Digest NO. 6, available at <http://www.unicef-irc.org/publications/pdldigest6e.pdf>, pg. no.7

3.6 Effects of domestic violence: -

- Denial of fundamental rights- one of the most crucial consequences of violence against women and girls is the denial of fundamental human rights to them. International human rights instruments such as the Universal Declaration of Human Rights (UDHR), adopted in 1948, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, and the Convention on the Rights of the Child (CRC), adopted in 1989, affirm the principles of fundamental rights and freedom of every human being. Both CEDAW and the CRC are guided by a broad concept of human rights that stretches beyond civil and political rights to the core issues of economic survival, health and education that affect the quality of daily life for most women and children. The two Conventions call for the right to protection from gender-based abuse and neglect. The strength of these treaties rests on an international consensus, and the assumption that all practices that harm women and girls, no matter how deeply they are embedded in culture, must be eradicated. Legally binding under international law for governments that have ratified them, these treaties oblige governments not only to protect women from crimes of violence, but also to investigate violations when they occur and to bring the perpetrators to justice.

- Health Consequences- Domestic violence against women leads to far-reaching physical and psychological consequences, some with fatal outcomes. While physical injury represents only a part of the negative health impacts on women, it is among the more visible forms of violence. The United States Department of Justice has reported that 37% of all women who sought medical care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse or partner. A number of assaults result in injuries ranging from bruises and fractures to chronic disabilities such as partial or total loss of hearing or vision, and burns may lead to disfigurement. complications resulting from FGM (female genital mutilation) can range from hemorrhage and sterility to severe psychological trauma.

Studies in many countries have shown high levels of violence during pregnancy resulting in risk to the health of both the mother and the unborn fetus. In the worst cases, all of these examples of domestic violence can result in the death of the woman murdered by her current or ex-partner. Sexual assaults and rape can lead to unwanted pregnancies, and the dangerous complications that follow from resorting to illegal abortions. Girls who have been sexually abused in their childhood are more likely to engage in risky behaviour such as early sexual intercourse and are at greater risk of unwanted and early pregnancies.

Women in violent situations are less able to use contraception or negotiate safer sex, and therefore run a high risk of contracting sexually transmitted diseases and HIV/AIDS.

The impact of violence on women's mental health leads to severe and fatal consequences.

- Violence also has indirect effect on the society. It represents the drain on the economically creative workforce and produces a climate of fear and insecurity: because of violence, balance between man and woman is troubled. Committing violence is a lesson for others; it is giving a bad message to society. It hampers peace, safety, security and dignity of women.
- Violence makes women inferior to men, it only gives the feeling of superiority. Due to which women has to overcome social problems which are more painful than physical injuries such as stigma and discrimination, strained relationship with friends and family, most dangerous thing that is social isolation and harassment for medical, social and legal services. These things break the woman badly. (34)
- Battered women have a high tendency of stress and stress-related illnesses such as post-traumatic stress syndrome, panic attacks, depression, sleeping and eating disturbances, elevated blood pressure, alcoholism, drug abuse, low self-esteem etc. They tend to remain quite agonized and emotionally disturbed once the torment takes place. For some women, fatally depressed and demeaned by their abuser, there seems to be no escape from a violent relationship except suicide.
- For a working woman of domestic violence, she may drop out from work place because of the ill-treatment at home or office, she may also lose her efficiency in work.
- One of the major effect of domestic violence is seen in the children of the victim. It is natural, that a child generally has a greater attachment towards the mother. A child may tend to become upset deeply when he/she notices the mother's grief and sufferings. They can turn quiet, reserved and shall start expressing solace to their mother.

- Violence against women can have a series of devastating consequences on women's short and long-term health wellbeing. Along with the immediate physical and emotional impacts of violence, the overall quality of women's life can be affected over an entire lifetime, which can also put an impact on their participations and engagement into the various aspects of life and society. The consequences faced by an individual woman, along with the violent act itself can have ripple effects on society as a whole.
- Many times, violence against women leads them to enter in immoral practices. In most of such cases women are compelled in prostitution by their parents, husband, boyfriends, sometimes in difficult economic and social conditions also women are being forced to submit in flesh trade. (35)
- Due to violence victim women have to face economic problems example she may lose her job or she may not be able to continue with her job. Loss of income from missed work or partner who withholds money is basic reasons for financial problem. Medical bills, legal fees, extra child care and protection cost put extra burden on victim. So, from one side she has to face violence and from other side she has to suffer financial burden. It means violence not only affects women mentally and physically but also it affects economically. (36)

34. Dr. John Annie, 'Violence Against Women need to Awaken the Conscience of Humanity', 1st Edn, Asia Law House Pg. No. 502.

35. Prof Kumar Anil, Human rights of Women in Indian Perspective, Dialectics and Dynamics of Human Rights, Asia Law House, Hyderabad pg. 247.

36. Dr. John Annie, "Violence Against Women need to awaken the Conscience of Humanity", 1st Edn., Asia law house 2013, pg no.503..

CHAPTER-4

PROTECTION OF WOMEN UNDER DOMESTIC VIOLENCE ACT

The term "Domestic Violence against women" means any act or conduct which has potential to injure or hurt women physically, mentally, emotionally, socially and economically within the four walls of house, by one partner in an intimate relationship. Domestic violence signifies a serious misuse of power within the family of the women itself or resulting from a relationship based on trust and dependency.

It is a violent victimization of women by men or his family. Women irrespective of their age, marital status and position in family are an easy target to violence. Domestic violence indicates threats or aggressive behaviour not only towards her physical being but also towards her self-respect and self-confidence.

Domestic violence is a general issue spreading throughout developed and developing nations and causes serious implications on the quality of women life and development. Causing violence to on is the indicator of an unequal power relationship between men and women. In the earlier period committing violence against women was a direct result of the then prevailing atmosphere of ignorance and feudalism. Today however, violence against women is an uncontrollable outcome of phenomenon, which is an outcome of the rapid development, industrialization, and adjustment plans which are altering the socio-economic situation of the society.

The entire problem of domestic violence centres around the fact that while it is as old as is the institution of family, the perception of its problematic aspects is relatively recent.

According to United Nation Population Fund Report, around are victims of two-third of married Indian women domestic violence and as many as 70 per cent of married women in the age of 15 India between

and 49 are victims of beating, rape or forced sex. In the women India, more than 55 percent of suffer from domestic violence, especially in the states of Bihar, U.P, M.P. and other northern states. (37)

Domestic violence is one of the most persistent forms of human rights violation, repudiating women from equality, security, dignity, self-worth, and their right to enjoy fundamental freedoms.

37. Youth Ki awaz.com "Domestic violence in India: causes, Consequences and remedies", article posted on February 7,2010.

To battle the issue of domestic violence and to provide protection and safety to women the government of India introduced **THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT** in the year 2005.

The PWDVA, 2005 defines the expression "domestic Violence" to include actual abuse or threat of abuse physical, sexual, verbal, emotional or economic violence. (38)

The act is comprehensive in nature covering all those women who are or have been any time of their lives been in any sort of relationship with the abuser in a way where both of them have lived together in a shared household and were related to each other by consanguinity, marriage or through a relationship having the nature similar to that of a marriage or adoption. Women living in a joint family being sisters, widows, mothers and or even single women, either living with the abuser or have ever lived with the abuser are all entitled to be protected legally under the provisions of the act.

The act offers victims of domestic violence with a legal remedy and allows them to seek injunctions, protection orders and also criminal provisions for imprisonment and fines by the abuser. The passing of this act was celebrated by a number of women groups as it puts forward their ordeals, problems and grievances out from 'private to public'.

The PWDV act comes in conformity with the UN model on domestic violence whereby, the model provides comprehensive guidelines on what shall constitute domestic violence, the responsibilities of the state towards such an incident and what are the rights of victims of such violence. Thus, the structure of the act meets the needful requirements of an international standard legislation. One of the very main and unique feature of the act is that it is a secular act which is applicable to every person who is a native of this country irrespective of anyone's religious orientation. The act only confines its limits to women and family and does not into consideration any religious view.

The act is completely a civil law and the only aim is to provide protection, compensation and support to the women who are victims of domestic violence. This act is not intended to penalize he abusers of violence rather it concentrates on putting a stop to such activities which are can cause any sort of harm or injury to the women. According to the provisions of the act domestic violence is seen as an undesirable state but is

not recognized as a criminal act. The primary focus of the act is to ensure women as an easy access to justice as well support system to the society.

The PWDV act provides for more effective protection of the rights of women given by the constitution, who are the victims of violence of any kind.

38. Kaushal Rachna, PWDVA 2005-An Appraisal Saturday 6 March 2010.

4.1 Scope of the act: -

The act primarily focuses on providing protection to the wives and female live in partners from domestic violence by the hands of their husbands and male live-in partners.

The provisions of the act also extend to the sisters, widows, mothers or any other women living within a household. The definition of domestic violence under the act covers physical, emotional, sexual, financial and also any other form violence. Harassment suffered by women by way of unlawful dowry the husband or his relatives shall also be violence in the act. covered under this definition of domestic.

The act covers within its ambit all the women who are or who have been in a relationship with the abuser, living or have lived together in a shared household and were related to each other by means of marriage, consanguinity, any relationship in the nature of marriage or adoption etc.

The act lays down a very important provision for the women which is to providing them a right of securing houses, according to which women are entitled to reside in the matrimonial or shared household whether or not she has any right or title in such household. For the purpose of securing this right the court shall pass a residence order. Another powerful order under this act that the court can pass in favour of the victims if protection orders, by which it shall abstain the abuser from committing any act of domestic violence, isolating any asset or the victim itself, entering the workplace of victim, attempting to make a conversation with the victim, her relatives or with anyone who provides her with assistance from domestic violence.

The provision of the act also provides for the appointment of NGOs and protection officers with the aim of providing help and assistance to the victims of the domestic violence. Any women who suffers domestic violence shall approach to the protection officers stating and complaining about her problems and against the abuser and must take a stand against such activities taking place all around. The abusers of domestic violence are entitled to harsh punishments so that there is a stop to the cruelty they inflict upon the women in the household.

The PWDVA 2005, give out a very vague and wide definition of domestic violence covering every aspect of violence being caused to any women.

Section 3 of the act states the definition of domestic violence which says, any act or omission or commission or conduct of the respondent shall constitute domestic violence in case it :- (39)

- a) Harms or injures or endangers the health, safety, life, limb or wellbeing. whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- b) Harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- c) Has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- d) Otherwise injures or causes harms, whether physical or mental, to the aggrieved person. The act further provides for explanations of certain terms used in the definition of domestic violence

- "Physical abuse" means

any act or conduct which IS of such a nature as to cause bodily pain, harm, or danger to life. limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

- "Sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- "Verbal and emotional abuse" includes
 - (a) insults, ridicule, humiliation, name calling and insults or ridicule especially with regard to not having a child or a male child: and
 - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- "Economic abuse" includes
 - (a) Deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
 - (b) Disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

- (c) Prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by the virtue of the domestic relationship including access to shared household.

39. The PWDVA 2005.

The ambit of section 3 shall also be applicable to "live-in relationships". In the famous case of D. Velusamy v D. Patchaiammal (40), supreme court permitted a live-in relationship to come within the purview of the Domestic Violence Act 2005, subject to the fulfilment of some additional criteria. In this case the live-in relationship was considered as a "relationship marriage". However, there certain pre-requisites of such a relationship was considered as a "relationship in the nature of marriage". However there are certain pre-requisites of such a relationship, for instance the couple must be of legal marriageable age, they must present themselves in society as similar to spouses, they might have been voluntarily living together, they must be qualified to marry, therefore unmarried.

The expression of domestic violence defined in this section shall comprise of actual abuse or threat of abuse which is physical, sexual, verbal emotional or economic. Harassment caused by way of unlawfully demanding dowry from the women or her relatives shall be included within the scope of this definition.

To determine under this section whether any act or omission of the respondent constitutes domestic violence, the overall facts and circumstances of such case shall be guiding factor.

For the better understanding of section 3, an aggrieved person is defined as under section 2(a) of the PWDVA, 2005 and states that "an aggrieved person means any women who is, or has been in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent." (41)

Section 2(f) defines a domestic relationship, which means a relationship between two persons who live or have, at any point of time, lived together in shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. (42)

In the case of Evenet Singh v Prashant Chaudhary and others (43) the court was of the opinion that, a widow living with a mother-in-law, in premises owned by the latter, falls within a "domestic relationship", even if the mother-in-law does not have any right, title of interest but is a tenant or entitled to "equity" in those premises, the same would be a "shared household". In such circumstances, the widow daughter in law, can well claim protection from dispossession notwithstanding that her husband never had any ownership rights, in the premises, because she lived in it, if the mother-in-law is a tenant, then on the ground that she is tenant, or someone having equity. Another instance of a domestic relationship may be an orphaned sister, or a widowed mother, living in her brother's or son's house, it falls within the definition of domestic relationship, (which is one where the parties are related by consanguinity, or marriage) constitutes a shared household, as the brother is clearly a respondent. In such a case too, if the widowed mother or sister is threatened with dispossession, they can secure reliefs under the Act, notwithstanding exclusive ownership of the property, by the son or brother.

40. 21 October 2010, 10 SCC 469

41. The PWDVA 2005.

42. Ibid

43. 20 December 2010. I.A. Nos. 8479/2010 (O-XXX-IX, R-1&2, CPC) & 8480/2010 CS (OS) 1307/2010

Section 2(s) of the PWDVA 2005, give out the definition of shared household. A shared household means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household. (44)

S.R. Batra and Anr vs Smt. Taruna Batra (45). In the aforementioned case, the appeal was allowed. The impugned judgement of high court is set aside and the order of senior civil judge dismissing the injunction application of Smt. Taruna Batra was upheld. Counsel for the respondent Smt. Taruna Batra stated that the definition of shared household includes a household where the person aggrieved lives or at any stage had lived in a domestic relationship. He contended that since admittedly the respondent had lived in the property in question in the past, hence the said property is her shared household.

If the aforesaid submission was accepted, then it would have meant that wherever the husband and wife lived together in the past that property becomes a shared household. It is quite possible that the husband and wife may have lived together in dozens of place e.g. with the husband's, father, husband's parental grandparents, his maternal parents, uncle, aunts, brothers, nephews, nieces, etc. If the interpretation canvassed by the learned counsel for the respondent is accepted, all these houses of the husband's relatives will be shared households and the wife can well insist in living in the all these houses of their husband's relatives merely because she had stayed with her husband for some time in those houses in the past. Such a view would lead to chaos and would be absurd. It is well settled that any interpretation which leads to absurdity should not be accepted.

It was further that the definition of "shared household" in Section 2(s) of the act is not very happily worded, and appears to be the result of clumsy drafting, and have to be given an interpretation which is sensible and lead to chaos in society.

Another 2(k) of this act defines what concludes to monetary relief. According to the section a monetary relief is the amount of compensation which the magistrate may order the respondent to pay to the aggrieved person at any stage during the hearing of an application seeking any relief under this act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence. Therefore, any person who has been a victim of domestic violence is entitled to a certain amount of compensation that is to be ordered by magistrate stating its particular amount. The compensation shall be enough to treat the losses and injuries suffered by the victim in the course of domestic violence. (46)

44. Ibid., pp 2-3

45. (2007) 3 SCC 169. Civil appeal no. 5827 of 2006

46. PWDVA 2005

Section 4 of PWDVA states that any person who has a reason to believe that an act or offence of domestic violence has been committed or is likely to be committed, may inform the protection officers appointed for that area. It further states that there will be no criminal or civil liability on the informant because of good faith. Therefore, this section creates a social responsibility of the members of the society who by chance have any knowledge of domestic violence taking place or likely to place, to inform or complain about such acts on the behalf of the victim. This also implies that every individual in the society has an obligation to react or speak against any sort of violence taking place in the surroundings.

4.2 law enforcing agencies under the act :-

Section 5 of the PWDVA is a social enactment which provides for various legal, social, judicial and administrative mechanisms to provide help, care and assistance to the victim of domestic violence. It creates a social- moral responsibility on the judicial and law enforcing agencies to assist the victims of domestic violence. The provision lays down various duties of the police officers, service providers, the protection officers and the magistrate stating that they should inform the aggrieved person of his basic rights so that she knows how to write an application for obtaining a relief by way of protecting orders, monetary relief, residence orders, custody orders, compensation orders or any other order mentioned in the act.

Further section 7, 8 and 10 generates a responsibility upon the government agencies to provide the victims of domestic violence with institutional support such as shelter homes, medical facilities and any other service providers. Section 7 provides for a person in charge to give all sorts of medical facilities and medical aid to the aggrieved person and section 10 lays the duties of service providers under the act. The duties shall include :-

- The recordings of the domestic incidence reports (DIRs)
- Getting the victim, required medical assistance
- Ensuring the victim with shelter homes
- Ensuring immunity from prosecution

Section 11 of the act lays down a number of duties of the government to give the act wide publicity through the media, and conduct periodic sensitization, to give out awareness trainings in the state, centre, police departments, to the judicial officers for the coordination of different ministries and departments so that the protocols for the various ministries concerned including courts are prepared and put in place.

4.3 Role of the protection officers: -

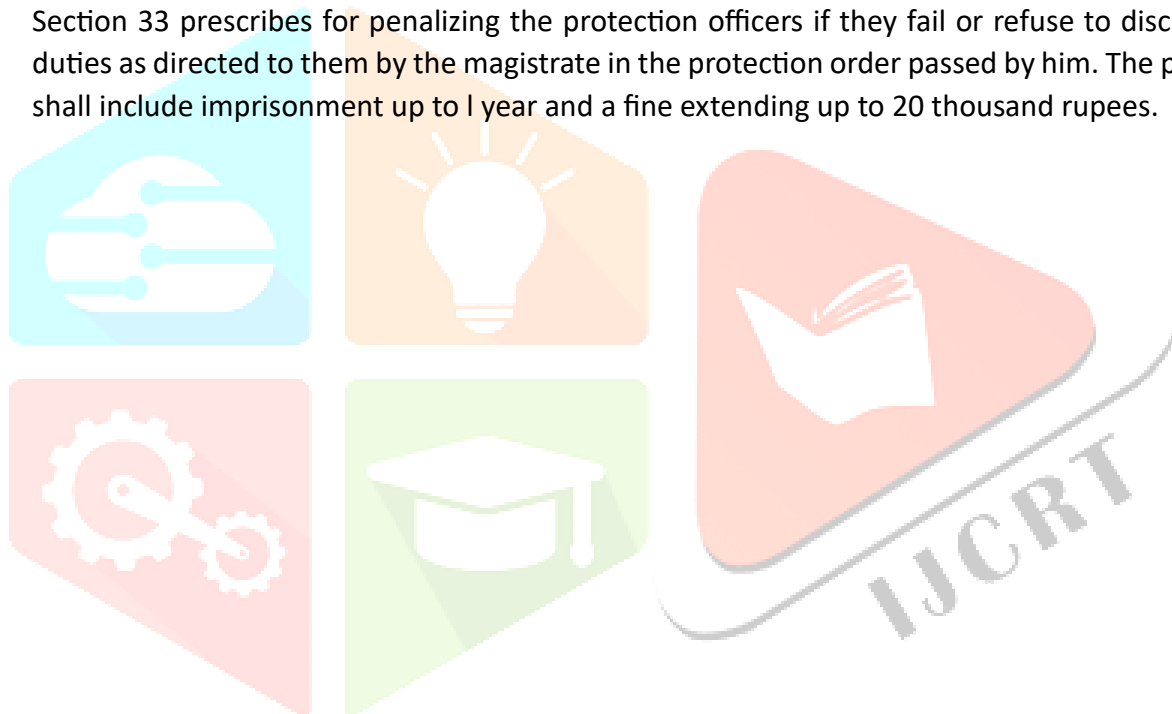
Section 8 of the act states the appointment of protection officers and specifies that as far as possible protection officers shall be a woman and should be appointed on full time positions.

Section 9 further defines the duties of the protection officers which includes-

- Assisting the magistrate
- Making domestic incident reports and forwarding copies to police and service providers
- Making application for protection orders
- Ensuring that legal aid provided to the victim of domestic violence
- Maintaining the list of service providers, shelter homes, medical facilities and counsellors
- Making shelter homes facilities available to the aggrieved and forwarding copies of the related reports to magistrate and the police
- Providing the aggrieved person with medical examination and forwarding a copy of the medical report to the magistrate and police
- Ensuring the compliance and execution of monetary relief under section 20 as per the Code of Criminal Procedure and,
- Performing any other prescribed duties.

Section 30 of this act further clarifies that protection officers and the service providers shall be deemed as public servants within the meaning of section 21 of the IPC 1860.

Section 33 prescribes for penalizing the protection officers if they fail or refuse to discharge their duties as directed to them by the magistrate in the protection order passed by him. The punishment shall include imprisonment up to 1 year and a fine extending up to 20 thousand rupees.



4.4 Provisions for relief: -

Sections 18 to 22 of the PWDVA lays down the different forms of relief¹ and remedies that are available to the victims of domestic violence under the provisions of the act.

Under section 18 (47) of the PWDVA, an order for protection in which the Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from

- a) committing any act of domestic violence;
- b) aiding or abetting in the commission of acts of domestic violence;
- c) entering the place of employment of the aggrieved person or, if the person aggrieved IS a child, its school or any other place frequented by the aggrieved person;
- d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- f) causing violence to the dependents, other relatives or any person who give the aggrieved person assistance from domestic violence:
- g) committing any other act as specified in the protection order.

Section 19 (48) provides for the passing of Residence Order in which:

- 1) While disposing of an application under sub-section (l) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order -
 - a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
 - b) directing the respondent to remove himself from the shared household;
 - c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
 - d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
 - e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
 - f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:
Provided that no order under clause (b) shall be passed against any person who is a woman.

47. PWDVA 2005

48. *ibid.*, pp 10-11

- 2) The magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.
- 3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.
- 4) An order under sub-section (3) shall be deemed to be an order under Chapter VII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.
- 5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.

- 6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs
- 7) The Magistrate may direct the officer in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.
- 8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

Section 20 (49) is monetary relief order by the magistrate in which-

- 1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,
 - a) the loss of earnings;
 - b) the medical expenses;
 - c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and
 - d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.
- 2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.
- 3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.
- 4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the officer in charge of the police station within the local limits of whose jurisdiction the respondent resides.

49. Ibid., pp 11-13

- 5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).
- 6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent. which amount may be adjusted towards the monetary relief payable by the respondent.

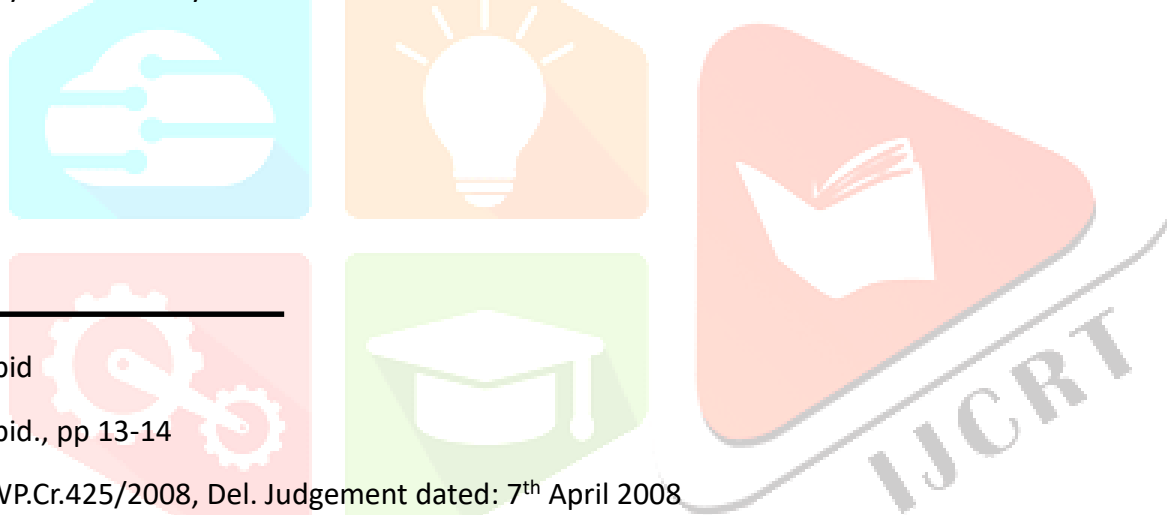
Section 21 (50) of the act is the passing of Custody Order and states- Notwithstanding anything in any other law for the time being in force. the Magistrate may, at any Stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if children by necessary, the arrangements for visit of such child or the respondent: Provided that if the Magistrate respondent may be is of the opinion that any visit of the harmful to the interests of the child or children, the magistrate shall refuse to allow such visit.

Section 22 (51) lays the provision for Compensation Order- In addition to other reliefs as may be granted under this Act, the Magistrate may on an aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of violence committed by domestic that respondent.

4.5 Gender-specific enactment: -

One of the very important feature of the PWDVA is that it is gender specific, woman can avail therefore, only a from the provisions of this act. The act clearly states in the aggrieved definition of person that only a woman who or has been in a domestic relationship with the respondent and who alleges to have been subjected been a to any act of domestic violence. This has very significant but also a very controversial feature of this act subjecting it to its constitutional validity.

In the case of Aruna Pramod shah v Union of India (52), it was contended that provisions of the domestic violence act offend the article 14 (equality before law) of the constitution of India, as it only provides protection to only women and not to the men. In a judgement of Delhi high court, the further argument was rejected and the court said that "there is apperception, not unfounded nor or unjustified, that the lot and fate of women in India is an abjectly dismissal one, which requires bringing into place, on an urgent basis protective and ameliorative measures against the exploitation of women. The argument that the act is ultra-virus to the constitution of India because it accords protection only to women and not to men, wholly devoid of any merit.



50. Ibid

51. Ibid., pp 13-14

52. WP.Cr.425/2008, Del. Judgement dated: 7th April 2008

In another case decide by the Madras high court, Dennison Paul raj v Mayavinola, (53) the petitioner raised questions on the discriminatory piece of constitutional validity of the act on the basis that it is legislation because it does gives the provisions for husbands to file a complaint under this act and hence is violative of article 14 and 21 of the constitution and also affects the life and liberty of the husband and his relatives. Rejecting such arguments the high court of madras concluded that the constitution itself provides special provision for women and children, thus the contention that there could be no special treatment for women is totally untenable. In tune with article 15(3) of the constitution of India. that state has thought it fit to frame a special legislation for women and thus the PWDVA came into force.

4.6 Statistical reports of domestic violence: -

Violence by Husbands against Wives Is Widespread:

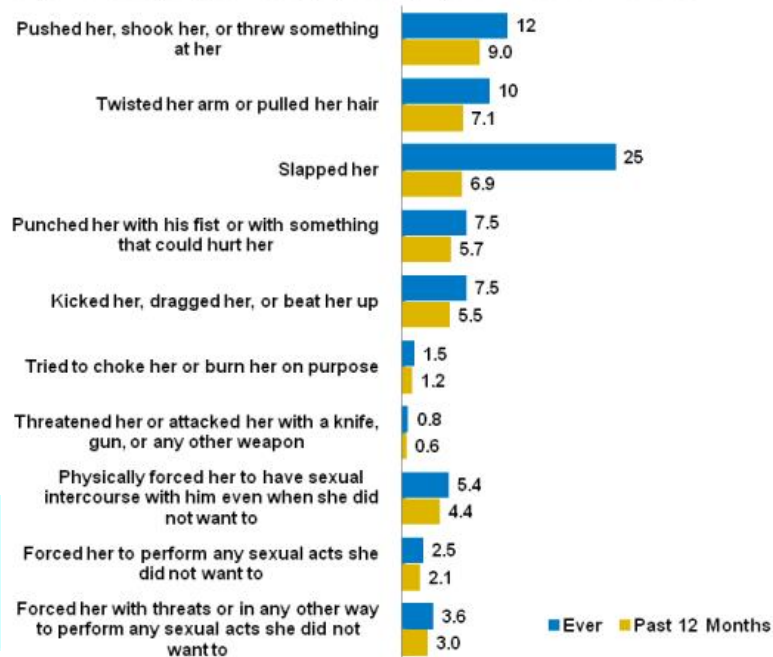
Married women are more likely to experience physical or sexual violence by

Husbands than by anyone else.

- a) Nearly two in five (37 percent) married women have experienced some form of physical or sexual violence by their husband.

- b) One in four married women have experienced physical or sexual violence by their husband in the 12 months preceding the survey. (54)

Percentage of ever-married women age 15-49 who have ever experienced specified acts of spousal physical or sexual violence



53. A.I.R. 2009 (NOC) 2540 (Mad), per.

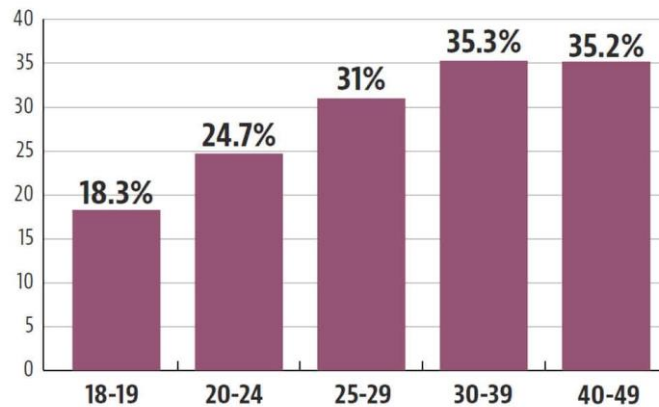
54. Data presented by NFHS (national family health survey)

Awareness about different forms of domestic violence:

The data in the Chart below showed the perception of various forms of domestic violence by male and female respondents. 31% male respondents and 33% female respondents said that assault was a common form of physical violence. Rebuke was recognized as a form of violence by 25% male and 32% female respondents. Males had no information about sexual harassment, suspicious character and bad behaviour while 6% females knew that bad behaviour is also a form of domestic violence. In conclusion we can say that respondents did not have clear perception about the domestic violence (55).

Age of women suffering from domestic violence:

PERCENTAGE OF WOMEN, BY AGE, WHO HAVE EXPERIENCED PHYSICAL OR SEXUAL VIOLENCE ATLEAST ONCE SINCE THE AGE OF 15



PERCENTAGE OF WOMEN, BY REGION, WHO HAVE EXPERIENCED PHYSICAL OR SEXUAL VIOLENCE ATLEAST ONCE SINCE THE AGE OF 15

URBAN WOMEN

25.9%

RURAL WOMEN

34.3%

Source: NFHS-5

55.Data presented by care India solutions for sustainable development.

CHAPTER-5

CONSTITUTIONAL AND LEGAL PROVISIONS

Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential so that it may give that punch and have that educative factor as well as legal sanctions behind it which help public opinion to be given a certain shape"

- Pandit Jawahar Lal Nehru (56)

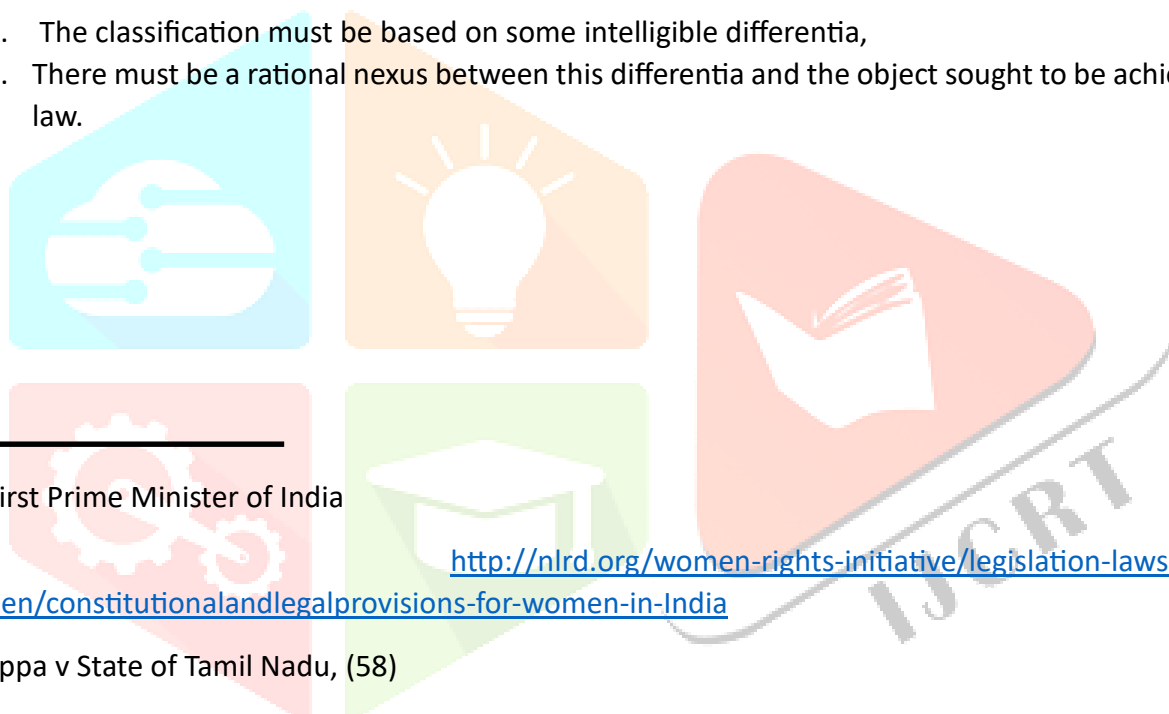
5.1 Constitutional protection

The Constitution of India does not only grant equality to women but it also authorizes the State to accept measures of positive discrimination in favour of women for neutralizing the increasing socio economic, education and political disadvantages faced by them. Fundamental Rights in the constitution, ensure equality before law and equal protection of law: it prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(6), 39(c) and 42 of the Constitution are of specific importance in this regard. (57)

The relevant protections for women enshrined in Part III of the Constitution are as follows -

First Prime Minister Of India Articles 14 to 18 of the constitution of India guarantees of equality for every citizen of India. Equality before law for women (Article 14). The article states that the state shall not deny equality before law and should ensure equal protection of laws, to any person and prohibits discrimination, on the grounds of race, sex, caste or place of birth. Article 14 prohibits class legislation but permits classification for legislative purposes. A law does not become unconstitutional simply because it applies to one set of persons and not another. Where a law effects a classification and is challenged as being violative of this Article, it may be declared valid if it satisfies the following two conditions:

1. The classification must be based on some intelligible differentia,
2. There must be a rational nexus between this differentia and the object sought to be achieved by the law.



56. First Prime Minister of India

57. <http://nlrd.org/women-rights-initiative/legislation-laws-related-to-women/constitutionalandlegalprovisions-for-women-in-India>

Royappa v State of Tamil Nadu, (58)

Any law that is arbitrary is considered violate of Article 14 as well. This provision is significant in putting a stop to arbitrariness in the exercise of State power and also in ensuring that no citizen is subjected to any discrimination. At the same time. it preserves the State's power to legislate for a specific category of people.

The State shall not discriminate against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them (Article 15 ()). And nothing could stop the State from making any special provisions in favour of women and children or for the reason of advancement of any socially and educationally backward classes. (Article 15 (3)).

There should be Equality of opportunity for all the citizens in matters relating to employment or appointment to any office under the State and no discrimination respect of such employment or appointment take place. (Article 16).

Article 21 of the Constitution of India protects human dignity. It incorporates the principles of natural justice and fairness and confers on every person the fundamental right to life and liberty. The article confers the right to life and liberty in negative terms, stating that it may not be taken away except by procedure established by law, which is required, as a result of judicial decisions, to be fair, just and reasonable. (59)

In the words of J. Bhagwati in case of Franscis Coralie vs. Union Territory of Delhi. (60)

"We think that the right to life includes the right to live with human dignity and it all that goes with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the heads and facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings".

In Ahmedabad Municipal Corporation v Nawab Khan Gulab Khan. (61)

The Supreme Court emphasized the fact that the right to life included in its ambit the right to live with human dignity, basing its opinion on a host of cases that had been decided in favour of this proposition. The right to dignity would include the right against being subjected to humiliating sexual acts. It would also include the right against being insulted. These two facets of the right to life find mention under the definitions of sexual abuse and emotional abuse, respectively. A praiseworthy aspect of the legislation is the very conception of emotional abuse as a form of domestic violence. The recognition of sexual abuse of the wife by the husband as a form of violation to the person is creditable, especially as such sexual abuse is not recognized by the IPC as an offence. These acts would fall within the confines of domestic violence as envisaged by the Act, though the definition would not be limited to it.

58. 23 November 1973 Writ petition no. 284 of 1972, legal service India

59. Dr. Priyadarshini Indira G. & Dr. Devi Uma K., Domestic Violence Act - Fundamental rights

60. A.I.R 1981. SC. P.753.

61. 11 October 1996

Through various other judgements the courts have held that right to livelihood is included in the right to life. As regards the expression of 'personal liberty', it includes right to socialize with family members and friends. The right acknowledged under Article 21 is subject to the Procedure established by Law', firstly, there must be law justifying interference with the person's life or personal liberty and, secondly, the law should be a valid law, and, thirdly, the procedure laid down should be strictly followed. It needs to be added that protection in Article 21 has to be "fair, just and reasonable, non-fanciful, oppressive or arbitrary and the law' in Article 21, is reasonable law, not any enacted piece. (62)

Article 23 protects women from traffic in human beings and the prohibition applies not only to state but also to private person, bodies or organizations and contravention of the prohibition shall be an offence punishable in accordance with law. For the purpose of this Article, traffic in human Beings includes traffic in women and children for immoral purposes and it means dealing in human beings like goods.

The relevant provisions contained in Part IV of the Constitution are listed below:

These are not enforceable by court, but the principles laid down therein are nevertheless fundamental in the governance of the country and it shall be duty of the state to apply these principles in making laws

. The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d).

To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A).

In Mohd. Hussain @Julfikar Ali v the state (govt of NCT) Delhi. (63)

"State shall secure that the operation of legal system promotes justice and ensure that the opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

The State to make provision for securing just and humane conditions of work and for maternity relief for the women (Article 42).

To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e)).

62. Maneka Gandhi 1996.

63. 31 August 2012

Article 253-Power to make laws in pursuance of international treaties, conventions, etc.

The enactment in question was passed by the Parliament with recourse to of the Constitution. This provision confers on the Parliament the power to make any law for whole or in part for the territory of India, implementing any international treaty, the Domestic Violence Act was passed in furtherance of the recommendations of the UN Committee on the CEDAW. (64) The Act encompasses all the provisions of the Specific Recommendations which form a part of General Recommendation no. 19, 1992. (65)

In *Karan Dileep Nevatia vs the union of India* (66)

The court clarified that the executive power conferred under article 73 of the constitution is to be read along with the power conferred under article 253 of the constitution and in case the government enters into any treaty or agreement, then in respect of the implementation thereof. It is open for parliament to pass law which deals with the matter which are in state list. The court further observed that in case parliament is entitled to pass laws in respect of matters in the state list in pursuance of the treaty or the agreement, then it is difficult to appreciate how it can be held that the central government is not entitled to enter into treaty or agreements which affects the matters included in the state list.

5.2 Other Legal Provisions

Various special legislations are enacted to protect the victims of domestic violence. The following laws are directly or indirectly related to the problem of domestic violence and work in the direction of providing help. care and assistance to women. Along with the constitutional provisions, there was also a requirement of making up special laws to implement on women in need of assistance. These legislations in some way or other provide the women with provisions which shall help them stand and speak against any sort of discrimination taking place against them. With the help of these legislations women can also ensure the protection of their fundamental rights and demand an environment which is equal in nature for both the men and the women and in which they are set free from any sort of violence, cruelty or discrimination.

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64. Bhartiya Shodh Domestic violence with Special Reference to The PWDVA, 2005
65. Sudersan Harini & Ramakrishnan Niruphama The Domestic Violence Act: Constitutional Perspectives.
66. 5 January, 2010

The various legislation in this regard are as follows:

1) The Dowry Prohibition Act, 1961 (Amendment in 1984)

The Government of India passed the Dowry Prohibition Act, 1961 as it was the need in country. This act prohibits the system of 'Dowry' i.e. means a property or valuable security given or agreed to be given either directly or indirectly, by parents of either party to a marriage or by any other party to the marriage and by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person at or before (or any time after the marriage) (in connection with the marriage of the said parties but does not include) Dowr or Mehr in the case of persons to whom the Muslim Personal Law (Shariat) applies. The penalty for demanding dowry is imprisonment for a term which shall not be less than six months but which may extend to two years and with fine up to Rs.10, 000. (67)

It took India fourteen years after the independence to pass its first law directly affecting the violence against women. The Dowry Prohibition Act (DPA) came into effect in 1961 and criminalized the acts of giving and taking dowry. However, the Act did not effectively curb the practice of dowry. The Indian Parliament later on passed the Dowry Prohibition (Amendment) Acts in 1984 and 1986, but their impact was also not very effective as that of the 1961 Act.

In 1986, Section 304B was added to the IPC and created the new offense of "dowry death". (68) This section holds a woman's husband and in-laws criminally responsible for a death resulting from any burns or other injury she suffers under suspicious circumstances within seven years of marriage. There must be an instance however, that the husband or his relatives subjected the woman to "cruelty" in relation to the demand for dowry Even after the introduction of such new laws the perpetrators are not held criminally for the violence and abuse they cause.

67. The dowry prohibition act, 1961 (amendment in 1984)

68. The Dowry Prohibition (Amendment) Act, 1986, INDIA PENAL CODE Sec 304B (1860) (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called 'dowry death', and such husband or relative shall be

deemed to have caused her death..(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.").

In *Waghmare v. State of Maharashtra*, (69) a woman suffered severe emotional and physical abuse at the hands of her husband and his family, and she eventually committed suicide. They regularly beat her and harassed her for a motorcycle, and, most shockingly, after two months of marriage, her brother-in-law poured kerosene on her and set her on fire. She filed a petition alleging cruelty under Section 498A. The Bombay High Court, however, held that these incidents of domestic violence were not sufficient to lead her to commit suicide and that the demand for a motorcycle was not a dowry demand. Even in such a horrific case, Section 498A did not provide relief to a domestic violence victim because the Court was unwilling to characterize the acts of violence as dowry related.

- 2) The Commission of Sati (Prohibition) Amendment Act, 1987 To force any women to go on 'Sati is an offence which comes under the definition of murder and if any woman tries to commit Sati, it is presumed as an attempt to commit suicide and is punishable under the IPC. The Glorification of Sati is made an offence under this Act. The practice of sati was a curse on the history of women and violence upon them. They had to self-immolate themselves shortly after the husband died. The practice resulted in the death of a number of women. Even if the women did not want to burn herself down after the husband dies, she was forced into it by the relatives of the husband and by people all around. This was the cruelest form of violence women have ever experienced.
- 3) Indecent representation of women (prohibition) act, 1986,
It is an act to prohibit indecent representations of women through advertisements or in publications, writings, paintings or in any other matter. A person is punished under the provisions of the act who publishes or make someone else publish a poster. painting or any illustration under which a woman is indecently represented. As a form of domestic violence indecent representation of a women can be done publicly to harm the respect and image of the women, which shall cause the women to experience a situation of depression and trauma and psychological imbalance. Such representation can destroy the self-respect and self-confidence of a women in public and she may isolate herself. The isolation may then lead to women taking their own lives in most of the cases.
- 4) The prohibition of child marriage act, 2006
As per the International Research Centre for women, almost 47 percent of girls are married off before the age of 18. Since the very beginning child marriage has been deeply rooted into the Indian culture and thus it has been very difficult and challenging to eliminate it from the society. The enactment of the prohibition of child marriage act has taken effective steps to combat the issue of child marriage in our nation, provide relief to the victim and enhance punishments for those promote or solemnize child marriages. The girls who are child brides are more likely to face domestic violence from the husband and his relatives reason being that they don't have any knowledge about their rights and protections extended towards them, also in a very tender age they are not able to stand or speak against the violence they face.

69. *Waghmare v. Maharashtra*, (1990) Crim.L.J. 407n

5.3 Special initiatives for women (70)

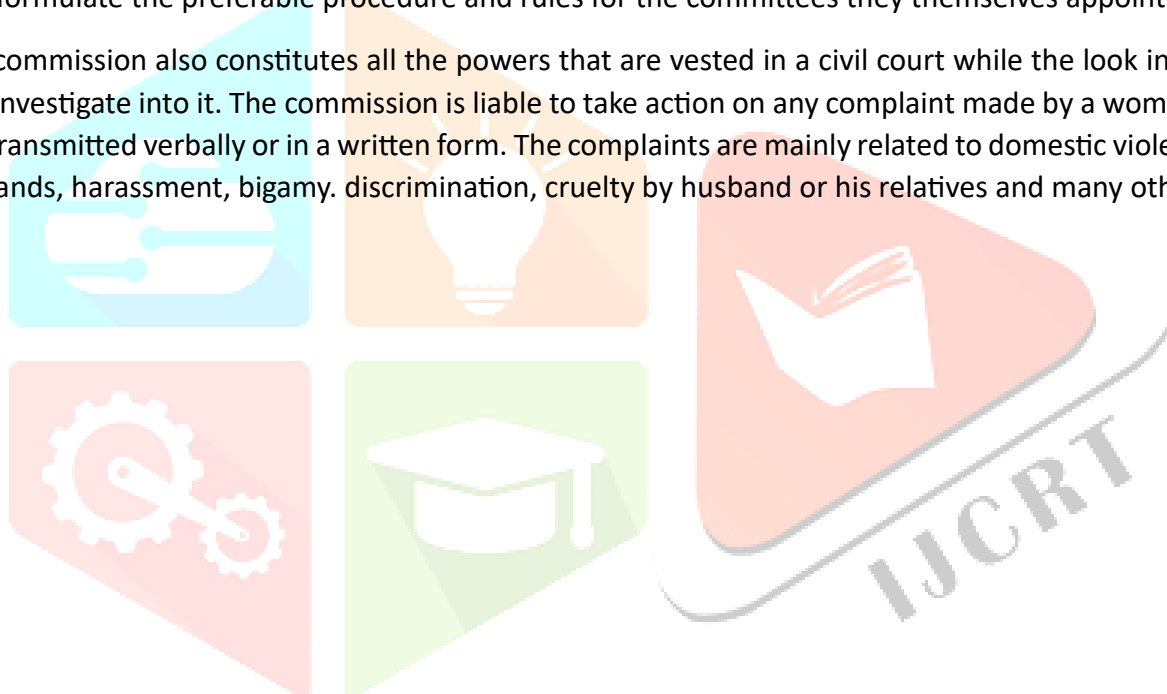
National Commission for Women in January 1992- the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

There basic objective is to represent the rights of women, provide a voice to their issues and concerns everywhere in India. The main subjects of the commission include dowry. politics, religion, equal representation jobs and work, and their exploitation in labour activities. Some function of the national commission of women are :

- Investigating and examining all the matters relating to the safeguards and policies provided for the betterment of women under the constitution and in other laws.
- Review and study the women related legislations properly and state out any short coming under the law or its provision.
- Present reports and statistics to the central government about the work and progress being done by them.
- Look into the complaints made by women victims and take actions in respect to those complaints.
- They can recommend more effective safeguards to the central and the state government for the women of the country.

The national commission for women shall whenever required appoint committees to look into the matters of special issues. They are also entitled to regulate their own procedures and rules into any matter and can also formulate the preferable procedure and rules for the committees they themselves appoint further.

The commission also constitutes all the powers that are vested in a civil court while the look into a matter and investigate into it. The commission is liable to take action on any complaint made by a woman whether it is transmitted verbally or in a written form. The complaints are mainly related to domestic violence, dowry demands, harassment, bigamy, discrimination, cruelty by husband or his relatives and many other.



70. <http://nlrd.org/womens-rights-initiative/legislations-laws-related-to-women/constitutional-and-legalprovisions>

2) National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

The main objectives of the policy are: -

- Building and strengthening partnerships and cooperation with the society, particularly women's organizations.

- Mainstreaming a gender-based perception in the development process of the country. Strengthening the legal systems which aim directly at eliminating of all forms of discrimination against women.
- Creating an environment through positive, economic and social policies for the complete development of women so that they are able to realize their potential.
- Equal access. participation and decision making of women into the social political and economic matters of the nation.
- Changing societal attitudes and community practices by active participation and involvement of men and women equally in the affairs of the society.

3) High level working committee on status of women (HLCW) The committee was set up in February 2012 to undertake a comprehensive study for a better understanding of the status of women since 1989 and evolve appropriate policy interventions based on the contemporary assessment of the basic requirements of women. The committee has the task of preparing reports mentioning the current socio-economic, political and legal status of women in India and to recommend measures for their empowerment. The committee consists of a total of 14 members and the first report of the committee was submitted in the year 2014. Some suggestions given by the committee to free women from violence are: -

- The committee recommends 50 percent reservation for women in all decision making bodies.
- Constitutional promise of right-based approach needs to be promoted.
- Committee has suggested a national policy and an action plan to end violence against women.
- Assessment of the status of women in India should be constituted at a regular basis.
- Institutional mechanisms should be strengthened and well resourced.

4) National mission for empowerment of women (NMEW)

The mission was launched on International Women's Day in 2010 for the empowerment of women through inter sector convergence of programs, for the purpose of this mission approximately 30 state resource centres to be set up in different states and union territories.

The mission has a mandate to achieve inter-sectoral convergence for all women centric programs across ministries.

The mission focuses on progressive elimination of violence against women. economic empowerment of women, awareness generation for granting women benefits under different schemes and programs of the government at the grassroots level, gender mainstreaming of different programs, policies, institutional arrangements, various institutions and organizations etc. The NMEW mission is an attempt by the government to put women's concerns at the very heart of public policy and governance.

5.4 Status and role of police

The violation of human rights of women is not even spared in even in their homes, women are everywhere deprived of their rights because of lack of awareness and command, as a result the violence happening against them within their own houses has come out and is emerging as a social problem. There are therefore, a number of laws providing protection to women but are not adequate because of the improper behaviour of the adequate agencies. These protecting agencies are required to interpret the set laws and enforce it in a spirit which ensures women protection and empowerment.

Police is one such agency involved in the process of administrating criminal justice. The constitution of India states that the police is a state subject and is used to maintain peace and security to all the people within their respective territorial jurisdiction.

Regarding the problem of violence faced by the women, the police is very often blamed for not giving proper attention to the matter. This happens because police consider the matters of domestic violence as 'private matters' and not a problem or an issue prevailing in the society. Therefore, the police do not consider it as a crime until the violence takes a gruesome or bizarre turn. Generally, complaints made to the police are registered only after the crime takes place however a woman who is a victim to domestic violence requires protection even before the offence of violence takes place as there is a constant threat to her life. There are times when we can say that the protectors of the society often become the main perpetrator of the crime. The reason behind these may be two-fold-

- The policemen are mainly ill equipped to deal with the difficult and sensitive cases of crime and atrocities against women in the society.
- The social background of the policemen from where he is drawn may itself be fighting from behavioural attitude towards the female sex. In these cases, the policemen himself doesn't realize the seriousness of the matter and the issue and act less adequately in taking measures to solve these problems and issues. Too much importance is given to the physical training rather than sensitization of them which is totally neglected.

Even in a matter of domestic violence the police and other agencies somewhat tend to be non-responsive, considering the matter to be a family affair and concluding that outsiders have no role to play and no right to intervene into it. Some of these deficiencies were stated out by the supreme court in the case of Bhagwant Singh, (71) that the incidences of unnatural deaths are much higher than what is indicated by the police records, even the diaries of the police officials relating to the registered cases is not properly maintained by them.

It has been observed that in the cases relating to dowry death the investigation by police tends to be sloppy and filled with loopholes, therefore, the government has issued a circular containing the detailed instructions regarding the investigating process involved in the cases of dowry death.

71. Bhagwant Singh v commissioner of police, (1983) 3 SCC 344.

As per the guidelines of this circular every case of dowry death shall be investigated by the officer who is not below the rank of deputy superintendent of police. A lot of shortcomings of the police are somewhere directly or indirectly related to them being corrupt.

As police is considered to be a state subject, it has a professional obligation to take care of the people in society. This obligation demands a higher standard of responsibility, conduct, honesty, impartiality and integrity. Being a law enforcement officer, the fundamental duty of the police is to safeguard lives and property of people and to protect the innocent people against any sort of oppression, discrimination and intimidation and to give importance to the constitutional rights of every person of liberty, equality and justice. In a number of experiences of many women, the issue of role of police in preventing the matters of domestic violence, reflect the un-trust women have towards the police.

Since our criminal justice demands the police system as an important agency, it is required that they should follow standards to tackle the problem and issue of domestic violence.

As per the provisions of the domestic violence act, it is supposed to be the duty of the police officer to proceed in accordance with the provisions of law whenever they receive any complaint of domestic violence

being committed against any women in the society and if he has the reason to believe that a person has been inflicting violence on the women, he shall take the required steps against him.

The police man shall take the cognizance of such offence and may also make an arrest in such respect. The police have to start considering the matters of violence to women as a threat and danger to the Indian society and not as private matters of women with their families. A stricter rule of police is required so that a fear is caused in the hearts of the perpetrators and they restrict themselves from taking cruel actions against women and inflicting violence upon them.

Therefore, the police as an agency to provide protection to women of violence is less effective and requires to undergo some sensitization towards the women victims of violence.

5.5 Role of non-governmental organizations: -

The NGOs of the country have been playing a very important role in giving out protection to the Victim of violence against women. NGOs are non-governmental organizations that work in the field protecting the human rights of the people. The NGOs are working to grant people with social support in the highly stressful situations. One of the most important function of NGOs is to create public awareness about the crime, but unfortunately effective measures are yet to be involved to deal with the crucial problems of dowry death and domestic violence.

There are approximately 200 women's organizations in the country working hard to empower and protect from the oppression of the society and providing assistance to them. Now a day's government is of the opinion that for the better development of women, organizations working for women are must and have very vital role to play.

Non-governmental organizations can be classified on two bases: -

1) NGO types by orientation are:

- Charitable orientation
- service orientation
- Participatory orientation
- Empowering orientation:

2) NGO type by level of co-operation are: -

- Community-Based Organization
- City Wide Organization
- National NGOs
- International NGOs

3) Methodology of NGOs working process:

- Fact findings
- Approaching the judiciary through public interest litigations
- Approaching governmental agencies for proper legislative work
- By making agitation against any sort of violation of human rights
- By conducting charity shows and fund raising for the people who are in need

The role of non-governmental organization working in the arena of women's human rights, in the country can be outlined with the help of assessing the contribution of few NGOs. Women Organizations working in the country are innumerable. and render a variety of services ranging from counselling. shelter homes to that of dealing with the public interest and individual interest by giving legal aid to the ones that require.

The NGOs involved in the emancipation of women who are victims to violence provide various services to them in the form of- Shelter, medical assistance, conciliation, counselling. financial or entrepreneurial assistance, legal aid and legal literacy. leading agitations and demonstration, public interest lawyering etc.

NGOs are basically of two types: -

1. Operational NGOs -They have to assemble resources, in the form of financial donations, materials or volunteer labour. in order to withstand their projects and programs. This process may require quite multiple organization. Financial help obtained from grants or contracts, from governments, foundations or companies require time and expertise spent on planning. preparing applications, budgeting. accounting and reporting. Major fundraising events require skills in advertising, media relations and motivating supporters. Thus, operational NGOs need to possess an efficient headquarters administration, in addition to the operational staff in the field.
2. Advocacy NGOs- they will carry out the same functions, but with a different balance between them. Fund-raising is still necessary, but on a smaller scale and it can serve the symbolic function of consolidating the donor's identification with the cause. Encouraging people to donate their time is necessary, but, in addition to a small number of people giving a great deal of time, it is also necessary to mobilize the large numbers for brief periods.

Certain characteristics of non-governmental organizations are: -

- Independent entity-Most of the NGOs work independently apart from government funding and without government participation therefore, they have a better chance of inspection of governmental actions. They can give independent opinions for the better implementation without being bias and governmental interference and pressure.
- Helping nature -NGOs help people to raise their grievances in the society and also provide them means to fight for their rights, by standing by their side and guiding them.
- Publicity awareness-NGOs help in promoting government schemes and encourage the people to derive profit out of them.
- Suitable to people- These NGOs can adopt methods in their fields according to what situation demands and what is and how much will be the requirement of people.
- Changes in policy according to societal needs-They have ability and sources to communicate from top to bottom of the government. They can take the help of skilled and expert persons according to their requirements and can ask for change in the policies as per the societal needs.
- Utility- NGOs are a boon for the service of masses and by all means they are highly useful for the benefits of the society beyond any doubt.

With such great significance and importance, the NGOs also suffer a lot of weaknesses which include limited capacities for tracing the policies of government and therefore receive a limited amount of awareness and resources as they then lack governmental support. Some of the NGOs are corrupt in nature and exist only to draw off money in involvement with dishonest political leaders and corrupt bureaucrats. A lot of NGOs exist only on paper. The works that they claim to do can only be seen on paper.

NGOS are small in size which means that their projects rarely address the structural factors that cause rural poverty. Small size, independence, and differences in philosophy also influence against learning from each other's experience and against the creation of effective forums, whether at national or regional levels.

In the case of public union for democratic republic v union of India (72) the supreme court, relaxed the rule of locus standi. The rule of locus standi, made non-governmental organizations to fight out all the rights caused by way of legal proceedings. This would go long way in creating a sense of responsibility in public authorities exercising enormous powers under the constitution and the law. This would currently minimize the abuse of powers of public authorities. Therefore, they would be much more vigilant in exercising their powers and performing their constitutional and statutory duties and obligations towards people, particularly poor and helpless people.

Fact-finding and public interest litigation are the two different components of the non governmental organizations in implementation of human rights. Apart from this they may also implement the human rights by approaching the government directly.

72. 1982 AIR 1473. 1983 SCR (1) 456

CHAPTER-6

CONCLUSION AND SUGGESTIONS

"Fight for gender equality is not a fight against men. It is a fight against traditions that have chained them a fight against attitudes that are ingrained in the society-it is a fight against system a fight against proverbial Lakshman Rekha which is different for men and different for women, The society must rise to the occasion it must recognize and accept the fact that men and women are equal partners in life. They are individuals who have their own identity."

DR. JUSTICE. J.S. ANAND

The stallion discussion on the trouble of domestic violence as contained in this workplace centres upon the fact that whilst this problem is as old as is the institution of family, the perception of its problematic aspects is relatively very recent. The worst forms of verbal, physical, psychological and sexual violence are committed against women in their star sign holds itself. Denial of intellectual nourishment, persistence on willfull sexual deportment, turning a cleaning lady out of the house or confining her within the walls of house and denying entree to her minor children constitutes mental distortion. While other forms of torture are repeatedly of physical violence or threats to that issue., taunting the adult female about her family, her infertility or her giving birth to female infants only, voicing suspicions about her infidelity, denying paternity of the children especially in front of the relatives, drunken behaviour of the husband assaulting children to cause mental torment to the mother, etc.

The low visible ness and the closed-door character of the job of domestic vehemence has hindered scientific investigations. The amount of hard and reliable information received on the magnitude of the problem is so inadequate that still a mickle many questions remain unanswered. The trouble arises because the victims of domestic violence are a diffused passel and generally unwilling of complaining about their victimization due to accepting the favourable position of the offender and due to their religious beliefs, social attitude and cultural norm. Their incapacity to cry out and complain about their oppression and ill-treatment is also due to their weak physical position arising out of gender and age-old disabilities. The domination and abuse excrete out of the closed confines of the family only when something unusual or dramatic happens, or when the incident gets reported to the police or gets publicized in the print media.

Being treated as a common soldier affair (by and large) the informal measures are preferred over formal ones. Most mass including malefactor judge functionaries. Do not want legal interposition too often. The general belief is that law should not be a to settle the private wrongfulness of the people. The most preferred response is the settlement of the problem within the informal structures, namely the family and its immediate acknowledgment groups.

The criminal justice machinery, in the main the constabulary and the judicatory, quite often Acts of the Apostles slowly, inappropriately and ineffectively because of its own restriction. Judiciary has appearance both positive and negative reaction towards fierceness against womanhood. Tourist courts have not only shown patriarchal and class biasness but also business organization against discrimination and for the right field of fair sex. It is also true that in some typeface, judge have not displayed sensitiveness and sensation of responsibility while transaction with cases of fierceness against women. This gender biasness is not only reflected at the lower stratum of judiciary but also in some of High Courts and sadly even in Supreme Court. In situations of domestic violence, motor inn has been more in favour of compromise and alteration of the parties. It lays more emphasis on saving the kinfolk institutions rather than saving interest group of the aggrieve women. The police force tends to treat violence against women as "family affair" and are often reluctant to registry the case itself. Besides this the tendency is to inter-group communication Clarence Day -to-day harshness and humiliation either to 'dower and prop - related matter or divorce and legal separations. The magnitude of the problem is so large that police simply do mass, at present, have the capacity to address the offspring. Secondly and perhaps more importantly, they do not have the attitudinal basis for effective intercession.

Besides the law courtyard, the law, the sociable service authority, counsel cellular phone and rapprochement agencies, now there are other quasi state actors such as the National Human Right wing Military commission and specialized units such as the crimes against adult female cells and the ménage courts. At least, two of these agencies, could work extremely effectively to bring about a coordinated response to violence against woman. These are the National Commission for Women (NCW) and the Human Rights Commission in the states and at the centre. These agencies are at the core of the promotion and auspices of right. Notwithstanding the documentation of violence and its effect in diminishing the realization of human rights of citizens, the NHRC has not given it central attention. The women's commissions and the human rights commissions often, seem to talk past each other or compartmentalize themselves because Of the way in which they are looking at women's issues. But they remain under-utilized both by NGO community and also limit themselves through their discernment of their own function and the problem of adult female in condition of right. While the NCW concerns itself with the troth of cleaning lady, they do not do this for the most piece within the rightfulness treatment. This weakens its improvement of char 's condition rather than shielded of fair sex 's right wing and arbiters of answerability of the province for neglecting to protect this rightfulness. On the other paw, the NHRC does use its authority and operationally its own mandatory within the discourse of rights but does not view the grade and scope of fierceness against adult female as a revenue encroachment of the homo being rights of a grade dispensable as a patten of Department of State dereliction of tariff to provide certificate of person, but this is what violence against women IS a gross and continuous human rights violation. The consistent lack of women as committers throughout the account of the NHRC and the lack of gender parity at all levels in the composition of NHRC. Must certainly be a contributing ingredient to the very express attention women's human rights issues have received at the commission? This of course reflects the berth in the states commission where the discrimination is perhaps more acute.

Domestic violence against char is one of the old age phenomenon and woman are victims because they are considered to be weak, vulnerable and are exploited. Family which distinguishes the love, warm-heartedness, form, company, background of any fellowship is one among midpoint of victimization. Ferocity includes smacking, hitting, abusing, and murder within the appendage of household. These all exploitation takes billet behind the closed doors and within the mob itself. In Republic of Bharat different eccentric of

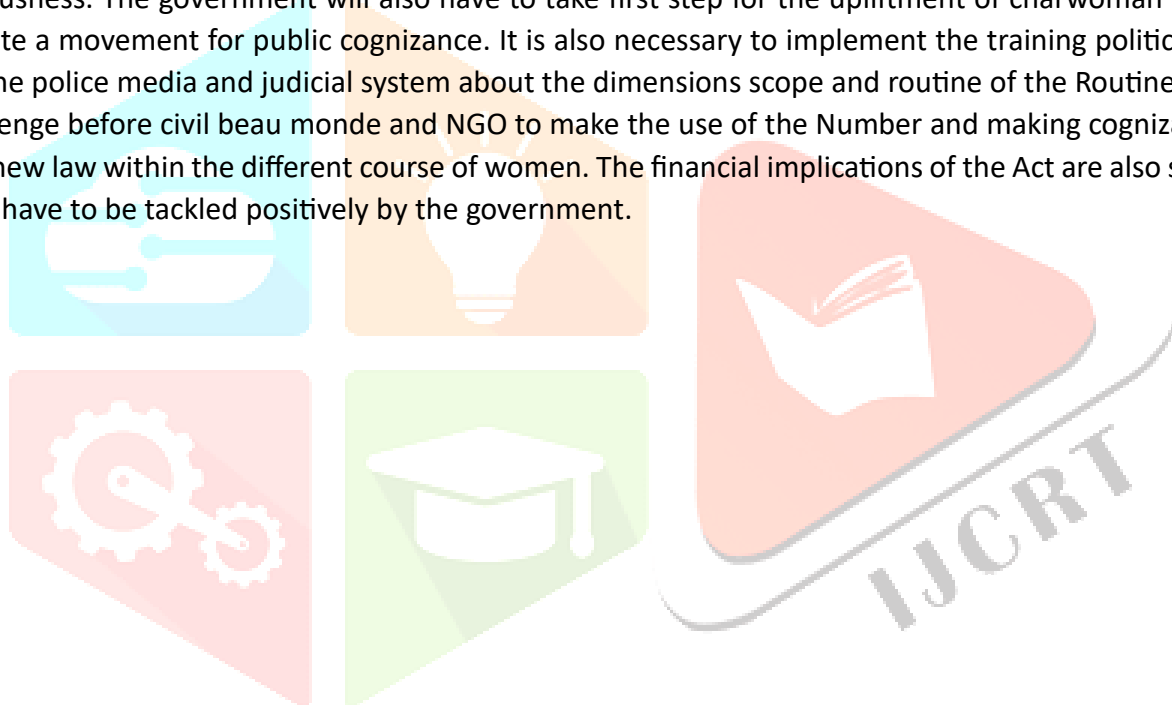
domestic violence are rooted in order and also by deep rooted patriarchal society of gender bias and discrimination against them. In this deep rooted patriarchal society male kid is treated as a future of the family and who will be the securer of family and who will bring up new coevals and where daughter is look down as a essence and liability to the whole family and also the family violence in case of girl minor. Domestic violence is not only visible but it is a part and parcel of biography of women in India. Violence starts with her from the mean solar day her mother conceives her existence in the womb and since then in every phase of her life span she has to fight for her survival in this rude society. Most of the women in our res publica are illiterate person and they are not aware of the basic police provision and also about their right, due to which most of the fourth dimension they do not register the cases against those people who violate their rights and commit crime against them. Absence of awareness about the law and rights guaranteed under that legislation for them but most serious trouble is that the women are not aware about their rights which are due to traditional customs.

Victims are unable to get the legal remedies which are guaranteed by the government for the aegis of charwoman. In our society which is said to be tradition bound and a male person dominated, women are still treated as secondary sexual urge which make her to suffer the violence silently. The fact in India women is shuffle to suffer human right insult in a gender specific way. She is often ignored and underestimated.

The Protection of Women from Domestic Violence Act (PWDVA), 2005 is passed by the Parliament in response to worldwide demand for such legislation and also the outcome of the continuous efforts of Women Organization working for adult female. The Act gives right and Protection to the womanhood's. The remedies available to the victim prior to the PWDVA 2005 were in the form of penalization of the offender under IPC, the civil therapeutic of divorce and maintenance were not giving her ultimate casement, the remedies which were available that were related to matrimonial proceeding and also according with motor lodge proceeding. The statutory provision and constitutional provision were available to women but these provisions were insufficient and the most important problem about it was lack of consciousness about their rights which constitution provide for the protection of women. PWDVA 2005 was brought to response the inconsistency and provide victim the moderation. This human activity gives protection to women and second therapeutic on the force against her. This Act also face a lot of criticism as in many families like 498 A misuse of this Act has also been come up, it adds a real number threat to in-laws and male member. To shuffle a real and effective execution of this Act and to give support to the victims of domestic vehemence the authorities are required to be trained. These and such other outcome raise the doubts in respect of effective carrying out and throws a challenge for the Government. Domestic Violence goes beyond the boundaries of backwash, caste, religious belief, and class. In 2013 according to the Global Re-examination Information, 35% of women worldwide have experienced either physical and sexual intimate spouse ferocity or non-partner sexual force.

However, some National Violence studies show that up to 70% of women have experienced physical or sexual violence in their lifetime from an intimate partner."(73) In New Delhi, a 2010 study found that 66 % of women reported experiencing sexual harassment between two and five times during the past year. (74) The object of passing the Protection of Women from Domestic Violence (PWDVA), 2005 was to protect the women from domestic violence which they face within the four walls in their life span, to stop the violence against women, to provide the opportunity for her development and to encourage them to fight for their rights and also to support them to the full extent.

The government has passed the police force and now it's meter for the proper implementation of these law of natures for the protection of cleaning woman against fury. The government has to facilitate and encourage the registration of Service Supplier, Protective cover Military officer and to springiness them a proper training so that they can protect the womanhood and provide protection to them against furiousness. The government will also have to take first step for the upliftment of charwoman and also to initiate a movement for public cognizance. It is also necessary to implement the training political program for the police media and judicial system about the dimensions scope and routine of the Routine. There is a challenge before civil beau monde and NGO to make the use of the Number and making cognizance about this new law within the different course of women. The financial implications of the Act are also serious and they have to be tackled positively by the government.



73. " http://www.unwomen.org/en/whatwedo_endingviolenceagainstwomen/factsandfigures: World Health Organization, Global and Regional Estimates of Violence against Women, http://apps.who.int/iris/bitstream/10665/85239/1/978924_1564625_eng.pdf, p. 2. For individual country information. see full compilation of data in UN Women, 2012, Violence against Women Prevalence Data: Surveys by Country.

74. JAGORI and UN Women (2010). Report on the Baseline Survey. Available at: http://jagori.org/'wpcontent/uploads/2011/03/Baseline-Survey_layout_for-Print_12_03_2011.pdf: <http://www.unwomen.org/en/whatwedo'endingviolenceagainstwomen/factsandfigures>.

SUGGESTIONS: -

1. Women being so vulnerable are the root cause of the problem of domestic violence in India and is required to be understood in its original sense. To understand the main reason behind why women are vulnerable and why are they positioned in a way that they are exposed to exploitation. Majority of the women are illiterate and thus face a silent violence and they are also under the pressure of various orthodox traditions prevailing in the society.
2. Internalization of Legal Norms with Public Harmony- Domestic violence in our country is still now considered to be an "interfarmilial affair" and hence it disallows the interference of the close relatives, outsiders and the state. The real effective application of any legislation has to experience a security of strong public agreement and acceptance in the democratic processes.
3. Act to Rule Out Male Bias Concerning the coverage of the person under the act i.e. "aggrieved persons" still continues to be married women. and sometimes a widow but for unmarried daughters and mothers, it is still observed that the applications are very less in number. The act yet seems to be principally a matrimonial law, and in the respect of "respondent" any adult man should be also having a right to complain against a woman. It is not always necessary that the men are perpetrators and women only the victims.
4. Attitudinal Change is required among the men and women, the basic social structure from long time in India has been a Patriarchal structure where we get to see a society which is dominated by the males. There is inadequate distribution of power relationship mainly which is the root cause of violent attacks. There shall also be changes in the attitude between men and women to overcome the victimization of violence.
5. Gender Perspective training is necessary- Gender perspective training shall be obligatory by the law and is vital for changing the crucial mind set of the patriarchal society. police, service providers, medical practioners, protection officers, and especially magistrates. who often direct women to put up with the violence and "stop complaining".
6. The strong legal command prescribed for officers and stake holders the officers and institutions are responsible for more effective implementation of the Act. It is required to wipe out social evils such as gender discrimination, traditional relation of patriarchal society and male dominance.
7. Counselling by Expertise at the pre-litigation stage, counselling to the aggrieved person for restoring its self-esteem, providing emotional support and assisting her in taking decisions regarding the commencement of legal proceedings.
8. Immediate help to the victim through police support cells, special cell for Women and children or the women cells established in all the police stations must get the responsibility of trying to settle a matter and stop violence at a very early stage through counselling and other means and providing knowledge to the aggrieved who can take prior settlement through women's cell as evidence in her support.
9. A clearcut organizational machinery should be made available at district levels to monitor and review the occurrence of frequency of violence against women.
10. The reporting of violence against women from the Thana to the district level and from the district of the state level gets concealed in the overall mass and complexities of the currently arranged reporting system. Detailed formats should be created and implemented for a better reporting system. Certain special formats should also be created and implemented for reporting the gender-related crimes.
11. For better distinguishability of the data related to violence against women, an information collection and analysis system is required which can present an overall picture of the trends of such crimes in the state.

12. The state Government must generate a suitable accessible environment for better registration and investigation of crimes by giving awards and recognition to sensitive officers dealing with violence cases
13. There is an urgent requirement for the recruitment of prosecutors and female judges at every level of judicial hierarchy by making reservation of at least one-third vacancies for women. This will help in altering the attitude of the judiciary towards domestic violence and crimes against women.
14. Eliminating inability of a women to reach out from behind the "closed door" of the family, making her aware about the importance of reporting of violence cases.
15. Sensitizing the people through mass media communication, such as Radios, T.V. Newspaper, etc. against the mistreatment with fairer (opposite) sex, misusing of the power and thinking that causing violence is not a serious offence they commit.
16. The basic reason for suppression of women in India is lack of education. Hence efforts should be made to educate them. There shall be enough means of creating awareness about the crime of violence and the impact it can cause to their lives.
17. There is also an urgent need to make women aware of the rights and liabilities they have been granted by the Indian legislature, so that they are able to exercise them in their greatest manner for protecting themselves and standing against the violent behaviour.
18. An integrated and multi-disciplinary approach with social workers, lawyer's, psychologists is required, who can assist women at every step of a case of violence once, its reported.
19. Active involvement of NGOs in monitoring implementation of different laws and speaking for the one who cannot raise their voice because of some reasons and are often targets of violence within their homes.
20. Strengthening of the law enforcing mechanism so that every rule passed out by the legislature for the protection of women can be implemented in a much better spirit.
21. Making sure that the people are in a position to take recourse of laws.
22. Last but not least is the role played by a religious leader in the country because in a country like India all the religious leaders have greater influence on the minds of the people. They should impart and practice such religious teachings which helps in reducing the consistency of discrimination prevailing in the society against women.

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