



**DOMESTIC VIOLENCE AGAINST WOMEN AND LAW: A  
CASE STUDY OF WESTERN UTTAR PRADESH**

**THESIS**

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## CHAPTER 6

### CONCLUSION AND SUGGESTIONS

Violence against women is a centuries old practice defended for the sake of religion, culture, society or man centric society. Other than its verifiable nature, another impossible to miss highlight of viciousness against women is its general event and acknowledgment. In all social orders to a more prominent or lesser degree, women are exposed to physical, sexual and mental maltreatment that cuts across lines of salary, class and culture. Violence isn't just an infringement of human rights of women yet something that debilitates their development. Women face violence in public as well as in 'private'. This thesis is dealing with 'domestic violence'- violence which has made women risky inside their own 'home' and where culprits are somehow identified with them. Affirmation of 'domestic violence' as a wrongdoing or infringement of human rights of women is an ongoing wonder. Despite of the fact that different kinds of brutality were opposed 'domestic violence' remained generally standoffish from any legitimate activity on account of its site of event. 'Home' or 'family issues' were up to this point ventured to be 'holy' where impedance of state or law is precluded. Notwithstanding, the greater part of the western nations drafted a law against aggressive behavior at home from 1970s.

Credit goes to United Nations for making people conscious among the international community with respect to 'domestic violence' and its genuine outcomes on the prosperity of the victims as well as the kids and the remainder of family. U.N. offices were likewise impetus in developing an exhaustive meaning of 'domestic violence' that manages abusive behavior at home in the entirety of its measurements. U.N. through various instruments (CEDAW-Women Conference) made states ethically responsible for developing occurrence of 'domestic violence' in their separate nations. Thus, various nations including India thought that it was mandatory to draft a restrictive law on domestic violence (Prevention of Domestic Violence Act, 2005).

In spite of the fact that preceding this demonstration of 2005 against domestic violence there were various provisions in I.P.C. and Cr.P.C. There were also different laws on dowry and female-feticide, yet the issue remained to a great extent unaddressed. The issue of domestic violence in India has socio-cultural roots which should be tended

to. Clearly de-legitimization of such practice like wife battering, honour killings, female-feticide, physical mental and financial maltreatment is fundamental however not a final solution. Sharpening of social orders towards the issue of aggressive behavior at home, with genuine and long haul consequences for society overall is exceptionally required. Acknowledgment of the way that in the prosperity of women lies the prosperity of entire society is significant. Lawful training, mindfulness and the limit (financial) to use that lawful assurance with respect to casualty is as significant as the law itself. Indian women are associated to acknowledge abusive behavior at home as a characteristic right of the guys. This acknowledgment of abusive behavior at home executed by their own significant other, father or sibling or parents in law is the greatest obstacle in securing women against abusive behavior at home.

In spite of the fact that, Government of India utilized the “Legal advisor Collective Bill” as a plan, however on eighth March 2001, the National Democratic Alliance Government presented a different bill “Security of Women from Domestic Violence Bill”. In light of ‘women gathering’ development against the presented charge; it was alluded to standing advisory group on human asset improvement to analyze the setback. On June 2005, the draft, Security of Women from Domestic Violence Act gotten bureau endorsement. On 13 September it got highlighted by the President and the “Assurance of Women from Domestic viciousness Act 2005” entered the rule book. The Act of security of women from abusive behavior at home act, 2005 came into power on 26th October 2006. This demonstration ensures the assurance of women from abusive behavior at home, for example, Physical, Sexual, verbal, passionate, monetary and endowment related provocation.

The Act additionally tries to ensure the privileges of women to make sure about lodging. The most noticeably terrible type of verbal, physical, mental and sexual brutality are submitted against women in their homes. Great law can be viable just whenever executed adequately. In spite of the fact that the Domestic Violence Act 2005 is an exhaustive demonstration with exceptionally expansive meaning of aggressive behavior at home, however it appears as though the law has not been fruitful in battling the evil of abusive behavior at home against women. The expanding occurrences of aggressive

behavior at home against women demonstrate that law has not been a lot of success as a sum of 2,921 instances of abusive behavior at home were enrolled in the nation in 2007. Thus, the measurements accessible with the National Crime Record Bureau demonstrate that the quantity of cases being enlisted under the Protection of Women from Domestic Violence Act 2005 show an expanding pattern. Essentially Indira Jai Singh offers her input that ‘this arrangement endured a significant difficulty because of legal executive’. It implies that this law is additionally not demonstrating, supportive in checking the act of abusive behavior at home against women. Accordingly, this needs pro-women disposition of law implementation organizations.

The law visualizes setting up a protection official whose capacities are spelt out in the law. In spite of the fact that this official is designated by the state government, he/she will be in the Court and screen the instances of abusive behavior at home. The Protection official will make the Domestic Incident report for the court and make an application for a request in the interest of youngster. He/she will offer clinical types of assistance, safe house and different necessities. The security official is subject for punishment in the event that he/she fails to perform his obligation.

The services provided have a significant impact in the usage of the Act. They are Non-Government Organizations who are perceived under the Companies Act or Societies of Registration Act. They will ensure that the oppressed individual is given convenience in a protected home. They are ensured under this demonstration and can’t be sued for the correct exercise of their obligation in accordance with some basic honesty. The Criminal Justice Machinery, the police and the legal executive, frequently act gradually, improperly and incapably due to its own impediment. The Judiciary has indicated both positive and negative reaction towards brutality against women. Courts have indicated male centric and class biasness as well as worry against separation and for the privileges of women. In circumstances of abusive behavior at home, courts have been more for bargain and the modification of the gatherings. The police will in general treat savagery against women as “family undertakings” and are regularly hesitant to enlist the case itself.

The prerequisite of such an act was crucial to address violence which was continually kept aside by saying that it is a family matter and outsiders are not permitted to interfere. Whoever attempted to speak loudly against such violence, IPC was the only medium where a lady needs to make a compromise with her place of residence, maintenance, many times custody of children, support of own people, society. It was troublesome circumstance for her. On the other hand the husband or in-laws were in a comfortable position because after getting bail (mostly in 498A) due to delay of our legal proceedings things become stand still for women rather bad to worse. With the introduction of this new legislation new ray of hope shined on the horizon.

In Aligarh, Agra, Bulandsahar and Meerut, Ministry of Women and Child Development select a Protection Officer to give assurance to women and youngsters from abusive behavior at home within the current legitimate structure. It likewise gives the enlistment of non-governmental organisation (NGOs) as specialist organizations to give help to the abused in issues managing clinical assessment, acquiring lawful guide and safe sanctuary.

This sort of course of action by state is just an eye wash, and no genuine design is accomplished. The protection officer isn't specifically trained individual. Just preparing for barely few days isn't sufficient to deal with such a delicate work. That apart protection officer is not provided with mobility and fund by which expecting him to reach out to victim at the right time is not just possible. Here are no specific service providers (SPs) and Shelter Homes in the regions. That separated proficient qualified instructors are not here. Accordingly, pre prosecution directing not making a difference.

Subsequently, the after-effect of the current examination recommends that all women are helpless against aggressive behavior at home. However, there were contrasts in financial and segment foundation of women, yet violence behavior at home is available in all classifications. Concerning the reason for spouse misuse, it was seen that the issue of abusive behavior at home is multidimensional. In any case, the principle establishment of spouse misuse is the women' subordinate situation in the public eye. Women' monetary and social reliance on men prompts the exploitation of women.

The execution of the Act incorporates different degrees of organizations and people, for example protection officers, police officers and magistrate. Police officer and judges assume significant job in the legitimate framework reaction to domestic violence. Since, they are commonly the last expert in civil and criminal issues including domestic violence, judge hold considerable capacity to punish abusers, secure battered women, and to send messages to the society, the victim safety and batterer responsibility from various perspectives. Outside the court room, judges are regular pioneers and can assume fundamental job in eliminating the act of domestic violence from the society. Police are frequently the main individuals from the law enforcement framework experienced by victims of domestic violence. Many police in the locale, nonetheless, get less training on the most proficient method to work with such casualties. Accordingly, police as often as possible don't react to the instances of domestic violence seldom eliminate abusers from the home and normally attempt to debilitate and prevent women from submitting formal complaints. In Aligarh and other three districts, indeed, the police themselves become a piece of the issue; exploit victims instead of helping them. The main cause of the feeble execution is the powerless linkages between the victims and authority. The loopholes are in the shape of corruption at base level. The base level corruption hampers the higher authorities' ability to implement. The judiciary is helpless without the cooperation of police and police is helpless until the victim file the case. The full pledged awareness is must.

Amendment in the Act for making arrangements for Separate court to deal with Domestic Violence cases like Consumer Protection Act 1986 has arrangements for three level system i.e., District Consumer Dispute Redressal Forum, State customer Dispute Redressal Commission and National Consumer commission. Comparable plans can be embraced for effective time bound removal; and brisk alleviation can be conceded to the person in question.

Amendment is required for arrangement of protection officers, they will be women with legal knowledge intrigued for social changes with autonomous charge of assurance official. Approaches of Executive need change. Just creation another law without sufficient arrangement will overcome the goal of the enactment.

Budgetary distribution will be made for exposure and making the necessary foundation for successful execution of these enactments (PWDVA, Dowry Prohibition Act and others). Ministry of Women and Child Development will select Protection Officers and set up locale level cells that would be answerable for observing and usage of PWDVA and different Acts under its charge.

Indians have not figured out how to make their laws wisely in light of the fact that they have no understanding of their genuine usage. The Domestic Violence Act 2005 needs more consideration for better usage. Since domestic violence has desperate result not just on the prosperity of women (victim) rather on the whole family, it should be handled in greater benefit of the general public. Children growing up in a violent family atmosphere tend to grow up as violent adults. Hence, state just as non state entertainers should make solid move towards strengthening of women in order to lessen their weakness and accordingly limit the danger of domestic violence.

To get the society clean from the curse of domestic violence the researcher humbly submits the following suggestions which may be helpful to some extent to become the cure of the prevailing disease.

1. As a government assistance state Indian state never gave due consideration to the discouraged and in reverse status of women - Despite monstrous commitment to the cycle of improvement. Indian women are as yet denied of the advantages of advancement. Different long term plans investigated before mirrors the non-noteworthy situation of women. So the absolute first proposal is that, Indian state must change its male centric disposition towards its female residents.
2. Simple declaration of enactments like the 'Insurance of Women from Domestic Violence Act' or 'Settlement Prohibition Act' has not been or won't be an appropriate arrangement of the issue. As such by simply making the law stricter, the evil of Domestic Violence, share and settlement passing can't be destroyed. Stricter the law, the more mystery will turn into the ways and types of settlement exchange. Accordingly, it is recommended, that arrangements in the current laws ought to be made so that a female's parents in law will be unable to appreciate the advantage of property got from her

parental side either at the hour of marriage or before it or after, in the event that the female passes on issueless.

3. A law which has been enacted for the compulsory registration of all marriage must be properly implemented and any violation of the proposed law should be made a cognizable offence.

4. At the time of marriage the inheritance share given by the bride's parents to her and her husband and in-laws be properly executed and preferably be registered.

5. There is also need for general reform in the law to protect women's physical integrity and personal dignity against the violation by the husband.

6. The law relating to partial defence of provocation which reduces the offence of murder to one of culpable homicide and mitigates the penalty for voluntarily causing hurt or grievous hurt assault or use of criminal force requires to be amended in the cases of domestic violence.

7. Though, there is no dearth of women related laws - but close scrutiny indicates towards their patriarchal setup because the separate law on domestic violence came into force only in 2005, cruelty (mental), got comprehensive definition only in 1970s. Similarly marital rape is still not acknowledged a crime in our country. Thus, most of the women related laws in our country are deficient and ignore the real requirements of women. So, there is a great need that law-making bodies must understand the requirements and problem of women while making laws related to them.

8. Attitude of law enforcing authorities/agencies is highly patriarchal as they are the product of same socio-cultural set up where such crimes (dowry harassment, wife-beating, female-feticide) are committed. Majority of them do not perceive domestic violence as a crime. Rather police force believe it to be part and participle of Indian culture. Therefore, training of police of 'human values' and 'human rights' is essential. Gender sensitization of law enforcement agencies may be of great help in curbing the crime.



9. There lies an urgent need for trained police women who should deal effectively with cases of cruelty against women within the boundaries of home resulting in dowry deaths and suicides. In fact all the cases of atrocities being committed against the female folk must be handled by special cells of police women. The average police neither has the aptitude nor inclination towards handling cases of marital violence, dowry deaths or suicides, and it is ridiculous to expect from the police-men to deal firmly with those cases. The trained police personnel, i.e. the women cadre must be thoroughly motivated to deal with such types of cases. In the process of investigation too, involvement of women police officers is imperative.

10. Some steps have been taken in this regard like sensitization of the police force; all women police stations have been set up in its states; in Tamil Nadu, to encourage women to approach police stations without fear, the appointment of one woman sub-inspector and two constables is now mandatory. Also rehabilitation scheme for the victims of violence like 'Sevadar family courts' and 'gender sensitization' in regular programmes of the National Judicial Academy (many more mentioned in chapter IV 'prevention of domestic violence'),

11. The perpetrators of crimes against women inside the home must be severely punished. Stringent and deterrent punishments should be awarded to such criminals so that they may serve as a check to like minded persons. Persons found guilty of cruelty towards their women family members must not be set free on bail or execution of bonds etc, in order to teach them a lesson for their heinous acts. However, one has to be cautious of the misuses of such provision for example the misuse of Dowry Act is before every one.

12. In cases of conflict between the statute law and personal law, reference of the cases to a jury of experts in personal law as well as unitized judges would ensure speedy justice.

13. Special Family Courts dealing exclusively with cases of spousal torture, harassment, dowry-deaths, and bride-burnings must be created almost in every district. Truly, enough the present day courts have failed to provide proper justice to the victim of domestic violence to victims of cruelty or dowry. The Family Courts Act was enacted by the

parliament in 1984. All the family law matters like the marriage, divorce, judicial separation, restitution of conjugal rights, maintenance and alimony settlement of spousal property, guardianship and custody of child's person and property come under its jurisdiction, but there is a disagreement as to the para familiar matters like inter-spousal assaults, financial assault and offence of criminal nature between spouses and children. Thus, the suggestion is that all para-familiar matters must be included under the jurisdiction of family courts. These family courts would contribute to the speedy and efficient disposal of cases relating to cruelty and dowry deaths. Its setting up represents a shift from legalism to welfarism. The marriage counselors must try to bring about a re-approachment between the estranged parties in a majority of marriages. Many deaths could be prevented if someone could befriend these unfortunate women in their agitated emotional state.

14. There must be a creation of 'Family crisis wings' (where social workers, family counselors, psychiatrists and lawyers are employed, authorized to take appropriate action on behalf of battered spouses who report their plight at such centers) within the family welfare centers that run throughout the country either by state governments or central government.

15. There is a need for strengthening social welfare organizations so that they may be able to combat the growing menace of marital violence prevailing in the contemporary society. These organizations must be given wide powers specially to file complaints of the harassed women or aggrieved wives. They can play a significant role in the renunciation of the estranged.

16. Anticipating problems for the women victim of domestic violence, it is better that girls should be properly educated and made independent and fearless enough to resist torture and black mailing. Legal education even in rudimentary forms should be included in the school curriculum. This would create awareness in boys and girls of their rights and responsibilities as well as the rights and obligation of others.

17. Financial autonomy should be guaranteed to women. Women should be economically empowered through education and job. If a woman is a housewife, then she should be given a part of husband's salary.

18. There is need for creation of a strong public opinion in favour of making girl self-reliant, cutting down extravagant expenditure on weddings, awarding exemplary punishment to the culprits (both the dowry seeker and dowry-givers) and sadists.

19. Besides media has special responsibility of sensitizing and educating the masses regarding the problem of domestic violence. There can be special pages/columns for laws and other schemes for the support of women so that they can be made aware of the legal and socioeconomic support systems for them.

20. Usually, the films and the electronic media project women as patient sufferers accepting ill treatment by their husbands and in-laws. On the contrary, women should be shown as struggling against injustices with the assistance of social workers, legal and other agencies. Working to project the status of women, the accused on the other hand should be shown as being severely punished. This would help to create fear in society and also some sense of trust for law and order.

'Home' as a basic institution of every civilized society, it provides happiness to the family members. It also provides certain duties and rights and obligation of the family members. But the paradise is lost if satanic instincts prevail upon human virtues of love, affection and mutual understanding. Therefore, it is imperative that all the family members must understand each other and perform their respective duties without unnecessarily interfering in each other's domain of work. This is essential for the smooth running of the family. Again the family members should not be unnecessarily suspicious to each other's conduct. In cases of working couples, both the spouses must help each other in the performance of domestic chores. A family free of violence and atrocities must be guided by reciprocal love, comradeship and mutual confidence. Domestic violence against women represents the uglier side of human behaviour and it can be minimized only with concerted efforts of legislators, reformers, social workers and enlightened clergy of major religions of India. Above all, the principal of equality before the law must be followed in

better spirit. This alone would ensure a safe and honourable place to a woman in her natal or nuptial home. Fight for justice for gender equality (a home free from violence and atrocities) is not a fight only against those persons (those who used to practice violence against women within the boundaries of home) rather it is a fight against the system, traditions and the custom that have chained them, a fight against attitude that are ingrained in the society, it is a fight against proverbial *Lakshman Rekha* which is different for men and for women. Men must recognize and accept the fact that women are equal partners in life. They are individuals who have their own identity. Thus the researcher wants to conclude the work with the words of Justice A.S. Anand,

**“Awakening of the collective consciousness is the need**

**Of the day. Change of heart and attitude is what is needed”.**