

SUMMARY

Dictionary meaning of domestic violence is- ‘physical or emotional abuse of household member especially one’s spouse or domestic partner. Duhaime’s Law Dictionary defines domestic violence as ‘an assault or battery upon another member of a family or in some jurisdictions threatening words. The legal meaning of domestic violence is any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another can constitute domestic violence. Domestic violence is considered as one of the most underreported crimes and became more widely recognized during the 1980s and 1990s.

Various individuals and groups have defined domestic violence to include everything from saying unkind or demeaning words, to grabbing a person's arm, to hitting, kicking, choking, or even murdering. Domestic violence most often refers to violence between married or cohabiting couples, although it sometimes refers to violence against other members of a household, such as children or elderly relatives. It occurs in every racial, socioeconomic, ethnic, and religious group, although conditions such as poverty, drug or alcohol abuse, and mental illness increase its likelihood. Studies indicate that the incidence of domestic violence among homosexual couples is approximately equivalent to that found among heterosexual couples.

In simpler terms, domestic violence can be defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner.

DOMESTIC VIOLENCE AGAINST WOMEN

Domestic Violence against women is the most common of all. One of the reasons for it being so prevalent is the orthodox and idiotic mindset of the society that women are physically and emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states. Behind closed doors of homes all across our country, women are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. It is becoming a legacy being passed on from one generation to another. But offences against women reflect the pathetic reality that women are just not safe and secure anywhere.

Women have to bear the burns of domestic, public, physical as well as emotional and mental violence against them, which affects her status in the society at the larger extent. The statistics of increasing crimes against women is shocking, where women are subjected to violence attacks i.e. foeticide, infanticide, medical neglect, child marriages, bride burning, sexual abuse of girl child, forced marriages, rape, prostitution, sexual harassment at home as well as work places etc. In all the above cases women is considered as aggrieved person. Violence against young widows has been on the rise in India. Most often they are cursed

for their husband's death and are deprived of proper food and clothing. They are not allowed or encouraged for remarriage in most of the homes, especially in rural areas. There have been cases of molestation and rape attempts of women by other family members in nuclear families. At times, women are even sexually coerced by their partner themselves against their will. They are brutally beaten and tortured for not conceiving a male child. Incidents like, ripping off a woman's womb for killing the female foetus when she disagrees for abortion have also come to light especially in rural areas. Female foeticide and female infanticide continue to be a rising concern. Other forms of physical abuse against women include slapping, punching, grabbing, burdening them with drudgery, public humiliation and the neglect of their health problems. Some of the other forms of psychological torment against them could be curtailment of their rights to self-expression and curbing the freedom to associate with the natal family and friends.²

OBJECTIVES OF THE STUDY

The main objectives of the present study were:

1. To understand the conceptual framework of domestic violence.
2. To evaluate various provisions of protection of women from domestic violence Act, 2005 and its impact on curbing domestic violence.
3. To examine legal, social and behavioral issues related to the emergence of domestic violence.
4. To examine the role of various agencies associated with implementation of Domestic violence Act.
5. To examine the facilities provided by the service providers

like shelter homes etc.

6. To suggest remedial measures for effective implementation of Domestic Violence Act, 2005.

HYPOTHESES OF THE STUDY

The following hypotheses were formulated for the present study:-

1. The changing human attitude towards women has given new dimensions to the domestic violence.
2. The protection of women from Domestic Violence Act, 2005 has provided strength to women to fight against domestic violence.
3. Lack of awareness, illiteracy and social structure has given rise to cases of domestic violence.
4. The utility of Domestic Violence Act, 2005 lies in its proper implementation and its use by the affected ones.
5. The facilities provided by the service providers are insufficient and have failed to make an impact on suffering women.

RESEARCH METHODOLOGY

The methodology employed in the research program is multidimensional. In the study not only the analytical method of research has been used but empirical method of research has also been used to make the investigation more meaningful and realistic.

The research work is based on both, the primary and the secondary data. The primary data has been collected through an interview schedule. The respondents were interviewed personally as many information demand explanations from the interviewer

due to their complexity. The type of information gathered through the interview include demographic, information about the current marriage, experience of violence by the women, reporting of the domestic violence to the police authorities for seeking help, legal recourse and the current status of women ; how they are living their life as of now.

The secondary sources which have been utilized for the investigation includes UNO reports, National Sample Surveys, Reports of NGOs, articles published in journals; both national and international, text books, periodicals, news items and write-ups that appeared in the print media.

Observation method has been used extensively while interacting with the sample respondents and while interacting with the family members of the sample respondents.

CHAPTERISATION

Chapter-I: Introduction

This chapter introduces the problem of study and gives an overview of the Research Design of the study.

Chapter-II: Domestic Violence Act, 2005: A Critical Assessment.

This chapter provides summary analysis of various provisions of domestic violence; its applicability, powers, functions and process of getting relief under the act.

Chapter-III: Administrative and Institutional Arrangements: Role Analysis.

This chapter focuses on Administrative and Institutional machinery: their role in providing help to the victims of domestic violence and their effectiveness.

Chapter-IV: Perception of Respondents

This chapter analyses the perceptions of the respondents selected for the study.

Chapter-V: Conclusions and Suggestions

This chapter summarizes the conclusions drawn from the study and suggestions are made for providing help to the victims and to suggest measures to root out the causes of the domestic violence.

Also as expressed by Rebecca J. Burns in the following lines, “When I am asked why a woman doesn’t leave abuser I say: Women stay because the fear of leaving is greater than the fear of staying. They will leave when the fear of staying is greater than the fear of leaving.” A common Indian house wife has a tendency to bear the harassment she is subjected to by her husband and the family. One reason could be to prevent the children from undergoing the hardships if she separates from the spouse. Also the traditional and orthodox mindset makes them bear the sufferings without any protest.

Other forms of physical abuse against women include slapping, punching, grabbing, burdening them with drudgery, public humiliation and the neglect of their health problems. Some of the other forms of psychological torment against them could be curtailment of their rights to self-expression and curbing the freedom to associate with the natal family and friends.¹

CONCLUSIONS

The following conclusions have been drawn from the study:

- More than three-fourth of the respondents are having

¹ Ankur Kumar, Domestic Violence in India: Causes, Consequences and Remedies, Society, Feb. 2010

education qualification up to 10+2 while graduates and post graduates make up a total of 23 percent only. Marginal numbers of respondents are illiterate.

- More than half of the respondents belong to General category while approximately one-tenth of the respondents belong to SC category. There are no respondents from the ST category true to their population in the District and in Haryana State as a whole.
- A huge majority of the respondents belong to Hindu Religion. Only marginal numbers of respondents profess Muslim and Sikh Religion.
- More than 80 percent of the respondents are married. Nearly one-sixth of the married respondents are separated from their husbands at present. The number of widows and divorcee respondents are very marginal.
- Only marginal number of respondents out of the total sample of 200 respondents have confirmed that their current marriage is second marriage otherwise all the respondents have admitted that their current marriage is their first marriage.
- Majority of the respondents are staying at their home without any economic activity or study before the marriage. Approximately one-tenth of the respondents have been found working at the time of their present marriage. Nearly ninety percent of the respondents were found without any income at their disposal before their marriage. Only marginal numbers of respondents were having income above Rs 20,000.
- Majority of the respondents stated that main earning

member of their family is their father. Only a total of 8 i.e. 4 percent of the respondents confirmed that their main earning member is their mother. None of the respondents were found as main earning member of the family. Though few in number, more than one-third of the respondents confirmed that the main earning member of their family are employed in service while nearly one-fourth of the respondents confirmed that the main earning members of their family are employed as labourer. A considerable number of earning members were also involved in agriculture profession. Nearly one-sixth of the respondents were having family income below Rs 10,000 and half of the respondents were found having income below Rs 20,000. This meager income is really disheartening in today's era where the prices of the commodities of daily consumption are rising day by day.

- More than half of the respondents confirmed that they have felt domestic violence before their marriage. Three-fourth of the respondents who confirmed having experienced domestic violence, confirm that they felt violation of their rights at home. Nearly one-tenth of the respondents felt mental type of domestic violence.
- Majority of the respondents have stated that their marriages were arranged marriages although marginal numbers of respondents have also entered into love marriage. The number of respondents who were not happy with the decision of the marriage was marginal. Only marginal numbers of respondents have denied giving any dowry at the time of their marriage. Rest of the respondents accepted that their parents gave dowry in their marriage.

- More than half of the respondents husbands are Matriculates/10+2 while considerable number are Post Graduates also. Majority of the respondents have stated that their husbands are in service while one-third of the respondents have stated that their husbands are self-employed. Nearly one-sixth of the respondents' husbands are employed in agriculture. Majority of the respondents' husbands earn between Rs 20,000 to Rs 50,000 per month although marginal number of respondents have also stated that the salary of their husbands exceeds Rs 50,000 per month.
- Only marginal numbers of the respondents were involved in economic activities after their marriage. Marginal numbers of respondents were having personal saving from their earning. Out of those respondents who were working after the marriage, most of them were earning below Rs 10,000 a month. Only marginal numbers of respondents were having income above Rs 20,000.
- Majority of the respondents have stated that the main earning member of their family is their husband while more than one-fifth of the respondents have stated that their mother-in-law is the main earning member of the family. With regard to the main decision making member of the family, the number of respondents who named their husbands as the main decision making person of the family is highest although more than one-fourth of the respondents named their mother in-laws as the main decision making person in the family. Therefore, in spite of their not being the earning members of the family, mothers-in-law of the respondents exercise a great control in the decision making

of the family.

- Nearly two-third of the respondents stated that the incidence of domestic violence started soon after their marriage. One-third of the respondents have quoted dowry as the main reason of domestic violence. Instigation by the family members of in-laws has been found another reason which has been quoted by nearly one-fourth of the respondents. Also, one-fifth of the respondents quoted other reasons of domestic violence.
- Nearly one-third of the respondents have stated that the perpetrators of domestic violence against them were their husbands while approximately equal number of respondents named their in-laws as their perpetrators. More than one-third of the respondents stated that the incidences of violence increased when they reported the matter outside their homes. Nearly one-fourth of the respondents stated that due to their reporting the matter, outside, the perpetrators threw them out of their homes. Few more than one-third of the respondents have also stated that consequent to their reporting, the perpetrators started separating their children from them.
- Maximum number of the respondents reported the incidence of domestic violence to the Panchayat. Few more than one-third of the respondents reported the incidence of domestic violence to the police. Only marginal numbers of respondents reported the matter to the Protection Officer. More than half of the respondents found the attitude of the authorities as that of lingering on in the matter when the incident was reported. Approximately one-fourth of the

respondents found the behaviour and attitude of the authorities as cordial and sympathetic. Only marginal number of the respondents were found satisfied with the response and action of the authorities in the matter.

- Approximately one-sixth of the respondents were found aware about the Domestic Violence Act, 2005. This is really a sorry state of the matter. Majority of the respondents became aware about the Domestic Violence Act through their neighbours/relatives or friends. Only one-seventh of such respondents became aware through government agencies. Therefore, it can be concluded that in spite of huge expenditure spent by the government on awareness generating programmes through government agencies and mass media, the reach is not reflected in the respondents' responses.
- More than 80 percent of the respondents who reported the matter to the police, did not approached PO for further help and remedy. In more than 80 percent of such cases, the police recommended and initiated the compromise process. Approximately one-seventh of the respondents forwarded the cases to the PO, the right authority created under DV Act. More than half of the respondents in such cases wanted that police should have registered the cases with proper legal authorities created for the purpose. More than 40 percent of such respondents wanted that police should have arrested the culprits and registered the case side by side. Only marginal number of respondents wanted compromise or mediation by the police. But it has been seen that the reverse is happening at the police station.

- Few more than one-fifth of the respondents who approached the Police or the PO, settled in filing a Domestic Incidence Report for legal recourse. More than half of these respondents filed the complaint to seek separation from their perpetrators and seek compensation for living their future life. Most of these respondents were advised by their relatives, personal friends and other persons to seek legal recourse as a remedy against domestic violence. More than one-fourth of the respondents were advised by NGOs or other social organizations/groups to go for legal recourse.
- More than 80 percent of the respondents were not aware of the institution of the Legal Aid Cell. Rests of the respondents were found aware of this institution. Therefore, the awareness among the respondents of the office of the Legal Aid Cell is very low. About their awareness of the office of the Protection Officer created under the DV Act, approximately one-seventh of the respondents were aware of the office of the Protection Officer. Rests of the respondents were not aware. Approximately one-third of the respondents were found satisfied with the response and action of the office of the Protection Officer. Rests of the respondents were not found satisfied with the dealing of the Protection Officer.
- Approximately three-fourth of the employees who resorted to legal recourse received appropriate support during the court proceedings. Approximately half of such respondents were satisfied with the outcome of the court proceedings. Nearly two-third of such respondents have stated that their life has been affected adversely due to court proceedings as it amounts a lot of labour, money, pain and sufferings. It

exhausted the victims emotionally and physically

- Nearly one-third of the respondents who preferred to file court cases, have stated that they have achieved self confidence after the court case is over. An equal number of the respondents have stated that they are now free from the rule of domestic violence. About their present living, half of such respondents have stated that presently they are staying with their natal family after the case is over. Approximately one-fourth of such respondents have stated that they are staying independently. Rests of the respondents are staying with their husbands.

SUGGESTIONS

The social evil of domestic violence has no boundaries. It has spread in length and breadth of the world. India is no exception to it. Various legislations and administrative machineries of India have failed to check and control it. There is no single remedy for this disease. The response to the phenomenon of domestic violence should be a typical combination of effort between law enforcement agencies, social service agencies, the courts and corrections agencies. The role of all these has progressed over last few decades and brought their activities in public view. Today, many public, private and governmental agencies are seen making huge efforts to control domestic violence in India but the situation is not improving at all in spite of huge amount of money spent on creating various machineries to help the victims and to spread awareness among people so that future incidences are prevented. No single suggestion can be a complete remedy but need of the hour is coordination between various components of governance and

society.

An open question was put forward to the respondents seeking their suggestion on making the legislative measures more effective. Suggestions were also invited from the respondents how to make the administrative machinery more responsive towards the victims of the domestic violence. The issue of Speedy judgment in this regard could provide some relief to the victims because when the victims file a case before the court or if they seek some help from the other legal machinery, they are thrown out of their homes helpless and at this juncture some sort of compensation could prove very helpful for them.

Based on the suggestions received from the respondents, suggestions given by academicians, scholars, social workers and based on suggestions made at one time or the other by some committees and commissions, judicial enquiries, the following are suggested to provide help and support to the present victims of domestic violence and to put control and check on the further incidences of such nature :

(1) Need for Stringent Laws

There is a great need of stringent laws to stop this social evil. Although many acts have been passed in India in this regard but they proved inefficient as the graph of domestic violence kept rising. In the year 1983, domestic violence in India was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman. The Government of India passed a Domestic Violence Bill, 2001, "To protect the rights of women who are victims of violence of any kind occurring within the family and to provide for matters

connected therewith or incidental thereto” An act called Protection of Women from Domestic Violence Act, 2005 [DVA, 2005] also has been passed”. This Act ensures the reporting of cases of domestic violence against women to a ‘Protection Officer’ who then prepares a Domestic Incident Report to the Magistrate and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction. But unfortunately, at present there is no single law in the Indian Constitution which can strictly deal with all the different forms of Domestic Violence. There is an urgent need for such a law in the country. In fact, there has also been misuse of section 498-A and DVA, 2005 because of restricted definition of cruelty subjected to married women.

(2) Role of Non-Governmental Organizations (NGOs)

It is well perceived that the Non-Governmental Organizations can play a vital role in providing help and support to the victims of domestic violence because they always work deep in the society and has the trust of the people at their back. They work without any money motive and have the team of dedicated and selfless members. Therefore, the role of non-governmental organizations in controlling domestic violence and curbing its worse consequences is crucial. For example a violence intervention agency by the name of ‘Sakshi’ has been working for women and children in Delhi on cases of sexual assault, sexual harassment, child sexual abuse and domestic abuse and focuses on equality education for judges and implementation of the 1997 Supreme Court’s sexual harassment guidelines. Another social organization ‘Women’s Rights Initiative’ in the same city runs a legal aid cell for cases of domestic abuse and works in collaboration with law enforcers in the area of domestic violence.

In Mumbai, bodies like Majlis and Swaadhar too are doing meaningful works in this field. Sneha in Chennai and Vimochana in Bangalore are working on many women's issues arising from domestic abuse. All the above bodies have their own registered offices, contact numbers and websites for those who want to seek help. We need more and more such organizations who can work in close coordination with the government providing finances to them for their smooth functioning.

Besides these, NGOs continue to spread awareness amongst people regarding their legal rights for fighting against the atrocities they are subjected to. They are encouraging more and more people to report the matters of domestic violence to various agencies so that proper action may be taken against the culprits.

(3) Role of Police

Police station is a place about which everyone thinks approaching in case of any untoward incidence. It can play a major role in tackling the domestic violence cases. But the police should be sensitized to treat domestic violence cases as seriously as any other crime. Special training to handle domestic violence cases should be imparted to the police force. They should be provided with information regarding support network of judiciary, government agencies and other departments which could be of use in this regard. There should be a separate wing of police dealing with women's issues, attached to all police stations and should be excluded from any other duty. In Haryana, although Mahila Police Stations have been opened up in every district, yet the machinery has not won the trust of the women.

(4) Health Care

When any woman faces domestic violence, she immediately

needs medical attention. Therefore, the authorities should take steps to recognize Domestic Violence as a public health issue. A crisis support cell needs to be established in all major Government and Private Hospitals with a trained medical social worker for providing appropriate services. Training programmes must be organized for health professionals in order to develop their skills to provide basic support for the victims of domestic violence. Health centres, NGOs and other social organizations should work in such a way that all types of support are available at a single place. The victims need not to run here and there for different type of support and help.

(5) Social redefining patriarchal norms and removing gender bias

Society is regarded as the first teacher of man. We learn various types of norms in the society and when we are capable of following these norms, the society accepts us as its members. Therefore, the first and most important task is to redefine the social concept of 'violence against women'. This means seeing crimes like rape, abduction, wife-beating, dowry-death and murder as "acts of violence motivated by power and authority against the weaker sex". This means making people realize that violent acts against women may occur in circumstances where people normally will not acknowledge them. For example, abduction can occur when the victim initially accompanies the offender willingly, rape can be committed by a person very well known to the victim, a bride can be burnt when she brings dowry worth thousands and lakhs of rupees but fails to bring a few additional thousands demanded by her greedy in-laws, a wife can be beaten when she works all through the day but refuses to obey an irrational command of her husband, and a woman can be

murdered because she asks her husband not to have illicit relations with another woman. The dilemma is that in the starting we created certain norms ourselves like getting handsome dowry is treated as a prestige issues in certain communities and families. This has led to crimes against women who fail to bring the dowry according to the wishes of the family of their husbands.

The misuse of traditional patriarchal norms working against women has to be brought to the notice of the people-both men and women. Some NGOs can play an important role in this regard. Even small groups can be created in the society which can make people aware of the bad practices and norms of the society and try to change their attitude towards such norms dangerous for the women and girls. Women have now to say things publicly against gender discrimination and against their humiliation and exploitation which they did not dare earlier. The masses have to be awakened by holding conferences, pressurizing legislatures, demonstrating before police stations, and in many other ways to make them realize and accept the need for changing old patriarchal norms. Only collective acceptance of new norms can help in understanding victimization of innocent women.

Wife-beating cases are never reported to the police because of the traditional values of Indian women. Dowry-death or bride-burning cases are difficult to prove because they take place in the privacy of homes in the absence of witnesses. Thus, what happens in cases of crime against women and subsequently in the criminal justice system reflects male and female roles in broader society. Law enforcers and magistrates have traditional ideas of how a woman ought to act and base their judgments on such traditional and stereotyped considerations. In these images,

women are at a disadvantage vis-a-vis men. Because criminal justice systems rely on these cultural stereotypes and accepted definitions in 'uncovering' motives in crimes against women, most cases of victims are lost long before they enter the legal and judicial systems. It is, therefore, important that violence against women and gender bias and discrimination be redefined. This requires that the whole society members needs to be sensitive towards the victims and stay hard against all such norms which prove harmful for our girls and women. Therefore, there is a need to have entirely different norms free from the traditional norms.

(6) Changing the attitude of Victim's parents

In most of the cases, it has been observed that causes of the present plight of the victims of domestic violence arise from the attitude and inactions of their parents. The blame rests on them as they do not seek the correct match and just pass on their responsibility in a hurry. They want to be free from the responsibility of the marriage of their daughters as early as possible. In such a hurry, they end up in marrying their daughters in the families who are dowry greedy. At an early state, when any untoward incidents of domestic violence is reported to them by their daughters, they try to compromise with the in-laws of their daughters and just suppress the matter and tell their daughters to mend their ways. They carry on convincing her that now on that is their fate. These daughters carry on bearing all the incidences of domestic violence lest it would stain the reputation of their father and family. The parents are very much concerned about social stigma and decide to send back their daughters to their husbands/in-laws whenever their daughters are beaten and tortured by their husband or in-laws. They accept the demands of the in-laws of their daughters just to keep the relations going. In

this process, they end up in sacrificing their daughters at the cost of a bad marriage.

The daughters also can be blamed to some extent for their plight. They do not realize that a divorce is a better option than continuing with a marriage where money is the be-all and end-all of all the relations. They do not try to walk out of their marriage and stand on their own feet. Suffering violence is so deep-rooted in our cultural milieu that not only illiterate, less educated and economically dependent women but also sophisticated, highly educated and economically independent women do not seek legal or police protection. Thus, there is a need to change the thinking of the parents and the daughters so that they do not think of the social norms being flouted.

(7) Strengthening Women's Organizations and Self Help Groups

A woman alone can understand the problems, sufferings and plights of another woman better than anybody else. Thus, there is a need that more and more women organizations should be encouraged. Besides, the women organizations which are working at present should be strengthened. Paucity of funds should not be a hurdle in their functioning. It has been seen that these organizations can handle the women issues including domestic violence more effectively and efficiently than other organizations created for the purpose.

Secondly, the fact is that the voice of an individual woman perhaps carries no weight. However, if a number of women of like-minded views join hands to form an organization and raise their voice against women's suffering, they can make their presence felt. Thus, through these organizations alone, women

can attack outdated social norms and values which need to be discarded or overhauled. It is, therefore, necessary that more and more women's organizations be developed to create awareness among women to fight against their oppression by men who exploit, humiliate and torture them. These organizations can undertake the activities regarding women's oppression such as : to hold protest 'morchas', demonstrations, public meetings and poster campaigns on women's oppression, help oppressed women like female workers in industries, female clerks in offices, domestic workers, female students in schools, colleges and universities to organize themselves so that their collective voice could be expressed and heard ; organize women's meetings in different localities to discuss with them not only their specific problems and struggles but also general problems of women's interest, create awakening among women against domestic violence and other such abuses, create public pressure, organize direct mass demonstrations, employ pressure tactics, and undertake agitation activities where law-enforcement agencies are believed to have colluded with deviants, hold discussions with the general public and create an environment of hostility against specific offenders, provide emotional support to women who are victims of male exploitation and make reconciliatory efforts with victim's husband wherever needed, pressurize the police to act speedily, organize street plays with the help of theatre groups to arouse general interest in women's oppression, organize lectures, followed by discussions, on news items, books or articles relating to women's issues; file writ petitions against offenders, police, magistrates etc. and demand review of the ongoing cases.

(8) Adopting a Humanistic Approach to the Victims

Wherever we go whatever may be the circumstances, there is always an absence of humanistic approach while dealing with the cases of violence against women in general and in cases of domestic violence in particular. To provide immediate relief to the victims, it is necessary to develop a humanistic approach to the victims of crimes. To achieve this, a change in sex roles is extremely necessary. A wife must liberate herself from antiquated sex role ideology; stop goading her husband into beating her, become assertive and self-accepting, and abandon her purported possibility of resource threat within the marriage so that her husband may no longer seize upon violence as a way to right the balance. Thus, a set of individual level changes is suggested. Adopting such changes in their life they can liberate themselves from the clutches of their oppressors.

(9) Evaluation of Organizational Procedures

For protecting the rights of victims and providing benefits to them, an evaluation of organizational procedures of police, courts, rescue homes, etc. is necessary. This can be done from time to time by university scholars or by an outside person not related to the organization. One cannot expect people from within an organization to find fault with their own system. Review and planning must be structured into systems both by assigning this duty to a particular position within the organization within a specific time period, as well as assigning this duty to outsiders. Some changes suggested by outsiders may be considered as being difficult to implement by the organizations concerned, but these changes may be necessary for victims' benefit and welfare. For example, the police may have a rule that victims must give their statements alone, but permitting the representatives of women's

organizations to be present, as suggested by reviewers, might prove helpful to victims in many ways. What is thus needed is concern for the victim rather than concern for the convenience of an organization.

(10) Changing Criminal Justice System

Many social organizations, intellectuals and experts of judicial system of our country have suggested that there is a need that our criminal justice system should change and adopt to the need of the modern society. To achieve this end, three changes in this context may be suggested:

Change in the Attitudes of Judicial Officials: Magistrates and judges are human beings and can make mistakes. They continue to follow the age old and traditional approaches while making judgments. What is important is the necessity of changing the rigid and traditional approaches on which their decisions are based. Reorientation courses for magistrates should be organized by institutes and universities so as to bring to their notice the findings of empirical works undertaken by scholars on crimes, criminals, victims, police, prisons, and rescue homes, etc. Instead of raising technical points and acquitting the accused of committing cruelties against women, particularly in cases of domestic violence, magistrates should give primary importance to circumstantial evidence. Before the public loses faith in the judiciary, as it has lost faith in the police, magistrates have to learn to depend on sociological interpretation of law rather than continue to rigidly stick to legal precedents. In this way they can create new norms and foundations to make accurate judgments.

Establishing Mahila (Women's) Courts: Normally, it takes years to get justice in an ordinary court, but in a Mahila

Court, it takes only few months. The rationale behind setting up of these courts is to lend a sympathetic ear of female judges to women victims who are unable to depose truthfully and fearlessly before male judges and to deliver speedy trials to women as Mahila Courts are to deal with cases pertaining to women only. As these courts take up cases of women, the judges of these courts are women only. These courts try cases of Indian Penal Code (IPC) only of outraging the modesty of a woman, kidnapping, criminal breach of trust pertaining to not returning stridhan and cruelty of any sort inflicted by the husband or his relatives and these courts have predominantly all women teams, including women prosecutors. Only the accused and the lawyers are likely to be men.

The Family Courts Act was passed on September 14, 1984. These courts are to decide suits relating to nullity, restitution of conjugal rights, judicial separation or divorce, suits for declaration of the validity of a marriage, (iii) suits relating to the property of both parties and either suits for an order and injunctions in circumstances arising out of the marriage relationship, and suits for legitimacy, maintenance, guardianship and custody. Thus, the Act aims at protecting and preserving the institution of marriage, promoting the welfare of women by settling marriage disputes and family affairs, if necessary through counseling and conciliation too. However, Mahila Courts have been criticized on the following grounds: (1) these courts are unconstitutional and unwarranted. Even the President of the All India Lawyers Forum for Civil Liberties (AILFCL) has described the very nomenclature of these courts as misleading and violative of the constitution. (2) The courts would be biased in favour of women and the accused would inevitably be treated severely by

the female judges and the prosecutors. (3) The courts are not Mahila Courts in the real sense. Public prosecutors, stenographers, and readers are still male employees. (4) The number of Mahila Courts is not adequate enough. Three fourth of cases involving women victims are still tried by male judges. (5) Keeping in view the large number of cases, strength of judges is quite insufficient.

Change in the Police Attitude: The role of the police is always under scrutiny in most of the cases. The protectors have become the destroyers. The role of the police is to uncover law violations and bring to book those people who threaten the social order. To the average person, the police officer is the law. It is the police who in their capacity as 'first-line enforcers' make the important decision whether a specific situation requires official action or not. If they choose not to identify an act as a crime, or if they choose not to label a person a suspect, or if they choose not to take official action even when they have sufficient evidence against the suspect/ accused, the members of society lose faith both in the law and its enforcement agencies. It is indeed unfortunate that the image of police has steadily deteriorated in our society in the last few decades on the ground that either they escape from their responsibility through indifference or callousness or they do their jobs through a variety of corrupt and unlawful practices. What alternatives do the victims' parents have who lose their beloved daughters and suffer humiliation at the hands of law-enforcers when they approach for legal action? They only sit quietly, weep and blame their destiny. In a few cases, we hear of demonstrations outside the police stations and riots, but ultimately it is the poor demonstrators who come to be branded by the police as 'dangerous individuals' and

are further humiliated and lathi-charged by the police. Therefore, the role of the police needs to be redefined in today's concept of a welfare state. In today's era, it is the need of the hour that the relationship between the complainants and the police should improve and the public should see the police as their protector.

(11) Separate Cell for Women

A separate cell for women may be created in the police department headed by a Superintendent of Police with a staff of inspectors, sub-inspectors, head constables and constables. This cell may be called "Offences against Women Cell". It should cover all crimes-rape, kidnapping, dowry-death, murder, wife beating, eve-teasing or sexual harassment etc. Such cells have been created by Haryana, Bihar, Rajasthan and Delhi governments but Haryana Government has already taken a lead in this regard as a total of 20 women cells are working in the state. Special women Police Stations also have been set up in the state to look after the grievances and complaints of women

(12) Free legal aid to the victims of domestic violence

Although many states have established free legal aid centre's to the women who are victims of various women related crimes, domestic violence and other excesses of society, these cells are not effective in achieving their aims and objectives. There is no clear cut formula established to measure their efficiency and effectiveness. Therefore, there is a need to tune these cells to the demands of the victims so that resources are not wasted and the help is provided to all the women in general and to the victims of domestic violence in particular.

(13) Special investigation units comprising predominantly women police

It has been observed that many a times, male police investigation officers are deputed to investigate the women

related crimes and complaints. But they are not able to investigate these cases properly because of their bias towards male and sometimes they are not sensitized about the needs of the women victims. Therefore, women investigating officer should be deployed who are sensitized about the needs and sensibilities of victims. Additionally, Police officers and doctors need to be trained in interview techniques which should be conducted as far as possible, in the victim's home. Doctors simply go by the rule book. They look for tangible physical evidences that have been listed out. If there is no physical injury, they simply pronounce the girl as not having been assaulted. This narrow legalistic interpretation needs to be substituted by a new humane perspective. So far as the attitude of the lawyers is concerned, it is difficult to expect the defense lawyer to be gentle. The best way to tackle this problem is to try and make woman understand that this is not the last thing in her life. It is not her fault and it is nothing to feel guilty about.

(14) Establishment of Rescue Home or Mahila Shelters

The Government Social Welfare Departments run Rescue Homes which serve both as detention centres during the trial period as well as shelter homes where the victims are lodged until they return to their parents or get married. Unfortunately, these Rescue Homes are nothing but centres of maladministration and corruption. Though the superintendents and deputy superintendents of these Rescue Homes have the responsibility of protecting the rights of the inmates, the officers actually are not much concerned about what happens to the inmates. Further, no one seems to be conscious of the need for short-term or long-term change. Thus, there exists a great need for creating special programmes for female victims of crime by males. Happily, a

trend in this direction is already discernible. In Haryana, many Homes for women have been set up and they are doing a tremendous job by providing shelters to the victims who have no place to settle. Women organizations have started some programmes but these programmes are confined only to large cities. These programmes should be extended to small towns and villages and can include the following:

- (i) Immediately providing shelter to victims who have no place to go to.
- (ii) Maintaining contacts with victims as they wend their way through the present tedious criminal justice system,
- (iii) Providing emotional and psychological support to victims and try to make them feel somewhat less dehumanized.
- (iv) Acting as watchdog groups, ensuring professional accountability and trying to ensure that victim' rights are indeed honored.

(15) Coordination between Police and NGOs

It has been said that the police is not sensitized towards the women related complaints and issues. In view of the growing violence against women, the police leadership at the state and district levels should take adequate steps to sensitize and motivate their subordinates at the cutting edge level and utilize the services of the women groups at the optimum level. State government should encourage at least one women group in each district for taking up various programmes for the care and protection of victims of violence. The government should not interfere in the autonomy and functioning of the NGOs on the pretext that they are given funds by the government. The government should get the evaluation of these NGO by non-

official experts who may be appointed by the competent authority. Our policy makers may consider giving legal status to the NGOs not only for running homes and corrective institutions for the purpose of Juvenile Justice Act, 1986 and Immoral Traffic (Prevention) Act, 1956, but also for playing an effective role in the criminal justice system. They work without any money motive, hence, can transform the society considerably towards the benefit of women victims.

(16) Social Defence

It may be suggested that a widespread network of social defense services should be established in all the states and UTs. Under this, family counseling centres, protective and corrective homes and shelter homes should be set-up in various states and in every district which should be accessible to women in distress at any time of the day or night. In these institutions, there should be a panel of experts consisting of a medical man, a psychiatric and a social worker who should not only assess the mental and physical well-being of a battered woman but also investigate her story and background. These institutions should provide all kinds of assistance; legal, financial or psychological. Effective rehabilitative programmes should be chalked out both for corrective institution and shelter homes. Counseling should be provided before the actual commission of the crime so that the family may be saved from breaking up. The social, structural and prevalent patriarchal ideology is anti-women and it needs to be changed at every level. The status quo within the family needs to be questioned and changed. Further, the status of women in society and equality of sexes in every sphere of life is essential to bring about changes in the status of women within the family. The position of women in public at the general societal level

needs to be improved so that women do not become victims of violence in private as well as in public affairs.

(17) Budgetary Allocations

Although the government agencies always publish figures of funds spent on structures and machinery involved in women related issues, the facts cannot be trusted. Sometimes the figures are inclusive of the figures spent under certain other heads. Many agencies, who receive funds from the government for their activities always complains of the shortage of funds. Therefore, there should be greater budgetary allocation regarding the provision of infrastructure.

(18) Strengthening of the link between Legal Service Authority and the Protection Officer

Protection officer is a very important person, a post created under DV Act. But it has been observed that the links between the Legal Services Authority and the Protection Officers is not so strengthened. The reason is that many women who approach the Protection Officers need information regarding their rights apart from the legal services in the court. Most Protection Officers are unable to follow up on the cases due to the workload. If the link between the Legal Service Authority and the Protection officer is strengthened, this will help in greater access to legal support by women.

(19) Shifting of Proceedings under PWDV Act to the Family Courts

Most of the women who were interviewed and many eminent lawyers have suggested that the proceedings under the PWDV Act should be shifted to Family Courts as the family courts are viewed as more women friendly. Many lawyers felt

that the Magistrates are over- burdened with work and are more accustomed to criminal cases and do not take these cases seriously. Some also expressed the need for sensitization and training of judges in dealing with cases of violence against women due to lack of adequate court response.

(20) Speedy grant of Reliefs

The issue of delay in grant of Relief is the most highlighted one. It has received concerns from various quarters. Eminent lawyers and judicial experts have stated that it is a major challenge and every possible effort should be made by all the machinery created under DV Act to speedily process all the cases relating to domestic violence. It is due to the fact that many women come to the court when they are rendered homeless and destitute and therefore require speedy relief.

(21) Service Providers

It has also been observed that there are less number of service providers available in every state. The service providers which are available are not able to pass the test of the time when some aggrieved women approach them for any help. Therefore, more service providers need to be empanelled and more strict norms should be enforced for their empanelment. Wherever there are no NGOs available for these services, the state institutions should come forward and provide these services.

(22) Updating of Forms and making them simpler

Various forms under the DV Act have been introduced which seek different types of information. Sometimes the contents are difficult to understand. Therefore, the forms under the Act ought to be revamped. The role of the Domestic Incident Report ought to be clarified and should not become a

bureaucratic formality. All information sought should be purposeful and not merely a formality. The form of the DIR and Form II (Application under Section 12) should be updated and made simpler making it easy even for a 2nd Class student to understand.

(23) Preventive Strategies

It is said that ‘prevention is better than cure’. It is better not to let the occurrence of the cases of domestic violence at all. If there will be no disease, then there will be no need of any medication. Prevention always costs less comparing to its treatment. This can be achieved by introducing self-defense training to girls in schools/ colleges/universities, imparting legal education to girls in schools/colleges and on the radio and TV, arranging a signaling system with reliable neighbors, if living alone; imparting useful and employment generative education to the girls so that they are self-sufficient and economically independent ; increasing patrolling duties of policemen in public places; showing programmes on TV suggesting measures for the psychological protection of women so that they act and think of themselves less as weak and helpless creatures, and learn to escape being hurt by means of active resistance such as screaming, fighting and running away; restraining mass media from practicing indecent exhibition of women in all types of advertisements and humiliation of women in serials and movies; introducing legal reforms which may reduce difficulties in prosecution.

(24) Rehabilitative Measures

The rehabilitation of the victims of the domestic violence is a very challenging aspect. The rehabilitation process should start

immediately when the occurrence has taken place. The government should devise a scheme that covers all the financial, social and emotional aspects of domestic violence. The following are suggested under this heading:

Providing some financial help to victims: For example, the National Commission for Women (NCW) has suggested the creation of a 'victim compensation fund' in view of the growing number of crimes against women in the country. Statutory funds may be created at the national and state levels to give assistance to female victims who suffer physical injuries and/or mental torture. The NCW has already submitted the draft of the Victims' Assistance Bill to the central government. Investigating machinery for the NCW may also be created to probe increasing atrocities against women. More funds and proper infrastructure are essential for the proper functioning of the NCW. It may be given prosecution powers too. At present, only Kerala Women Commission has these powers.

(25) Establishing Help Centers

To render timely help to victims of rape, torture, kidnapping and harassment, more and more help centres should be set up, regionally. These centres initially may be started in very big cities with population of more than ten lakhs and then in small cities with population of five to ten lakhs and lastly in cities with population of one to five lakhs. Each centre should have permanent staff for attending telephone, contacting families, apart from having women volunteers for reporting cases to the police. These centres should be funded by government, charitable trusts and donations. Gradually, the centres may also arrange short-term residential accommodation for needy victims. Small coordination committees of four to five members consisting of a

female volunteer, a male social worker, a police official, an advocate, a judicial official, and a doctor may be created in the cities which may help the centre's whenever needed. Periodic advertisements may be given by the centres in the local press about the location of the centre, telephone number, etc. Initially, only a few victims may seek help from the centre but the number will certainly increase with rise in the reputation of functional assistance.

(26) Establishing of Data Collection Centres

No plan can succeed unless it is based on actual facts and figures. The data is also important for the schemes related to domestic violence to be successful. For better visibility of data relating to violence against women, an information collection and analysis system is required which can give an overall picture of the trends of such crimes in the state. The creation of such a data base using computerized systems should be an essential part of an integrated information system extending from the Thana level to the state level. The State Government should create an appropriate receptive environment for better registration and investigation of crimes by giving awards and recognition to dedicated officers. A special entry should be made in their evaluations and those cases should be highlighted in which prompt action is to be taken. This can be done through media interventions, regular review and appraisal of statistics related to gender violence. This should also involve the cooperation of voluntary organizations, public figures, activists and elected representatives. Based on the data, plan of actions are initiated in different domains of women protection and welfare.

Finally, it can be concluded that there is a need to coordinate various governmental, social and other private

agencies involved in providing help to the victims of the domestic violence in particular. Legislative measures alone will not suffice, if there is no proper legal and administrative machinery at its back due to many reasons. Firstly, to achieve the targets of equality and empowerment of women, the laws should be accompanied by sensitization of the police, the judiciary and the society as a whole. The law, by itself, will not stop violence, but it would provide the women with protection mechanism and would signify the official response of the State that violent behaviour even confined to 'home' will not be excused or tolerated. We should accept the principle of zero tolerance in this regard. Gender justice cannot be ensured merely by passing laws. Bare legislative enactment is like band-aid on a festering wound. Therefore government, society and the family all should change and adapt to the new challenges of crimes against the women. A well informed woman is better equipped against any excesses of the society and the family where she suffers and breathes her last. It is expected that the coming days will be better for the women who comprises 50 percent of the population and spends more share of their income on her children than their male counterpart.