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# An Empirical Study on the Existing Legal Framework against Domestic Violence in India with Special Reference to Chennai

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*Introduction-* Violence against women has become a promine nt topic of discussion in India in recent years. Politicians and media have placed great focus on the issue due to continuously increasing trends of violence against women. Domestic violence (also named as domestic abuse, family violence) is a pattern of behavior. This involves violence or abuse by one person against another in a domestic setting. According to a national family and health survey in 2005, total lifetime prevalence of domestic violence was 33.55 and 8.5% for sexual violence among women aged 15-49. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. The instance of violence was reported to be lowest among Buddhist and jain women , and highest among Muslim women in India .Domestic violence can take place in number of forms including physical, verbal, emotional, economic, religious aspects. Domestic violence murders including stoning, bride burning, Honor killings and dowry deaths. Globally, the victims of Domestic violence are overwhelmingly women and women tend to experience more severe forms of violence.

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# An Empirical Study on the Existing Legal Framework against Domestic Violence in India with Special Reference to Chennai

M. Gayathri

## Chapter 1

### I. Introduction and Historical Background of Domestic Violence

Violence against women has become a prominent topic of discussion in India in recent years. Politicians and media have placed great focus on the issue due to continuously increasing trends of violence against women. .Domestic violence (also named as domestic abuse, family violence) is a pattern of behavior. This involves violence or abuse by one person against another in a domestic setting. According to a national family and health survey in 2005, total lifetime prevalence of domestic violence was 33.55 and 8.5% for sexual violence among women aged 15-49. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. The instance of violence was reported to be lowest among Buddhist and jain women, and highest among Muslim women in India .Domestic violence can take place in number of forms including physical, verbal , emotional ,economic, religious aspects. Domestic violence murders including stoning, bride burning, Honor killings and dowry deaths. Globally, the victims of Domestic violence are overwhelmingly women and women tend to experience more severe forms of violence. The Protection of women from Domestic Violence Act 2005 is an Act of parliament of India enacted to protect women from Domestic Violence. The act of domestic violence towards women is a human rights violation as well as an illegal act under Indian law. The Domestic Violence Act of 2005 has been used to prosecute domestic violence cases, but activist's state that it discriminates against men. The Delhi high court clarified that the Act could be used to prosecute women.

Our Indian constitution defines violence against women as any act of gender- based violence that result in physical, sexual or mental harm or suffering to women. Domestic violence occurs daily in homes throughout the world. The National Coalition against Domestic violence reports that 1.3 million women are victims of domestic abuse each year. The four causes of Domestic Violence to persist in India. They are Male dominated society, Lack of Awareness of laws, Laxity in implementation of existing Acts, Bureaucracy and Fear.

In Ancient India, though patriarchal system was highly prevalent – all male domination –Women enjoyed a position of respect and reverence. Several inscriptions make references to the status of women in that they enjoyed the freedom to make liberal gifts to religious institutions like temples, dharma alas not merely for the welfare of heads of the families but for their parents as well. There are evidences to suggest that Woman power destroyed kingdoms and mighty rulers. In Sillapathi-garam mentioned that Madurai, the capital of pandyas was burnt, when pandyan ruler Nedunchezhiyan killed a Women's husband by mistake. There is no seclusion of Women from Domestic and social affairs but they were dependent on their Male relatives throughout their lives. Women could choose their Husbands through a type of Marriage called Swayamvara.

As the time passed the position of Women underwent changes in all spheres of life. In Vedic period, Women lost their political rights of attending assemblies. Child Marriages also came into existence. During the period of Smritis, Women were bracketed with the Sudras and were denied the rights to study the Vedas, to perform Vedic rites. Marriage or Domestic life became compulsory for Women and unquestioning devotion to husband is there only duty. The Brahman cal law did not allow any proprietary rights to Women. Remarriage of widows was generally not favored. Their positions were very bad as they had to shave their heads, discard all their ornaments and eat only plain food that too once in a day and wear white clothes.

Starting from childhood to the end of her life she has to be under the control of father or husband or the son. The subordinate status of Women combined with socio cultural norms that are inclined towards patriarchy and masculinity can be considered as an important factor determining the domestic violence. Domestic violence gradually grew day by day with growing nature of aggressiveness of Men. The following consequences are health effects, injuries, death, sexual and reproductive health, social and economic costs etc.

Domestic Violence that is any act of physical, sexual, or psychological abuse, or the threat of such abuse, inflicted against a women by a person intimately

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connected to her through marriage, family relation, or acquaintanceship is universal and has its root in the socio-cultural set up of the society. The perpetrators of domestic violence have often been found to be the males and the victims, their sexual partners. Thus, domestic violence is simply not a personal abnormality but rather it roots in the cultural norms of the family and the society.

Domestic violence is one of the crimes against women which are linked to their disadvantageous position in the society. Domestic violence refers to violence against women especially in matrimonial homes. Therefore domestic violence is recognized as the significant barriers of the empowerment of women, with consequences of women's health, health-seeking behavior and their adoption of small family norm. However an attempt has been made to study whether ever married women of reproductive age group in India view wife-beating as justified. In addition, the prevalence of beatings and physical mistreatment since age 15 and also in last one year are used as the dependent variables. The National Family Health Survey II data, 1998-99 which covered 90,303 ever married women is used in the analysis. Background characteristics such as education, age, marital duration, place of residence, caste, religion, sex of the head of the household, standard of living, work status of women, exposure to mass media and the autonomy of women with respect to decision making, freedom of movement and access to money are linked to domestic violence. An autonomy index is computed to understand the relationship of women's autonomy with domestic violence.

*"If the food is not according to his taste, and if the quantum of salt in the vegetable is too much, or it is very pungent or not fully cooked, he loses his temper. If he thinks that I have not kept the house tidy and clea , loses his temper. He does give me money to manage the house, but if the money is all spent and I ask for more, he loses his temper and picks a quarrel, he blames my parents and uses very foul language for them. I cannot tolerate that and so we fight"*

Vicariate analysis is used to examine the variation of domestic violence by background characteristics. Logistic regression is carried out to predict the domestic violence with the selected independent variables. The analysis shows that the women belonging to low socio-economic status are more likely to agree with each of the different reasons justifying wife-beating. Again domestic violence is more among lower autonomy and women belonging to low socio-economic status.

Reported violence declined with the increasing education of both men and women. Though incidence did not fall below forty percent for any group, abusive relationships were reported more frequently among illiterate women (76 percent) and illiterate men (81percent) than women and men with secondary schooling or more (42 percent and 53 percent respectively). Violence also varied with living arrangements- 53 percent of women in joint families reported abuse compared to 73 percent of women in nuclear families. It is important to note that the rate of psychological violence among both groups is the same; the 20 percent differential is due to higher numbers of women in nuclear families reporting physical abuse.

In 1983, Domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Pinal Code. This section deals with cruelty by a husband or his family members towards married women. There are four types of cruelty dealt by this law and they are firstly, conduct that is likely to drive a woman to suicide, secondly conduct which is to cause grave injury to the life , limb or health of the Women , thirdly the harassment with the purpose of forcing the women or her relatives to give some property The punishment is imprisonment for up to three years and the fine .The Protection of Women from Domestic Violence Act 2005 (PWDVA) was brought into force by the Indian government from October 26, 2006. The Act has 5 chapters and 37 sections. Since the past 2-3 decades, there are lot of efforts made by the NGO's, social activist and time to time by the Government to curb domestic violence against women and safe guard her constitutional rights, but still there is a rise in domestic violence. The reason being incorrect implementation and misuse of these laws by the miscreants; may it be the accused, the police or the lawyers. If applied correctly the Protection of Women against Domestic Violence Act 2005 (PWDVA) is a powerful act. After the implementation of the act wide range of cases were filed across the states of India and judgments delivered under PWDVA by the family courts, civil courts and in few by the supreme courts. It will still remain worthless if there is lack of awareness amongst the people of society.

As domestic violence is found to be deep rooted in the socio cultural practices and both the perpetrator as well as victim takes it granted, there is need of major transformation in the socio cultural milieu. In order to address the problem, social norms and values towards gender roles should be transformed to facilitate the implementation of appropriate and meaningful responses to domestic violence and ultimately to prevent it from happening altogether. The subordinate status of women combined with socio cultural norms that are inclined towards patriarchy and masculinity can be considered as an important factor determining the domestic violence. The analysis shows that the women belonging to low socio-economic status are more likely to agree with each of the different reasons justifying wife-beating. Again domestic violence is more among lower autonomy and women belonging to low socio-economic status.



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*Objectives of study*

1. To study about domestic violence in India with special reference to Chennai.
2. To analyze the existing laws in India to prevent domestic violence.

*Hypothesis:*

*Null Hypothesis:*

Domestic violence is not the cause for increase in death rate of married women.

*Alternative Hypothesis:*

Domestic violence is the cause for increase in death rate of married women.

## II. Methodology

*Descriptive Methodology:* A descriptive approach to research is called as the foundation for research. The researcher referred more descriptive information's from books,articles, journals to gain more knowledge for the study in Domestic violence.

*Analytical Methiodology:* Analytical approach concentrates on the process of the final result rather giving importance to the result. The researcher analyses various issues on Domestic violence and gives the major cause for domestic violence.

*Sources of Study:* *The researcher obtained primary sources by Interviewing with women who faced domestic violence in the form of questionnaire and by conducting a field survey in Chennai city for the factors influencing domestic violence.

*The researcher obtained secondary sources from books, articles, journals.

*Books*

1. Commentary on protection of women from domestic violence Act, 2005 (by Acharya N.K)
2. Crime against women (by Ahuja , Ram )
3. Behind the close doors: Domestic violence in India. (by Bhattacharya , Rinki)
4. Violence against women – a human rights perspective. (by Devi , K. Uma)
5. Crime atrocities and violence against women, related laws of justice. (by Devi , Laxmi)
6. Dowry and protection to married women (by Diwan, Paras)
7. Violence against wives (by Dobash R.P)
8. Violence and protective measures for women (by Goel ,Arun)
9. Family abuse and its consequences (by Hotaling, Finkelhar)
10. Family and abuse in india ( by Madhurima A.M)
11. Protection to women in matrimonial home. (by Sharma , Vijay)
12. Torture against women (Alghazi M.H)

*Articles*

1. Crime against women and dynamics of gender justice. (by A.S. An and)
2. Women as victims of rape and sexual abuse (S.M. Afzal wani)
3. Domestic violence as human rights violation (by Ashirbani Dutt)
4. Legislating Domestic violence (by B.D. Agrawal)
5. Domestic violence – A Socio –Legal problem (by Pooja sood)

*E-Source*

www.domesticviolenceroundtable.org/domestic-violence.html
http.//www.womenaid.org/press/info/violence/victimsviolence.html
https://www.kaanoon.com/indian-law/what-protection-does-a-women-have-from-domestic-violence/

## III. Review of Literature

a) *Family and abuse in India . ( by Madhurima. A.M)*

Domestic abuse can be broadly defined as any form of abusive behaviours by one or both partners in an intimate, such as marriage, cohabitation, family, dating, or even friends. It is important to remember that abuse is always intentional, and cannot happen by accident. Depending on local statues, the domestic violence may or may not constitute a crime, also depending on the severity and duration of specific acts, and other variables. Alcohol consumption and mental illness have frequently been associated with abuse. Family abuse is when a parent or caregiver abuses, mistreats, or neglects you or other people in your family. The abuse can bepsychological/emotional, or sexual. Family violence is when someone uses abusive behaviour to control and/or harm a member of their family, or someone with whom they have intimate relationship. Family violence includes many different forms of physical and emotional abuse, as well as neglect carried out by family members or intimate partners. It may include a single act of violence, or a number of acts that form a pattern of abuse. Family violence can have serious-and sometimes fatal-consequences for victims and for those who see or hear the violence. Although the *Criminal Code* does not refer to specific "family violence offences", many *Criminal Code* offences could be used to charge someone with acts of family violence.

b) *Protection to women in matrimonial home (by Sharma, Vijay)*

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from 26 October 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this



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definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not meant to penalise criminally. Domestic violence is defined by Section 3 of the Act as "any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it: harms or injures or endangers the health, safety, life, limb or well-being, 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 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 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 otherwise injures or causes harm, whether physical or mental, to the aggrieved person."

c) *Torture against women ( by Alghazi M.H)*

Violence against women has become a prominent topic of discussion in India in recent years. According to the National Crime Records Bureau of India, reported incidents of crime against women increased 6.4% during 2012, and a crime against a woman is committed every three minute.In 2012, there were 244,270 reported incidents of crime against women, while in 2011, there were 228,650 reported incidents.Domestic violence is abuse by one partner against another in an intimate relationship such as dating, marriage, cohabitation or a familial relationship. Domestic violence is also known as domestic abuse, spousal abuse, battering, family violence, dating abuse and intimate partner violence (IPV). Domestic violence can be physical, emotional, verbal, economic and sexual abuse. Domestic violence can be subtle, coercive or violent. In India, 70% of women are victims of domestic violence.38% of Indian men admit they have physically abused their partners. The Indian government has taken measures to try to reduce domestic violence through legislation such as the Protection of Women from Domestic Violence Act 2005.

d) *Violence against women- A human rights perspective. (by Devi, K.Uma)*

Human rights have always been principally concerned about regulating the relationship between the public citizen and the state: thereby upholding the traditional distinction between the public world and private life. The issues of gender-based violence were the rallying point for women all around the world to push for recognition of their rights. India probably is the only nation in the world which exclusively enshrines female deities in artistically built temples. India has also been proud of women's extraordinary ventures in the field of welfare, politics, art, literature and of late, sports. The government of India hasimplicitly sanctioned female fortified because, apart from Maharashtra and Goa, no other state has passed legislation against female foeticide following amniocentesis. The focus on women as an exploited, victimised and marginalised group is a recent development in the world. It has been now recognised that despite all their rights being violated , women have been suffering in silence. Education of the masses in relation to violence against women could be imparted in the context of human rights.

e) *Crime atrocities and violence against women, related laws of justice.( by -Devi,Laxmi.)*

In the ancient India women held a high place of respect in the society as mentioned in Rig-Veda and other scriptures. The official statistics showed a declining sex-ratio, health status, literacy rate, work participation rate and political participation among women. While on the other hand the spread of social evils like dowry deaths, child marriage, domestic violence, rape, Sexual harassment, exploitation of women workers are rampant in different parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife – beating etc. have grown up over the years. Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due respect and equal status is given to women. In India, discrimination exists from the childhood itself. Women are considered to be in the secondary position and they are put to atrocities before birth till death. The reason may be due to her economic dependency or illiteracy or lack of decisions power. The server and steadier support of women's rights today is only law and nothing other than law. It is the function of the law to support the weak and helpless mass of humanity. The increasing number of reported cases of domestic violence via, related deaths, female suicides, matrimonial cruelty cases, immortal traffic cases, dissertation and destitution cases, molestation and rape cases.

f) *Women in changing a society in India (by Ghosh.S.K)*

Till recently, women were treated on a different pedestal, depriving them of their rights but reminding them of their duties. But with the changing times, the role of women has changed from child bearing and rearing to bread earner. This book brings under one cover the role of women in the changing society and their changing roles under the broad category likely education, health, politics and other developments. The worth of a civilization can be judged by the place given to women in the society. One of several factors that justify the greatness of India's ancient culture is the honorable place granted to women. The Muslim



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influence on India caused considerable deterioration in the status of women. They were deprived of their rights of equality with men. Raja Ram Mohan Roy started a movement against this inequality and subjugation. The contact of Indian culture with that of the British also brought improvement in the status of women. The third factor in the revival of women's position was the influence of Mahatma Gandhi who induced women to participate in the Freedom Movement. As a result of this retrieval of freedom, women in Indian have distinguished themselves as teachers, nurses, air-hostesses, booking clerks, receptionists, and doctors. They are also participating in politics and administration. But in spite of this amelioration in the status of women, the evils of illiteracy, dowry, ignorance, and economic slavery would have to be fully removed in order to give them their rightful place in Indian society.

*g) Women gender and human rights:(by Agosin, Marjorie)*

The 1948 United Nations Universal Declaration of Human Rights expresses the credo that all human beings are created free and equal. But not until 1995 did the United Nations declare that women's rights to be human rights, and bring gender issues into the global arena for the first time. The subordination of indigenous and minority women, ethnic cleansing, and the struggle for reproductive rights are some of the most pressing issues facing women worldwide. Women, Gender, and Human Rights is the first collection of essays that encompass a global perspective on women and a wide range of issues, including political and domestic violence, education, literacy, and reproductive rights. Most of the articles were written expressly for this volume by internationally known experts in the fields of government, bioethics, medicine, public affairs, literature, history, anthropology, law, and psychology.

*h) Crime against women ( by Ahuja Ram)*

Promises to address gender gap are far from reality. In India, women do not seem to enjoy all the rights to freedom provided under the Constitution of India. According to a report by National Crime Records Bureau (NCRB), a crime against women is recorded every 1.7 minutes in India. Every 16 minutes a rape case is recorded in this country and every 4.4 minutes a girl is subjected to domestic violence. Acid attacks also known as vitriol age is a violent attack especially on women. Every year around 1500 people are attacked in this way across the world. Reports indicate that out of them, 80% are women and 40% to 70% are below 18 years of age.Cases of torture of women by husbands and relatives (commonly known as domestic violence) also went up by 11.6 per cent from the previous year .The rate of cognizable crimes against women on all India basis was 52.24 per lake of female population. Rape cases have been further categorized as incest rape and other. Incest rape cases have jumped by 35.3 per cent from 396 cases in 2012 to 536 cases in 2013 (267 cases in 2011) as compared to 35.2 per cent increase in overall rape cases.

*i) Domestic violence in India (By Bhattacharya, Rinki)*

Women are always considered as a physically and emotionally weaker than the males, whereas at present women have proved themselves in almost every field of life affirming that they are no less than men due to their hard work whether at home or working places. Behind closed doors of homes all across our country, people 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 which reflects the pathetic reality that women are just not safe and secure anywhere. According to a latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide.

The term used to describe this exploding problem of violence within our homes is 'Domestic Violence'. This violence is towards someone who we are in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparent or any other family member. It can be a male's or a female's atrocities towards another male or a female. Anyone can be a victim and a victimizer. This violence has a tendency to explode in various forms such as physical, sexual or emotional. 'Domestic Violence' includes harms or injuries which endangers women's health, safety, life, limb or well being, whether mental or physical. It may also be through physical, sexual, verbal, emotional and economic abuse. According to 'United Nation Population Fund Report', around two-third of married Indian women are victims of Domestic Violence attacks 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.

*j) Domestic violence and protection of human rights:(by Aimee Yagnik).*

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 by men and to the prevention of the full advancement of women. Although international law is gender neutral in theory, in practice it interacts with gender biased domestic laws and social structures that relegate women and men to separate spheres of existence: private and public. Men exist as public, legal entities in all countries, and, barring an



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overt abuse by the state, participate in public life and enjoy the full extent of whatever civil and political rights exist. Women, however, are in every country socially and economically disadvantaged in practice and in fact and in many places by law. Therefore, their capacity to participate in public life is routinely circumscribed. This gender bias, if unchallenged, becomes so embedded in the social structure that it often assumes the form of a social or cultural norm seemingly beyond the purview of the state's responsibility, rather than a violation of women's human rights for which the state is accountable. In some cases, even civil and political rights violations committed directly by state actors have been shrugged off as acceptable.

*k) Violence and Protective measures for Women (by Goel, Arun)*

The study of "Violence Against Women and Protective Measures – With Special Reference to Regulatory Framework in India" has discussed the ancient to contemporary status of Indian women community. And also analyzed the problems related to violence against women in India. With the comparison of IPC crime, against society and women it has revealed that during last 20 year, significantly crime against women increased by 4.3 to 17.4. Increased crime rate against women raises the question to National and International Instruments which are working for elimination the problem related to of violence against women. Rate of crime against women prompts us to analyze and verify the status of violence against women and regulatory protective measures in India. Scholar also tried to find the steps taken by United Nation Organization and Government of India to protect and empower the women community. Analysis of crime data and regulatory framework proves the necessity of separate women law code and establishment of special women courts in India.

*l) Family abuse and it's consequences (by Hotaling, Finkelhar)*

When most people hear or see the phrase, domestic violence and children, they see images of bruised, beaten, burned children in their mind's eye. Certainly, these physical injuries represent immediately visible effects of domestic abuse. But children who only witness domestic violence suffer consequences just as far reaching and devastating as those seen in physically battered children. Studies indicate that children from violent homes, who witness the abuse of their mothers at the hands of their fathers, experience mental health issues similar in intensity and magnitude to those experienced by physically battered children. Similar research shows children, who both witness their fathers abusing their mothers and are themselves battered, suffer the most profound behavioral and emotional distress. Children who grow up in violent households may exhibit a host of adverse behaviors and emotions, including:

Become violent themselves in response to threats (in school or at home)
Attempt suicide
Use drugs and abuse alcohol
Develop eating disorders
Abuse them (i.e. cutting)
Anxiety and depression
Poor social skills
Enter into an abusive relationship later on.

*m) Violence against wives: Dobash*

Dobash's study into domestic study into domestic violence against wives attempt to describe and explain this violence in modern society. They argue that the contrary to general belief, the family is not a secure, happy and peaceful place."The fact is that for most people and especially for women and children, the family is the family is the most violent group to which they are likely to belong.

*n) Rape: offender and victims( by Charles C)*

Sexual violence remains a serious social problem with devastating consequences. However, scarcity of resources within the criminal justice system continues to impede the battle against sexual violence. The challenge of "making society safer" not only includes the need for resources, but also requires a comprehensive understanding of accurate offence patterns and risk. (For a discussion of adult "Sex Offender Risk Assessment," in the Adult section.) This knowledge may be used to devise offence typologies, or classification systems, that will inform decisions regarding investigation, sentencing, treatment, and supervision. (For more on "Effectiveness of Treatment for Adult Sex Offenders Adult section.)The crossover offending section encompasses more than 25 years of research using different methodologies and populations. Although not considered a classification system due to the dynamic nature of the offence pathways, the self-regulation model (SRM) was reviewed due to its clinical utility and relationship to risk. SRM has been validated using several offender populations and methodologies. Due to the limited scope of this chapter, this review focuses on adult sexual offenders, although some juvenile studies are included, where relevant. (For a discussion of "Ethology and Typologies of Juveniles Who Have Committed Sexual Offences,"

*o) Women and Violence (by Von Nostrand co.)*

Violence against women is a social (economy, health, welfare, politics) problem and not a private problem of each individual woman or a family. Violence against women means any act of violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women. It also includes threats with



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such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (UN Declaration on the Elimination of Violence against Women, 1993).Violence against women includes, but it is not limited to violence occurring in the family, marital rape or rape in a relationship, other sexual abuse, sexual harassment at work, trafficking in women and girls with intention of sexual and other forms of exploitation, forced prostitution, abortion of female foetuses and infanticide of baby girls, traditional practices harmful to women such as genital mutilation, forced or too early marriage, widow burning, honour killing, acid attacks, stoning, war rape, and other.

Violence against women is a consequence of an established gender inequality within society and of existing structures of power in gender relations. It is rooted in cultural patterns, especially in harmful influences of particular traditional practices or customs, education systems, religious beliefs and media influences. Violence against women perpetuates gender inequality and stands as an obstacle to achievement of equality, development and peace. Violence against women restricts women in all areas of social life and their access to sources, services and activities.

*p) Status education and problems of indian women (by Ahshat)*

The problem of women's education in India is one which attracts our attention immediately. In our country, due to conservative traditionalism, women's status has, through ages, been considered to be lower than that of men. During the later part of the Vedic period the Aryans had sealed the fate of women culturally and socially by denying them the right to study Vedas and thus half of the population was deprived of one of the most fundamental human rights. They were regarded as the bond slave to men for their economic dependence on them. Even today, in spite of the recognition of women's status equal to that of men, the majority of them suffer in primitive ignorance as ever before. Illiteracy and ignorance is prevalent more in women folk than in men-folk and this evil is rampant especially in rural areas and backward communities. The importance of women in matters of building the character of the citizens, economic reconstruction of the country and social reforms is being realised. Under the fast changing conditions in the country in the recent times increased attention is being paid to their education. Though different Commissions and (Committees appointed at times, suggested for the solution of the problems of women's education and for its expansion, even then there are certain problems still persist in that field.

*q) Journals*

i. *Predicting case conviction and domestic violence recidivism (by frantzen, Durant.)*

The Government of India taking cognizance of the situation wherein millions of women were being and still being victimized of domestic violence passed the Protection of Women from Domestic Violence Act 2005. This is an Act of the Parliament of India which aims to protect women from domestic violence which came to action from October 26, 2006 soon after it got the assent from the President. The as a lot of women have come up to file the criminal cases against the perpetrators and many of them even got swift justice. Over the years, the scope of the Domestic Violence Act has been widened up. For instance, whereas the primary aim of the law was to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the latest decision by the Madras High Court says that complaints under the Protection of Women from Domestic Violence Act, 2005, need not be made only against men. The Domestic Violence Act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic and according to the law harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition – this part is in addition to the Dowry Prohibition Act which is already available for women. Thus, the victims of dowry harassment have been given additional protection in the DVA. The Protection from Domestic Violence Act, 2005 is available for those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household. The cohabitation may be consanguinity, marriage or a relationship in the nature of marriage, or adoption. Widening the scope, the legislators also included the women living together as a joint family like sisters, widows, mothers, single women, etc.

ii. *Female domestic violence offenders: their attachment security, trauma symptoms, and personality organisation. (by Goldensonn Julie, Geffner, Robert).*

Unlike male domestic violence offenders, female domestic violence offenders have traditionally been overlooked in research and theory, despite the fact that females also have high rates of domestic violence perpetration. Domestic violence is when one partner in an intimate relationship abuses the other. The abuse can be physical, sexual, emotional or a combination of all three. Physical abuse can include very aggressive acts, such as beatings and forced sexual activity including inter course, or it can take the form of less severe acts like throwing, shoving and slapping.

In emotional abuse, the abuser constantly humiliates and puts down the victim. The weapons of



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emotional abuse include verbal insults, threats, control of physical activity, unfounded accusations of infidelity, control of economic decisions and social isolation. The weapons of emotional abuse include verbal insults, threats, control of physical activity, unfounded accusations of infidelity, control of economic decisions and social isolation. Depending on the relationship, the physical or emotional abuse may happen very often or not as often. Either way, once violence begins, it will usually continue and get worse over time. No matter how often the abuse happens, the victim of domestic violence suffers constant terror and stress, living in fear of the next episode. Defining domestic violence as the physical, sexual or mental abuse of a parent or caregiver, the report finds that the experience of watching, hearing or otherwise being aware of domestic violence can impact children's physical, emotional and social development, both during childhood and later in life.

## Chapter 2

## IV. Protection of Women from Domestic Violence Act ,2005:

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government from 26 October 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not meant to penalize criminally. The act does not extend to Jammu and Kashmir, which has its own laws, and which enacted in 2010 the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010.Protection of Women from Domestic Violence Act, 2005 contains five chapters and thirty seven sections. This article highlights some of the important provisions which are essential for the nuance understanding of the statute. The basic provisions are simplified here so that a layman faces no difficulties when it comes to grasping the concept of the act. The term domestic violence includes elaborately all forms of actual abuse or threat of abuse of physical, sexual, verbal, emotional and economic nature that can harm, cause injury to, endanger the health, safety, life, limb or well-being, either mental or physical of the aggrieved person. The definition is wide enough to cover child sexual abuse, harassment caused to a woman or her relatives by unlawful dowry demands, and marital rape. Domestic violence is quite widespread in Indian society. Generally men are the perpetuators and women are the victims. It has become inseparable part and parcel of family life – men's right and women's due. Women in India have been resenting the practice in various forms and demanded legislative protection against violence. Under the pressure of women's movements and international community the Government of India has enacted. "Protection of women from Domestic Violence Act2005 and its rules in 2006.The PWDAV Act 2005 is a unique enactment. This is a secular law applicable on all religious faiths. This is a civil law aimed to protect the women and not intended to penalize the perpetrators of violence. It define domestic violence comprehensively – covering physical, psychological, economic and sexual violence. It is applicable on all relations – sister, daughter , wife, mother and live-in relationship. This act recognizes various rights of the victim. It laid down simple procedure for using these rights as to do not lay emphasis on evidence. The Act also seeks to protect the rights of women to secure housing. The worst form of verbal, physical, psychological and sexual violence are committed against women in their homes. The law envisages setting up a protection officer whose functions are spelt outing the law. Though this officer is appointed by the state government, he/ she will be in the Court and monitor the cases of domestic violence. The Protection officer will make the Domestic Incident Report on behalf of the Court and make an application for an order for an order on behalf of child. He/she will provide medical services, safe shelter and other requirements. The protection officer is liable for punishment if he/she fails or refuses to discharge his duty. The services provided play a major part in the implementation of the Act. They are Non-Government Organizations who are recognized under the Companies Act or Societies or Registration Act. They will make sure that the aggrieved person is provided accommodation in a sheltered home. They are protected under this act and cannot be sued for the proper exercise of their duty in good faith. The Criminal Justice Machinery, the police and the judiciary, quite often act slowly, inappropriately and ineffectively because of its own limitation. The Judiciary has shown both positive and negative response towards violence against women. Courts have not only shown patriarchal and class biases but also concern against discrimination and for the rights of women. In situations of domestic violence, courts have been more in favored compromise and the adjustment of the parties. The police tend to treat violence against women as "family affairs" and are often reluctant to register the case itself. The requirement of such an act was indispensable to address violence which was constantly brushed aside saying it is a private affair of a family and outsiders are not allowed. Whosoever tried to raise her voice against such cruelty only avenue was IPC where a woman has to take a bold step sacrificing her place of residence, maintenance, many times custody of children, support of own people, society. It was difficult situation for her.



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On the other hand the husband or in-laws were in a comfortable position because after getting bail (mostly in 498 A) due to delay of our legal proceedings things becomes stand still for women rather bad to worse. With the introduction of this new legislation new ray of hope shined on the horizon. The implementation of the act includes various levels of institutions and persons such as protection officers, police officers and magistrate. Police Officers and judges play important role in the legal system response to domestic violence. Because they are generally the final authority in civil and criminal matters involving and domestic abuse, judge hold substantial power to sanction batters, protect battered women, and to send messages to the community, the victim safety and batterer accountability in many ways. Outside of the court room judges are often community leaders and can play vital role in the effort to eliminate domestic violence. Police are often the first members of the law enforcement system encountered by victims of domestic violence. Many police in the region, however, receive little or no training on how to work with such victims. As a result, police frequently don't respond to the cases of domestic violence rarely remove abusers from the home and typically try to discourage and dissuade women from making formal complaints. In Aligarh, in fact, the police themselves become a part of the problem, taking advantage of victims rather than helping them. The root cause of the weak implementation is due to weak linkages between the victim 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.

*Suggestions:* There are some humble suggestions which can help to prevent domestic violence against women and protect them.

*Awareness, Generation and Sensitization:* Promoting gender equality through Empowerment, Information and Education to women with the knowledge of their Rights, providing women with information about the various government welfare programmers and helping them to access them, provide vocational training, entrepreneurship skills, technological know-how, and managerial efficiency forerunning their self employment enterprises, increasing women's access to justice bypassing and implementing laws and policies that discourage violence and impose consequences on offenders, accountability of public and private institutions, NGOs, community organizations to promote, protect and fulfill women' rights. Sensitization men from grass root level including police, advocates, bureaucrats, judicial officer, and doctor.

*Health care support:* Domestic violence should be recognized as a health issue, the prevalence and the health consequences of domestic violence should be documented. Establish medical facility to help physicians and other health care personnel identify and help victims of domestic abuse.

*Counseling:* There must be a creation of 'Family Counseling centre's 'and Special Family courts dealing exclusively with the cases of spousal violence, torture, harassment, dowry death, suicides and bride burning must be created in each and every district. These courts dealing with familial violence would contribute to the speedy and efficient disposal of cases.

*Police:* Police should be trained to be respectful and courteous to women in distress. A separate wing of police may be opened for dealing with women's issues, in all police stations and personnel of this wing should be exempted from other duties.

*Judiciary:* The proceeding of the court must be expeditious and time bound. There should be a special court with a women judge and magistrate in each district to handle domestic violence. Advocate for the implementation of the Protection of Women from Domestic Violence Act 2005 and judicial procedures at the state and local levels that support and protect battered women.

*Government:* Government should ensure proper enforcement of existing laws related to women's rights. A law must be enacted for compulsory registration of all marriages and any violation of the proposed law should be made a cognizable, offence. Moreover, at the time of marriage the inheritance share or its part given by the bride's parents to their daughter or to their son-in-law be properly executed, preferably be registered.

*Media:* The Media should play a pivotal role in influencing and changing social norms and behavior. Media should be used to sensitize the officials and the public about domestic violence so as to develop a positive attitude towards women in general, and women victims, in particular; censoring of the programmers should be implemented effectively, so that violence and negative impact programmers do not get undue attention of the public.

*Although Protection of women from Domestic Violence Act, 2005:* is landmark legislation, there has to be a proper and an effective implementation of its provisions and for that there is a direct need of will power of the implementing authorities.

*Educational Institutions:* The educational institutions should raise awareness about domestic violence, help to improve social response to domestic violence and change those attitudes and behaviors that tolerate domestic violence in all sections of students. They must develop educational materials for schools and universities that provide the knowledge and skills required to build relationships based on respect and



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commitment to non-violence. Above all people mind set is to change, otherwise goal cannot be achieved.

*Beneficiaries of domestic violence Act 2005:*

*Women:* The domestic violence Act 2005 covers women who have been living with the respondents in a shared household and are related to him by blood, marriage or adoption include women's as sexual partners in a relationship that is in the nature of marriage. Women are fraudulent or bigamous marriages or in marriage deemed in invalid laws is also protection.

*Children:* The domestic violence Act 2005 also covers the children who are below the age 18 years and includes adopted, step or foster children who are the subject of physical, mental, or economical torture. Any person can file a complaint on behalf of a child.

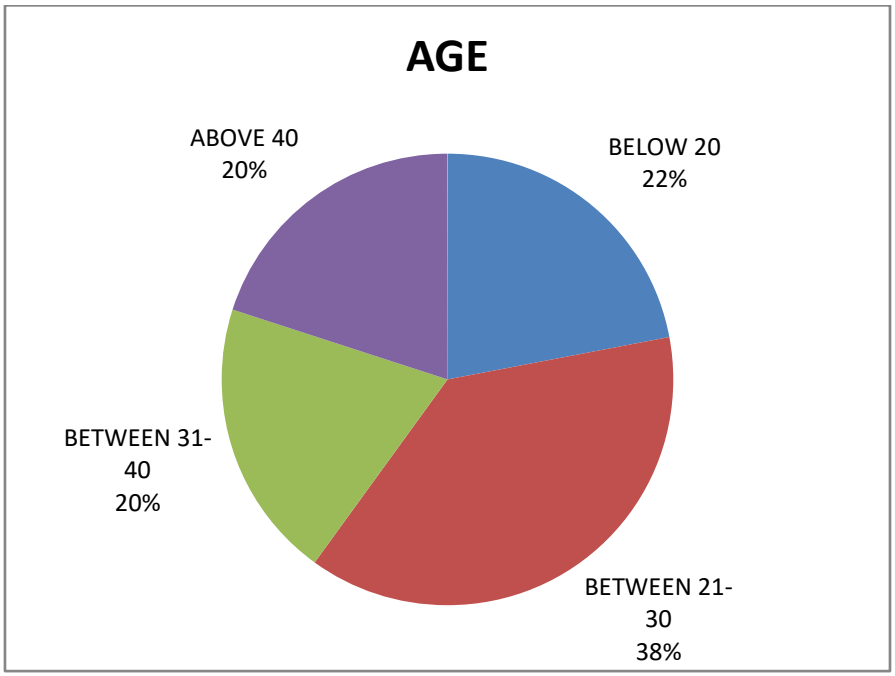
*Respondents:* The domestic violence Act 2005 defines the respondents as any adult male person who is or has been a domestic relationship with aggressive person and includes relative's husband or male person.

*Shared household:* Shared household is a household were the aggregative person lives as a lived in a relationship either singly or along with the respondents. Household should be owned or retained, either jointly by both them or by either both of them have rights, title, interest, or equally in it.

## V. Interview Schedule for Domestic Violence

*1) Age*

| CATEGORIES | RESPONDENTS |
|---|---|
| BELOW 20 | 11 |
| BETWEEN 21-30 | 19 |
| BETWEEN 31-40 | 10 |
| ABOVE 40 | 10 |




The above diagram shows that 22% of respondents are below 20 years, 38% of respondents are between 21-30 years, 20% of respondents are between 31-40, and 20% of respondents are above 40 years.

*2) Occupation*

| CATEGORIES | RESPONDENTS |
|---|---|
| Domestic Worker | 6 |
| Public Seravnt | 7 |
| Private Worker | 12 |
| Others | 25 |



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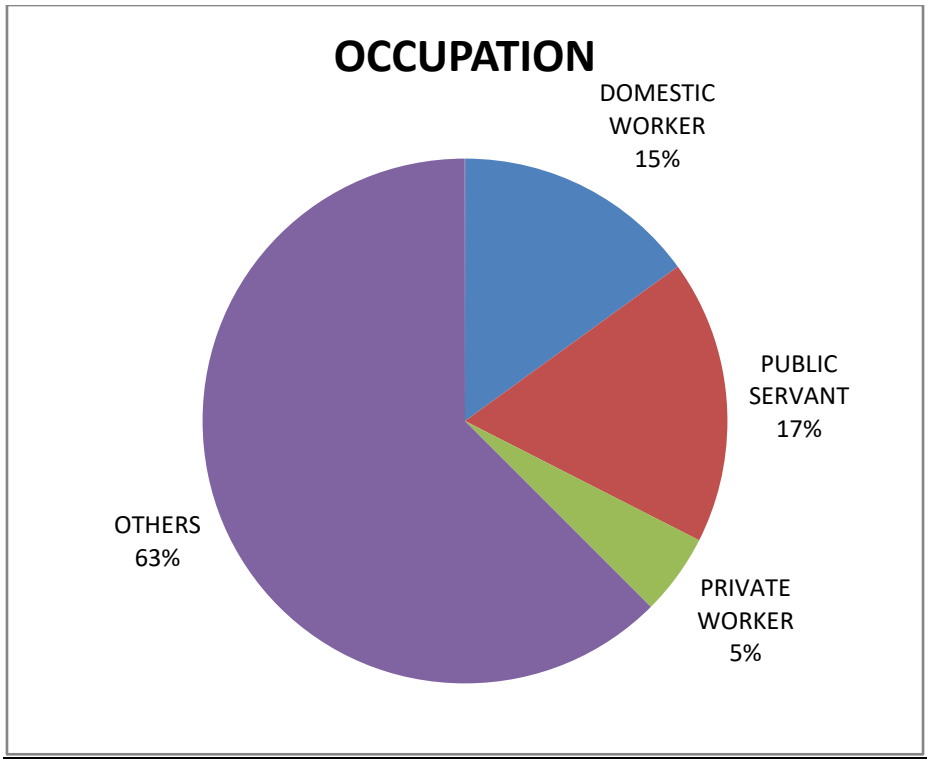
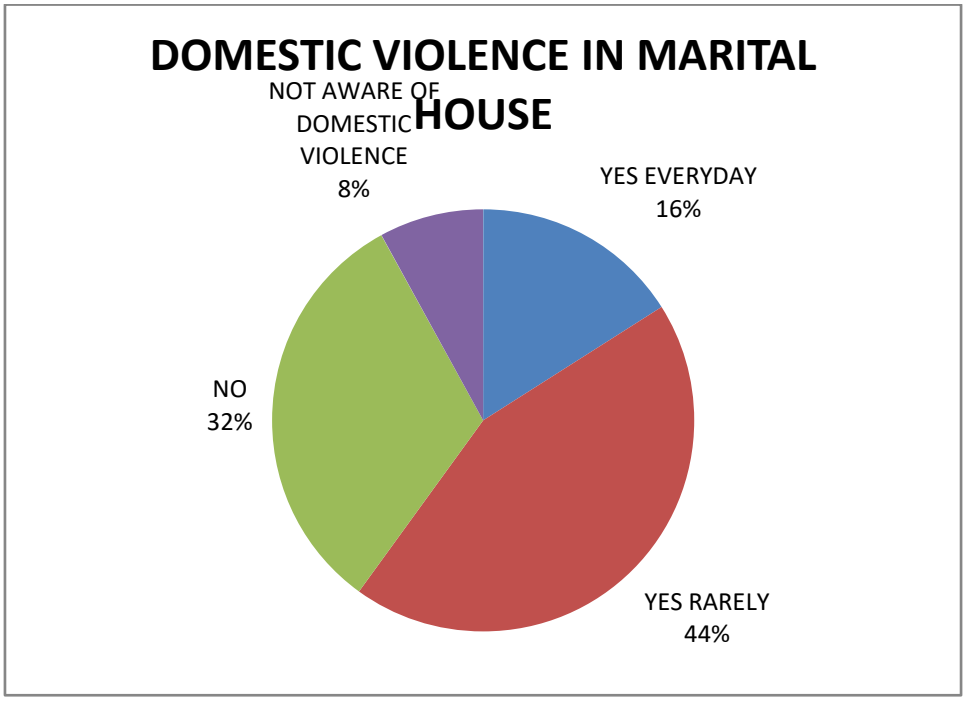



The above diagram shows that 15% of the respondents are domestic worker, 17%of the respondents are public servant, 5% of the respondents are private worker and 63% of respondents fall under others.

*3) Domestic Violence in Marital House*

| Categories | Respondents |
|---|---|
| Yes, Everyday | 8 |
| Yes,Rarely | 22 |
| No | 16 |
| Not Aware of Domestic Vlolence | 4 |



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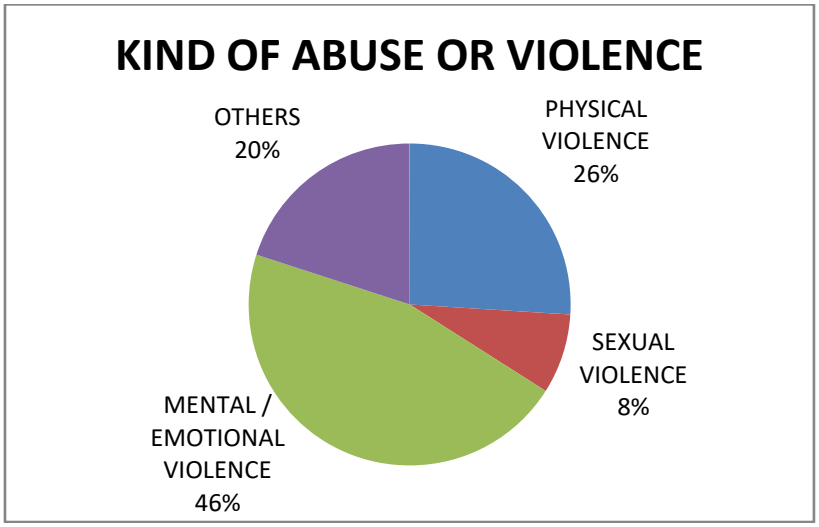
The above diagram shows that 16% of the respondents face domestic violence every day, 44% of the respondents face domestic violence rarely, 32% of respondents have not faced domestic violence and 8% of the respondents are not aware of domestic violence.

*4) Kind of Abuse or Violence Faced in Marital House*

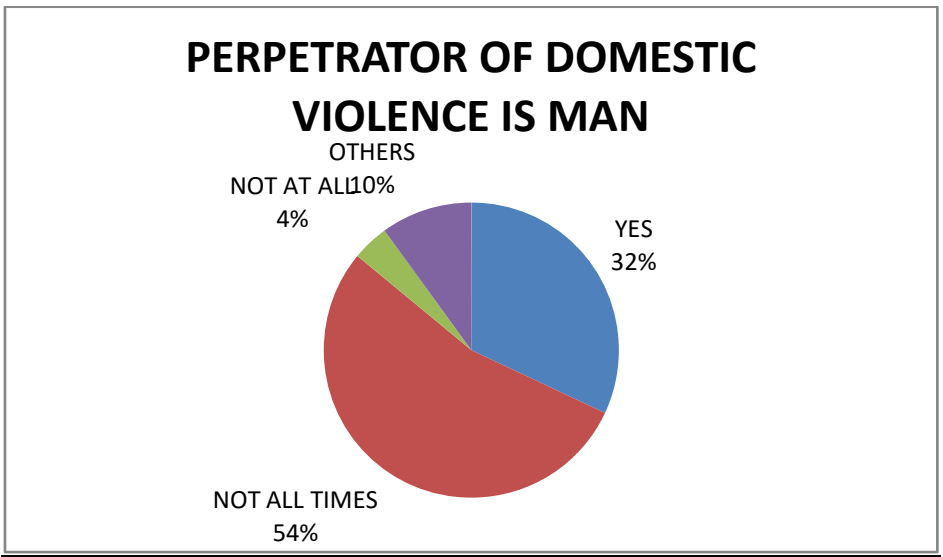
| Categories | Respondents |
|---|---|
| Physical Violence | 13 |
| Sexual Violence | 4 |
| Mental / Emotionalviolence | 23 |
| Others | 10 |




The above diagram shows that 26% of the respondents face physical violence, 8% of the respondents face sexual violence, 46% of the respondents face mental or emotional violence and 20% of respondents face other violence's.

*5) Perpetrator of Domestic Violence is Man*

| Categories | Respondents |
|---|---|
| Yes | 16 |
| Not All Times | 27 |
| Not At All | 2 |
| Others | 5 |



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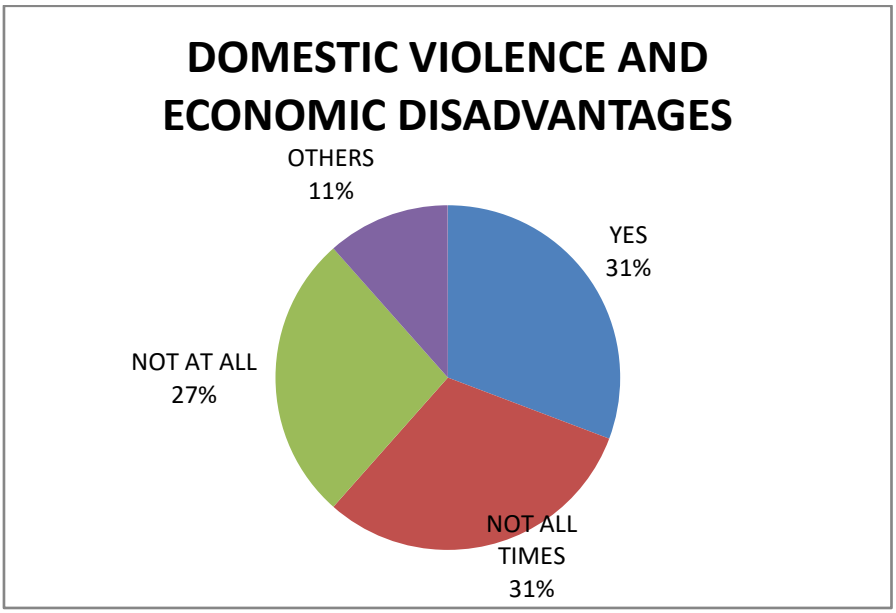
The above diagram shows that 32% of respondents reported that men is the perpetrator of domestic violence, 54% of respondents report it is not all times that men is the perpetrator, 4% of respondents report men is not at all a perpetrator of domestic violence, and 5% of respondents report other reasons.

*6) Does Domestic Violence Occur Due to Economic Disadvantages in Family*

| Categories | Respondents |
|---|---|
| Yes | 16 |
| Not All Times | 14 |
| Not At All | 14 |
| Others | 6 |




The above diagram shows that 31% of respondents said domestic violence is due to economic disadvantages, 31% of respondents said it is not in all times that domestic violence occur due to economic disadvantages, 27% of respondents said economic disadvantage is not at all a cause for domestic violence and 11% of respondents said other reasons.

*7) Does Exposure of Domestic Violence Affect your Children*

| Categories | Respondents |
|---|---|
| More Severe | 22 |
| Very Less | 17 |
| No Effect | 8 |
| Others | 3 |



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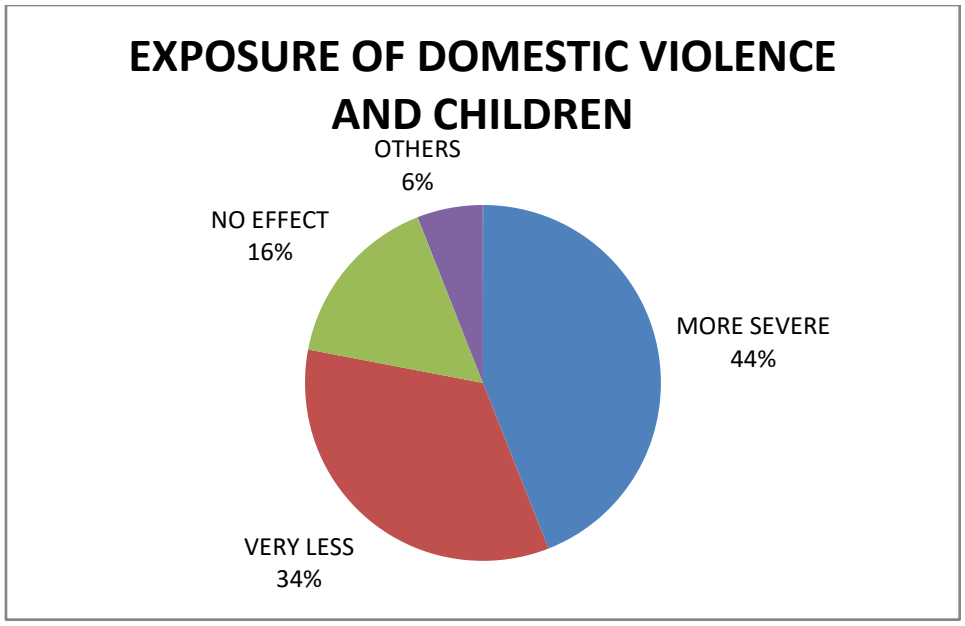
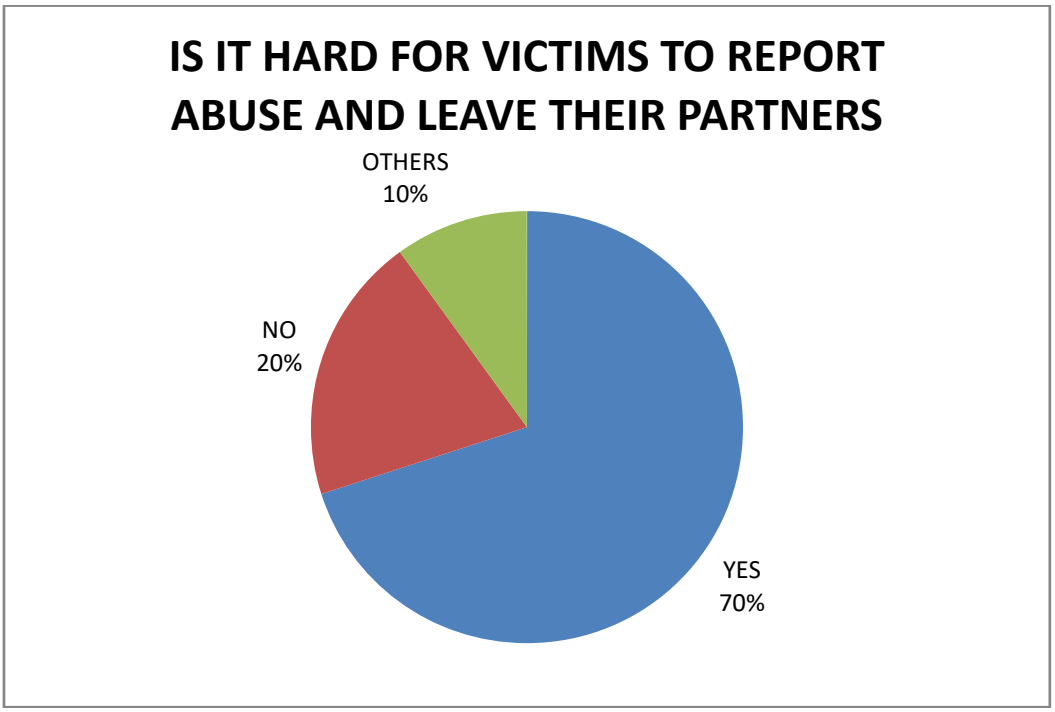



The above diagram shows 44% of respondents reported that exposure of domestic violence affect the children more severe, 34% of respondents reported exposure of domestic violence affect children very less, 16% respondents report that exposure of domestic violence to children have no effect and 6% of respondents report other reasons.

*8) Is it Hard for Women Who are Victims of Domestic Violence to Report the Abuse and Leave Their Partners*

| Categories | Respondents |
|---|---|
| Yes | 35 |
| No | 10 |
| Others | 5 |




The above diagram shows 70% of respondents said it is hard to report the abuse and leave their partners, 20% respondents said it's not hard to report abuse and leave their partners and 10% respondents said other reasons.



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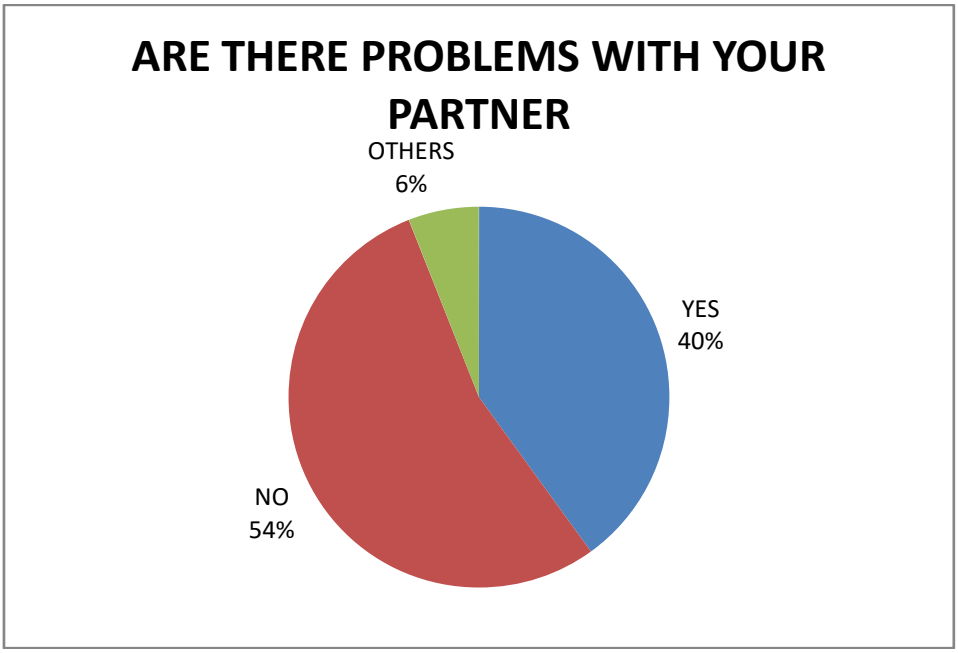
*9) Are you Having Problems with your Partner*

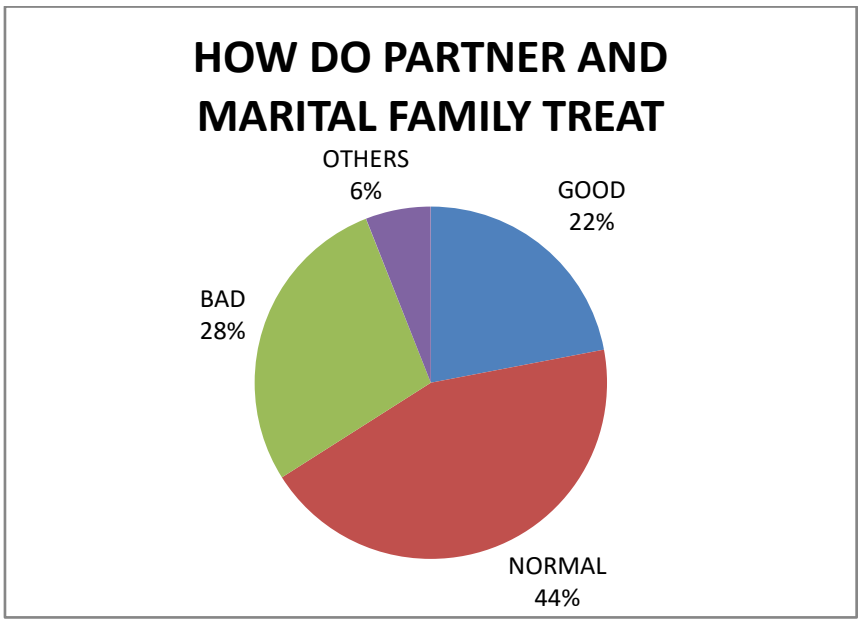
| Categories | Respondents |
|---|---|
| Yes | 20 |
| No | 27 |
| Others | 3 |




The above diagram shows 40% of respondents have problems with their partners, 54% of respondents have no problems with their partners, and 6% respondents said other reasons.

*10) How Does Your Partner and Marital Family Treat You*

| Categories | Respondents |
|---|---|
| Good | 11 |
| Normal | 22 |
| Bad | 14 |
| Others | 3 |



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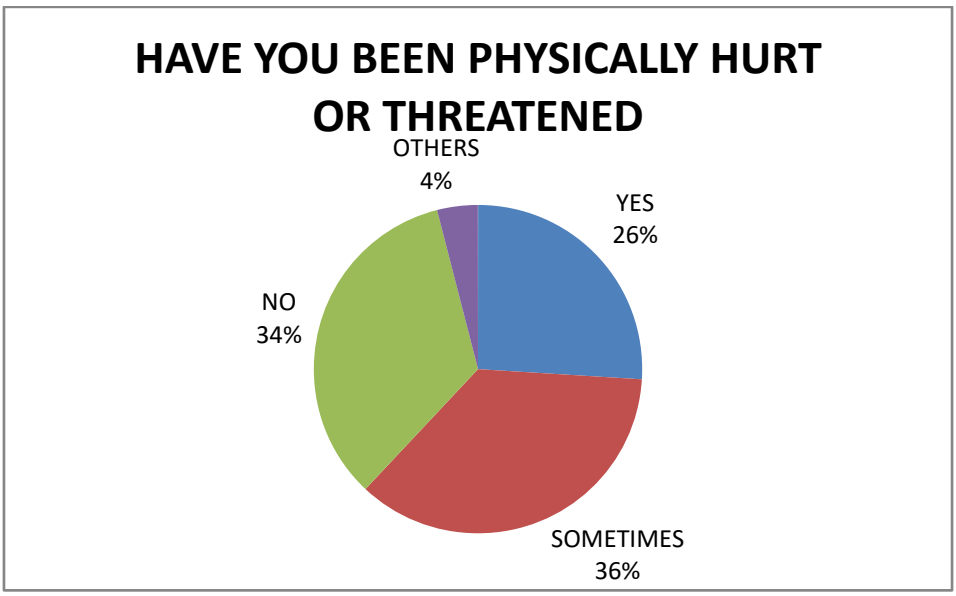
The above diagram shows that 22% respondents report their marital family treats them well, 44% respondents report their marital family treats them normal, 28% respondents report their marital family treats them bad and 6% respondents report other reasons.

*11) Have you Been Physically Hurt or Threatened By Members of Marital Family*

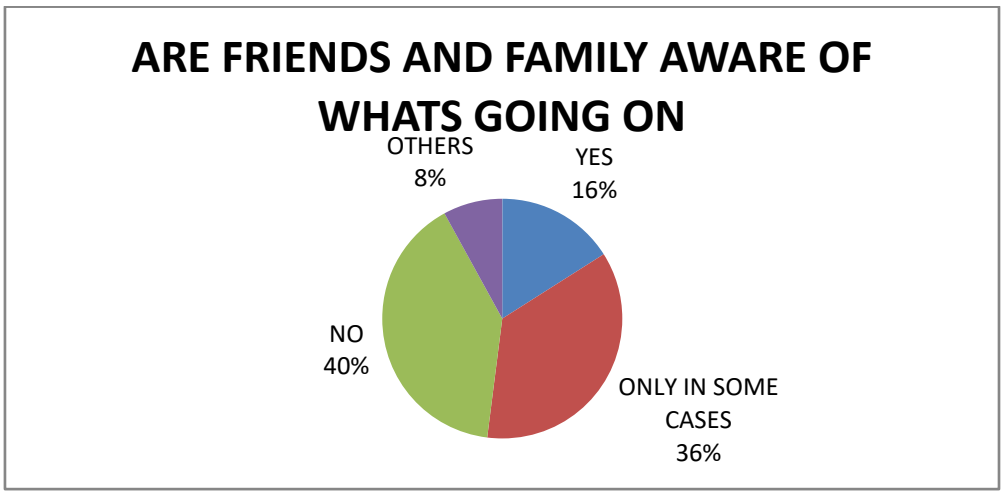
| Categories | Respondents |
|---|---|
| Yes | 13 |
| Sometimes | 18 |
| No | 17 |
| Others | 2 |




The above diagram shows that 26% of respondents are physically hurt and threatened often, 36% of respondents are physically hurt and threatened sometimes, 34% of respondents are not physically hurt or threatened and 4% respondents state other reasons.

*12) Are Your Friends and Family Aware of What's Going on*

| Categories | Respondents |
|---|---|
| Yes | 8 |
| Only In Some Cases | 18 |
| No | 20 |
| Others | 4 |




The above diagram shows 16% of respondents said their friends and family are aware of domestic violence taking place in their marital house, 36% of respondents said their friends and family are aware of



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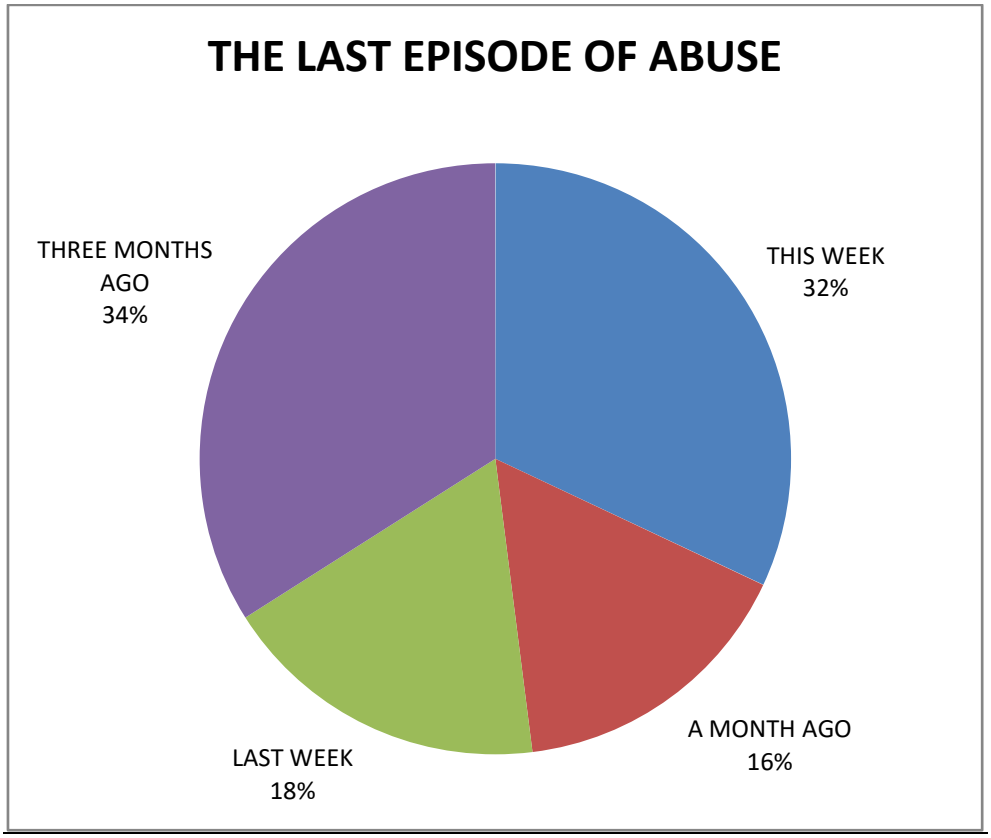
some cases of domestic violence taking place in their marital house, 40% of respondents said their friends and family are not aware of domestic violence taking place in their marital house and 8% respondents stated other reasons.

*13) The Last Episode of Abuse*

| Categories | Respondents |
|---|---|
| This Week | 16 |
| A Month Ago | 8 |
| Last Week | 9 |
| Three Months Ago | 17 |




The above diagram shows 32% of respondents report last episode of abuse is this week, 16% of respondents report last episode of abuse is month ago, 18% of respondents report last episode of abuse is last week and 34% of respondents report last episode of abuse is a month ago.

*14) Does Your Partner Have Alcohol Problem*

| Categories | Respondents |
|---|---|
| Yes | 25 |
| No | 23 |
| Not Aware | 2 |



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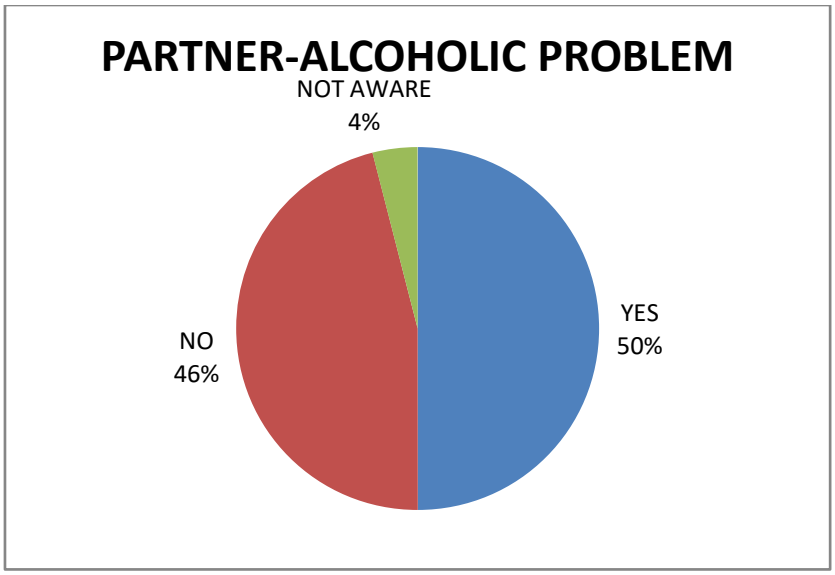
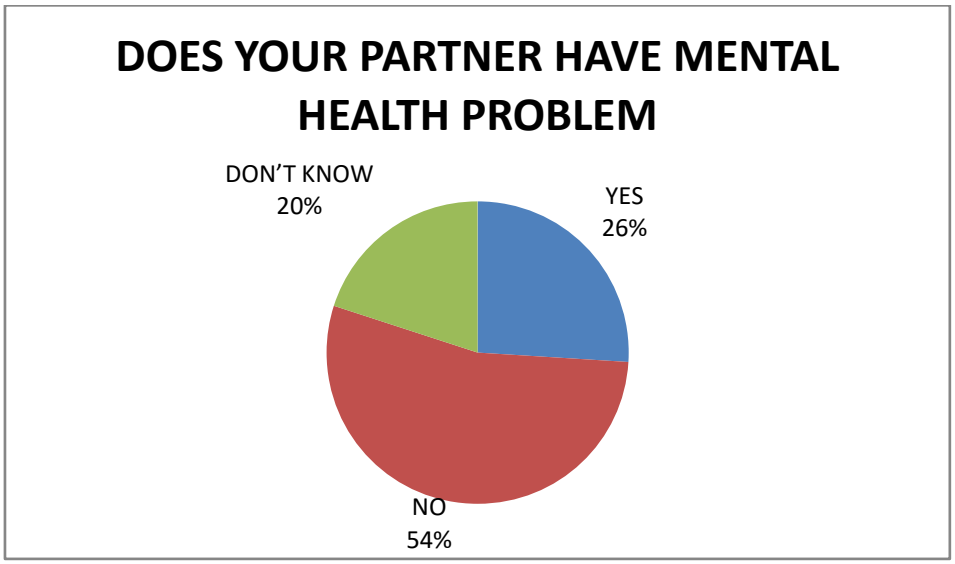



The above diagram shows 50% of respondents report that their partner have alcoholic problem, 46% of respondents report their partner do not have alcoholic problem and 4% respondents are not aware about their partners alcoholic problem.

*15) Does Your Partner Have any Mental Health Problem*

| Categories | Respondents |
|---|---|
| Yes | 13 |
| No | 27 |
| Don't Know | 10 |




The above diagram shows 26% of respondents report that their partner have mental health problem, 54% of respondents report their partner do not have mental health problem and 20% respondents are not aware about their partners mental health problem.

*16) Do You Have Safe Place To Go In Emergency*

| Categories | Respondents |
|---|---|
| Yes | 31 |
| No | 19 |



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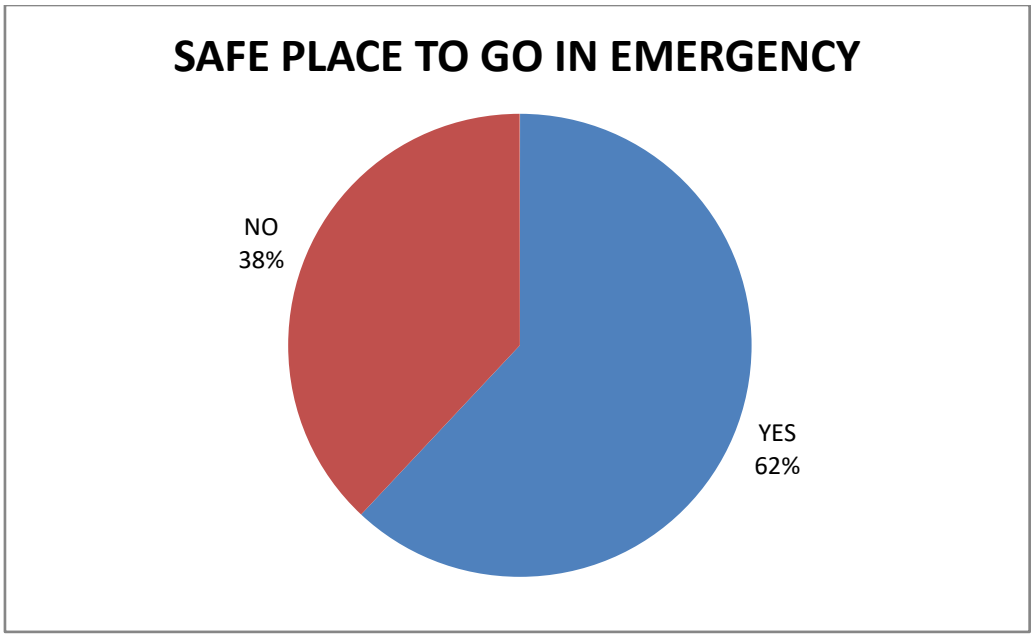
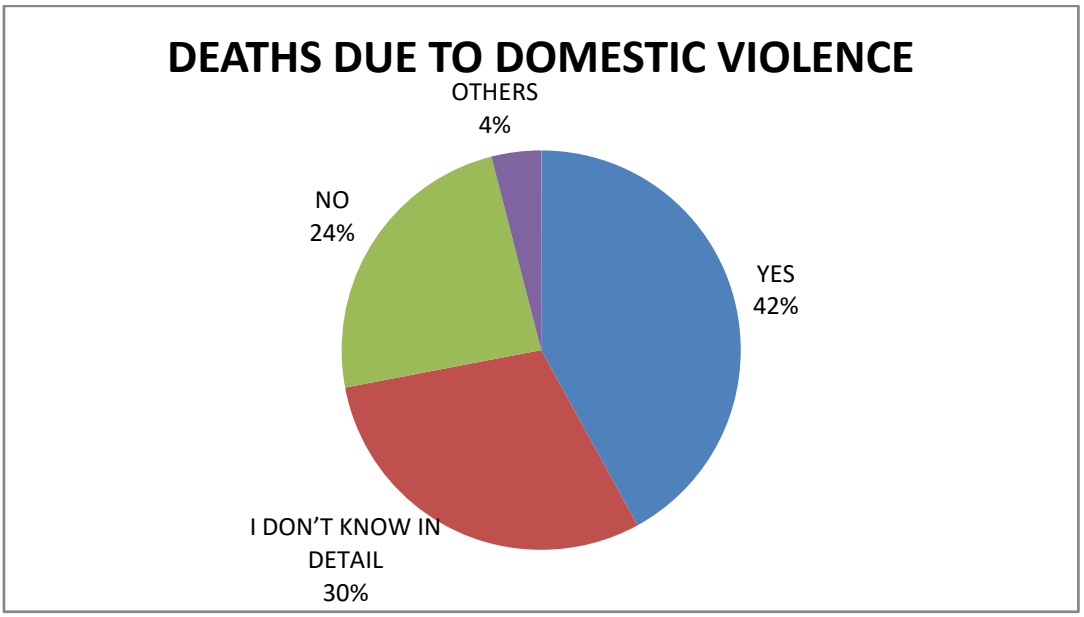



The above diagram shows 62% of respondents have safe place to go in case of emergency and 38% of respondents have no safe place to go in emergency situations.

*17) Have You Come Across Deaths Caused Due to Domestic Violence*

| Categories | Respondents |
|---|---|
| Yes | 21 |
| I Don't Know In Detail | 15 |
| No | 12 |
| Others | 2 |




The above diagram shows that 42% respondents have come across the deaths due to domestic violence, 30% respondents don't know about the death in detail, 24% respondents have not come across deaths due to domestic violence, 4% respondents stated other reasons.



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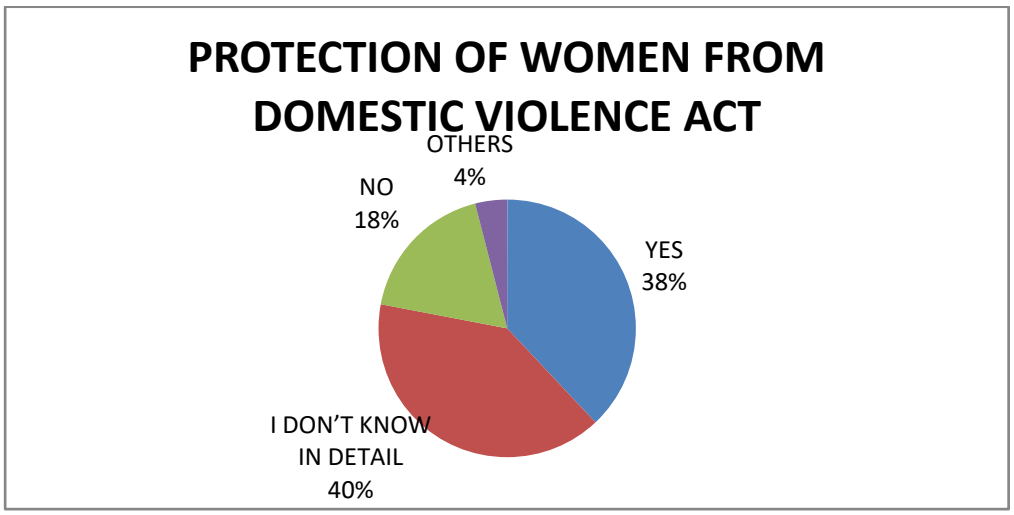
*18) Are You Aware of "Protection of Women From Domestic Violence Act*

| Categories | Respondents |
|---|---|
| Yes | 19 |
| I Don't Know In Detail | 20 |
| No | 9 |
| Others | 2 |




The above diagram shows 38% respondents are aware of domestic violence act, 40% respondents don't know about the domestic violence act in detail, 18% respondents don't know about the domestic violence act and 4% respondents stated other reasons.

*Findings*

The analysis shows over 60% of the respondents have faced domestic violence in their marital house.

1. It shows 31% of respondents face domestic violence due to economic disadvantages.
2. It shows 44% of respondents reported that the exposure of domestic violence affects their children in a severe manner.
3. It shows 70% respondents reported that it is hard to report domestic violence and leave their partners.
4. It shows 40% of the respondents have problems with their partners.
5. It shows 62% of the respondents have been physically hurt or threatened by members of the marital family.
6. It shows 50% of the respondents reported that their partner have alcoholic problem.
7. It shows 26% respondents reported that their partners have mental health problem.
8. It shows 42% respondents have come across the deaths due to domestic violence.
9. It shows 40% of respondents don't know about the domestic violence act in detail and 18% respondents don't know anything about domestic violence act.

## VI. Conclusion

Domestic violence against womenis a problem around the world. It affects women of all races, ethnic groups, classes and nationalities. It is a life – threatening problem for individual women especially married women and it is a serious problem for societies. Violence affects the lives of millions of women worldwide in all socio-economic and educational classes. Society is in continuous process of evolution.. It will take several decades for these imbalances to be rectified. Education of both men and women will lead to change in attitudes and perceptions. It is not easy to eradicate deep-seated cultural value or alter tradition that perpetuates discrimination. In the final analysis, we come to a perspective that gender violence is a violation of human rights that needs to be combated by both men and women who believe in justice for all citizens irrespective of their class, caste, racial, religious and ethnic backgrounds. Starting from childhood to the end of her life women has to be under the control of father or husband or the son. The subordinate status of Women combined with socio cultural norms that are inclined towards patriarchy and masculinity can be considered as an important factor determining the domestic violence. Domestic violence gradually grew day by day with growing nature of aggressiveness of Men. The following consequences are health effects, injuries, death, sexual and reproductive health, social and economic costs etc. The researchers are finally proving the alternative hypothesis that domestic violence is the cause for increase in death rate of married women.



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a) *Suggestions*

On the basis of above discussion, it is clear that crimes against women are on the rise. Hence, it becomes necessary to suggest some measures to prevent woman's abuse and exploitation in our society, for tackling various crimes against women, and for dealing with female depersonalization trauma. For our convenience, the suggested measures may fail into five categories:

b) *Socially redefining patriarchal norms and removing gender bias*

Women have to now say things publicly against gender discrimination and against women's 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.

c) *Change in women's values and their parent's thinking*

Women don't realize that a divorce is better than continuing with a marriage where money is the be-all and end-all of all relations. They don't think that by committing suicide, they are creating problems for their children and an emotional trauma for their own family. 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 don't seek legal or police protection.

d) *Strengthening women organizations*

The voice of individual women perhaps carries no weight. However, if a number of women of like-minded views join hands, from an organization and raise their voice against women's suffering, they can make their presence felt as also make impact. It is thus through these organizations alone that women can attack outdated social norms and values which need to be discarded or overhauled.

e) *Adopting humanistic approach to victims*

It is necessary to develop a humanistic approach to victims of crimes committed against females by males. This approach may include two things:

i. Changing of sex roles: this suggestion implies that woman is not to be blamed for the aberrant and deviant behavior of man against her.
ii. Evaluation of organizational procedures: for protecting the rights of victims and providing benefits to victims, an evaluation of organizational procedures of police, courts, rescue homes, etc. is necessary from time to time.

f) *Changing criminal justice system*

Before the public loses faith in the judiciary, as it has lost faith in the police, before the judicial judgments have a dampening and demoralizing effect on the people, magistrates have to learn to depend on sociological interpretation of law rather than continue to rigidly stick to legal precedents.

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