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EFFECTIVENESS OF LAWS ON DOMESTIC VIOLENCE IN INDIA: A CRITICAL APPRAISAL WITH SPECIAL REFERENCE TO THE POSITION IN BIHAR

Pratyush Kumar¹

I. ABSTRACT

Domestic violence, a pervasive social issue, necessitates robust legal frameworks to protect victims and ensure justice. India has made significant strides in this regard, notably with the enactment of the Protection of Women from Domestic Violence Act (PWDVA) in 2005. However, the implementation and efficacy of these laws remain subjects of scrutiny. The analysis begins by exploring the legislative landscape at the national level, emphasizing the PWDVA's comprehensive approach to addressing various forms of domestic abuse. Despite legislative advancements, challenges persist in translating legal provisions into tangible protection for victims. Factors such as socio-cultural norms, inadequate awareness, and institutional barriers contribute to the gap between law and effective implementation. Turning attention to Bihar, the study assesses the state's specific initiatives and challenges in combatting domestic violence. Bihar, like many other regions in India, grapples with deep-rooted patriarchal structures and socio-economic disparities that impact the enforcement of anti-domestic violence laws. The critical appraisal delves into the adequacy of support mechanisms, including shelters and counseling services, available to victims in Bihar. Furthermore, the research scrutinizes law enforcement agencies' responsiveness, the functioning of protection officers, and the role of the judiciary in delivering timely justice. The paper sheds light on the challenges within the legal system itself.

The judicial process needs streamlining to expedite domestic violence cases and ensure timely justice. Delays in legal proceedings often result in prolonged suffering for victims, weakening their faith in the legal system. Establishing fast-track courts dedicated to handling domestic violence cases would help alleviate this issue, providing a more efficient avenue for justice. Identifying bottlenecks and gaps in the system, the appraisal aims to offer recommendations for strengthening the implementation of domestic violence laws in Bihar. The study emphasizes the importance of

¹ LLM, Criminal Law, Student At Chanakya National Law University, Mithapur, Patna(Bihar).

enhancing the capacity of law enforcement agencies. Adequate training for police personnel to handle domestic violence cases sensitively and efficiently is essential. The creation of specialized units within police departments, specifically focused on addressing domestic violence, would contribute to a more effective response. This targeted approach acknowledges the unique challenges posed by domestic violence cases and ensures a more empathetic and informed response from law enforcement. By scrutinizing legal frameworks, socio-cultural dynamics, and institutional mechanisms, the analysis contributes to a comprehensive understanding of the challenges and opportunities in the fight against domestic violence. The findings aim to inform policy-makers, legal practitioners, and advocacy groups, fostering a collective effort to enhance the protective measures for victims and fortify the implementation of laws combating domestic violence in India.

II. KEY WORDS

Domestic Violence, Assault, Dowry prohibition, Marital rape, Educational Awareness, Socio-cultural norms.

III. INTRODUCTION

Domestic violence in India can be any form of violence perpetrated by a biological relative; however, it is most commonly perpetrated by male members of a woman's family or relations. Domestic violence occurs when members of the household, generally spouses, fight. It indicates that if violence is used in a domestic relationship, it is referred to as domestic violence. Domestic violence is a highly sophisticated form of abuse that occurs largely behind closed doors. Domestic violence is the most serious violation of a woman's basic rights that she faces at home from her own family members. Where, despite the fact that more women are working as a result of globalisation, they are nevertheless unable to control their own wages and are subjected to economic and psychological violence. Educated women, particularly working women, are commonly victims of this type of assault².

Domestic violence, dowry harassment, and brutality against women are prevalent in Indian society, which is controlled by men. Domestic violence manifests itself in the form of physical, psychological, economic, and sexual aggression against women. Domestic violence has been a

² Monica Chawla, *Gender Justice Women and law in India*, p1 {Deep and Deep Publications Pvt. Ltd., New Delhi, 2006}.

common occurrence in India from ancient times to the present. The waves of international concern for women were given substantial consideration at the national level. The Preamble, Fundamental Rights, and Directive Principles of State Policy, among other constitutional obligations, aim to create an equal society in which women have the same dignity as men.

On the international level, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was adopted in 1979, is the first international treaty that thoroughly addresses women's rights. CEDAW was ratified by the Indian government in 1993. Domestic abuse is harmful to women's growth in society, according to the Vienna Accord of 1993, the Beijing Declaration, and the Platform for Action of 1995. The United Nations Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) has advised that state parties take steps to safeguard women from all forms of violence, particularly domestic violence.

On the national level, section 498-A of the Indian Penal Code, 1860(IPC), was enacted in 1983 as the first provision specifically related to domestic violence, making it a crime before any act of violence could be an ordinary offence in any relevant provision of law. Despite the inclusion of section 498-A in the Indian Penal Code, 1860 in 1983 and the existence of the Dowry Prohibition Act, 1961, cruelty to women by husbands and their family remained, and the number of such cases continued to rise at an alarming rate. There was no legal remedy accessible to a victim of cruelty by her husband or his relatives prior to the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). Keeping in mind the seriousness of domestic violence and the lack of a legal remedy, the Indian Parliament passed the PWDVA Act, which largely addressed the issue of domestic violence. This Act covers topics such as dowry demands, mistreatment by husbands and his relatives. The Act has certain unusual elements, such as a woman's right to secure housing and to stay in her marriage home or shared household, regardless of whether she has any title or rights to it. A magisterial order to that effect can ensure the rights. The Act also allows the Magistrate to issue any other order for the aggrieved person's protection, such as prohibiting the respondent from aiding or committing an act of domestic violence or any other specified act, entering a workplace or other place frequented by the aggrieved person, attempting to communicate with her, and isolating any assets used by both parties.

Although violence inside home starts from the inception of the birth and continues till the death of the women but there are enormous number of instances which are related to the plight of married women. The attempt has been made to focus upon the major issues concerning women such as dowry related problems which have a direct connection with the violence upon a married woman as well as cruelty done by husband and his relatives upon woman³. Where, despite the fact that more women are working as a result of globalisation, they are nevertheless unable to control their own wages and are subjected to economic and psychological violence. Educated women, particularly working women, are commonly victims of this type of assault. This aspect of domestic violence must be considered in the perspective of the changing economic and social order.

IV. REVIEW OF LITERATURE

Preeti Misra in her book titled as '*Domestic Violence against women-Legal control & judicial response*⁴ has written in detail about the magnitude, forms, administration of justice & domestic violence. She has discussed at length about the theoretical explanation of the causation of violence against women and the impact of violence upon the health of women.

Nitu Nawal and R.K. Sharma in their book '*Domestic violence against women-legal protection, legislative and judicial aspects*⁵ have done detailed study about the various aspects of domestic violence. The historical as well as the legal mechanism and the judicial aspects have been discussed in detail.

Mamta Rao in her book *Law Relating to Women and Children*⁶ has discussed about the various aspects of violence inside home against women and laws relating to the children. The author has also discussed the status of women in different countries giving emphasis upon its historical aspect in Indian context.

³ Indian Penal Code, 1860 (Act 43 of IPC) s.498A.

⁴ Preeti Misra, *Domestic Violence Against Women-Legal Control and Judicial Response* (Deep & Deep Publications Pvt. Ltd, New Delhi, 2007).

⁵ Nitu Nawal and R. K. Sharma, *Domestic violence against women-legal protection, legislative and judicial aspects* (Regal publications, New Delhi, 2013).

⁶ Mamta Rao, *Law Relating to Women and Children* (Eastern Book Company, Lucknow, 2005).

Anuradha Gaur in her book⁷ has written about the social and economic cost of violence against women and its ripple effects throughout the society. Women may suffer isolation, inability to work, loss of wages, lack of participation in regular activities and limited ability to care for themselves and their children.

Bela Rani Sharma in her book *Women marriage, Family Violence and Divorce*⁸ has discussed about the social structure in the context of marriage and family.as well as violence against women especially emphasizing upon the health issues of a women who are the victims of domestic violence

Vinay Sharma in his book *Dowry Deaths, Legal Provisions and Judicial Interpretation*⁹ has discussed about the history of dowry system as well as various causative factors of prevalence of dowry system in India. The author has also dealt with the extreme form of dowry harassment i.e. dowry deaths.

Surrender Mendiratta in his book *Crime against Women*¹⁰ has dealt with the various forms of crime against women such as rape, dowry, domestic violence etc and dealt with various strategies to combat the problems at national and international level.

James. D. Torr and Karin. L. Swisher have in their book, *violence Against Women*¹¹ discussed about the various strategies and programs to reduce violence against women dealing with the role of community, individual actions, medical professionals, domestic violence advocacy programs to reduce domestic violence in the society.

R. Revathi, in her book *Law Relating to domestic violence*¹² has done an empirical study on the dowry offences and discussed various aspects of violence inside home. **Suman Rai** in her book *Law Relating to Protection of Women from Domestic Violence*¹³ has discussed in detail about

⁷ Anuradha Gaur, *Violence against Women A National and International perspective* MD Publications, New Delhi, 2010).

⁸ Bela Rani Sharma, *Marriage, Family violence and Divorce* (Mangal Deep Publication, Jaipur, 1997).

⁹ Vinay Sharma, *Dowry Deaths Legal Provisions and Judicial Interpretation* {Deep & Deep Publications, New Delhi, 2007}.

¹⁰ Surrender Mediratta, *Crime against Women* (Delhi Law House, Delhi, 2016).

¹¹ James. D. Torr and Karin. L. Swis, uher (eds.) *Violence against Women* (Greenhaven Press, U.S.A, 1999).

¹² R. Revathi, *Law Relating to domestic violence* (Asia Law House,Hyderabad,2009).

¹³ Suman Rai, *Law relating to Protection of Women from Domestic Violence* (Orient Publishing Company, New Delhi, 2008).

prevalence of domestic violence in India and the impact of family and its changing patterns in India.

Lalita Dhar Parihar in her book *women and Law from impoverishment to Empowerment- A Critique*¹⁴ has discussed various causative factors which are prevalent in the Indian society for the domestic violence and related crimes against women. The author has also dealt with the various provisions of Protection of Women from Domestic Violence Act, 2005 with the help of judicial pronouncements as well as various suggestions for the effective implementations are also discussed.

V. AIMS AND OBJECTIVES

The aims and objectives of the paper are:

1. To understand the problem in its historical and causative context with emerging trends resulting into perpetuation of domestic violence in India.
2. To suggest measures for evolving a legal mechanism for effective dealing of the cases of domestic violence and making the relevant laws more purposive.

VI. RESEARCH QUESTION:-

What are the measures for evolving a legal mechanism for effective dealing of the cases of domestic violence and making the relevant laws more purposive?

VII. HYPOTHESES

- Whether women living in joint families or poor families have a greater risk of violence in comparison to the women living in nuclear families or well off families.
- Whether the present law related to domestic violence needs to be improved to provide effective control mechanism for dealing with all forms of domestic violence due to various deficiencies in it.

¹⁴ Lalita Dhar, *Women & Law from impoverishment to Empowerment- Critique* (Eastern Book Company, Lucknow, 2011).

- Whether due to educational and materialistic advancement of the society there are greater possibilities of ego based and greed based domestic conflict in the family resulting into domestic violence.

VIII. RESEARCH METHODOLOGY

In the present study, empirical research has been done in the district of Muzaffarpur, Bihar to understand the problems of women victims as well as the perpetrators side to get an insight about the problem of violence inside home which is increasing at the alarming rate. This research is non-doctrinal research. A qualitative evaluation of the matter has been conducted, encompassing case studies, focus group discussions, interviews with experts, and observations. This comprehensive approach aids the researcher in gaining insight into the respondent's emotions and perspectives, particularly regarding the profound emotional scars caused by the abuse that may be difficult for her to articulate in writing.

IX. LIMITATIONS

The present Study is limited to Domestic violence cases, cruelty done by husbands and dowry related cases. The research study included 50 families of victims in the Muzaffarpur district of Bihar as well as the views of the perpetrators have also been taken. Due to some constraints the researcher was not able to take the perspective of different authorities such as various Non-Government Organizations, working in the different areas of Bihar, only some of the Organizations were ready to share their information.

X. SOURCES OF DATA

1. **Primary data-** The researcher will rely on the source of information collected from the respondents as well as the functionaries.
2. **Secondary data-** The researcher will rely on case study reports, books, journals, research works, articles, notices, etc, and also from web references.

XI. STATUS OF DOMESTIC VIOLENCE IN INDIA

As India acquired freedom, women's status began to improve gradually. The creation of India's Constitution, which embodies the ideas of equality, liberty, and social justice, was the most significant event. The Indian Constitution, in the form of Fundamental Rights and State Policy Directive Principles, plays a vital role in enhancing women's position. The Hindu Marriage Act of 1955, the Dowry Prohibition Act of 1961, the Hindu Succession Act of 1956, the Muslim Women (Protection of Rights on Divorce) Act of 1986, Sections 498-A and 304-B of the Indian Penal Code, 1860, and others were enacted by the government to enhance the rights of women in our society. From the Vedic period to the Post-Independence period, the historical element reflects the gradual erosion of women's standing. India's history is littered with evidence of many forms of violence against women, particularly in the household. Various laws have been enacted as a result of the efforts of social reformers in the pre-independence era, as well as the efforts of various women organization's, academicians, and other public-spirited citizens, which have been instrumental in bringing about positive changes in the condition of women.

XII. FORMS OF DOMESTIC VIOLENCE

Since the inception of life, a woman passes through exploitative situations, until her death. A very strong notion of gender discrimination is reflected from the culture of the Indian society. In the Indian society there are four forms of Domestic Violence, namely Physical, Psychological, Economic and Sexual. Some of the forms of violence at home against women are given below

- a. **Female Foeticide-** In Indian society, a girl child is at a disadvantage from the moment she is born until she dies, compared to her male counterpart. To reduce crime against women in society, it is critical to preserve the girl child's rights, which begin with her right to be born, her right to live, and her right to be free of exploitation, abuse, and neglect. The right to be born is the most important of these rights because when a girl is denied the right to be born or is aborted only because she is a girl, it represents the most serious human rights violation of a female's rights.

In the present time, domestic Violence is manifested in the form of forced termination of female fetus which in other words, known as female feticide¹⁵. The declining sex-ratio between men and women is a reflection of violence against women. The Government has realized the instances of misuse of the pre-natal diagnostic techniques and decided to regulate the same for medical purposes only.

The Indian Penal Code, 1860 has a provision under Section 315 which provides punishment in case of killing a child in the womb and an infant after its birth. The Medical Termination of Pregnancy Act, 1971 was passed. According to Section 3 of the said Act, less than 12 weeks pregnancy may be terminated by a medical practitioner if there is risk to the life of the pregnant mother or there is grave injury to her physical and mental health alleged to have caused by rape or it is a pregnancy because of failure of contraception in the case of married woman or there is a substantial risk of the child being born abnormal or handicapped.

- b. **Incest-** Incest is a particularly serious kind of female maltreatment. Sexual intercourse between close relatives within prohibited degrees of connection is classified as it. The majority of such crimes go undetected because it is extremely difficult for the victim to disclose such incidents owing to embarrassment and, in some cases, pressure from the perpetrator, who is usually a relative or someone she knows.

The problem of incest has taken on a hazardous aspect in the modern era. Many unreported cases exist in which victims suffer silently from fear and embarrassment because the attacker is someone they know, or worse, someone they are meant to trust, such as a father, sibling, maternal or paternal uncle, or grandfather.

- c. **Marital Rape-** Marital rape is also one of the forms of domestic violence. Marital rape includes a man having sexual intercourse forcibly or without her consent, sexual exploitation in the form of coercing the wife to indulge in sexual acts with another person. The legal assumption is that a woman cannot refuse a man unless she is legally separated from him or has been legally separated from him, or unless she is following any custom or ritual.

¹⁵ R. Revathi, *Law Relating to Domestic Violence*, p.49, (Asia Law House, Hyderabad 2009).

- d. Dowry Death-** Section 304-B deals with one of the most serious offences committed in Indian marital homes. Dowry death happens when an unnatural death occurs within the four walls of a matrimonial house within seven years of marriage. The women are tormented and assaulted in these situations as a result of the constant demand for dowry, which leads to their suicide or death. Until 1980, a woman's death by burning was deemed a case of suicide, and the authorities paid little attention to classifying it as a dowry death. In most cases, they were treated as private matters between family members.

The case of Sudha Goel¹⁶ was the starting point because in that case, for the first time, in the year 1985, the Honorable Supreme Court awarded life sentence to the husband and mother-in-law of the deceased. In order to combat the problem of dowry deaths there was insertion of section 304-B in the Indian Penal Code, 1860 and Section 113-B in the Indian Evidence Act, 1872

- e. Wife Battering-** It is the most prevalent form of violence against women inside homes. The main cause of wife battering is the maladjustment between the husband and the wife. It is generally believed that a woman who is unwilling to accept the traditional role of being submissive needs to be tamed by the male dominated society and the husband is justified in battering her to such expected submission. In certain cases, even the counsellors and social workers unknowingly contribute to this mind set by asking a battered woman “what did you do to provoke him?” resulting into the woman doubting her own righteousness.¹⁷

The problem with this kind of violence is that society considers it as a private affair between the husband and the wife. Even the other family members do not interfere which is one of the reasons that a woman starts losing respect for the other family members, as the family members, and for that matter, the society at large, indirectly support the abuse by not interfering in these matters.

XIII. CAUSES OF VIOLENCE INSIDE HOMES

¹⁶ AIR 1966 SC 250.

¹⁷ Rashmi Sharma, women, Law and Judicial System ,p.197,(Regal Publications, New Delhi, 2009).

Domestic violence, dowry-related harassment, and cruelty (physical and emotional) against women are all the result of a variety of variables, including individual, psychological, and social issues. There have been various causes that have contributed to domestic violence against women. It could be societal reasons, such as unequal power relationships between men and women in our culture, or psychological issues, such as the abuser's and victim's irrational behavior. A woman's lack of a support structure and other options for survival may also force her to tolerate abusive behavior.

There are various causes of violence inside home which have been discussed below.

- a. **Gender Inequality-** Gender inequality is one of the main causes of wife battering, dowry harassment, and other forms of violence, which have unfortunately been present in our culture from ancient times. In comparison to their male counterparts, women are regarded as less important. Inequality persists as a result of women's subjugation in society, and it is exacerbated through time as a result of the socialization process. The women's apathy stems from their acceptance of their fate. Ours is a patriarchal culture, based on the concept of male supremacy, which leads to violence that feeds on men's egocentric attitudes, leading them to believe they have power.
- b. **Dowry Harassment-** One of the most common causes of domestic violence is dowry demands, which can lead to suicide or dowry death in extreme circumstances. Women continue to suffer in other circumstances where the consequence is less severe. There have been several reports of wives being beaten and subjected to various forms of torture, such as denying her access to her relatives, refusing to feed her properly, requiring her to do excessive work, taunting her on various pretexts, and other acts that disrupt the victim's mental and physical well-being.
- c. **Alcoholism-** Alcoholism and violence against women have a complicated link. Physiological, psychological, and cultural variables are also linked to it. There have been studies that suggest a genetic basis for alcohol-induced aggression and antisocial personality traits in perpetrators¹⁸.

¹⁸ James.D. Torr and Karin .L .Swis, uher (eds.) Violence against Women,p.80 (Greenhaven Press, U.S.A, 1999).

- d. Patriarchy-** It depicts a civilization where men dominate over women. Women are subordinated in all aspects of life in this type of society. Inequality and subordination¹⁹ are accepted patriarchal ideals in a given culture by those who are in the lower position. In India, the male child is often given more prominence than the female child. Not only is the female child regarded as a liability, but women who give birth to female children are regarded as less deserving of respect in the family than women who give birth to male children.
- e. Extra Marital Affairs-** As a result of modernization in today's culture, both women and men have more independence as they go to work. Furthermore, modern conveniences such as cell phones, the internet, and other technology/gadgets make it easier to stay in touch with individuals at all times, which can lead to extramarital relationships by either spouse. This, in turn, leads to marital strife between the partners. Furthermore, the partner who is having an extramarital affair neglects his or her conjugal responsibilities, causing distrust and lack of confidence in the relationship. Separation, divorce, and other forms of family dissolution can occur in extreme instances, and children can suffer as a result.
- f. Sexual Maladjustment-** According to Dr. Bali “Ignorance of sex and sexual compatibility is an important and major cause of marital conflict. Marked sexual incompatibility issues frequently from profound nervous disorders in unhappy relationships, and from spiritual insensitivity. Sexual frustration and sexual incompatibility lead to peevishness, irritability and bad temper. Disharmony in sex life of the married couple may be due to ignorance or an unhealthy attitude on the part of one or both parties, or due to the fact that the particular couple is not well-mated. There may be differences in their attitudes and values towards sex.

XIV. DOMESTIC VIOLENCE AGAINST MEN

In recent years, within the context of a traditional society like India, a contentious issue has arisen involving husbands experiencing abuse or assault from their wives. Throughout history, there have been documented instances of men enduring violence from their wives and enduring public

¹⁹ Kalpana Roy, *Women Oppression and Protective Laws* p.208 (Rajat Publications, Delhi, 1999).

humiliation, as noted by R. Vernon Wieche in "Understanding Family Violence" (Sage Publication, U.S.A., 1998, p.75). In addition to women, men also encounter gender-based violence in India. Given that a significant number of women experience violence, there exists a prevalent stereotype that domestic violence is exclusively gender-specific, which is an inaccurate assumption. India, being a patriarchal or male-dominated society, often makes it difficult to accept that even men can become victims of domestic violence.

Men frequently choose not to disclose the violence inflicted upon them by their spouses or intimate partners due to numerous underlying factors.

- a. **Male Stereotypes**– Many men often experience discrimination and hesitate to voice the violence they witness because they fear potential judgments and being labeled as weak or unmanly. They hold the belief that their efforts to combat violence may prove futile due to the gender-specific provisions and clauses within the Indian Constitution. As a result, they feel as though they have fallen short in their roles as protectors and caregivers for their families.
- b. **Fear of false cases**– Many men often hold the belief that revealing the violence they endure would lead to unnecessary complications, and they are reluctant to confront potential legal repercussions stemming from gender-biased or gender-specific provisions within our Constitution. They fear the possibility of having to separate from their families and undergoing a potentially protracted custody battle for their children.
- c. **Societal and familial pressures**– After getting married, most Indians continue to reside with their families. This factor contributes to men's reluctance to discuss the violence they experience, leading to feelings of shame. Society also wields a significant influence in sustaining gender-biased laws and fostering specific gender stereotypes.
- d. **Denial**– The prevailing belief among most people is that domestic violence primarily impacts women. When confronted with the possibility that a man could be a victim of domestic violence, they tend to dismiss or deny it. Consequently, there is a general reluctance to engage in discussions about this issue.

XV. EFFECT OF DOMESTIC VIOLENCE UPON WOMEN'S HEALTH

Women have the right to good health, both physically and mentally. Health is defined as a person's mental, bodily, and social well-being, rather than simply the absence of disease and disability. A healthy woman can lead to a healthy family and, eventually, a healthy country. A woman who has been the victim of violence, particularly domestic abuse, is likely to experience health risks, both physical and mental. In different places of the world, women have unequal options for maintaining their health. Women in many poor nations are denied access to basic health treatments because health policies and initiatives do not often take women into account. The magnitude of Intimate Partner Violence (IPV) and the detrimental effects upon the health of women has been recognized worldwide. According to the data of World Health Organization (2005) IPV has turned out the most common form of violence. In a review of 48 population-based studies across the world it has been found that 10% to 69% women have been the victims of physical violence. Along with physical violence, IPV includes sexual coercion, verbal and physical threats, psychological abuse, controlling actions, deprivation and neglect. There is substantial evidence that South India has a high degree of IPV and there is great level of tolerance among Indian women towards IPV due to their cultural norms and values.

- a. **Victim of physical injuries-** The result may be visible wounds (major or minor), but it can also lead to internal injuries such as miscarriages, body parts hurting for several days (for example, the elbow may hurt for several days as a result of her arm being twisted), a tooth becoming loose, or she biting the inside of her mouth when punched, or the ribs or spine hurting after a kick; unfortunately, if there are no immediate effects, it remains invisible even during inquiries²⁰.
- b. **Depression-** According to studies conducted in Australia, Nicaragua, Pakistan, and the United States, women who have been victims of domestic abuse are more likely to develop depression than women who have not been victims of domestic violence. In Nicaragua, for example, battered women aged 15 to 49 years were six times more likely to have psychological distress, as measured by the International Mental Health scale. Physical abuse was shown to be the primary factor in around 70% of the mental health problems in the women who were victims of the study²¹.

²⁰ P. Emerson Dobash, Russell P. Dobash, et al, *Changing Violent Men* .p.19 (Sage Publications, London 2000).

²¹ Anuradha Gaur, *Violence against Women A National and International Perspective*, pp.33-34 (MD Publications, New Delhi, 2010).

- c. **PTSD (post-traumatic stress disorder)**- It is an acute anxiety disorder found in people who have either themselves gone through trauma or have witnessed a traumatic incident, and as a result, suffer acute helplessness or apprehension of death or injury. The symptoms of PTSD include mentally reliving the traumatic event through flash backs or flooding, trying to avoid the things which act as reminders of the trauma, or turning psychologically numb. Sometimes they find trouble sleeping and concentrating. These victims are easily alarmed or startled.
- d. **Suicide**: The worst effect of domestic violence, especially Intimate Partner Violence (IPV), is suicide by the victim. There are various forms of victims and victimization existing in the society. As domestic violence occurs in all strata of society, including the upper strata, the cases of victims who are otherwise powerful public figures are more critical. In spite of their public image, at home, they are powerless and having subordinate and oppressed position where they suffer all kinds of violence.

XVI. LEGISLATIONS ON DOMESTIC VIOLENCE IN INDIA

Various changes in existing legislation occurred as a result of international treaties and national efforts, particularly after the 1970s and 1980s. Various laws have been enacted to combat domestic abuse against women. Although domestic violence is a criminal offence under sections 498A and 304B of the Indian Penal Code 1860, it has not been found to be very successful in reducing domestic violence. The Protection of Women from Domestic Violence Act, 2005 was enacted as a result of many efforts from all segments of society, including non-governmental groups, academicians, lawyers, women's organisations, and so on.

A. PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (PWDVA)

There were few provisions in our Indian legal system prior to the passage of PWDVA2005 that specifically addressed issues of violence against women. The existing personal laws at the time (Hindu, Christian, Muslim, Parsi, and some secular ones like the Special Marriage Act) dealt with marriage and divorce, but they did not specifically address domestic abuse in a broad sense, covering all kinds of violence against women in the home. In general, women were unaware of their rights in their marital household. The situation became particularly acute when women were expelled under the pretext of bringing insufficient dowry, yet harassment and brutality continued.

Justice Sujata V. Manohar described the position of utter helplessness of the Indian women who are the victims of domestic violence in a gripping manner:

“Regrettably, we lack a dedicated legal framework specifically addressing domestic violence. Instead, we must rely on provisions within the Penal Code to safeguard women from domestic abuse. However, this form of violence possesses unique and intricate characteristics as it transpires within the confines of one's home. The victim is often in a more vulnerable position, and seeking a remedy can prove challenging. External parties, whether it be law enforcement, neighbors, friends, or relatives, are often hesitant to intervene, viewing the issue as a private domestic matter.

Furthermore, the abused wife and her children typically depend on the perpetrator for their basic necessities, including food, shelter, and even their sense of identity. Frequently, abused women require immediate temporary shelter for their safety. In numerous countries, this is followed by the issuance of a protection order by the court, instructing the husband to cease violent behavior and, when necessary, prohibiting him from entering the marital residence.”²²

On 8th March 2002, the Protection from Domestic Violence Bill was introduced by Government of India (GOI) in the Lok Sabha on the initiative of the Department of Women and Children under the Union Ministry for Human Resource Development. Finally, The Protection of Women from Domestic Violence Act, 2005 was enacted to provide more effective protection to the women within the family. The Act had been enacted keeping in view the rights guaranteed under Articles 14,15 and 21 of the Constitution of India and Section 304-B and 498-A of the Indian Penal Code 1860

Salient Features of PWDVA, 2005

1. The Protection of Women from Domestic Violence Act of 2005 protects not only spouses and daughters-in-law, but also mothers, sisters, daughters, and live-in partners This Act is intended to protect women who are victims of any type of domestic violence that meets the definition.
2. According to the definition, the word domestic violence includes basically four types of violence, namely (1) physical abuse, (2) sexual abuse, (3) verbal and emotional

²² Mamta Rao, Law relating to women and childrenp.154 (Eastern Book company, Lucknow, 2005)

abuse and (4) economic abuse. **Physical abuse** is explained in more direct manner like causing bodily pain or impairing the health or development or causing assault intimidation or force (criminal offences under Indian Penal Code 1860). **Sexual abuse** is understood as any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of a woman. Sexual abuse is concerned with the violation of the dignity of the woman. If the respondent is found guilty of sexual abuse to the aggrieved person, he would be guilty of domestic violence. Verbal and emotional abuse encompass behaviors such as using derogatory language, mocking, demeaning, name-calling, and specifically targeting aspects like not having a child or a male child. It also involves making repetitive threats of inflicting physical harm on individuals important to the aggrieved person. **Economic abuse** means that the abusive partner keeps control over the financial matters of the family, deciding how the money should be spent or saved, resulting into having no control of the victim over the financial matter and making her economically dependent on the abuser. Even though in some cases the women get to lead a comfortable life, she does not have control over the financial matters.

3. As per **section 4** of the Act, any person who has a reason to believe that an act of domestic violence has been or is being committed may inform the protection officer. It also lays down that the person who is providing the information in good faith shall be exempt from any civil or criminal liability for giving such information.
4. As per **Section 5**, Rule 5 & Form I, the aggrieved person has to register the complaint in the official format known as Domestic Incident Report in Form I. An aggrieved person can obtain this form from either a police station or a protection officer or service providers and fill it herself. If the woman cannot fill the form herself, then these authorities will help her in filing the complaint and explain the contents to her. The Protection Officer, Service Provider or Police will then send the form to the Magistrate/court.
5. As per rule 9, in emergency situations such as, if the woman is thrown out of her house either the aggrieved woman herself or any other person on her behalf can inform about the domestic violence to the Protection Officer or the service providers

- even through email or telephone. Either the Protection Officer or the service provider can then go to the place where the incident has occurred, along with the police, and record the Domestic Incident Report which should be immediately presented to the Magistrate for an immediate order so that the safety of the woman can be ensured.
6. **Protection Order, Section 18**, the Magistrate may, after giving the opportunity of being heard to the aggrieved person and the respondent, and on being prima facie satisfied that domestic violence has taken place or is likely to take place, contain an order of protection in favour of the aggrieved person. A protection order may contain an order prohibiting the respondent from Committing any act of domestic violence or aiding or abetting therein, entering the place of employment of the aggrieved person, attempting to communicate in any form personal, oral or written, electronic or telephonic contact, causing violence to the dependents,
 7. **Residence Order, Section 19**: The Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order for the following purposes- In order to restrain the respondent from disposing or disturbing the peaceful possession of the aggrieved person from the shared household or direction can be given to the respondent to remove himself from the shared household or restraining the respondent or his relatives from entering any portion of the shared household, where the aggrieved person lived or directing the respondent to provide alternate accommodation for the aggrieved person or to pay rent to the aggrieved person according to the circumstances.
 8. **Monetary Relief**: It is given to the aggrieved person from the respondent for meeting the expenses incurred and losses suffered including loss of earning, medical expenses, loss to property and maintenance of the aggrieved person and her children including maintenance under, or in addition to section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.
 9. **Custody Order, Section 21**: Magistrate may grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visits of such child or children by the respondent and in case the Magistrate feels that the visit may be harmful to the child,

the Magistrate shall refuse such visits. In the context of India, the matter of child custody is very important as violence or any kind of conflict can be harmful for the development of the child.

10. Compensation Order, Section 22: It lays down that in addition to other reliefs, the Magistrate may on an application by the aggrieved person direct the respondent to pay compensation or damages for the injuries including for the mental torture and emotional distress caused to her by domestic violence by the respondent. According to this section compensation should be paid to the victim if the respondent has caused injuries, mental torture and emotional distress to the victim.

B. THE DOWRY PROHIBITION ACT, 1961

Dowry has been one of the prime causes of violence against women, especially domestic violence, which has further resulted in female infanticide, female feticide, child marriages, non-compatible marriages, etc. The bride's dowry is defined as everything she brings to the wedding, whether in cash or in kind. In India, dowry is demanded throughout a married woman's life under the guise of festivals, childbirth, and so on. This definition, in India's opinion, has a limited scope. The Act is a small piece of legislation with the object of eradicating the evil of dowry from the society. The Dowry Prohibition Act, 1961 applies to people belonging to all religion, whether they are Hindus, Muslims, Parsis, Christians, Jews or from any other religion who solemnize the marriage in India²³

Salient Features

- Both the giver and the taker are fined under **Section 3** of the Act. The penalty for demanding dowry is dealt with in **Section 4**. Any person, who seeks dowry from the bride's or bridegroom's relatives, whether indirectly or directly, will be punished. Whether or if the other party accepts the dowry demand, it will be prosecuted under the law. The maximum sentence for dowry demand has been increased from six months in prison and a fee of Rs. 5000 to a punishment of six months to two years in prison and a fine of Rs. 10,000.

²³ Paras Diwan, law relating to dowry, dowry deaths, bride burning rape and related offences ,18,(Universal law publishing co Pvt ltd, new Delhi,2002).

- **Section 4-A** prohibits a person from advertising his part of the property as a consideration for marriage in any form of media, whether electronic or written. In our country, most weddings are arranged, and some people advertise their marriages in the newspapers, indicating their qualifications, occupation, age, height, and so on. Sometimes, directly or indirectly, these advertisements mention the prospect of granting a portion in the property or cash money, which can be used as a form of dowry. A ban on such advertising has been imposed under Section 4A, and it has been made penal.
- **Section 5** makes the agreements regarding giving or taking of dowry unenforceable by law. In other words, these agreements do not have any value in the eyes of law.
- **Section 6** is a very beneficial provision for the rights of married women, and if implemented properly, can curb the problem of domestic violence to a large extent. It deals with the clause regarding the transfer of property within the stipulated period of time. This section is a very welcome provision for the rights of the victims but the apathy is that people are not aware of this provision and even if they are aware it is very difficult to implement as a newly-wedded bride generally does not have the courage to ask for her stridhan especially in the traditional family in our society.
- According to **Section 8**, the State government has been given the authority to appoint as many Dowry Prohibition Officers as it deems necessary to address the problem of dowry in society.

According to the 91st report of the Law Commission of India on dowry death and law reform 1983, which made changes to the Hindu Marriage Act 1955, Indian Penal Code 1860, and Indian Evidence Act 1872 in the form of amendments to these laws, the persistent and continuous demand for dowry should be considered cruelty. The Committee on the Status of Women expressed concern about the youth's insensitivity to the adversity of the dowry system and its pervasiveness in society. The government has taken significant steps to combat the threat and has referred the matter to a joint committee of the Houses to address dowry-related issues. It can be argued that if the Act is properly enforced, the dowry problem will be removed to a great extent. The evil of dowry can be curbed from society if the bride and groom, as well as their families, affirm in writing to the marriage Registrar that they will not take or provide any

dowry in the marriage. To combat the problem, a list of gifts should be sent to the marriage registrar, and dowry should be declared a reason for divorce.

C. DOWRY DEATHS SEC.304B IPC

The Indian Penal Code was amended to include Section 304-B to deal with dowry death after it was discovered that the insertion of sections 498A and 113A in the Cr.P.C.1973 were insufficient to address the problem of dowry-related offences, and that cruelty to obtain dowry had increased and taken a gruesome turn, resulting in the deaths of young brides by their unscrupulous in-laws. Bride burning, wife abuse, and aiding and abetting a woman's suicide are only a few examples of dowry-related crimes. Sadly, in extreme circumstances, it might lead to dowry death. It took a decade for the legislature to make cruelty and dowry death a crime under the Indian Penal Code 1860 in the form of the Dowry Prohibition (Amendment) Act 1986, which inserted 304B into the said Code. Sec 304B states that if a married woman dies in an unnatural manner within seven years of her marriage, it is deemed dowry death. In most dowry instances, women are tormented, tortured, and humiliated for failing to provide sufficient money, and in the worst cases, the torture takes such horrible forms that the poor victim dies, usually within the four walls of the married home where she is meant to live.

Section 304B has following ingredients: (a) The death of a woman should occur due to burns or bodily injury or under otherwise unnatural circumstances. (b) Death should have occurred within seven years of marriage. Due to cruelty or harassment by her husband or his relatives (c) Such cruelty or harassment should be due to demand of dowry. (d) The cruelty or harassment should have occurred soon before her death. In such circumstances the death shall be presumed to be dowry death. The punishment of such dowry death is the imprisonment for a term which shall not be less than seven years, but which may extend to life imprisonment. The Indian Evidence Act 1872, Section 113B, deals with the presumption of dowry death, which states that if it is shown that the lady was subjected to torture or in connection with any dowry demand shortly before her death, the death will be assumed to be dowry death by the court.

D. SECTION 498A IPC 1860 - HUSBAND OR RELATIVE OF HUSBAND OF A WOMAN SUBJECTING HER TO CRUELTY

On December 25, 1983, the Indian Evidence Act 1872 was amended to include Sec 498A IPC and 113 A of the Indian Evidence Act 1872, thanks to the efforts of social workers around the

country. Not all forms of harassment or cruelty were covered under the Act for claiming Section 498A, but only those forms of harassment that were done to push a wife to commit suicide or to satisfy the illegal demands of her husband and in-laws.

In order to decide whether a particular case would come under cruelty the relevant factors such as the relationship between the spouses, their temperament, status in life, state of health, their interaction in their daily life would be the determining factors in the concept of cruelty. Under IPC 1860, the prescribed penalty for this offense is three years of imprisonment along with a fine. This offense is deemed cognizable if the information regarding its commission is reported to a police station by the victim or any individual connected to her through blood, marriage, or adoption. In the absence of such a relative, the report can also be made by a designated public servant from a specified class or category.

Importantly, this particular offense falls into the category of non-bailable and non-compoundable offenses.

Physical Cruelty- Traditionally, any physical act of aggression by one spouse against the other that causes bodily harm, limb or health harm, or causes reasonable fear of such harm, is deemed cruelty. To put it another way, it is the original definition of cruelty. In all circumstances, the meaning of the word cruelty cannot be the same. It would be different in different scenarios, depending on the unique characteristics of each case and the case's sensitivity and susceptibility.

Mental Cruelty- In comparison to physical cruelty, mental cruelty is more difficult to comprehend. Harassment; insulting behaviour; passing comments on the other spouse at any time or for no reason; refusal to provide basic amenities such as food, shelter, clothing, and accommodation; not allowing the wife to meet her family members; refusing medical help are some of the acts of violence that may be covered under mental cruelty, depending on the circumstances of each case.

XVII. POSITION OF DOMESTIC VIOLENCE IN BIHAR: AN EMPIRICAL VIEW

Despite the enactment of numerous legislations, incidences of domestic violence are on the rise at an alarming rate in our society. Understanding the problem from the victims' and offenders' perspectives, as well as getting an overview from the authorities dealing with domestic violence, is critical. In this chapter, an attempt is made to undertake empirical study on domestic violence

and the difficulties associated with it. Due to materialistic desire, which is developing at an amazing rate in society as a result of industrialization and globalization, domestic violence has not been adequately curtailed in today's society. In today's society, marriage is no longer regarded as a sacrament, but rather as a means of extracting money, and failure to meet such demands leads to domestic violence and, in some terrible situations, the early murder of women.

In order to take an overview of the problem, from different perspectives researcher has conducted an empirical analysis in which primary data has been collected through a Questionnaire prepared by the researcher, and data has been collected from women victims of domestic violence from **50** families in Muzaffarpur district of Bihar.

XVIII. QUESTIONNAIRE FOR THE VICTIMS

In order to understand the problem of domestic violence from the perspective of the victims the researcher has prepared this questionnaire. As domestic violence is a very sensitive issue where the victims are reluctant to disclose their problems, the purposive sampling method was adopted, in which the answers are taken from the women who were voluntarily willing to answer the questionnaire. **50** respondents were contacted in Muzaffarpur, Bihar

QUESTIONNAIRE

1. Age (in years)

a. 18-25

b. 26-35

c. 36-45

d. 46-55

2. Educational qualification

a. Illiterate

b. High-school

c. Graduate

d. Postgraduate

3. Occupation

a. House-wives

b. Self-employed

c. Business

d. Service

4. Income per month

- a. 0-10,000 b. 10,000-20,000 c. 20,000-30,000 d. 30,000-50,000
e. 50,000 and above

5. Type of marriage

- a. Love Marriage b. Arranged Marriage c. Re-marriage

6. The initial period of abuse in your marriage.

- a. Initial 6 months of Marriage b. 6 months - 2 years into the Marriage
c. 2-5 years into the Marriage

7. The frequency of physical assault (Slapping, Hitting, Beating, Kicking and Pushing) by your intimate partner/ family members

- a. Never b. Sometimes c. Very Often

8. Denote the extent of physical abuse faced by you

- a. Suffered Physical Injuries b. Risk of Repetition of Violence
c. Threat to my Safety d. Harm to Reputation

9. Denote the consequences you suffered due to psychological abuse

- a. Insecurity and Anxiety b. Violent Environment in the house
c. Depression (Mental ill-health)

10. Did you ever suffer sexual abuse within your marriage? a. Yes b. No

11. What in your opinion is the root cause of domestic violence in your family?

- a. Husband is alcoholic
- b. Intervention of in-laws in personal matters
- c. Husband coerces to meet unlawful dowry demands
- d. Husband is suspicious of me having an extra-marital relationship

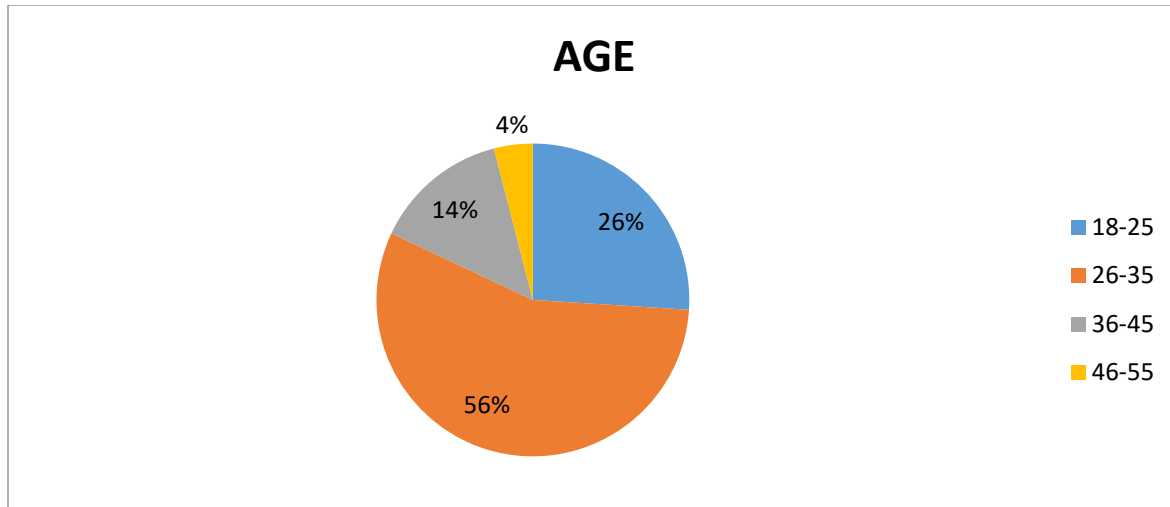
12. Would you consider yourself aware of the rights and safeguards of women?

- a. Yes
- b. No

ANALYSIS

1. Age Analysis.

Age	No. of Respondents	% of respondents
18-25	13	26%
26-35	28	56%
36-45	7	14%
46-55	2	4%

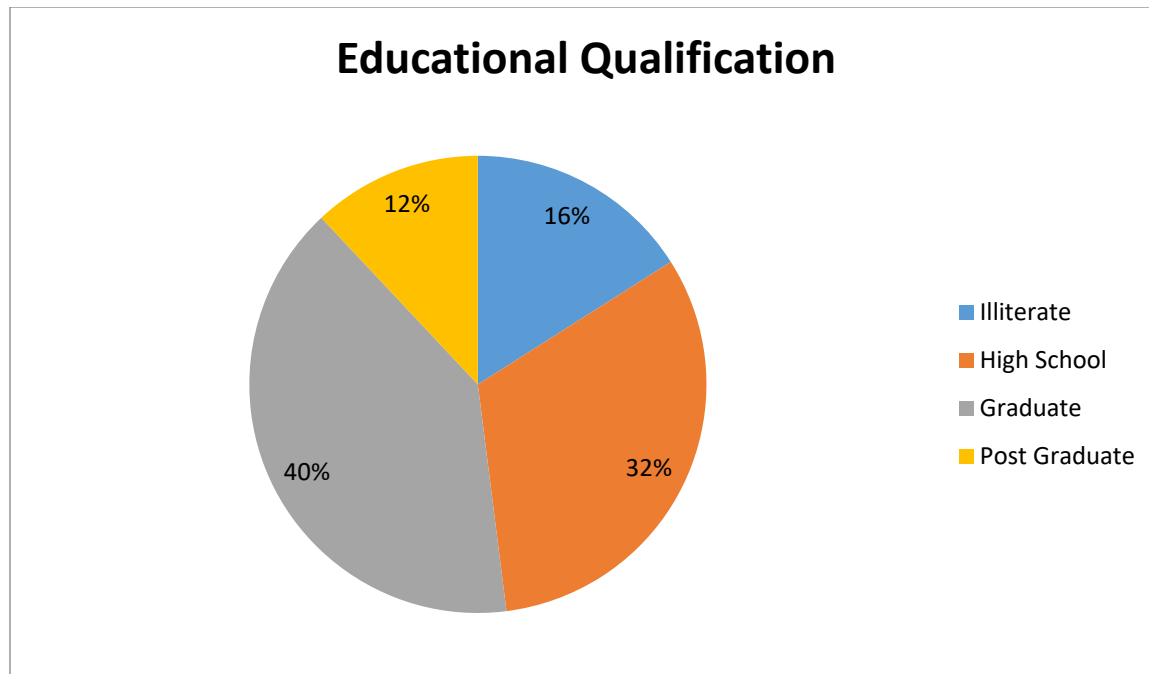


Inference

56% of the victims are between the age group of 26-35 years and 26% are between 18-25 years, whereas 14% are between the age group of 36-45 years and only 4% are between 46-55 years. It can be inferred that most of the victims are between the age group of 20-35 years as generally problem of domestic violence occurs within the initial period of marriage. During that period, both the spouses are immature and generally have ego based problems, dowry related issues but with the passage of time, the couples settle down and start adjusting with each other or take divorce.

2. Educational Qualification

	No. of Respondents	% of respondents
Illiterate	8	16%
High School	16	32%
Graduate	20	40%
Post Graduate	6	12%



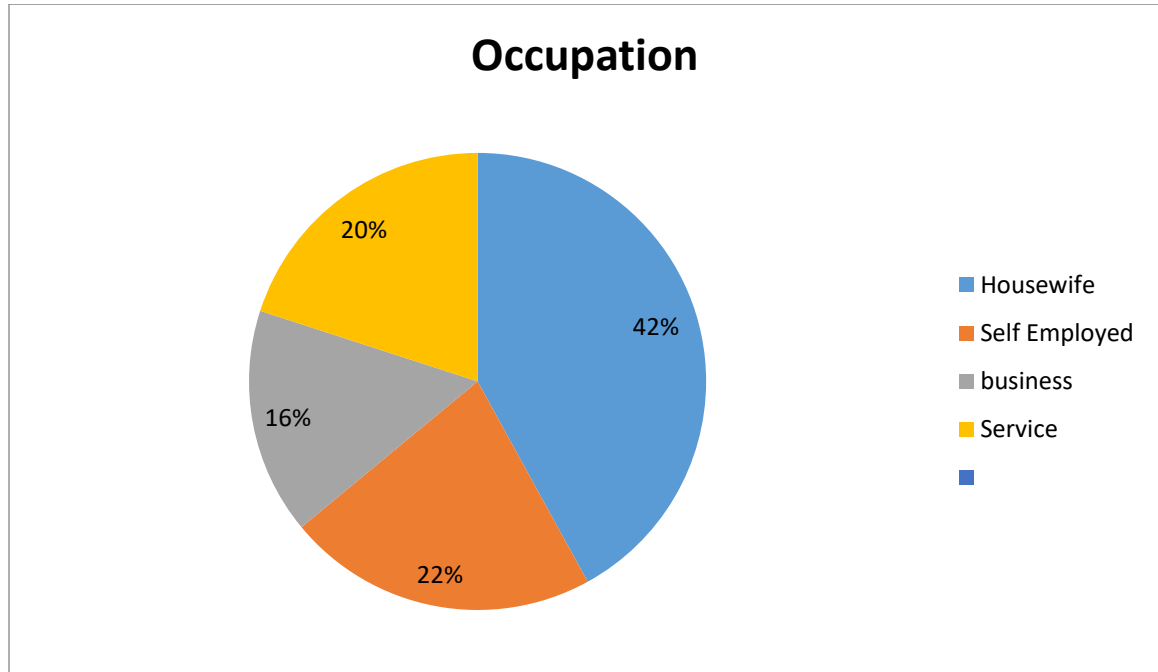
Inference

16% of the respondents are illiterate and 32% of the respondents hold a high school certificate. 40% are graduates and 12% are post graduates. It can be interpreted from the data that the literate women are more forthcoming in reporting domestic violence as educated women are more aware of their rights. There can be a number of domestic violence cases among the illiterate women but due to their illiteracy, they are unable to report the cases and keep on suffering violence done upon them. They do not even have the courage to file a complaint nor the knowledge regarding law. It can be submitted that it is very necessary to sensitize the genuine victims who belong to illiterate class with the help of Non Government Organizations or other voluntary organizations.

3. Occupation

	No. of Respondents	% of respondents
Housewife	21	42%
Self Employed	11	22%
Business	8	16%

Service	10	20%
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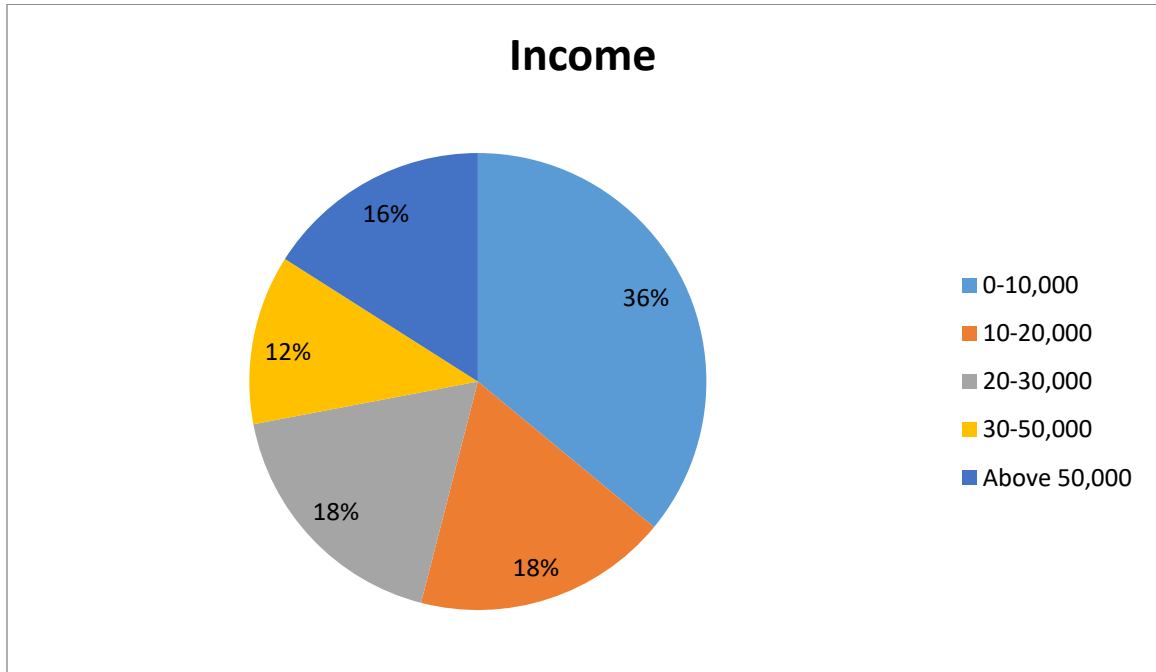
Inference

Among the victims of domestic violence 42% are housewives, 22% are selfemployed, 16% run their own business, and 20% have a job. It can be inferred from the above data that in majority of the cases housewives are the worst sufferers of domestic violence. In comparison to the women who are economically independent, in most cases, the housewives are neither aware about their rights nor do they have the courage to protest against the injustice.

4. Income

	No. of respondents	% of respondents
0- 10,000	18	36%
10,000- 20,000	9	18%

20,000- 30,000	9	18%
30,000- 50,000	6	12%
Above 50,000	8	16%



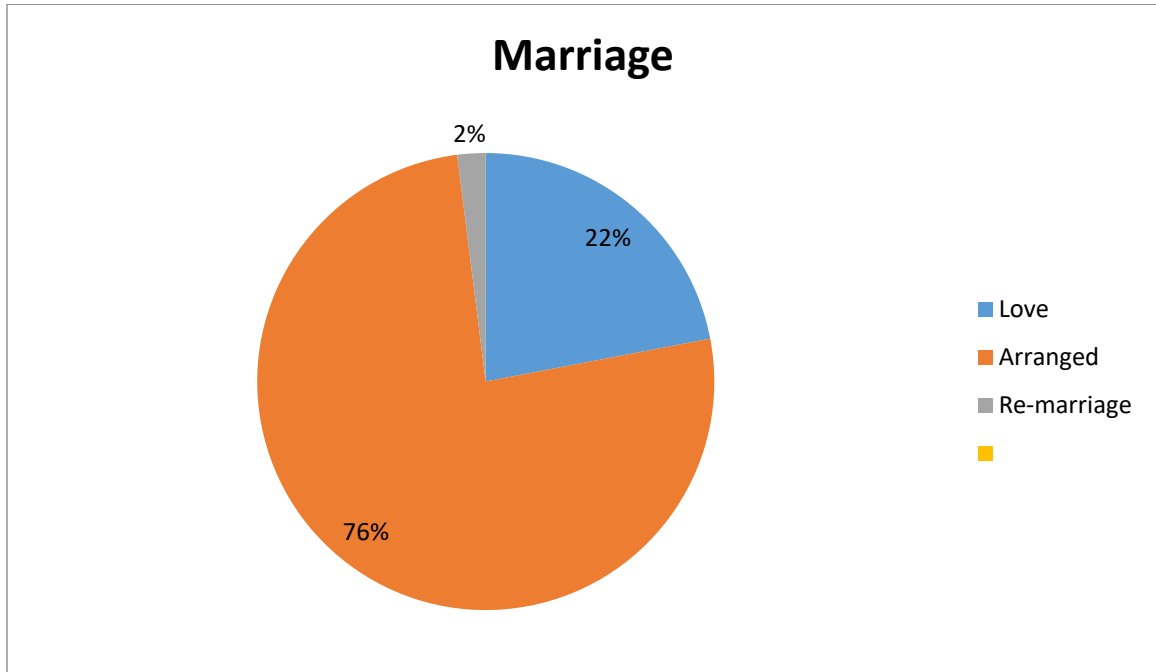
Inference

Through this data it can be inferred that among the poor families there are more instances of violence. The reasons can be illiteracy due to which the women are not aware of their rights. Another prominent reason can be the lack of proper income due to which the poor people are unable to fulfill their basic needs, generating frustration among the men who in turn vent out the frustration on the women.

5. Type of Marriage

	No. of respondents	% of respondents
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Love Marriage	11	22%
Arranged Marriage	38	76%
Re-marriage	1	2%



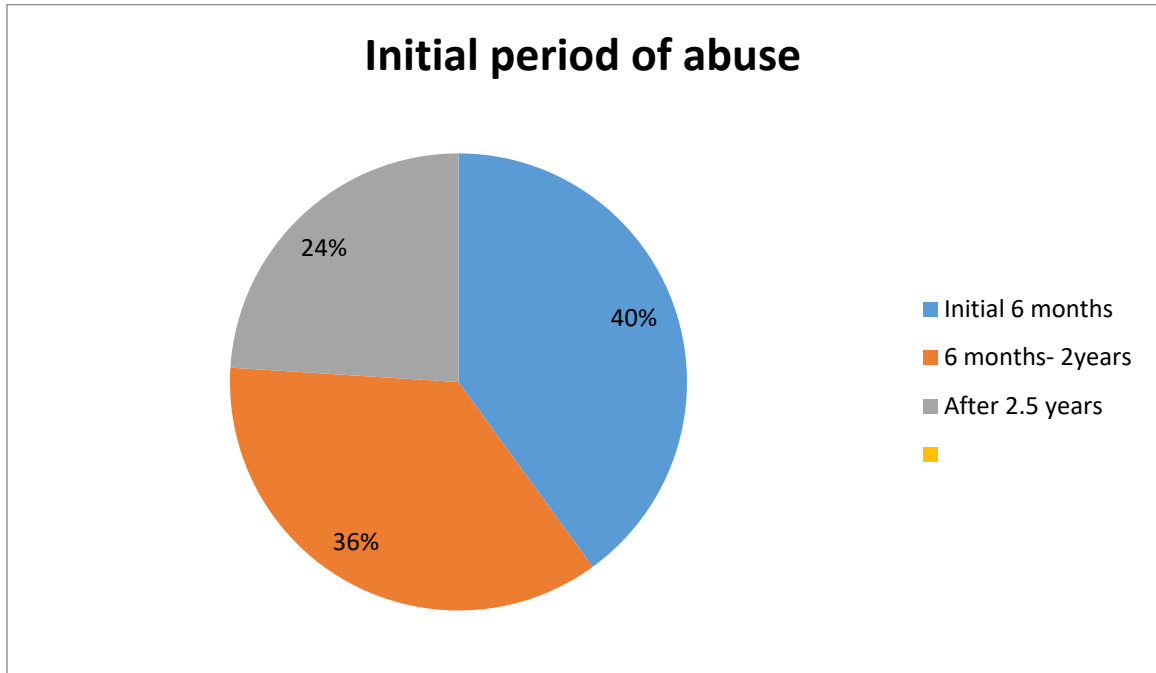
Inference

It can be said that in most of the arranged marriages, dowry is the biggest consideration, and it becomes the major cause of violence against women but in love marriages, generally both spouses are educated, and they have a better understanding with each other so there are lesser chances of domestic violence upon women in these cases.

6. Initial period of abuse in marriage

	No. of respondents	% of respondents
Initial 6 months	20	40%

6 months- 2 years	18	36%
After 2.5 years	12	24%



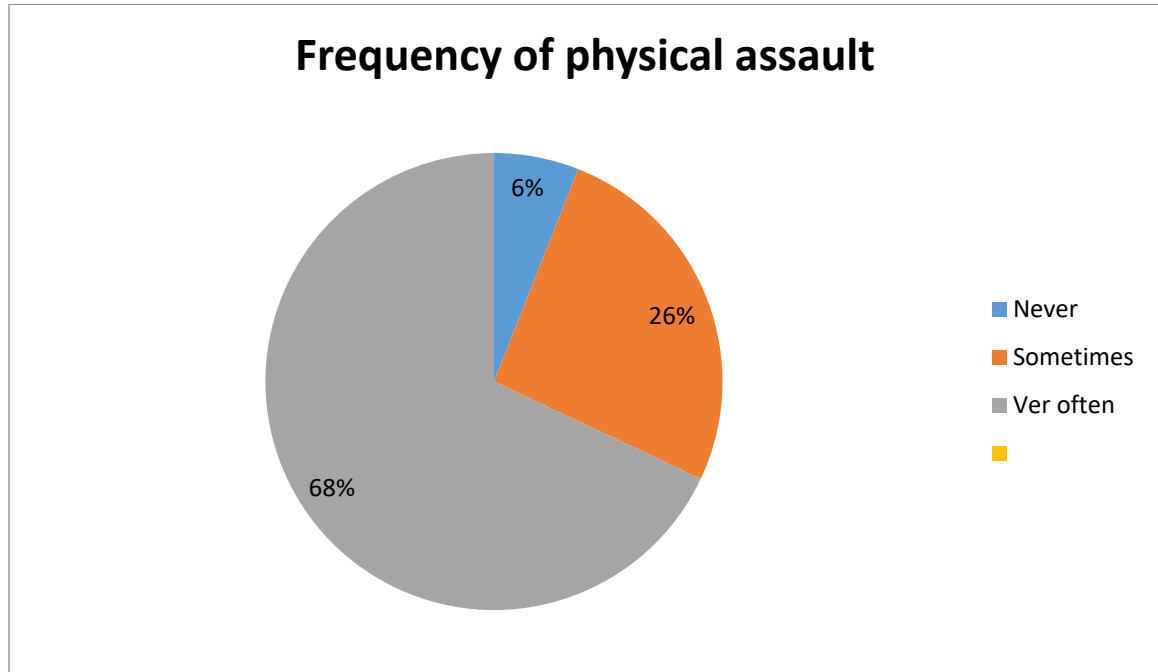
Inference

40% of the victims have stated that they were victims of domestic violence from the very beginning of their marriage. They started facing domestic violence in the initial months of marriage. 36% have stated that their initial period of marriage was very pleasant but after six months they started being victimized. 24% have stated that their initial period of two years of marriage was pleasant but after two years they had to face domestic violence. So, it can be said that the majority of the sampled victims were victims from the very beginning.

7. Frequency of Physical Assault

	No. of respondents	% of respondents
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Never	3	6%
Sometimes	13	26%
Very often	34	68%



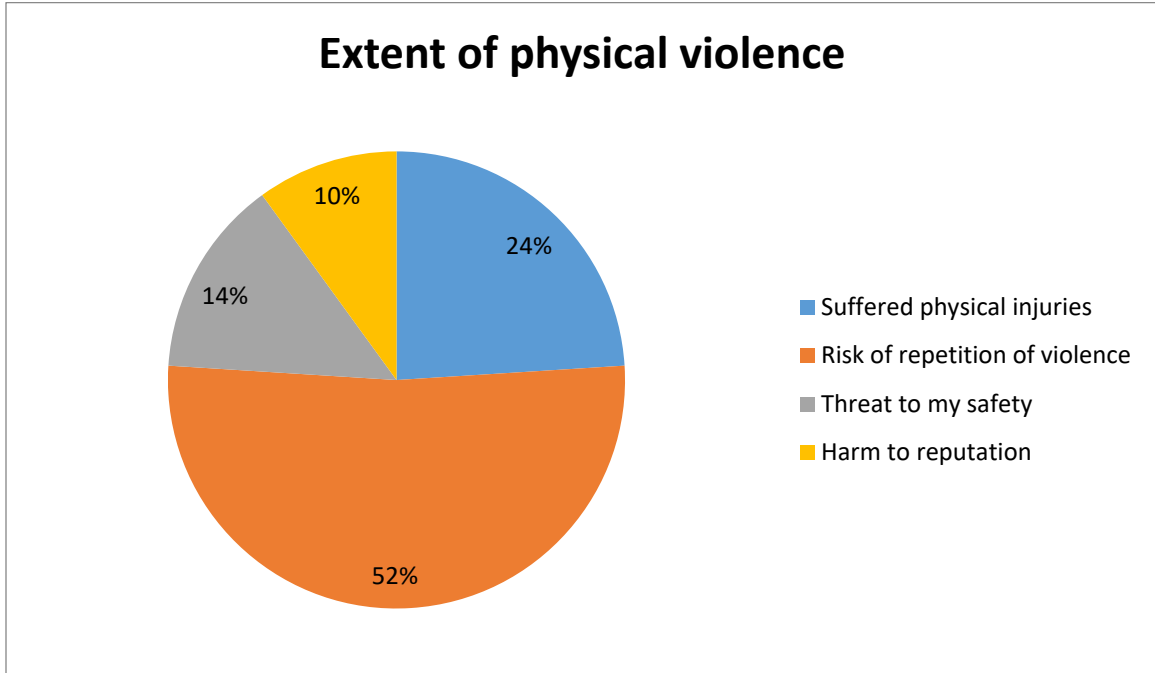
Inference

It can be inferred that the most common form of domestic violence is physical violence; and in most of the cases, there is continuous repetition of the violence, having a detrimental effect on the victims.

8. Extent of physical violence faced by victim

	No. of respondents	% of respondents
Suffered physical injuries	12	24%
Risk of repetition of violence	26	52%

Threat to my safety	7	14%
Harm to reputation	5	10%



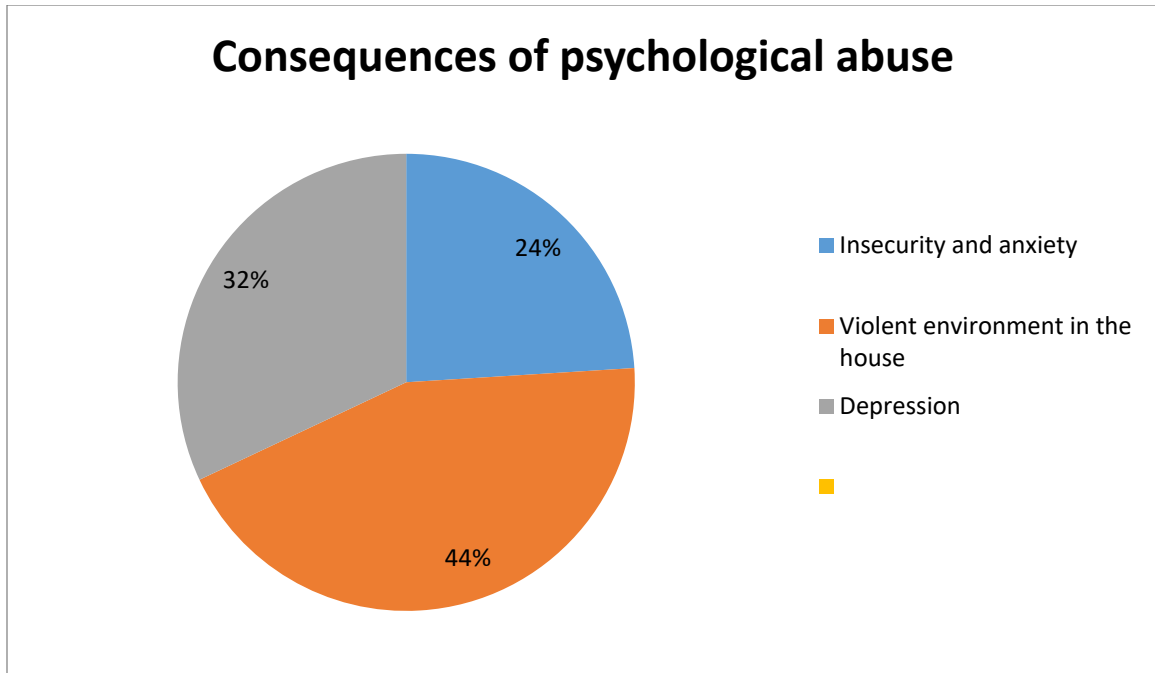
Inference

52% have reported suffering risk of repetition of violence 24% of the victims have responded that as a victim of physical violence, they have suffered physical injuries. 10% have suffered harm to their reputation, and 14% have suffered harm to their safety. The researcher’s submission is that in cases of domestic violence the risk of repetition of violence can have a very detrimental effect upon the women and their children which is depicted in the cycle theory of violence.

9. Consequences suffered due to psychological abuse.

	No. of respondents	% of respondents
Insecurity and Anxiety	12	24%

Violent Environment in the house	22	44%
Depression Mental ill-health	16	32%

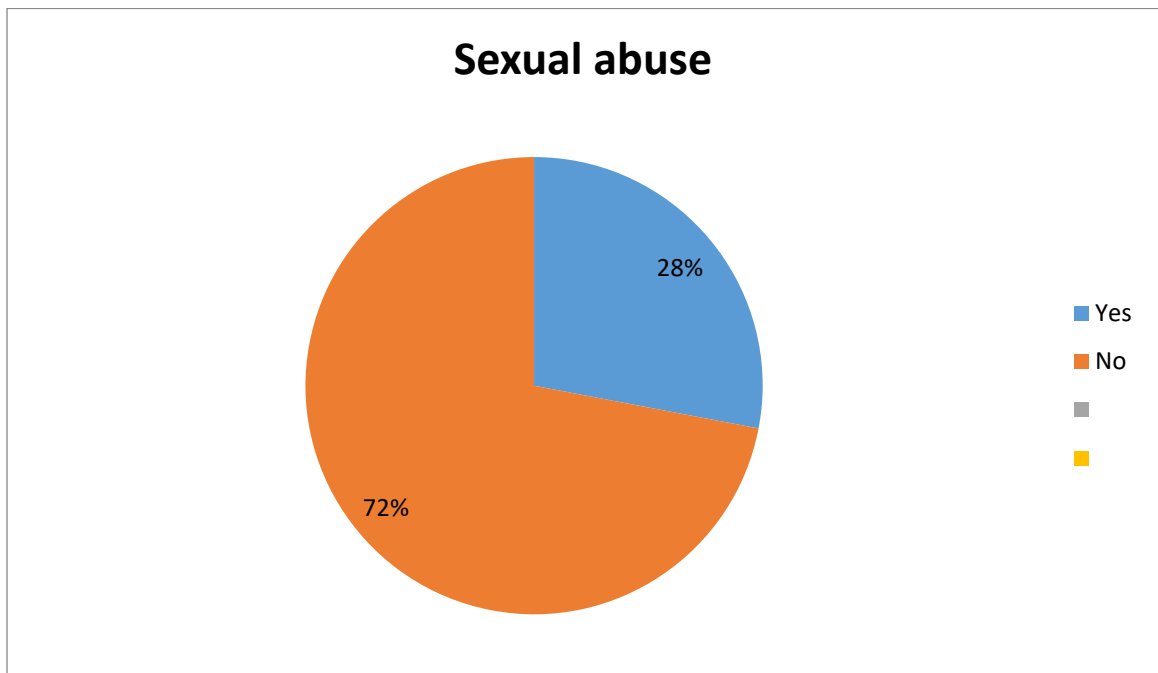


Inference

Psychological violence has highly adverse consequences upon the health of the victim. 24% victims have given the reply that they have faced insecurity and anxiety, 44% have answered that it has culminated into a violent environment in the house, and 32% have given the answer that psychological violence has resulted into depression and ill health. So, it can be said that psychological violence has very detrimental effect upon the personality of women, especially in the modern society where the women are trying to achieve equality with the men. Scars of physical violence can be seen but psychological violence is often ignored by the family members and by the society at large.

10. Sexual Abuse within marriage

	No. of respondents	% of respondents
Yes	14	28%
No	36	72%

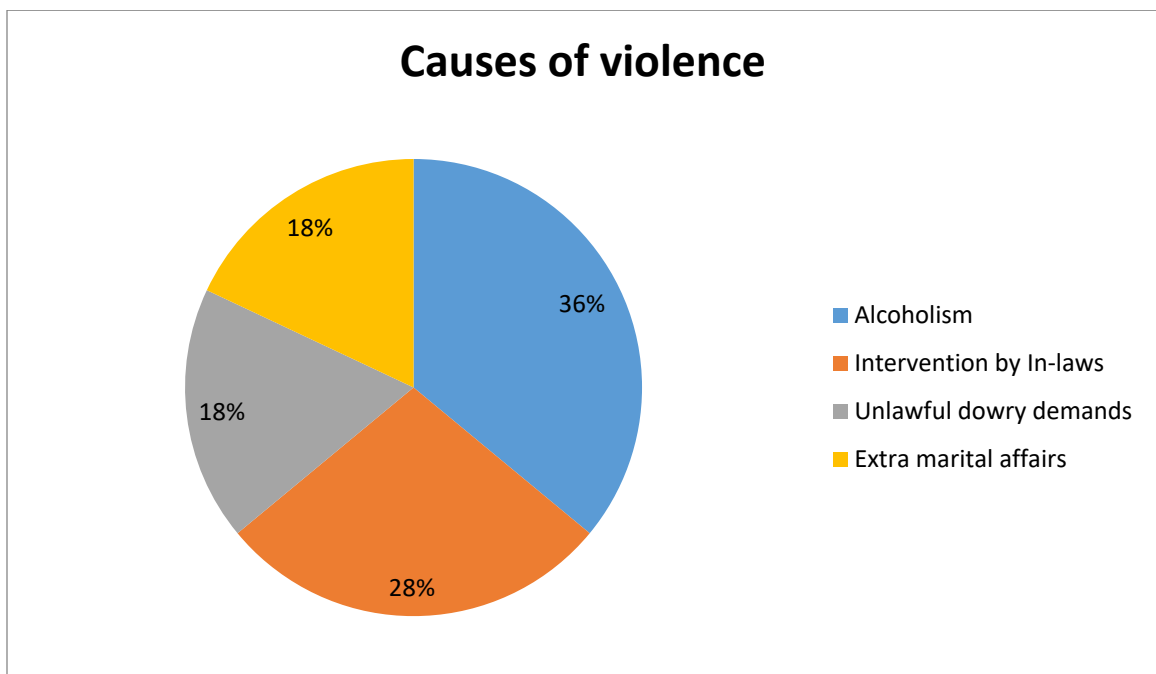


Inference

Regarding sexual abuse, 28% have admitted that they have been victims of sexual abuse and 72% have denied being victims of sexual abuse. Since sex is considered a taboo in our society, people are reluctant to discuss such problems. But in the present society this problem is emerging due to the stressed life of the people.

11. Root cause of domestic violence in your family

	No. of respondents	% of respondents
Alcoholism	18	36%
Intervention by In-laws	14	28%
Unlawful dowry demands	9	18%
Extra marital affairs	9	18%

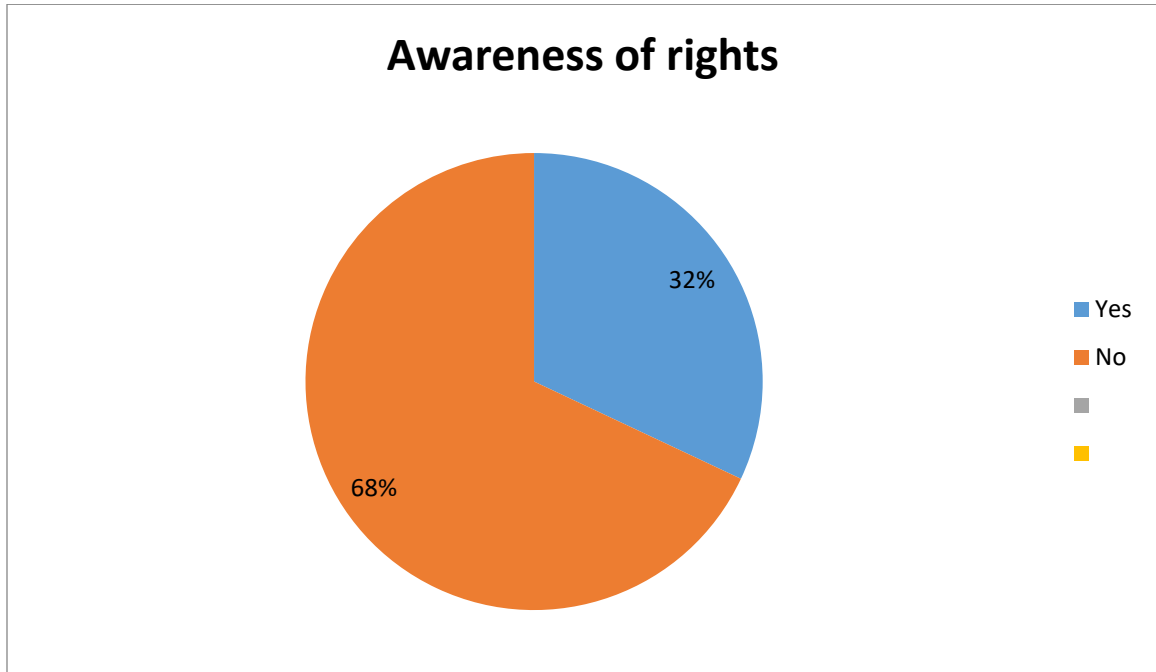


Inference

It can be observed that most of the cases of domestic violence are due to the intake of alcohol or liquor by the husband and then by intervention by the in-laws.

12. Awareness of rights and safeguards of women

	No. of respondents	% of respondents
Yes	16	32%
No	34	68%



Inference

32% of the women were found to have awareness about the rights and safeguards of women and 68% were found to be unaware of their rights and safeguards. So it can be inferred from the above data that in the modern society, where lots of women are educated in comparison to the older times still a large section of women are not aware about their rights. There is urgent need to make them aware of their right so that the problem of domestic violence can be curbed in the society.

EXPERT OPINION BY JUDGES

1. As there are various cases of misuse of the Act so there should be fair investigation done before any action is initiated against the perpetrator.

2. In case of fake complaints, the respondent should be adequately compensated and complainant should be strictly punished so that the women who are filing fake complaints (especially dowry related cases) are deterred. In some cases the initiative has been taken by the courts to punish the fake complainant and provide the compensation to the other party.
3. Police, Judiciary, Psychologists, Social welfare departments, and Counselors should work as a team.
4. Since domestic violence is a sensitive issue and family as a whole is involved, a humanitarian approach, good counseling and highly effective law formulation would be a good approach.
5. Protection officers should be given more power and complainant should go directly to the protection officer and counseling should be done before the first hearing in Courts by the counselors who should be attached with protection officers at the time of making Domestic Incident Report.
6. Instead of Mahila Judge there should be a bench of one Male Judge and one Female Judge.
7. In cases where children are involved there should be some fund for the children in which some money should be deposited at the initial stage of the hearing so that the children should not suffer.
8. A meaningful training should be there for counseling as the matters are very sensitive and the counselors, protection officers, etc. should be aware about the latest laws related to protection of women.
9. Where the complainant has filed the case in more than one forum, i.e. for maintenance under 125 CrP.C., 498A IPC and PWDVA2005, there should be Special courts for the quick disposal of these cases.

XIX. CONCLUSION

It may be concluded that the empirical study's findings confirm the hypothesis established in the first chapter that women from low-income families are more vulnerable to domestic violence, as evidenced by the income analysis, which shows that the low-income group has a high number of

victims. The empirical research also supports that modern culture is influencing and that ego-based and greed clashes are increasing in society. Dowry has emerged as a major reason for domestic violence, and another major reason reflected in the study is the suspicion of extramarital affairs, which is a result of modern culture. Some of the judges have made helpful suggestions regarding the creation of child care funds at the outset of the proceedings. The majority of respondents stated that domestic violence laws have numerous flaws and that laws need to be changed for efficient control mechanisms so that formal and informal agencies may work together more effectively.

A few conclusions can be as mentioned below.

1. It can be concluded that there is still a wide prevalence of domestic violence.
2. Economic independence of women is important if domestic violence is to be reduced.
3. Education of women is another important aspect since, as clearly evident from the data represented above, educated women are better able to fight for justice for themselves in case of violence from own family.
4. The role of the family is very important in curbing domestic violence.
5. The new, emerging patterns of domestic violence are due to illicit affairs of either partner or ego problems.
6. Another major reason for domestic violence is persistent dowry demands.

XX. SUGGESTIONS

When assessing the efficacy of domestic violence laws in India, with a particular focus on the scenario in Bihar, it becomes evident that there are elements of advancement as well as enduring obstacles. To provide a critical appraisal, it's essential to consider various aspects:

- **Awareness and Education:** One suggestion is to focus on increasing awareness and education regarding domestic violence laws, not only among victims but also within law enforcement agencies, the judiciary, and the community at large. Public awareness campaigns, workshops, and training programs can help ensure that individuals are aware of their rights and the legal remedies available to them.

- **Strengthening Support Systems:** Developing and strengthening support systems for survivors of domestic violence is crucial. This includes the establishment of more shelter homes, counseling centers, and legal aid services. In Bihar, given its vast rural areas, mobile legal aid clinics and outreach programs can be particularly effective.
- **Streamlining Legal Processes:** Simplifying and expediting legal processes related to domestic violence cases is essential. Courts should prioritize these cases, and legal aid should be readily available. Establishing dedicated fast-track courts for domestic violence cases can significantly reduce the backlog and ensure timely justice.
- **Law Enforcement Sensitization:** Sensitizing law enforcement agencies to the complexities of domestic violence cases is vital. Training programs that focus on empathy, non-biased handling, and the importance of collecting evidence can enhance the effectiveness of legal interventions.
- **Community Involvement:** Engaging local communities and leaders in awareness campaigns and support systems can help change social norms and attitudes toward domestic violence. Grassroots initiatives can create a more enabling environment for legal mechanisms to function effectively.

XXI. BIBLIOGRAPHY

REPORTS

1. World Report on Violence and Health by the World Health Organization, Geneva ,2002,(first World report on violence and health on October 3rd, 2002).
2. Reports of National Crime Record Bureau in 2005,Ministry of Home Affairs
3. Law Commission of India, 54th Report on Code of Civil Procedure (February 1973)
4. Law Commission of India ,on 243rd Report on Section 498-A of Indian Penal Code 1860(August 2012)

BOOKS

1. Anand A.S.Justice for Women-Concerns and Expressions (Universal Law Publishing ,Delhi,2003).

2. Ahuja Rama, *Criminology* (Rawat Publications, New Delhi, 2015)
3. Chawla Monica, *Gender Justice Women and law in India* (Deep and Deep Publications ,New Delhi 2006)
4. Diwan Paras *Dowry and Protection To Married Women* (Deep and Deep Publication ,New Delhi 1995)
5. Madhurima Amarjit Mahajan , *Family Violence and abuse in India* (Deep & Deep Publications ,New Delhi, 1995)

ARTICLES

1. Aggarwal Krishna , “Crime against women –A socio legal Perspective” 9 *Criminal Law Journal* 118 (January 2012)
2. Anuja S. “Domestic violence against women –Deprivation of right to life” in Gurdip Singh and V.K. Shukla(eds.), *Human Rights in 21 Century changing dimensions*, (Universal Law Publishing Co , 2012)
3. Krishna V.Rama ,”Sociological Analysis of Domestic Violence Against Women in India-A Study” LXI (*Indian Police Journal*)12(2013)
4. Koachar Maneesha, “Criminal Justice Response to Battered Wives,” 23(1) *I J C* , (January 1995.)