Women in the country are facing more grave form of violence at home rather than outside the home. The four walls of home have become a grave threat to the safety of women but for culprits it is the safest place to commit violence. It is inflicted not by stranger but by her close family members from whom she naturally expects love, affection, care, warmth and protection. In patriarchal societies, domestic violence is one form of manifestation of male dominance. The gender specific violence is omnipresent. It cuts across all boundaries of caste, creed, class, religion, wealth or nationality. In India customary practices, religious beliefs, social conditions, patriarchal notions which are also forms of domestic violence are making women more vulnerable. So it is suggested that all customs which are derogatory to women e.g. child marriage, religious prostitution, restraint on widow remarriage, polygamy by man, property rights of woman etc. in every society should be declared illegal. These customs should not have place in the society. Educational Programmes and teaching material should be developed which sensitize and inform all about the harmful effect of certain traditional or customary practices on women/girl children.

International instruments gave a new dimension to the issue of domestic violence. The United Nations Charter, 1945, the Universal Declaration of Human Rights, 1948, and subsequent International treaties and declarations upheld the equal rights of men and women. International legal instruments and policy statements make clear that
States have a duty under international law to prevent domestic violence and punish domestic violence offenders. Article 1 of the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in December 1948 and which all United Nations members including India are expected to honor, specifically states: All human are born free and equal in dignity and rights. Article 2 states that all are entitled to these rights and freedoms without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national, or social origin, property or other status. Article 7 states that all are equal before the law and are entitled without any discrimination to equal protection of the law. Thus in addition to using the Indian Constitution’s recognition of equal protection before the law, arguments for equal protection from police officers for domestic violence complaints can be made under these provisions. One treaty that is particularly significant in advancing the rights for women and shielding them from domestic violence is the Convention on Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW) which was ratified by India on July 9th, 1993 with some reservations to its Articles. Although the CEDAW does not explicitly prohibit violence against women, the CEDAW Committee in its general recommendation No. 19 banned gender based discrimination. General recommendation No. 19 explains that the definition of discrimination in Article 1 of CEDAW includes gender-based violence, violence perpetrated against women because of their sex or that affect women disproportionately. Violence can include acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, or other deprivations of liberty, and such acts may breach specific provisions of the CEDAW regardless of their express mention of violence. Moreover following
CEDAW's entry into force, the United Nations General Assembly adopted the Declaration on the Elimination of Violence Against Women in December 1993. The Declaration reiterates women's entitlement to the equal enjoyment and protection of all human rights and fundamental freedoms and defines the term violence against women more precisely than the CEDAW, characterizing it as any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Such acts include physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. The Vienna Accord (1994) and the Beijing Declaration and the Platform for Action (1995) have acknowledged the fact that the domestic violence is a human rights issue and serious deterrent to the development of women. While India is being applauded in the international fora, the Indian women continue to live under personal laws that discriminate against them and serve to disempower them in family. Despite the dictates of international human rights law, laws at national level continue to be weak and ineffective falling women in their hour of need. So it is suggested that to achieve universal respect for rights of women and to protect women from any kind of violence such laws for the protection of women should be enacted and should be under constant review and reform in the light of new information and understanding so as to implement international legal and policy framework fully at the national level for addressing violence against women.
It is noted that gender based violence is a form of discrimination which seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality with men. In order to protect the rights and freedoms the Constitution of India was adopted by the Nation in 1950 as our grundnorm. One of specific objectives which has been inserted in Preamble of the Constitution of India is the equality of status and opportunity. The Constitution of India guarantees the right to equality (Article 14), right to life (Article 21), prohibits discrimination and empowers the State to make special provisions for women for neutralizing the socio-economic, educational and political disadvantages that they could be facing. The Protection of Women from Domestic Violence Act, 2005 has been enacted for giving more effective protection of women’s rights guaranteed under Articles 14, 15 and 21 of the Constitution of India. The Protection of Women from Domestic Violence Act, 2005 is a gender specific law that recognizes the fact that women are disproportionately affected by domestic violence because of their socially ordained position of inequality vis-à-vis men. This law draws in rationale from Article 15(3) of Constitution of India that allows the State to take special measures for women to remedy historical disadvantages and equalize relationships within the home. In *Francis Coralie Mullin v. Union Territory of Delhi, Administrator*, the Supreme Court states, any act which damages or injures or interferes with the use of any limb or faculty of a person, either permanently or even temporarily, would be within the inhibition of Article 21 of the Constitution of India. This right is incorporated in the Protection of Women from Domestic Violence Act, 2005 through the definition of physical abuse, which constitutes

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domestic violence. In *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan*, the Supreme Court emphasized the fact that the right to life included in its ambit the right to live with human dignity. The right to dignity would include the right against being subjected to humiliating sexual acts. It would also include the right against being insulted. These two facets of the right to life find mention under the definition of sexual abuse and emotional abuse. These acts would fall within the confines of domestic violence as envisaged by the Protection of Women from Domestic Violence Act, 2005. Despite the Constitutional guarantees of equality of sexes, rampant discrimination and exploitation of women continues. The Anti-female social taboos, harsh religious injunctions, serious educational handicaps and unwarranted economic discrimination have cumulatively manipulated “A sex apartheid”. The persistent patriarchal character of the Indian society expects the woman to be submissive and docile. The message given to her is that her very existence is meant for the man and her imperative duty is to pander to her every need. It is suggested that there should be sustained publicity campaigns in the mass media – both print and electronic to enlighten all people in the country about eternal truths about a woman that she is also an equal homosapien as a man. That she is also equally imperative entity of this society. That she is equally necessary for the continuation of human life on this planet. That she is performing the most tough task of catering and upbringing of a new soul, a new living organism.

Article 29(2) of the Constitution of India provides that no citizen shall be denied admission into any educational institution maintained by the State. Education is the most effective tool for empowerment

\footnote{AIR 1997 SC 152.}
and human development. Negative parental attitudes toward educating daughters are a barrier to the girl’s education since parents see their daughters’ education as a waste of money because she will eventually live with her husband’s family. As education helps a person grow cognitively, intellectually and emotionally and enables a person to take right decisions on the basis of logic and reasons. Women are empowered and their human rights are protected and promoted in India if our society concentrates on educating the girl children who are often discriminated against and whose rights are relegated to background in comparison to those of the male children. Even Article 21-A, as inserted by the Constitution (Eighty-Sixth Amendment) Act, 2002 and consequently, the Right of Children to Free and Compulsory Education Act, 2009 which has been enacted by the Parliament provide for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right. But researcher feels that there should be special provision for girl children in the Act itself for free and compulsory education as fundamental right up to 12th standard. It is further suggested that for illiterate women government should introduce adult educational programs because it would be a commendable step towards the improvement of woman’s position in the society and the educated woman will be less prone to domestic violence.

In India the women are by and large economically backward and women’s earnings are deemed supplementary to those of bread winners. The social and political justice pledged by the preamble of the Constitution of India to be secured to all citizens will remain a myth unless first economic justice is guaranteed to all. In C.
Masilmani Mudaliar v. Idol of Shri Swaminathaswami Thirukoil, the Supreme Court noted that as per the United Nations Report, 1980, women constitute half the world population, perform nearly two thirds of work hours receive one tenth of the world’s income and own less than one hundred per cent of world’s property. Half of the Indian populations too are women. Women have always been discriminated against and have suffered and are suffering discrimination in silence. They have been subjected to all inequalities, indignities, and discrimination. Economic empowerment is the crucial requirement to undo domestic violence against women, dowry harassment as well as all inequalities. It is suggested that women should be economically empowered and made self-dependent through vocational education and job reservation. For illiterate women the local Non-Governmental Organizations should introduce very simple unskilled jobs e.g. making jute bags, paper recycling, supply of food material to hotels and other nearby institutions etc.

The equality clause as cherished in Indian Constitution prohibits the State from discriminating against any one on grounds of religion, race, caste, sex or place of birth that means State would not make any discrimination between men and women, women and women. But India being a cosmopolitan country tolerates personal laws of its citizens. As a result each citizen of India is entitled to have his own personal laws inter alia in the matter of marriage, divorce, succession, guardianship and registration of marriages. Not only this men and women belonging to the same community also have different rights in many personal matters and the women are at disadvantageous position. If the personal laws of inheritance, succession, custody of children,

3 AIR 1992 SC 1697.
marriage, etc. are considered as a part of religion, the equality to women can never be achieved. Equal rights for women in matter of marriage, separation, custody of children, inheritance and property is today understood as the rational for a Uniform Civil Code. Implementation of Uniform Civil Code, as envisaged in Article 44 of the Constitution, has not come about as yet. It is principally because orthodox sections in the respective communities have looked at it as violative of their faith. Though several members of the Constituent Assembly expressed the fear that Uniform Civil Code might result in the abrogation of personal laws, there were also eminent supporters of the Code. For Shri K. Munshi, personal laws covered only secular areas like inheritance and succession and hence there was nothing sacrosanct about them. Dr. Ambedkar was of the view that already uniformity of law had been achieved in several areas, divestiy of laws existed only on matters like marriage and succession. While ratifying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1993) also, India made the following declarations and reservation: Declarations: (a) With regard to Articles 5(a) and 16(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions, in conformity with its policy of non-interference in the personal affairs of any community without their initiative and consent. (b) With regard to Article 16(2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle of marriages, it is not practical in a vast country like India with its variety of customs, religious and level of literacy. Reservation: With regard to Article 29 of the Convention on the Elimination of All Forms of Discrimination Against
Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this Article. It is suggested that India should accept CEDAW in total and exceptions and reservation in Article 5(a) and 16(1) should also be removed to ensure the full equality of status between men and women spelt out in the preamble of the Constitution of India. Personal laws discriminated between men and women, violated the fundamental rights and negated the equality. It is suggested that constitutional directive of Article 44 of the Constitution of India should be expeditiously implemented by adoption of a Uniform Civil Code. It is further suggested that the Government of India should enact legislation for making registration of marriages compulsory for all communities in all the States irrespective of religion because registration of marriages will help to prevent the child marriages and to ensure minimum age of marriage, to prevent the marriages without the consent of the parties, to prevent illegal bigamy/polygamy, to enable married women to claim their right to live in the matrimonial home, maintenance, etc., to enable the widows to claim their inheritance rights and other benefits and privileges which they are entitled to after the death of the husband and to deter men from deserting women after marriage.

Women as a class neither belong to a minority group nor they are regarded as a backward class. India has traditionally been a patriarchal society and therefore women have always suffered from social handicaps and disability. The Constitution of India does not contain any provision specifically made to favour women as such. Though Articles 15(3), 21 and 14 are in favour of women but they are more general in nature and provide for making any special provisions for women, while they are not in themselves such provisions. Thus in
light of these conditions, the Committee on the Status of Women in India (CSWI) recommended the establishment of the National Commission for Women under the National Commission for Women Act, 1990 to combat the violence against women e.g. rape, dowry deaths, female infanticide, sexual harassment at workplace, female illiteracy, domestic violence etc. Problem faced by the National Commission for Women is that number of the members of the National Commission for Women is too small to represent and take care of vast and varied problems of women in India. So it is suggested that in view of its functions and consultative role under the National Commission for Women Act, 1990, the strength of the National Commission for Women should be fairly increased to combat the violence and discrimination against women. The funds are only allocated to the National Commission for Women at the Central level and not the State level, the funds should be allocated to the Commission in the Union as well as the State budgets in order to facilitate smooth functioning. It is further suggested that State Commission for Women should be constituted in more States to play the role of a watchdog to ensure the registration of offences, their investigations, prosecutions, protection against violation and deprivation of the rights of the women and to ensure implementation of the special laws. State Commission should network effectively with the National Commission for Women.

The Government of India has enacted both women specific and women related legislations to safeguard the rights and interests of women and to prevent social evils like dowry, female foeticide and practice of sati etc. Dowry is a crucial problem of marriage in India, especially in certain communities. At the time of marriage, the bride’s family is expected to give gifts, in cash or in kind, to the groom. Often
the bride’s side commits to deferred presentations. In such situations, the bride is often subjected to domestic violence if the gifts are not made or promised. To combat this evil the Dowry Prohibition Act, 1961 was passed and subsequently amended in the years 1983 and 1986. Sections 304B and 498A were also added in the Indian Penal Code to prevent the problem of cruelty and dowry. Accordingly, Indian Evidence Act, 1872 was also amended to help the women. In spite of amendments in criminal law, nothing has changed. Women continue to get burnt in their homes. Bride’s parents spend huge amounts of money on lavish weddings to impress the in-laws and try to meet all demands for gifts and valuable with the hope that the girl would never return to her native home. Young women discovering that there is no place for them in their parents’ homes resort to committing suicides in a desperate bid to escape humiliation and violence. One of the main problems is that though vast sections of the population continued to give or take dowry, the complaints under the law are filed only when there is a dispute between the spouses. Unfortunately, even though cases about dowry are being reported every day by the media, the State or the progressive women’s organizations who have been instrumental in changing the law did not carry out any awareness raising campaigns on the issue. Apart from this some States demonstrated their indifference to the issue by not appointing Dowry Prohibition Officers. It is suggested that the State or the progressive women’s organization should arrange awareness raising campaigns on the issue regularly and dedicated persons with missionary spirit should be appointed as Dowry Prohibition Officer by all States so that they may contribute effectively to control the menace of dowry. The parents of the girl should also be blamed for taking heavy debts or for selling their property to meet the demands of the bridegrooms parents.

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There should be awareness among the girls and they should also realize that a divorce is better than marriage which is based on money because often it is seen that the girls suffer in silence for dowry violence against them.

Sometimes a dowry offence is committed but neither the aggrieved party nor the parents or relatives come forward to file a complaint due to lack of means, ignorance or out of fear. In such a case, the offender may go unpunished. It is submitted that making of complaint in dowry offence should not be limited only to person specified under Section 7 of the Dowry Prohibition Act, 1961. Keeping in view the backwardness, ignorance and reluctance of women to be complainants, the scope of the Section 7 should be enlarged to include friends, public spirited neighbours and even unrecognized welfare institution in appropriate.

Certain forms of domestic violence have been made offences in India. Cruelty by a husband or his relatives to a woman is an offence under Section 498A of the Indian Penal Code. There is a general complaint that Section 498A of the Indian Penal Code regarding cruelty by the husband or his relatives is subjected to gross misuse and many times operates against the interest of the wife herself. This offence is non-bailable and non-compoundable. Hence it is believed that husband and other members of the family are arrested and can be behind the bars which may result in husband losing his job. In 2003, the Justice Malimath Committee, submitted a report to the Ministry of Home Affairs on reforms in the Criminal Justice System, recommended that the Section be made bailable and compoundable to give a chance to the spouses to come together. Now the Ministry of Home Affairs in November 2, 2009 has written to all State
Governments, advising them the arrest for an alleged offence under Section 498A should be the last resort not the first step. But the researcher does not agree with the latest guidelines of Ministry of Home Affairs and with the Malimath Committee Report because if we accept these guidelines, it seems that most of women misuse the provision of Section 498A which is not correct. Considering the Protection of Women from Domestic Violence Act, 2005 which provides civil rights to parties mainly women. Conciliation and counseling of the parties are the integral part of this Act, 2005. So it should be in the fitness of things and relationships that Section 498A of the Indian Penal Code should remain as it is and still there is fear of some false complaints then first remedy should be taken under the Act, 2005.

In almost all communities of India sons are valued more highly than daughters. The baby growing inside her mother may already be in danger because her parents might choose to end the pregnancy when they find that the baby is a girl. To check this menace the Government of India in 1994 passed the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act. The implementation of this Act was slow. It was later amended and replaced in 2002 by the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act. This Act seeks to ban pre-conception sex selection techniques and use of pre-natal diagnostic techniques for sex selective abortions. Son preference is deep-rooted in Indian society for both cultural and economic reasons. Female foeticide is rising because of the availability of technologies such as ultrasonography and amniocentesis to determine the gender of foetus at the request of parents. If the foetus is found to be a girl, it is aborted. Giving wide
publicity to the illegality of sex determination and its adverse outcome is one of the suggestions for improving the sex ratio and to curb the practice of female foeticide. It is suggested that there is need to prosecute the doctors who are carrying out illegal sex determination tests and abortions by improperly implementing the Pre-Conception and Pre-Natal Diagnostic Techniques Act. There should be strict implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques. If this Act is implemented properly then it can discourage most of the illegal activities. Most important suggestion is that there is a need to bring about a change in the mindset of people and to spread anti-female foeticide message that if there were no women, there would be no men by adopting various methods for example by print media, electronic devices, organizing seminars, media, street play etc.

The Medical Termination of Pregnancy Act, 1971 was passed to provide for the termination of pregnancy by registered medical practitioners where its continuance would involve a risk to the life of the pregnant woman or grave injury to her physical or mental health or where there is a substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped. Sometime pregnant woman cannot get safe abortion facilities. It is suggested that the law should provide for ensuring access to safe abortion facilities. Certain regulations and requirements regarding safety, hygiene etc. should be put in place to be complied by the units providing medical termination of pregnancy and their contravention should be made punishable in the Act itself.

Sati custom is prevalent in India since a long time. The forcible burning of young girl Roop Kanwar on the funeral of her husband in Deorala village in Rajasthan has shocked the whole country. Such
cases are rare now. The efforts put by Raja Ram Mohan Roy nearly two centuries ago has brought the desired result. But protagonists of sati are still there. A school of thought is there in India which believes that old traditions like sati should be revived. They want to glorify this tradition by naming temples in the name of sati. Indian Parliament is always aware of all this. That’s why under the Commission of Sati (Prevention) Act, 1987, the commission of sati and glorification of sati are banned and declared illegal and punishable. So it is suggested that the provisions of the Act should be enforced strictly.

Women may experience a distressing sweep of sexual violence from dominating sexual behaviour from their partners, to sexual assault, putting pressure on the frequency of sex, sexual activity exclusively on their terms, continually being badgered, bullied or punished into having sex and the ultimate-being raped. Marital rape is a common form of domestic violence. Under Section 375 of the Indian Penal Code, sexual intercourse by a man with his own wife, the wife being over fifteen years of age, is not rape, even though it be forcible, against her will or without her consent. For the past three decades there has been massive legislative and judicial activity around the world with regard to the law relating to marital rape. Unfortunately, India has been a stranger to the event. Starting with the United States, where marital exemption was abolished through a series of judicial and legislative measures, Australia, Canada, New Zealand, Ireland and Scotland have abolished the marital rape exemptions from their penal statutes. India can also learn from the fact that its neighbour Nepal, a relatively small country also abolished marital rape exemption from its penal statute. So it is suggested that India should also abolished marital rape exemption from its penal statute and made the husband
who forces her wife to have sex liable for rape and same provision for punishment of husband for committing marital rape should be incorporated in the Indian Penal Code as incorporated in Section 376 of the Indian Penal Code for rape means husband should be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine irrespective the age of wife.

The root of violence against women is deeply embedded within the patriarchal social structure itself. The structure compels the women to subordination, subservience, and dependence on men, trap her within the wife-mother-daughter-sister role without offering her access socially acceptable alternatives as an independent individual and treats her primarily as an instrument of sexual enjoyment for men commanding her remain beautiful, famine, graceful, glamorous and young, which also accepts her as a receptacle for bearing and delivering children, commanding her to be both fertile and strong, so that she is sturdy and stern enough to bear the violence with patience. Domestic violence is widely prevalent, but has remained largely invisible, in the public domain. Violence against women transcends boundaries, religious, cultures and income groups. To control the menace of domestic violence, the Protection of Women from Domestic Violence Act, 2005 comes into effect from October 26, 2006 aiming to provide protection to wife or female live-in-partner from husband or male live-in-partner and also his relatives. The main causes of domestic violence are poor economic condition, illiteracy, unemployment, alcoholism and unawareness. Due to lack of economic independence, women put up with violence. The majority of women
experiencing abuse do not have access to any form of medical care whether it is psychological or physical injuries. Women in abusive relationships are staying silent and tolerating violence due to lack of viable options. Fear of leaving behind and the socio-economic constraints further restrain them from even thinking of any redress. Lack of awareness regarding their rights makes these women more vulnerable to continued increased abuse by their husbands. It is suggested that Government should provide a psychiatrist’s or psychologist’s counselling therapy for rebuilding the battered women’s life. Each area should be provided a medical center. Regular health check up for the women and the required health care needed by women will surely improve their day to day life. A counselling reconciliation cell should be made available and accessible to act as Civil Court to help in solving the issues leading to domestic violence. Both the man and woman should be given counselling. The counsellors should advise and convince them to understand each other’s feelings. Such personal involvement will surely make the couple respect each other more, even if they are uneducated as is in the slum area. A special wing comprising of male health worker and male doctors are to be made available. These workers should mainly focus on the change of male’s attitude toward their women folk. They should counsel the males adhering to alcohol for its adverse health effects. Counselling should be given for a better approach towards their life which might result in better earning and saving capacity. The Government should organize frequent legal awareness camps for women empowerment and spreading social awareness about women’s status and human rights in rural/urban areas.
Discrimination exists against the girl child in her access to nutrition and physical and mental health services, endangering her current and future health. Parents believe that good nutrition is more important for sons than daughters because sons must be healthy in order to supplement the family's income. Girls are also raised to believe that family's survival depends on what their brothers earn, they are also likely to believe that boys' needs for food and health care should come before those of girls. Thus the girls themselves develop a low self-esteem and consider themselves second rate. In India the withholding of food is a documented form of abuse and is likely corrected with the perpetration of physical violence. The link between domestic violence and nutritional deficiencies may also reflect the effect of psychological stress. Women and children who experience domestic violence tend to have higher levels of psychological stress which has been associated with anemia and being underweight. So it is suggested that Government of India should launch several nutrition programmes to make India anemia free. A concerted campaign stressing upon health and balanced diet should be launched particularly for family who are below poverty line with special care of children and women.

An important features of the Protection of Women from Domestic Violence Act, 2005 is the woman's right to secure housing. The Act provides for woman's right to reside in the matrimonial and shared household, whether or not she has any title in the household. This right is secured by residence order, which is passed by a Court. There are many cases where residence orders have been denied on the ground that shared household is not in the name of the husband but in the name of in-law. The Supreme Court in *R. Batra and Another v.*
Taruna Batra,\textsuperscript{4} criticized the legislation for clumsy drafting of Section 2(s) of the Protection of Women from Domestic Violence Act, 2005. The Supreme Court observed that the manner in which Section 2(s) was drafted not to give a clear-cut meaning to the shared household. Defiantly if this Section is accepted then it will mean that wherever husband and wife lived together in the past that property becomes a shared household. On the force of this stand, a wife could claim a share in every house where she had stayed with her husband, whether it was owned by his parents, grandparents, uncles, aunts, brothers, sisters, nephews, and nieces. Law is not clear in this point so it is suggested that there should be clarification in law. Section 2(s) of the Protection of Women from Domestic Violence Act, 2005 which defines shared household should be very clear it should include only husband, mother-in-law and father-in-law as respondents for the purpose of claiming shared household.

It is observed that little awareness and slow action on the part of the State governments are major reasons for the poor results of the prevention of domestic violence. Successful implementation of the Protection of Women from Domestic Violence Act, 2005 can help women from domestic violence. But so far, implementation in many States has been found wanting. Protection Officers are key to proper implementation of the law. Protection officers have been appointed in almost all States. Unfortunately, the appointments have been at the district level and in most cases, existing government officials have been designated as Protection Officers, it means they are vested with this additional responsibility. In some States, anganwadi workers have been made protection officers. Since they may not be in a position to

\textsuperscript{4} (2007) 3 SCC 169.
pursue a case with Magistrate and it makes the law ineffective. Lack of training of protection officers, infrastructure and support has led to overburdening. Majority of protection officers do not have a social work or law background. So it is suggested that fresh appointments of both male and female as protection officers with law background should be made and they should be well trained so as to effectively disseminate their main functions. They should be provided with separate offices, administrative/logistical support such as staff to serve notice, photocopying machines, mobile phones for co-ordination purpose and emergency use, daily travel allowance, etc.

The law allows for the registration of service providers. This provides recognition and legal protection to Non-Governmental Organizations and other registered bodies that work on women’s rights or provide support to women facing violence. Under the Protection of Women from Domestic Violence Act, 2005 service providers (mostly NGOs) are to act as facilitators between the women and protection officer because the protection officer of an area cannot reach all the women. In the absence of service providers, victims of domestic violence are not able to reach the officers and main challenge in implementing the Protection of Women from Domestic Violence Act, 2005 is lack of resources for training of service providers, so more resources should be provided for training them. Every State Government should register voluntary associations as service providers for the purpose of the protection of women from domestic violence.

If an aggrieved person or on her behalf a protection officer or a service provider requests the person in-charge of a medical facility or shelter home to provide any medical aid or shelter, home to the
aggrieved person. Such person in-charge is under a duty to provide such medical assistance or shelter home. Though the Protection of Women from Domestic Violence Act, 2005, provides for medical facility or shelter home, in reality there is a dearth of State sponsored facilities meeting the medical and shelter need of aggrieved women. It is suggested that a widespread network of social defence services should be established in a large number of States. Under this family counseling centre, protective and corrective homes and shelter homes should be set-up in various States, and in every district which should be accessible to women in distress at any time of the day or night. In these institutions there should be a panel of experts consisting of a medical, a psychiatric and a social worker who not only assess the mental and physical well-being of a battered woman but also go on investigating her story and background. These institutions should provide all kinds of assistance legal, financial or psychological. Effective rehabilitative programmes should be chalked out both for correcting institution and shelter homes. It is further suggested that a crisis support cell must be established in all major government and private hospitals with a trained medical social worker to provide appropriate services and referral.

Under Section 14 of the Protection of Women from Domestic Violence Act, 2005 the Magistrate may order the aggrieved person to undergo counselling jointly with the respondent and any member of a service provider. This goes against all accepted principles of counselling. The victim and the abuser are in an unequal situation and no joint counselling is possible in that situation. It can only lead to further disempowerment of the unequal party. It is suggested that as counselling is one of the methods of correcting abusive behaviour, it
would be only appropriate when the abuser and not the victim should be counselled. The victim should have the possibility of seeking voluntary counselling.

Section 16 of the Protection of Women from Domestic Violence Act, 2005 allows the Magistrate to hold proceedings in camera if either party to the proceedings so desires. But in camera proceedings sometimes the aggrieved party is intimidated in favour of the respondent. This is especially so when the aggrieved party is the only woman in Court facing a completely male phalanx of hostile, sneering Magistrate, lawyers, officials, police, male respondents etc. It is suggested that this Section should be changed. The Magistrate should hold proceedings in camera not when either party so desires but only if the aggrieved party so desires. It is further, suggested that aggrieved party should be allowed to be accompanied by any relative/woman social worker etc. of her choice for her emotional support.

Section 31(1) of the Protection of Women from Domestic Violence Act, 2005 provides that a breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees or with both. But the law is silent on an aspect of breach of other orders such as Residence Order (Section 19), Monetary Relief (Section 20), Custody Order (Section 21), and Compensation Order (Section 22). Under these circumstances, the perpetrator of domestic violence can easily ignore these orders and render the Act ineffective. It is suggested that the Act should also provide the provision for punishment for non-compliance of Residence Order, Monetary Relief, Custody Order and Compensation Order.
At last, it is concluded that it is alleged by men’s rights groups that there are a number of complaints from husbands who are frustrated with their wives’ atrocities. Men’s rights groups complaint that some women take undue advantage of such strict laws. It will not be out of place of mention that we have several legislations to protect women from atrocities. The Protection of Women from Domestic Violence Act, 2005 is an addition to the already existing legislations. The legislation has tried to make the Act very comprehensive in its interpretation of domestic violence. It would be unfair to label this Act as pro-women or loaded against men – it is pro-justice and equality. The matter of domestic violence is in the safe hands. Under this Act the protection officer, police and the Court are given power to receive complaints of domestic violence and in disposal of complaints they can check the misuse of this Act and matters may be compromised before starting the proceedings in the Court. In applying the law, judges are not absolved of their responsibility in the proceedings to uphold the principles of natural justice by giving both sides an opportunity to be heard, and to base their decision on an objective assessment of the facts and surrounding circumstances of the case. Clearly, those opposed to the Act overlook the larger context and its true value as a buffer to protect victims of domestic violence, by unjustifiably and inaccurately labeling it as an instrument for potential misuse. What the Act seeks to ensure is that it assures women who have been subjected to the worst forms of violence in their home – whether they are wives, daughters, daughters in law, aunts or grandmothers- legal remedies to end the violence. These attacks on the Protection of Women from Domestic Violence Act, 2009 have no basis in research or in law. However if there is an exceptional case of misuse of this law by any one including woman the action may be
taken under the appropriate law (miscellaneous prosecution, defamation etc.).