

Volume: 2nd / Issue: 7th / 178 Pages

July – September'2015

CONTENT – Page - 1

S. No	Topic	Author	Page No.
1.	A COMPARATIVE STUDY TO ANALYSE THE REQUIREMENT OF AN EFFECTIVE AND VALUE-BASED HIGHER EDUCATION SYSTEM WITH REFERENCE TO INDIA	Dr. Ravindra Appasaheb Marathe	01-15
2.	LEADERSHIP FOR SUCCESSFUL PERFORMANCE	Dr. J. Venugopal	16-22
3.	ASSESSMENT OF WOMEN ENTREPRENEURSHIP IN INDIA	Dr. Anupama Sharma	23-42
4.	A STUDY ON JOB SATISFACTION OF BANK EMPLOYEES WITH REFERENCE TO INDIAN BANK IN SALEM AND ERODE DISTRICTS	Dr. S. Thangaraju	43-52
5.	FUTURES MARKETS AND PRICE RISK MANAGEMENT: EVIDENCE FROM INDIAN RAW JUTE MARKET	Dr. Ansuman Sahoo and Mrs. Gouri Prava Samal	53-68
6.	AN EMPIRICAL STUDY ON PEOPLE'S PARTICIPATION IN GRAM SABHA WITH SPECIAL REFERENCES TO MARIYAMMANAHALLI, IN BELLARY DISTRICT OF KARNATAKA	Dr. K. Babu Rajendra Prasad	69-79
7.	SOCIAL NETWORKING AS A NEW TREND IN E-MARKETING AMONG UNIVERSITY AND COLLEGE STUDENTS - A STUDY OF SHIMLA TOWN	Mr. U. Inderjit Singh	80-89
8.	DOMESTIC VIOLENCE: THE ADMINISTRATIVE & LEGAL SYSTEM AND INSTITUTIONAL RESPONSE	Professor B. R. Dugar	90-106
9.	THE ROLE OF CASTE ASSOCIATIONS IN POLITICAL MOBILIZATION- A STUDY	Dr. Satyanarayana Vadlakonda	107-119
10.	SOCIOECONOMIC AND ENVIRONMENTAL IMPACT OF INDISCRIMINATE SAND MINING IN TAMIL NADU WITH SPECIAL REFERENCE TO VAIGAI RIVER BASIN	Mr. T. Dharmaraj and Dr. G. Jeyachadran	120-128



*Pioneer in Research
Publishing*

Volume: 2nd & Issue: 7th (July – September '2015) PP: 90-106 Date: 25-09-2015

DOMESTIC VIOLENCE: THE ADMINISTRATIVE & LEGAL SYSTEM AND INSTITUTIONAL RESPONSE

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Author's Introduction:

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INSTITUTIONAL RESPONSE / Author: Professor B. R. Dugar / Pages: 90-106 / Date of Publication: 25/09/2015

Abstract:

An overview of how the Government of India viewed women in the context of development gives us a clear picture of changes in vision, strategies and programmes. The shift from considering women as recipients of welfare to ensuring the participation of women in their own empowerment has been initiated with appropriate policy changes over the years. Several factors have contributed to this, including international commitments, pressure from women's groups and movements and also the factor of 'efficiency' that has contributed to hastening the development process. The Beijing Platform for Action and the review which has been taking place every 5 years (Beijing + 5 and +10) is one such case of international process. The women's movement in India has been instrumental in bringing about several legislative and policy changes. The passage of the Domestic Violence Act in particular was a key milestone for women's struggle to end violence against women in India. In present paper the above said Domestic Violence Act and its implications have been discussed in detail.

Keywords: Job satisfaction; Training and development; Operational efficiency

Introduction:

The last two decades witnessed a great deal of attention from social scientists and policy makers to the problem of domestic violence and the ill-treatment faced by women in the matrimonial home. New interventions were developed in an attempt to improve women's safety and help women escape violence in the private spaces which are hidden from public view. These included criminalizing domestic violence, using restraining orders as a civil form of legal relief for the women victims, establishing temporary shelters and other types of supportive services for the women in distress. Apart from seeking help of the

maternal family, neighbours, relatives and friends, victims also seek the help of police and the courts to get relief from their suffering. On coming to know of the assistance provided by NGOs who are working in the area some women have been found approaching them to cope with abuse. Although studies of the victimization experiences of women victims facing domestic violence and their responses to domestic violence have been conducted, knowledge on help-seeking behavior and the nature of redress received by victims is not very widespread. Moreover, the redress system in place has been overhauled or established a new consequent to the enactment of the Protection of Women from Domestic Violence Act (PWDVA) in 2005.

Prior to the 1960s there were virtually no institutionalized form of social services for victims of domestic violence. Law enforcement and the judicial system too earlier viewed domestic violence as a personal family matter and had no place for adjudication as per the provisions in law. Victims of domestic violence had very little legal option other than divorce or judicial separation, which however carried an enormous degree of social stigma and the burden of being an unruly wife or daughter-in-law. Before the advent of Section 478A under the Indian Penal

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Code, domestic violence was not viewed as a crime, and the battering husband or other members among the in-laws who provoked incidents of violence would be treated with leniency, given admonishment and a "second chance" to bring peace to his family.

With the recognition of domestic violence as no more a private affair and the adoption of the recommendations of Convention on the Elimination of Discrimination Against Women (CEDAW) – post Beijing Convention – things started to change with the enactment of the PWDV Act in 2005. Eventually all of this changed when the issue of violence against women (VAW) and domestic violence in particular was taken up vociferously and strongly by women's advocacy groups in asking the government to take a clear stand and a strong position to deal with the injustices meted out to women and the initiation of a variety of services for battered women. The decades that followed, saw an increase in public awareness and some major developments in the law and criminal justice system that took the shape of legal instruments and formal policies to deal with domestic violence.

1. Range of Responses to Victims of Domestic Violence:

Responses or interventions that serve victims of domestic violence vary on a continuum of prevention, identification, protection, treatment, enforcement, punishment, and deterrence. Interventions include protection services for the women faced with violence, shelter to those who were thrown out of the house, special police (women police stations) and prosecution units for victims of domestic violence, legal aid services for the poor and disadvantaged women victims, family support centers, child advocacy centers, and specialised health facilities in all hospitals. Various research studies have pointed to this fact that there is a lack of proper coordination among law enforcement agencies. These agencies were often found to be fragmented, documentation un-scientific and limited or non-existent, and there was a lack of rigor in evaluating the efficacy or success of the interventions. These problems needed to be addressed.

Administrative & Institutional Mechanisms to Deal with Domestic Violence:

The Government of India ratified the CEDAW as a signatory to cause of emancipation of women in the country.

With the its subsequent adoption the stage was set for the formulation of appropriate policies and legislations for changing the condition of women in our country.

As per the recommendations of the Planning Commission of India the government desired to set-up and/or strengthen the Women's Cells in selected Police Stations, Family Courts, Mahila Courts, Counselling Centres, Legal aid Centres and Nyaya Panchayats, were planned as part of the intensive efforts to curb violence against women. To mainstream issues related to VAW, there was also a proposal in 1992 for the widespread dissemination of information on women's rights, human rights and other legal entitlements for women, through the specially designed Legal Literacy Manuals. Women's issues and concerns were also proposed for introduction in the curriculum of schools, colleges, and other educational institutions wherever there was a scope.

An important milestone was achieved when the proposal was mooted to establish and strengthen the National/State level Commissions for Women and the appointment of a Commissioner for Women's Rights who would act *suo moto* on behalf of women to raise issues concerning the atrocities done on women

and girls; mobilisation of voluntary action for gathering public support for the victims of violence including counselling, relief and rehabilitation; and creating an environment where women and girls could muster enough courage to report to the police about the acts of violence against them, without any fear of reprisal.

Law as the Harbinger of Social Change:

Social legislations are powerful instruments of social change and enforcement of the legal provisions in these legislations is critical to their impact and potential to bring about social change. Since the problem of domestic violence and cruelty done on women is on a wide scale and multi-dimensional – physical, social, emotional & psychological, economic – there is a need to involve multiple actors and stakeholders to tackle this problem.

Recognition of cruelty done on women became an official reality when an amendment was made in the Indian Penal Code 498-A in 1983 that declared as crime various forms of cruelty done on women within the family. Passed by the Indian Parliament in 1983, the Indian Penal Code 498A, is a criminal law which states that, "Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be

punished with imprisonment for a term which may extend to three years and shall also be liable to fine. The offence is cognizable, non-compoundable and non-bailable." The PWDV Act is a relatively new piece of legislation that falls under civil law and provides for the involvement of multiple agencies to assist women and the courts to deliver relief, including interim benefits, to victims and the speedy disposal of cases. Multiple actors and stakeholders like NGOs as service providers and Protection Officers are mandated by the PWDV Act to provide assistance to the women victims in the filling of the Domestic Incidence Report (DIR) in a police station that gives details of the case and the nature of exploitation done. A sensitive police, lawyers, social reformers, social activists and NGOs who work for gender equality and women's empowerment, the general public at large and the victims themselves have very important roles to play in the proper implementation of the Act. A detailed description of the institutional mechanisms and a critical analysis of the nature of functioning of formal institutions of justice is presented here.

Legal Redress Mechanisms Available to Victims of VAW & DV:

The institutional arrangements that come to play as a response to the help sought by victims of domestic violence and also in the prevention and control over incidence of domestic violence and the protection of rights of victims are application of legal and statutory bodies that have the mandate to do so. At the national level are the laws related to cruelty to women – the IPC 498A, the PWDV Act of 2005, the PWDV Rules 2006, the Supreme Court of India and the National Commission for Women. At the state level are the police, the Mahila Thana, the courts, the family court, Family Counselling Centre (FCC), Shelter Homes by various names, the registered NGOs who act as Service Providers under the PWDV Act, and such other agencies that have been specially established by the State Governments to deal with cases of VAW, domestic violence, gender discrimination, etc. The establishment of such institutions cannot itself provide relief and justice to the victims of violence; what is critical is the proper implementation of the various provisions in the law and rules and the synergistic and combined efforts that need to be made by various agencies involved.

It is, therefore, important to analyse the functioning of these legal institutions set up for the purpose of providing assistance to victims in response to the help sought (Dave and Solanki¹ 2001, Vimochana² 2000, Mitra 2000). All these studies investigate how institutions interpret women's experiences of violence and their ability to respond to them. Some of the well-known and widely commented upon findings of these studies are: tardy investigations, low rate of convictions, corruption, lack of infrastructure, insensitive personnel and patriarchal attitudes – that obstruct individual women's attempts to counter "violence". The mandate is to show ways of improving institutional responses. (Suneetha and Nagraj³ 2006).

2 . Redressal Systems/Structures:

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was brought into force by the Indian government from October 26, 2006. The Act was passed by the Parliament in August 2005 and assented to by the President on 13 September, 2005. To set the motion right and fast the Central Government followed it up with the enactment of the PWDV Rules in 2006. A combination of provisions in the PWDV Act of 2005 and PWDV Rules of 2006

presented as a holistic system of administrative **structures** and **processes** for dealing with and addressing reported cases of domestic violence was put in place. However, prior to the passing of the PWDV Act there were many of the same systems which too were involved in dealing with cases of domestic violence and cruelty to women in our homes. A consolidated presentation of all systems and structures to deal with cruelty done on women and the institutions from which victims seek help is given below, which are in the order as follows: (1) The Police, (2) Mahila Thana or Women Police Station, (3) Mahila and Shishu Desk, (4) Shelter Homes – Swadhar & Short Stay Homes, (5) Service Providers, (6) Family Courts, (7) Protection Officer, (8) Medical Facilities, (9) Family Counselling Centre, (10) National and State Commission for Women, (11) Media. A brief description of the role played by each of these formal and informal institutions are as follows:

The Police:

Atrocities on women related cruelty by the husband or/and in-laws or relatives is a criminal offence as per Section 498A of the Indian Penal Code. Under this provision, 'cruelty' to the wife was made a cognisable, non-bailable offense punishable with imprisonment up

to three years and a fine. However, any criminal law, by its very nature, requires the State and its agencies to implement it in right earnest that necessitates the police to act effectively. Prompt action has to be taken in filing FIR, making arrests of the perpetrator, investigate into the history of the crime and to prosecute if found guilty. It has been found that because of the inaction of the police the vary law was often defeated. It has been instead found that the police were involved in 'counselling, conciliation and mediation'. This has also contributed to the perpetrator escaping punishment. An empathetic and robust Police as an agency for delivering justice needs to be established.

Those victims who muster the courage to seek the help of the police have revealed – in many studies – that the police do not provide adequate information to the perpetrator regarding her options under various Acts. They continue to discourage her, or the persons who accompany her, to file an FIR under Section 498A of the IPC, and do not provide her with alternatives. This apart, the police are reluctant to help Protection Officers and Service Providers with enforcement and breach of orders of the courts/magistrate. Moreover, the Police also lacks adequate knowledge about the various provisions of the PWDV Act.

They lack a clear understanding of the difference between the right to property and the right to residence under the PWDVA and erroneously conclude that the division of property and divorce are reliefs that can be claimed under the PWDV Act. This lack of proper understanding, may negatively impact on the nature of responses towards women facing Domestic Violence.

To deal with the increasing incidence of crimes against women, the Government of some states took a decision in 2005 to establish Special Cells titled Mahila and Sishu Desk within the police station throughout the state to specially deal with complaints made by women including cases of exploitation & trafficking of children. The police Special Cells were expected to "mediate" and attempt "settlements" before any criminal action was initiated with the objective to provide professional support services to women and children facing violence in the form of referrals to other specialised social service agencies, legal aid, and police assistance.

Mahila Thana / Women Police Station:

Access to police for seeking help has been a major concern for the general public and the victims of abuse and domestic violence. The general Police

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Stations which are mostly dominated by men are normally viewed as frightening places even for men, what to speak of our women folk. The male cops have been found to be intimidating and less approachable to women. Thus, there is less likely chance of a women victim of domestic violence or otherwise to go directly into a police station and register a case or complaint of violence or abuse in a marital relationship. *Mahila Thana* or the Women Police Stations are established by the states to make the enforcement and justice delivery systems more accessible to the women. Despite growing cases of crime against women, State governments have failed to open women's police stations. As per the latest government data, 10 States and Union Territories have no women police stations, including Delhi. According to the Bureau of Police Research & Development (BPR&D) data⁴, there were just 518 women police stations across India as on January 1, 2014.

To make a case in point, efforts by then Delhi Police Commissioner in 2004 to convert the Maurice Nagar police station near Delhi University into an all-woman police station were jettisoned by his own colleagues⁵. "The idea behind it was to provide better security to women and girls on the North Campus of University of Delhi. But internal

differences among top cops led to shelving of the ambitious project...It could have paved way for more such women-centric initiatives", was the view of a senior Delhi Police Officer.

What is even more critical is the fact that all the police stations in the states and UT do not have even a single police woman nor separate women cell within the police station. The ratio of men-women cops in the police force is dismal. The percentage of women cops to male cops in the entire country as on 1.1.2014 is a meagre 6.11% totalling 1,05,325. In Delhi, out of 75,704 cops (civil plus armed), women police personnel comprise just 5,413 (7.15%)⁶; no wonder the national capital Delhi has also earned the dubious distinction of being the crime capital too, in terms of crimes against women. Women rights activists feel that instead of opening women police stations, State Governments should focus on setting up women's cell or desk at each police station so that more and more women can go there freely and report crime being committed against them.

Cases registered in these *Mahila Thanas* are often related to domestic violence, dowry harassment, dowry related deaths, rape, sexual harassment in the workplace or in the streets, eve-teasing,

and other forms of psychological violence or cruelty faced. However, it is often reported that if there are no visible injuries on the body counselling is provided to the woman, the husband or in-laws reprimanded verbally, and an attempt is made to reach an amicable solution. However, if the matter is more serious and is a case of physical abuse with visible signs of injury the woman is asked to lodge an FIR against the parties to the crime. Consequently, an inquiry is made, all evidences are collected and the case is then reported to the courts. Ever since the *Mahila Thanas* have been established in the state majority of the cases registered in them are with regard to atrocities and violence against women especially domestic violence. Most of these women have been found to hail from disadvantaged communities.

Women's Groups and certain sections of the civil society, however, feel that there are many things lacking in these *Mahila Thanas*. First and foremost is the lack of adequate staff, infrastructural support, and cooperation from the top in the police system. In many of the *Mahila Thanans* male SHOs are in place. This being so it is doubtful whether the *Mahila Thanas* can appear to be a friendly place and attract more number of cases of

domestic violence and other forms of crimes against women and girls.

There is a lack of adequate training and sensitization of the officials in the *Mahila Thanas* building an empathetic attitude among the police officials and other staff. Cases of domestic violence are still being considered non-serious cases if they are not related to dowry harassment or dowry death. Cases registered under Section 498A are often diluted since it is still believed that matters of the family should be best adjudicated within the family itself. Often the woman has been found to make a compromise when possible ways and means are evolved to resolve the dispute in spite of the severity of the offences and the impact such cases of torture and exploitation are taking place in the case of domestic violence against women. Moreover, the small number of *Mahila Thanas* makes their reach very limited and a large majority of the women victims of domestic violence may be deprived of relief through these new institutions of justice.

Mahila and Shishu Desk (M&SD):

To deal with violence against women and children some state governments decided to establish a Mahila & Shishu Desks. This separate wing within the Police Stations is supposed to

have a woman officer of the rank of Sub-Inspector (S.I.) or Assistant Sub-Inspector (A.S.I.) as Desk Officer to facilitate an integrated approach towards crime against women and children. The primary role of the desk is to receive all complaints related to women victims and children and listen to their grievances with empathy and ensure legal action. The major functions of the M&SD apart from others and in specific relation to domestic violence are to:

- Receive complaints from victims and register FIR immediately if the complaint is cognizable in nature.
- The traumatized woman victim should be separated from others and interrogated in a separate room within the police station with due regard to her privacy and in accordance with the law.
- The women victims/accused persons shall be dealt with all decency and due regard to their honour and dignity.
- The traumatized woman or victim may require counselling and temporary shelter. The Desk Officer of the M&S Desk shall refer such cases to a Short Stay Home. To facilitate this, such Desk Officer shall maintain a list of Short Stay Homes, Swadhar Homes for

Women with the names and addresses of the functionaries as well as their telephone numbers to contact them at the time of need.

Shelter Homes – Swadhar & Short Stay Homes:

The scheme of “Swadhar Homes” was started by the Ministry of Women and Child Development in 2001-02 for providing shelter facilities to women in difficult circumstances. The Ministry of Women and Child Development is currently implementing two schemes in the central sector namely Swadhar Greh and Short Stay Homes, which are continuing from the 11th plan. However, the Ministry has proposed to merge the two schemes with common norms and guidelines.

Service Providers:

The PWDV Act, 2005 makes it mandatory for the government to establish or appoint Service Providers which are registered as a society under the Societies Registration Act of 1860 or under Sec.25 of the Companies Act, 1956. These Service Providers are required to perform the pre-litigation functions along with the Protection Officers to assist the victim in filing-up the Domestic Incidence Report (DIR), providing emotional support, enquire into the antecedents of the case of

violence done by her perpetrators, assist in filing of FIR if there is a need in case of cruelty done as per Section 498A of the Criminal Procedure Code, and assist the court in the process of providing justice to women victims of domestic violence. They provide the victim and her kin relevant information as regards her rights and privileges under the Act. They also provide assistance in the mobilisation of community resources for finding community-based solutions, processing the case for availing interim relief for victims, etc. The Service Providers perform like the eyes, ears and arms of the court. The NGOs who act as Service Providers are the critical link between the victims, the Protection Officer, the police machinery, and the courts that would finally hear the case of the victim and provide speedy justice.

The most important service that the NGOs were found to be providing to the victims was emotional support, reassuring her that she was not the one who was at fault for the violence inflicted on her, helped her to understand the pattern of abuse and the reasons behind it, helping her to link it to a larger oppressive structure in which we live and how violence against woman happens most of the time. The counsellors increase her confidence by suggesting her about the

type of coping mechanism that she could adopt, make specific suggestion for attending the meetings in which other victims participate and share their views and successful coping strategies they adopted when faced with similar hostile situations, skill building etc., The NGO functionaries mostly stress on the strengths of the women and provide training on how to cope and deal with violence.

Family Court:

The Family Courts were established in the country with a view to amicably settle family disputes. The Law commission in its 59th report in 1974 also expressed a strong urge that certain courts concerning family disputes be established and the rules of procedure to be followed by such courts be much simpler and radically different from the rigid rules of procedure and evidence.

The Family Courts Act was enacted with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected herewith. The Act was passed in response to the demands of women', organisations who desired the substitution of the traditional, formal, adversarial system of solving disputes by an informal and humane system with a different approach and a

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different atmosphere and the replacement of adjudication by fair and dignified reconciliation and settlement. Most important of all, the Act was supposed to remove the gender bias in statutory legislation.⁷

Protection Officers:

Protection Officers are statutory positions created under Section 8 of the Protection of Women from Domestic Violence Act of 2005. As per this Act the state is duty-bound to provide women safety and security in line with a policy of ensuring speedy relief and justice to women who face domestic violence. The State Government has to appoint as many Protection Officers in each district as it considers necessary, but at least one in each district. As far as possible the Protection Officers has to be a woman. The Protection Officer (PO) has to fulfil the following duties as provisioned in the Act:

- 1) The PO is required to assist the Magistrate who deals with the cases of domestic violence and help him in the discharge of his functions under the Act.
- 2) Whenever a victim of domestic violence or any other person representing the victim approaches the PO for filing a complaint or

seeking assistance & help, the PO has to first prepare the Domestic Incident Report (DIR) upon receipt of such complaint and submit it to the Magistrate under whose jurisdiction the case falls for further action.

- 3) The DIR should clearly mention of the specific desires of the women victim, claiming relief and/or the nature of protection she requires.
- 4) It is also required that a copy of the DIR has to be forwarded to the Police Officer in charge of the police station.
- 5) The PO has to ensure that the victim is provided legal aid under the Legal Services Authorities Act, 1987 if she so desires.
- 6) To fulfil the above duties and provide assistance as may be required by the victims, the PO necessarily has to maintain a list of all service providers providing legal aid, counselling, medical facilities and running shelter homes in the locality.
- 7) If the victim has sustained bodily injuries the PO has to get the woman medically examined and then forward a copy of the medical report to the police station and the Magistrate concerned.

- 8) The PO has to also ensure that the order for monetary relief (under Section 20) is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973, and perform such other duties as may be prescribed.
- 9) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by or under, the Act according to Section 9 of the Act.

Dissemination of Information: There are very clear directions under Section 5 to the fact that it is the prime duty of the PO to provide all information to the victim and their relations who come to her for filing complaints and that it is the right of the victim to have this information.

Under Section 33 of the PWDVA, if any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, she/he is liable to be punished with either simple or rigorous imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both.

Medical Facilities:

Most of the victims who required medical examination in relation to physical injury received after a violent incident of domestic violence, or to establish an act of sexual abuse, or to receive the consultation of a psychiatrist had to mostly rely on the medical facilities or institutions run by the State Governments.

Family Counselling Centres (FCC):

The origin of FCCs can be traced to the Voluntary Action Bureaus (VABs), established by the Central Social Welfare Board (CSWB) in 1982 to strengthen its rehabilitative and referral services by streamlining and coordinating the efforts of the NGOs in the different parts of the country. This effort soon crystallised into the setting up of the family counselling cells (FCCs) at selected NGOs in each state which were working as registered societies (i.e., the Societies Registration Act 1860). Clients would approach the FCC for consultations. The FCC counsellors then made home-visits to the houses of the victims or complainants to understand the home environment and discuss the matter with the parties against whom the client had complained as also the neighbours and other members of the community. The overall purpose was to help strengthen and improve family ties

and resolve family disputes if possible with the help of community intervention. The FCC was also expected to provide legal aid, referral services, assistance in locating & providing temporary shelter to victims of physical abuse, and rehabilitation services.

National and State Commission for Women:

The National Commission for Women (NCW) was constituted on 31st January, 1992 as a statutory body in pursuance of the National Commission for Women Act, 1990 and was established at New Delhi. The purpose behind establishment of the National Commission was to safeguard the interests of women and the protection of their rights. The NCW has a very wide mandate covering almost all aspects of women's development that also includes atrocities done on them, viz., to investigate and examine the legal safeguards provided for women under the Constitution and other laws and recommends to Government, measures for their effective implementation; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; looks into complaints and takes *suo*

moto notice of matters relating to deprivation of women's rights etc. The Commission evaluates progress of the planning process; inspect jails, remand homes, shelter homes, etc. and seek remedial action wherever necessary.

The NCW also studies the efficacy of various legislations and makes recommendations and suggestions on different laws. Some of the pieces of legislation relating to VAW which the Commission has focused on in recent times, are the review of implementation of the Protection of Women from Domestic Violence Act; the Protection of Women against Sexual Harassment at Workplace Bill, 2010; the Prevention of Crimes in the Name of Honour and Tradition Bill 2010; the Revised Scheme for Relief and Rehabilitation of victims of Rape; the Scheme for relief and rehabilitation of Offences (by Acids) on women and children. NCW also focused on the implementation of Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act; the Family Courts (Amendment) Bill, 2005; the Older Person's Maintenance, Care and Protection Bill, 2005; the amendment of laws relating to rape and sexual assault; and the Medical Termination of Pregnancy Act, 1971. The Commission also seeks to strengthen existing legislations relating to protection

of women and girls in general i.e., laws to curb incidence of sale of minor girls; the Commission of Sati (Prevention) Act, 1987; the Prohibition of Child Marriage Act; the Indecent Representation of Women (Prohibition) Act, 1986; the Immoral Traffic (Prevention) Act, 1956 (for elimination of child prostitution and devising a comprehensive package for rehabilitation) etc.

At the state level also exists independent State Commissions for Women (SCW). The State Commissions are autonomous statutory bodies constituted under the respective State laws. Since NCW and SCWs are established under separate statutes, there is no structural control or hierarchical structures between these bodies; however, they carry out similar functions.

The Role of Media:

The media, more often than not, has been criticised for contributing to the negative portrayal of women and girls. Barker and Petley are of the opinion that it is worth discussing the long term impact on our national psyche when millions of children, in their formative years, grow up bombarded with very powerful visual and verbal messages demonstrating violence as the preferred way to have control over one's life. Many would claim this to be

deceitful with the media being made responsible of directly causing a range of social ills. As regards the long-term negative impact of media, this concern does connect with the concerns of a broader spectrum of critics, particularly those on the left who reject simplistic models of effects, and believe in the media's power in agenda-setting, framing public debate, shaping notions of what is valuable and desirable (Barker and Petley⁸ 2001). Gerbner's 'cultivation analysis' theory (Gerbner, 1972⁹; 1995¹⁰) tries to understand the long-term ideological role of television by correlating dominant values, assumptions and conceptions embodied in media output with the attitudes and beliefs of audiences....it could be presumed that the viewing of women as an 'object for pleasure' and 'object of control' in one's immediate environment, whether it is in the home or as depicted on television or other newer forms of media may create similar attitudes in the minds of boys as they grow up to be men.

On the other hand, the media has also been used as a modern communication tool in increasing public awareness of domestic violence and increasing support for on-going research and support for improvement in the implementation of the laws, the role of the

criminal justice system, and government policy regarding gender discrimination and domestic violence. An example of a revolutionary breakthrough theme that was designed and implemented in India very recently for launching an elaborate campaign at the national and grass-root level comprising media (print and electronic), TV, radio, Internet, and video vans was titled the 'Ring the Bell' (*Bell Bajao*) Campaign. This campaign also won the first prize at the Goafest Abbys – the Oscars of the advertising world – held in Goa in April, 2009.

Ahmad-Ghosh feels that the media have to take the lead in creating gender-sensitive films and advertisements that are critical of violence and sexism.....On the other hand, television serials and the cinema are the only sources of entertainment for most Indians; hence, these could be powerful vehicles for disseminating social messages to educate the masses (Ahmad-Ghosh¹¹ 2004).

The PWDV Act of 2005 recognises the role of media in creating awareness among the general public and the women in particular. Section 11(a) puts the onus on the Central Government and every State Government, to take all measures so as to ensure that the provisions of this Act are given wide publicity through public media including the television, radio and

the print media at regular intervals. It has been found that while many states have allocated funds under the IEC activities for generating awareness, it has not been a sustained exercise¹². The Government of India recognises that one of the obstacles in the way of effective implementation of PWDVA is lack of awareness about it. Many states were found to provide funds for generating awareness and holding workshops when the Act first came into force. But no budget has been allocated thereafter by many of the states.

Conclusion:

The institution of the Protection of Women from Domestic Violence Act, 2005 is a holistic piece of civil legislation that serves various purposes. It provides for adequate rights to women victims of domestic violence to seek relief and justice through the courts. The PWDVA is tuned to make a speedy delivery of justice. The most critical aspect for the success of the implementation of the PWDVA is the continuous monitoring and evaluation of the existing laws, programmes and policies for women so as to ascertain how the law is functioning and take corrective measures. It is crucial that the State also takes special measures to put in place zero-tolerance policies on domestic violence, thereby ensuring that there is no impunity for perpetrators of violence.

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