

சிறப்பு இதழ்  
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56.	MANJARI GWALE & REENA TIWARI	MODERN IMPACT ON SOCIAL CULTURE OF TRIBAL SOCIETY	329-332
57.	MARIYA THERESA JOSEPH	A STUDY ON THE SAVINGS AND INVESTMENT PATTERN OF YOUTH WITH REFERENCE TO BANGALORE CITY	333-342
58.	MD ABU NASIM	SPORTS CULTURE IN INDIA DURING LOCKDOWN WITH SPECIAL REFERENCE OF CRICKET	343-349
59.	D R ROOPASHREE & RAJNALKAR LAXMAN	A STUDY ON WORK FAMILY BALANCE OF WOMEN WORKING IN PUBLIC SECTOR BANKS	350-358
60.	MITHUN MATHEW & SAMPATH KUMAR, R	IMPACT OF COVID-19 ON EDUCATION OF TRIBAL CHILDREN	359-362
61.	S.S ANUJA	THE SHANAR REBELLION: A SOCIETAL TRANSITION IN COLONIAL TRAVANCORE	363-368
62.	NAGARAJM KOTAGAR	THE NEW TRENDS IN INDIAN HINDU MARRIAGE	369-373
63.	M. NAGESHWARI	CORRUPTION: BEFORE AND AFTER INDEPENDENCE	374-381
64.	NDHIMISHRA	THE CONCEPT OF GENDER EQUALITY AND ITS PORTRAYAL IN INDIAN FICTION WRITING	382-386
65.	C. NIRMALA DEVI	CRIMES AGAINST WOMEN	388-391
66.	NOWFAL N	GENDER ELEMENT OF DEVELOPMENT; A STUDY ON KERALA EXPERIENCE	392-397
67.	PARVATHY MENON	EXPLORING THE HISTORICAL VALUES OF INDIAN CONSTITUTION	398-407
68.	POOJA PRASHANT NARWADKAR	ROLE OF VALUE EDUCATION IN MAKING THE LIFE OF WOMEN VIOLENCE FREE- AN OVERVIEW	408-415
69.	BAPTIST MILTON, SOBY THOMAS & PRATHEESHA R	EFFECTIVE ROLE OF HUMAN RIGHTS COMMISSION IN INDIA	416-421
70.	PRATIMA PANDA	A QUALITATIVE STUDY ON HERITAGE SITES AND CHAITI FESTIVAL OF RAYAGADA DISTRICT, ODISHA	422-429
71.	PRAYAGA M.A	HANDLING COVID 19 DAYS BY KERALA POLICE- A DISASTER MANAGEMENT MECHANISM THROUGH THE LENS OF COMMUNITY RESILIENCE APPROACH	430-436
72.	S.P. PREM SINGH	CLASSIFICATION OF PEASANTS AND THE PRE-EMINENCE OF CASTE IN THANJAVUR PEASANTRY MUTHUBALAN	437-443
73.	PRYADARSHINI GOENKA	RECOGNITION OF RIGHTS OF THE THIRD GENDERS IN THE PRESENT SCENARIO: A DISCUSSION UNDER THE INDIAN LEGAL SYSTEM	444-454
74.	S. PUSHPARAJ & PK MUTHUKUMAR	CHALLENGES TO DISASTER MANAGEMENT IN CUDDALORE DISTRICT, TAMIL NADU - CONCEPTUAL ANALYSIS	455-463
75.	R. KIRUBAVATHI & D. AGNES SHARMEELY	MUSIC IN HEBREWS AND TAMI RELIGIOUS CULTURES - A COMPARISON	464-470
76.	RASHMI G M	PORTRAY OF DALIT CULTURE AMONG INDIAN CINEMAS WITH SPECIAL REFERENCE TO KARNATAKA	471-482
77.	RIYA MARY PETER	EXPRESSION OF HUMANITY: AN ANALYSIS OF ALBUS V/S HARRY IN J.K ROWLING'S HARRY POTTER AND THE CURSED CHILD	483-487
78.	ROHINI YEKBOTE & MAHAMMAD HABEEB	SOCIO- ECONOMIC FACTORS AFFECTING ENROLLMENT AT RURAL SELF EMPLOYMENT TRAINING INSTITUTIONS (RSETI), BIDAR, KARNATAKA	488-495
79.	S. SHEELA	SOCIAL LEGACY OF KALAINGAR M. KARUNANIDHI THROUGH AGES	496-500
80.	S. RAJALAKSHMI	GRANTS TO TEMPLES BY CHOLA QUEENS	501-504
81.	S. SARUMATHY	THE QUEST OF THE SULTAN FOR HINDU ICONS AND THE IDIOSYNCRATIC PLANNING OF THE VAISHNAVAS	505-510
82.	SABIR ALI	CURING THEIR ILLNESS: DEFINING DISEASES AND TREATMENT IN THE LIGHT OF WESTERN MEDICINE AND INDIAN TRADITIONAL MEDICINE	511-518
83.	SAHEBAGOUDA B & A.PHOSMANI	CUSTOMER SATISFACTION TOWARDS HERO TWO WHEELERS: A CASE STUDY IN KALABURAGI CITY, KARNATAKA	519-526
84.	SAMPATH KUMAR, R & LAKSHMI BALAKRISHNAN	THE ROLE OF TECHNOLOGY IN THE FIELD OF AGRICULTURE PERFORMANCE IN INDIA	527-534
85.	SATISH B & RAVINDRA D GADKAR	A STUDY ON GROWTH OF CONTRACT LABOUR IN INDUSTRIES	535-542
86.	W. SHYAMALA	RESERVATION POLICY IN INDIA	543-549
87.	SIDDARTH N M & A.P. HOSMANI	EASE OF E-LEARNING - AN EVOLVING ISSUE	550-552
88.	அ.ம.சேனாஸ்	திருமாவளின் அமைதியை ஆக்கியதற்கும் தீர்மானிய ஆற்றலுக்கும்	553-558
89.	SREEDEKHA, M	FOREST CONSERVATION AND MANAGEMENT IN BRITISH TRAVANCORE: A HISTORICAL DOCUMENTATION	559-565
90.	SUHAL AHMAD WANI	VIEWS OF MAHATMA GANDHI ABOUT THE CONDITION OF PRISONS AND REFORMS REQUIRED: AN OVERVIEW	566-570
91.	SURAJIT SAHA	TRENDS OF POPULATION GROWTH: A STUDY ON MALDA DISTRICT AND SOUTH DINAJPUR DISTRICT (1991-2011)	571-576
92.	SURESH G	FINANCIAL CAPABILITIES FOR TEACHERS TO EMPOWER THE FUTURE OF STUDENTS	577-583
93.	SURESH KUMAR AGARWAL	YOGIC PRACTICES AND THE EFFECT ON CREATIVITY ATTITUDE	584-593
94.	T.RAJATHI	THIRUVARANKULAM - A CULTURAL STUDY GLEANED FROM INSCRIPTIONS	594-599
95.	TARUN GUPTA	MGNREGA AND ITS IMPACT ON RURAL LIVELIHOOD: A STUDY IN RAJOURI DISTRICT OF JAMMU PROVINCE	600-605
96.	VARSHA KAPOOR	ADOLESCENT GIRLS, QUALITY EDUCATION AND LEARNING OUTCOMES: LINKING THE TRIAD IN HIGHER SECONDARY SCHOOLS OF JAMMU (J&K)	606-619
97.	VIPIN KUMAR MALIK	MPACTS OF GLOBAL OUTBREAK COVID- 19 ON SOCIAL BEHAVIOUR OF MALE AND FEMALE: A COMPARATIVE STUDY	620-625
98.	X. JENITTA CHRISTY & M. SAGAYASOPHA	MYTHOLOGY COHERENCE IN THE WORK OF ASHWIN SANGHITHE KRISHNA KEYS	626-629
99.	G ANIL KUMAR Y S N MURTHY & V PRAVEEN KUMAR	WASTE MANAGEMENT INITIATIVES AND CHALLENGES IN INDIA	630-636
100.	MONICA SHARMA	SON PREFERENCE AMONG EDUCATED WOMEN PROFESSIONALS: A STUDY OF JAMMU DISTRICT	636-651
101.	S. PAVENDHAN & C. DHANABAL	SYNTHESIS OF ORIENTALISM AND OCCIDENTALISM IN R. K. NARAYAN'S THE GUIDE	652-666

## ROLE OF VALUE EDUCATION IN MAKING THE LIFE OF WOMEN VIOLENCE FREE- AN OVERVIEW

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### ABSTRACT

Since independence in India plethora of statutes to protect human rights of individual are enacted. The Constitution of India has provided every protection to all vulnerable section of society but still the continuous violation of their basic human rights is the reality. Among others, women form the most vulnerable section of society. The utter disregard of their basic human rights across the nation and even world-wide is most serious concern of the world at large. Constant struggle for the equality, justice and protection from violence is observed in every legal system. Indian legal system is constantly working through series of legislations to make them feel safe within the four walls of their own and outside. The judiciary as the important pillar the 'Rule of Law' has played a unique role in fulfilling the sublime mission of protecting the rights of citizens in general and vulnerable section in specific under the law of land. But still the incidences of women victimization are increasing and thereby causing obstacle in the process of transforming the "court of law" to "court of justice" In this context the author has planned to examine-Can value based education or education of human values bring the desired change and help to make the life of woman violence free? Can it help to internalise the norms of respecting values and support the legal system to bring the positive outcome?

**Keywords:** Value Education, Violence, Human Rights

### Introduction

Regardless of class, caste, region or religion women in India do not enjoy complete legal equality with men despite Constitutional guarantees. Rule of law, effective implementation of human rights, and special care model for the protection in general of the vulnerable sections of society and specifically the women and children is constantly debated in conferences, seminars, workshops etc. It also met with various reactions from law enforcement agencies, judiciary etc. still the desired change is not up to the mark. Plethora of social legislations to protect human rights of women has been enacted since independence, but too often the laws are not honoured and women are rampantly subjected to human rights violations.

Women as a class, her vulnerability in various forms is the common phenomenon of Indian society. The silent sufferings of Indian women make her easy prey to the male domination which is supported by patriarchy prevalent. The authoritative, autocratic nature of male member in society and victimization of female makes the situation worst. It has become a routine course for women to be subjected to such violence in her own four walls as well outside. The magnitude has reached to such an extent that it will not be exaggeration to say that "Almost every home in India must be suffering from some kind of domestic violence where women either as daughter, daughter in law, or as a wife are abused physically, mentally, verbally economically.<sup>1</sup>

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This subjection to violence disrupts the entire life of the women and leaves miserable impressions on her life. She cannot even think of raising voice against any injustice due to the subsidiary status therefore she needs a support structure that could help her stand for her rights as a human being. The violence free home has become a dream in this society because her sufferings never start from the day of her birth, but even before because her survival in this cruel world is doubtful, where with the help of technology her right to take birth can be easily taken away. The stereo type notion of women as 'burden' is one of the main reason behind female feticide.<sup>2</sup> Violence against woman in the form of rape, prostitution, dowry death, sexual harassment are widely prevalent but most serious of this is infanticide/feticide which is denying the very existence to her in this world. Female feticide is one extreme manifestation of violence against women. The root of this evil in this patriarchal set up is that sons carry family name and are supposed to look after their parents in the old age hence they are preferred choice. Whereas giving birth to girl child is seen as "watering the neighbour's plants." Its roots goes back to ancient period when it was held that "A woman is never fit for independence and requires male protection in the form of father, husband and son, respectively, throughout her life."<sup>3</sup> That means her identity was only with the pleasure of men. Society expects her to be play to role 'subordinate' to men in every field of concern. She is expected to be catering to the comforts of the family as a dutiful daughter, loving mother, obedient daughter-in-law, and faithful submissive wife. She is perhaps everything except a human being on par with her counterpart—the man.<sup>4</sup>

### The Growing Menace of Violence and Legislative Framework

While considering about her agonies in the form of violence within family and outside is seen as part of life cycle. The violence arises with emergence of notion of ownership not only over her body but also on every level of her autonomy freedom and liberty. It perceives woman as an 'object' than as an individual human being. Hence silent suffering becomes expected behavior under the existing social norms. Violent male attitude and insensitivity towards women is the outcome of the strong patriarchal bond in our society.

Women as vulnerable person is one who has little choice or capacity to escape pain and injury. She on her own can only be subjected to this situation but cannot come out of this cycle without support structure. Violence against women was taken by the legal system in India very sensitively even before independence, it was considered by the penal code of the country much before we got independence also various other social legislations also provided penal sanctions, the social reformers also contributed their best. The Constitution of India also provided number of provisions to bring gender equality and also protective discrimination to elevate her status. It brought series of legislations to end the victimization of woman. India since becoming signatory to CEDAW<sup>5</sup> and the four International Conferences has positively responded to its responsibilities through making laws and establishing various institutions like women's commission to safeguard her interest and protect her from victimization. Also it considered violence as a Human Right issue and brought the Protection of Women from Domestic Violence Law, 2005 with the object to make her life violence free.

**The Protection of Women from Domestic Violence Act 2005**

The PWDVA2005 exists within the larger framework of gender-policy and women's rights in this country. The Act takes in to consideration the concept of Domestic Violence in wider perspective including in itself emotional, verbal, sexual, economic abuse, and physical abuse of woman in every relation. The widening concept of relations in the nature of marriage was very significant step wherein the women in such relations who was totally neglected by the legal system was now provided rights like a legally wedded wife. The system of protection officers, service providers, the recognition of right to protection, residence, financial, medical help, shelter homes etc. was provided in the larger legislative framework. This reflects how the legislatures have sincerely taken care of the needs of victim of domestic violence. The Act imposes the responsibility on the state to provide reliefs to the victim. Even before that the provisions were available to protect woman from violence. Criminal law Amendment Act 1986 and other statutory bodies were keen to give punishments to the culprits. But with the advent of this law the Civil law remedy was given for the first time. The courts and the officers appointed under the law as Protection officers were held personally held responsible to provide immediately relief on receiving complaint of domestic violence.

The women in the living in relations with man was socially and legally discarded section before this piece of legislation which not only provided the protections to woman who were legally married but also those living together in the relation without marriage and held that "relationship in the nature of marriage" using the common law principles to the effect that:

- (a) The couple must hold themselves out to society as being akin to spouses.
- (b) They must be of legal age to marry.
- (c) They must be otherwise being qualified to enter into a legal marriage, including being unmarried.
- (d) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time.

Before passing of the PWDVA2005 women victim of violence were taken care of by sec 498A under the penal code which could arrest the husband and in-laws for causing violence at home but in practice it was observed that the immediate effect was seen the woman being thrown away from her conjugal home, if the woman was financially dependent on her husband she used to face many problems. As well where her parents did not support her, the plight of such women was very serious. It was heard by the judiciary and it responded positively by giving wider interpretations to legal provisions and protected her right to residence, and protected her from being displaced. The legislative provision of 'right to reside' in the shared household under the Act can be viewed as recognition of the need to correct this situation. In aims at providing violence free home and ensures simply right to reside in the shared household' irrespective of ownership or title. *Natasha Kohli v Manmohan Kohli* the court observed in respect of this right, 'the wife's right of residence must be respected not only because of mandate of sec. 17 of PWDVA which recognize woman's right in a shared household but also on the principles of equity.' Justice Vikramjeet Sen observes, "Courts must abjure from adopting a

feudal and archaic attitude by thinking that wife can be relegated to the outhouse as if she were a mere chattel. On the contrary efforts must be made to ensure that she can live a right of respect." In another case<sup>9</sup> where the husband challenged the order of family court of Mumbai directing him to remove himself from the flat and also entering it to disturb her peaceful possession, Justice Roshn Dalavi observed that judicial notice must be taken of the fact that "persistent alcoholic husbands are invariably violative and entire case of husband is based on ownership rights, however the human rights of a person has little to do with ownership rights in property. It is therefore immaterial to consider in whose name the matrimonial home stands. In case of domestic violence, the court has only to appreciate abuse and protection against such abuse. These are not the few instances to show the sensitive approach shown by judiciary to empower women by making benevolent interpretations to make the Act a real instrument to protect women. Since passing of the Act, various proactive judgements have been passed by judiciary, which itself is worthy of appreciation. But even after the three organs of state – executives, legislature and also the judiciary has done its best still the incidences of violence against women at home or outside are on increase day by day. It compels us to think even after making stringent provisions of law and punishing offenders the things cannot be controlled, here a second thought leads to investigate how can we support the system well within to improve instead getting solution after commission of crime. The sensitivity of human being towards each other must be improved and in this context the internalisation of norms and rules seems a challenge in the existing situation. Are people becoming insensitive towards the

violation of others rights? How can the upcoming generation be sensitized to these issues? Is there a system which can help to look at this issue with different perspective? It's true that this being deep rooted problem associated with socio-cultural issues law cannot be the only answer, it has its limitations and the desired change is not expected at fast pace. "Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential so that it may give that punch and have that educative factor as well as legal sanctions behind it which help public opinion to be given a certain shape"- Pandit Jawahar Lal Nehru<sup>10</sup> for a law to be success needs various support structures and to inculcate the value of respect for law. Awareness of people about the legal provisions and safeguards is another challenge for which government, social workers, media, NGOs are also working.

**How can value education, though a long term exercise but provides a lasting solution to make a life of women violence free?**

Before pondering over this issue it is really required to go in to details of why violence? How and what are the myths about the domestic violence of women. Domestic violence is an age old reality, which exist at all civilization irrespective of time place and cultures and the stage of development of society. Its modes, severity, magnitude, forms may change according to time place and advancement of every society but its existence everywhere is a ground reality which cannot be denied. The ancient scriptures and also references from Manusmriti shows that how the women were being subjected to violence, the epics of Ramayana, Mahabharata and also showed how women were being treated as secondary sex and

her body, mind was under the control of the male members of the family. In India women are facing the violence in number of ways covert and overt for time immemorial. Although the degree and form may vary according to class, religion and cultures, gender specific violence occurs in every strata of Indian society. There are many myths about the violence being exercised on women that it is only in poor and uneducated families' women are subjected to violence, but it is not so even the educated women, financial empowered women, are victims of violence. When we study about the causes of their silent suffering we come to know about some facts such as the importance of 'family' as institution and its sacredness can only be maintained through the victim's silent suffering and therefore it is an 'acceptable' behavior. Women also find the barriers in leaving abusive relationship, as most women in India are under constant fear of being thrown as an object from the domestic ties. They develop this fear under constant physical attacks. They develop the feeling of guilt and shame, social avoidance and fear of isolation suffer silently. As stated by Malvika Karlekar<sup>11</sup> 'the journey of hardship start from the womb to the tomb continuously without any breaks in various forms.

Having gone through various approaches and ways to tackle the issue of violence, the author desires to investigate -can this issue which has its roots deeply rooted in decreasing moral values, which resultantly affect the issues of increasing violence and in much larger context seen in casual approach towards observance of any law in the system? The issue of domestic violence being the abuse of various forms in relationships, families and being a human right issue needs a new investigation which can sensitized these members of the patriarchal set up.

**Value education and its significance in increasing moral values in families**

Value education means inculcating in the children a sense of humanism, a deep concern for the wellbeing of others and nation. Value education does not mean value imposition or value indoctrination. Value education teaches us to preserve what is good and worthwhile in what we have inherited from our culture. Value education has capacity to transform a diseased mind into a fresh, young, innocent healthy natural and attentive mind<sup>12</sup>.

The concept of values may be defined as 'factors which affect human behavior' intellectually, value may be defined as a concept which is accepted by the sub-conscious mind, is understood by all and perceived by the individual. Value education can improve the integral growth of human beings to create attitudes and, development of society at large. Values are of different types such as individual, social, cultural, moral, spiritual etc. They develop our own personal moral codes and develop a concern for others. It reflects on experiences and search for meaning and patterns in their experiences. It develops self-respect and respect for community. Help us to make socially responsible judgments and to be able to provide justification of decision and actions. School and college curriculums consisting value education can improve the situation of immoral, illegal and abnormal behaviors of the perpetrators and can bring gradual change in their thinking process to most humanizing persons. It may be a bold statement in the present context when the incidences of violence against women and gender specific offences are on huge scale that the value education can bring the desired changes in the

and make her life violence free. But it cannot be denied that in this materialistic world where material values, the base of human life is left behind and people are being dragged after money and worldly pleasure. This makes them insensitive towards the sufferings of others and restricts them to think of only oneself. To acquire the power relations, to control the oppressed and vulnerable section of society has become the motive and people are becoming self-centered. Though women have become now self-sufficient and even support the family financially, they are taken in still wrong perspective and perceived to be completely responsible for the homely matters, they are expected to be silent sufferers who would not question the male dominance in patriarchal set up. The upbringing of the children is also responsible to make them future perpetrators. They learn from the elders in family to be sensitive or insensitive to others. Children, who look the violence at home, take it common and exert the same in future.

The schooling education and higher education leaves real imprint on the personality of the individual. If the value based education of universal human values is given at the formative age, the issues of this insensitivity towards other sex may reduce and their upbringing will be proper. The quality and length of education are important contributors to prevent the gender based violence, they are insufficient in isolation. Specific interventions are also necessary – in the classroom, with teachers and across the whole school environment – that proactively challenge the prevalent gender discrimination and stereotyping. The vast majority of violent acts – between 90 and 95 percent – against both females and males, and whether obviously ‘gender based’ or otherwise, are perpetrated by males,<sup>13</sup> and

adherence to rigid gender stereotypes/roles consistently emerges across studies as a major contributing factor to perpetration (and justification/excusing) of gender based violence.<sup>14</sup> The latest statistical data available says a total of 87,000 women were intentionally killed in 2017. More than half of them (58 percent) 50,000 were killed by intimate partners or family members, meaning that 137 women across the world are killed by a member of their own family every day. More than third of (30,000) of the women intentionally killed in 2017 were killed by their current or former intimate partner or someone they would normally expect to trust.<sup>15</sup>

The various commissions on National Education Policies since independence have continuously recommended and stated the importance of values in the life of individuals. The Ramamurthi committee says, ‘Education must provide a climate for the nurture of values, both as a personalized set of values forming one’s character and including necessary social, cultural values, so as to have a context and meaning for actions and decisions, in order to enable person to act with conviction and commitment.’<sup>16</sup>

Value based education is investment in individual capability and self-responsibility. Value based education refers to a wide gamut of learning and activities ranging from training in physical health, mental hygiene, etiquette and manners, appropriate social behavior, civic rights and duties to aesthetic and even religious training. The National Policy on Education, 1986 stated in respect of value education in the policy statement mentioned that, the growing concern over the erosion of essential values and an increasing cynicism in the society has brought in focus the need for readjustment in curriculum in order to make education a forceful tool for cultivation of

social and moral values. The value education is in a way the process of understanding process of human being from what I am? to What I really Want to be? It helps the individual to have a faith in relationship and thereby respect others. It's a process off self-evolution though self-investigation<sup>17</sup>At the very forming age when the child learns the values of trust, respect, affection, care, guidance, reverence, gratitude and love, the natural inclination of him would be towards humanity. In fact when he/ she perceives all these values in family naturally, at school and afterwards at workplace the individual will respect all the relations at personal and professional level, and the issue of violence will vanish.

#### Conclusion

Forming a value based family is the permanent cure for most of the ills of the present world. However, family building is a partnership project which involves a lot of oneness, with sharing, caring, nurturing, adjusting, and understanding, endowed with divine love, commitment, and dedication. Nurturing the children with high family values is the utmost priority of a value based family.<sup>18</sup>

The governmental initiatives though various schemes and programs should reach the women in need. Violence against women within and outside the family is the main hurdle that keeps her away from mainstream, the women victimization and gender based violence should be tackled as human right issue and state should be responsible to stop the evil of violence to empower women in real sense. Women also need access to specific measures that enable them to leave a violent relationship.

The state initiatives, stringent measures, judicial protections, active role of social

institutions and NGOs together can bring some positive results but if we want the change in within it is required to give a second thought to provide value based civilized society which believes in all type of human values such as truth, equality, non-violence, trust, respect, affection, care, guidance, reverence, gratitude and love. Its true that to stop violence with the help of effective implementation machinery can bring desired effects for a period but the root cause of this violence remain untouched. There are many instances of repetitions' of such violent attacks by the perpetrator. Sometimes it even becomes life cycle of women. Hence change that last in long run is only possible through inculcating universal values through education. It is true that it will take years together, but still if the upcoming generation once realized its importance would further it to their heirs and it would develop a culture of values, where not only gender based violence but also all law deviations would be reduced. Though 'crimeless society' is a myth but value based education is the ray of hope towards healthy society.

#### (Footnotes)

- <sup>1</sup> Justice A.D. Mane, '*Lectures on human rights*', Edited by Vijay. N. Ghormade, Hind Law Pub.2007,p. 268
- <sup>2</sup> Sangita Cheetu," Growing Menace of Female Feitcide in India" *Indain Socio-Legal Journal*, vol XVII(1 &2),1991
- <sup>3</sup> Manu the ancient law giver
- <sup>4</sup> C.J. A.S. Anand, "*Justice for women. Concerns and Expressions*" Universal Law Pub House Second edition, 2003 p.13
- <sup>5</sup> Convention on Elimination of All Forms of Discrimination Against Women, 1979



- 6 Indian Penal code, 1861
- 7 Section 2(s) of Protection OF Women From Domestic Violence Act,2005
- 8 MANU/DE/2506/2010, 172(2010)DLT516
- 9 Ishpal Singh Kahai v Ramjeet kahai, High Court Of Bombay, Civil Appellate Jurisdiction. W.PNo 576/2011
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- 14 World Health Organisation (2010) Preventing Intimate Partner and Sexual Violence Against Women – Taking Action and Generating Evidence
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Part -2