

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 3

2023

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Domestic Violence against Women with special reference to Indian Laws

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ABSTRACT

Domestic Violence is a widespread problem throughout the developed and developing world and makes serious impact on quality of human life and broader development. Violence against women is the manifestation of a historically unequal power relationship between men and women. It is a conditioned response and is not natural or born of biological determinism. In the olden days, violence against women was a result of the prevalent atmosphere of ignorance and feudalism. Today violence against women is an uncontrollable phenomenon, which is a direct result of the rapid urbanization, industrialization and structural adjustment programmes which are changing the socio-economic scenario of our country. In this land where non-violence has been preached as a way of life for thousands of years and where women have been worshipped in the image of Durga, Saraswati and Lakshmi, it is shocked to observe the brutal reality of women's existence.

The main aim of the Present paper to know about the different perspective Indian Laws regarding Protection of Women from Domestic Violence.

Keywords: *Domestic Violence, Human Right, Women, International Law, Conventions.*

I. INTRODUCTION

The problem of Domestic Violence is a major social menace in India which is reflective of the inferior and derogatory treatment meted out to women at the most fundamental unit of social life- family. Very often, it is intertwined with the problem of dowry, another social evil typical to the Indian social set-up. The problem has been persistently present in our society since times immemorial. However, it started gaining the attention of law-makers in the later part of the twentieth century when the Parliament felt the need of introducing section 498A into the Indian Penal Code. A woman is an important and inseparable part of the society. And, yet the fact remains that she suffers neglect and even torture and has none of the glory. At the back of this plight are the timidity of her nature lack of legal knowledge on her part and her ignorance. It is because of this that her legitimate rights are not taken note of and are ignored. ²

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² Dr. S R Myneni, *Women & Criminal Law 7* (New Era Law Publication 1st edn., 2021).

The present society watches her solitary march as a mute almost a disembodied observer. She is a mere puppet before marriage (childhood) with her parents and with the in-laws after marriage. She has no existence of her own. And in situations as these it would not be surprising if women are subjected to unjust and immoral exploitation in the society. The only way out of this situation is the protection of women as separate entities for which it is important that every woman becomes aware and enlightened and uses her rights and duties for the protection, security and well-being. She is become just the pivot of the society. India is taking steps to bring all women into the mainstream of social and political life but on the other, its women are subjected to inhuman treatment and the threat of violence thus marring the progress of both women and the country.³

II. MEANING AND DEFINITION OF VIOLENCE AGAINST WOMEN

The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."⁴

Acc. to Swapna Majumdar, "Violence against women is neither culture nor region-specific; it cuts across community and class. Shocking though it is, the fact is that violence against women has become an acceptable norm of life because women accept violence as a part of their married life until it becomes intolerable. The term violence refers to any physical force for or any damage or injury to person or property."⁵

Oxford Dictionary defines: "Violence as behaviour involving physical force intended to hurt, damage or kill someone or something".⁶

III. HISTORICAL BACKGROUND OF VIOLENCE AGAINST WOMEN

Violence against wife is a right men exercised with impunity for centuries. This prerogative of men has been articulated in the precepts of religion, philosophy and law throughout the World. Physical violence against wives was deemed necessary for the "well-being" of women. It was coached in terms of corrective discipline and chastisement of erring wives. A Medieval Christian scholar propagated Rules of Marriage in the late 15th Century. These specified: When

³ Puja Mondal, *Domestic Violence in India and Constitutional Provision for it* (Last visited at 12 September 2022)

⁴ Violence against Women available at: <https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/> (Last visited on 03.05.2022)

⁵ Jaspreet Singh, Violence Against Women in Cyber World: A Special Reference to India, *International Journal of Advanced Research in Management and Social Sciences* ISSN: 2278-6236

⁶ Violence against women available at: <http://www.oxforddictionaries.com/definition/english/violence> (last visited 21 July 2022)

you see your wife commit an offence, don't rush at her with insults and violent blows. First scold her sharply, bully and terrify her and if this doesn't work, take up a stick and beat her.⁷

(A) Women Status in The Ancient India

It's believed during the ancient India; women enjoyed equal position & moralities like their males' counterparts. In addition, they were properly educated in the early Vedic period. These references are available from the works of Grammarians such as Katyayana and Patanjali. Women also had the freedom to select their husbands. This system was known as "Swayamvar". In fact, during this time, women had superior position than the males.⁸

(B) Women Status in Medieval India

The status of women in India worsened during the medieval period with the arrival of the Muslims. Numerous wicked practices such as female infanticide, sati and child marriage were practiced during this period. "Purdah" was introduced to the society. Women were also forced to practice "zenana". Polygamy was also common during this period. Women also excelled in literature, music and arts. They were also rulers during this period. Some great-women rulers were Razia Sultana who was the only women-monarch to-rule-the throne of Delhi, Nur Jahan, Gond queen Durgavati who ruled for fifteen years before she was defeated in a battle by Ali emperor Akbar's. Nur Jahan is still considered as the most effective ruler by the society. In spite of these powerful women, the condition of poor women remained the same. At this time girl were forced to get married at a very tender age. The society also practiced Sati where women were forced to jump over the burning bodies of their husbands during funerals.⁹ The southern India also practiced Devdasi tradition where girls were forced get married to trees or deity.¹⁰

(C) Women Status in Modern India

During this time there was a little development in the women status. There were many women reformers in India who worked for the uplift & betterment of their female counterparts. The begun of Bhopal discarded the "purdah" & fought in the revolt of 1857. Their education was elevated and English was introduced during this period. Various female writers emerged in the society.¹¹

⁷ Supra Note 4

⁸http://memoires.scd.univtours.fr/EPU_DA/LOCAL/2015_M2RI_SHAKTHE_SHARAVANA%20KUMAAR.pdf (Last Visited on 05.05.2023)

⁹ *Ibid*

¹⁰ Manjula Batra's, *Women & Law with Law relating to Children in India_1* (Allahabad Law Agency 1st edn., 2001).

¹¹ WOMEN STATUS IN MODERN INDIA available at: http://memoires.scd.univtours.fr/EPU_DA/LOCAL/2015_M2RI_SHAKTHE_SHARAVANA%20KUMAAR.pdf (last visited at 10.01.2023)

a. Post-Independence Era

In India, male domination complimentary with the suppression of women has been continuing since pre-historic times. There has been discrimination between male and female child, between man and woman. Women are considered as goods and chattels. They are considered as objects of sensory gratification. The history of suppression of women in India is very long. Indian women “have suffered and are suffering discrimination in silence. Self-sacrificing and self-denial are their nobility and fortitude and yet they have been subjected to all inequalities, indignities, inequality and discrimination”¹²

b. After Independence

Until the year 1983, domestic violence against wives was not punishable in India; although husbands or in-laws could be charged under the general penal provisions under the Indian Penal Code pertaining to murder, abetment to suicide, causing grievous hurt and wrongful confinement Since these provisions applied equally to strangers, the specifics of the domestic situation of the women were ignored. Women, therefore, found it extremely difficult to prove violence “beyond reasonable doubt” or produce witnesses to corroborate their story, as required by the law.¹³ In addition, the patriarchal attitude of law enforcement agencies such as the police further circumvented the women from taking legal course of action. Police would often refuse to register a complaint of the wife against her husband on the widely held belief that the husband had the right to beat his wife. Unfortunately, this attitude still persists today on account of it being deeply rooted in our male chauvinistic culture.¹⁴

c. Present Scenario

The concept of equality of men and women have changed completely. The very man who has promised to protect and provide for his wife while marrying her, has turned hostile. Domestic Violence is a tyranny of private life. It is one of the major causes which has thwarted the development of humanity. Domestic Violence is a global epidemic that kills, tortures and maims girls and women physically, sexually, economically and emotionally. It is not just confined to age, race, social class, culture or country. Throughout the world, women are still relegated to subordinate position that has made them more vulnerable to abuse and less able to protect them from discrimination. Domestic violence is one of the major causes of deterioration of the

¹²<https://www.icrw.org/files/images/Reducing-HIV-Stigma-and-Gender-Based-Violence-Toolkit-for-Health-Care-Providers-in-India-Annex-4.pdf> (last visited at 10.02.2023)

¹³ *Ibid*

¹⁴ N. A Zuberi, *The protection of Women from Domestic Violence Act & Rules 3* (Allahabad Law Agency 1st Edn., 2008)

position of women in society.¹⁵

IV. INDIAN LAWS REGARDING PROTECTION OF WOMEN AGAINST VIOLENCE

There are certain laws regarding the protection of women during 19th century because before 19th century women is considered as a thing. But after awareness of rights of women legislations makes the several laws which are discussed as below: -

1. Dowry Prohibition Act, 1961

The Act came into effect and criminalized the acts of giving and taking dowry. However, the Act did not effectively curb the practice of dowry. The Indian Parliament later passed the Dowry Prohibition (Amendment) Acts in 1984 and 1986, but their impact was as negligible as that of the 1961 Act.¹⁶

2. The Protection of Human Right Act, 1993

The protection of Human Right Act, 1993 provides for the constitution of the National Human right Commission. The commission is expected to inquire and investigate into the violation of human rights.¹⁷ Domestic Violence is a human rights violation and will fall under the purview of the NHRC, among its other functions.¹⁸

3. The Domestic Violence Bill, 1998

Domestic Violence Bill 1998 has incorporated definition of domestic violence as follows: "Domestic violence means any controlling or abusive behaviour that harms the health, safety or well-being of the applicant or any child in the care of the applicant and includes but is not limited to:- Physical abuse or threat of physical abuse, Sexual abuse or threat of sexual abuse, Economic abuse, Intimidation, Harassment, Stalking, Damage or destruction of property; or Entry into the applicant's residence without consent, where the parties do not share the same residence The Bill also defines economic and emotional, verbal and psychological abuse as follows: 'Economic abuse' means but is not limited to. The deprivation or threatened deprivation of any or all economic or financial resources to:

- i. which the applicant is entitled under law or which the applicant requires out of necessity, including household necessities for the applicant and any child, and mortgage bond repayments of the shared household; or

¹⁵ The Protection of Women from Domestic Violence Act, 2005 (ACT NO. 43 OF 2005)

¹⁶ PK Das, *Protection of Women from Domestic Violence* 99 (Universal Law Publishing Co. Ltd, 4th edn., 2011).

¹⁷ The Protection of Human Rights Act, 1993, Sec 12.

¹⁸ Indira Jaising, *Law of Domestic Violence* 3 (Universal Law Publishing Co. Pvt Ltd, 2nd edn., 2007).

- ii. the disposal or threatened disposal of household effects or other property in which the applicant has an interest;
- iii. 'Emotional, verbal and psychological abuse' means degrading or humiliating conduct that includes but is not limited to
 1. repeated insults, ridicule or name calling;
 2. repeated threats to cause emotional pain; or
 3. the repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the applicant's privacy, liberty, integrity or security.

4. The Domestic Violence against women (Prevention) Bill, A Lawyer's Collective draft¹⁹

Domestic violence means any action or behaviour that harms or injures or has the potential of harming or injuring the health, safety or well - being of the person aggrieved or any child in the care of the person aggrieved or in her environment and includes but is not limited to²⁰

- i. physical abuse or threat of physical abuse;
- ii. sexual abuse or a threat of sexual abuse;
- iii. emotional, verbal and psychological abuse;
- iv. economic abuse;
- v. intimidation;
- vi. harassment;
- vii. damage to or destruction of property;
- viii. entry into the residence of the person aggrieved where the parties do not share the same residence, or the property of the person aggrieved without her consent;
- ix. taking or attempting to take or appropriate property belonging to the person aggrieved, or jointly owned by the respondent and the person aggrieved, or jointly owned by the respondent and the person aggrieved with other people;

¹⁹ The Domestic Violence against women (Prevention) Bill, 1999 available at: http://feministlawarchives.pldindia.org/wp-content/uploads/DVAWBill_ByLC2001-ilovepdf-compressed.pdf (last visited at 20. 01. 2023).

²⁰ *Ibid.*, available at: <http://feministlawarchives.pldindia.org/wp-content/uploads/14.pdf> (Last visited at 20.01.2023)

- x. demands for dowry, oral or written, in any manner, from the person aggrieved or any of her relatives;
- xi. any conduct which is of such a nature as to cause in the mind of the person aggrieved a reasonable apprehension that it will be harmful or injurious for her to live with the respondent;
- xii. any conduct which is of such a nature as to cause or contribute towards the causing of mental disorder of the person aggrieved;
- xiii. conduct of such a nature that the person aggrieved may not be reasonably expected to live with the respondents;
- xiv. conduct which would constitute an offence specified in schedule 1 to this act and which affects the person aggrieved directly or indirectly. Patrilocal residence and patriarchal structure of family system place the women into a subservient position. The wives contends that their husbands acted as sons rather than husbands. They listened and acted per the dictates of their parents and siblings and did not bother to give equal importance to their wives. The wives confided that their husbands resorted to violence motivated by the back - biting of the in-laws. In laws also acts the prominent role they are responsible partner of husband for creating domestic violence. Rather giving helping hand, such situations are created that husband starts behaving negatively towards their wives.²¹

5. Indian Constitution

India adopted an Indian Constitution in 1950. Fundamental rights contained in part III of the constitution of India is the “heart” of the constitution including the right to life, which has been interpreted to mean the right to live a life with dignity and free from violence²². The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy. The Constitution not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, plans, and programs have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women²³ The framing of the Constitution has been the most important and

²¹ Id.,

²² Dr. Kailash Rai, *Constitutional Law of India* 290 (Central Law Publication, 11th edn., 2013)

²³ Ministry of statics and program implementation Government of India, *Constitution of Legal Right*, 2020

significant event after the independence. The framers of the Constitution were very well aware of discrimination and unequal treatment meted out to the fairer sex from time immemorial. They included certain general as well as specific provisions for upliftment of the status of women. Through Fundamental Rights, they provided, equality of status and of opportunities to women at par with men.²⁴

6. Protection from Domestic Violence Bill, 2002

The protection from Domestic Violence Bill drafted by the Department of Women and Child Development in consultation with the Ministry of Law, Justice & Company Affairs (Legislative Department), Government of India was introduced in Parliament on 8 March 2002. The provisions of the Draft Bill and the report containing the recommendations of the Standing Committee were examined by the Commission and its comments for modifications were forwarded to the Department of Women and Child Development on 30 January 2003.²⁵The main purpose of this act, any conduct of the respondent shall constitute domestic violence if he:

- i. habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment; or
- ii. forces the aggrieved person to lead an immoral life; or
- iii. otherwise injures or harms the aggrieved person.

Nothing contained in Clause (c) of sub-section (i) shall amount to domestic violence if the pursuit of course of conduct by the respondent was reasonable for his own protection or for the protection of his or another's property.²⁶

7. Indian Penal Code Section 498A

This is a Criminal Law, which applies to husbands or family members of husband who are merciless to women. Under Section 498A of the IPC,²⁷ harassment for Dowry by the family members of the husband or by husband is recognized as a Crime. This harassment can be of any type either Physical or Mental. Despite the fact that Marital Rape isn't considered as a Crime in India, forced sex with one's wife can be viewed as Cruelty under Section.²⁸ Section 498A has a vast scope. It also includes any and all intentional behaviours against a woman which force the women to attempt suicide or risk to life or grave injury or risk to limb or overall health.

²⁴ Dr Avtar Singh, *The Constitution of India* 52 (Central Law Publication 1st edn., 2019).

²⁵ Domestic Violence bill, 2002, available at: <https://nhrc.nic.in/press-release/protection-domestic-violence-bill-2002>

²⁶ <http://164.100.47.5/rs/book2/reports/HRD/Report124th.htm> (Last Visited 02.03.2023).

²⁷ Prof. S.N. Misra, *Indian Penal Code* 960 (Central Law Publications, 21st edn., 2018)

²⁸ *Id.*, Section 498A

Here, health incorporates the physical and mental health of the women.²⁹

8. The Protection Of Women From Domestic Violence Act, 2005

This is an act of the Indian Parliament enacted to protect women from Domestic Violence.³⁰ It prohibits a wide range of Physical, Sexual, Emotional & Economical abuse against women and all these are broadly defined under the Act. It provides security to women in a family from men in a family. The extent of the Act covers not only the protection of women who are married to men but also women who are in Live-in-relationship, just as family members including Grandmothers, Mothers, etc. A woman has right to be liberated from any type of violence under this Act. Under this law, women can look for security against Domestic Violence, Financial Compensation, right to live in their mutual house and they can get maintenance from their abuser in case they are living separated.³¹ This law is to guarantee that women don't get kicked out of their own house and can support themselves if they have been abused. It also ensures the protection of women from their abusers.³²

Objectives of the Domestic Violence Act, 2005

The objectives of the Protection of Women from Domestic Violence Act, 2005 is to serve the following purposes:

- To identify and determine that every act of domestic violence is unlawful and punishable by law.
- To provide protection to victims of domestic violence in the cases such acts occur.
- To serve justice in a timely, cost-effective, and convenient manner to the aggrieved person.
- To prevent the commission of domestic violence and to take adequate steps if such violence occurs.³³

The legislation plays a critical role in the Indian legal system vis-a-vis protecting the rights of the women, so that they can feel protected and safe within the comfort of their own house. It is an exhaustive piece of legislation as it lays down the powers and duties of the various

²⁹ KD Gaur, *Textbook on Indian Penal Code* 851 (Universal Law Publishing Co. 15th edn., 2014) also available <https://www.soolegal.com/roar/laws-against-domestic-violence-in-india-> (Last visited 20.01.2023)

³⁰ The Protection of Women from Domestic Violence Act, 2005 (ACT NO. 43 OF 2005).

³¹ Protection of women from domestic violence, available at: https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

³² *Ibid.*,

³³ Na Zuberi, *The protection of women from Domestic Violence Act & rules* 52 (Allahabad Law Agency 1st edn., 2008).

authorities, reliefs available to the victims, steps to filing a complaint regarding domestic violence, assistance provided to the victims of domestic violence, power and extent of the Indian Judiciary and the power of the Central Government to make rules.

V. INTERNATIONAL MILESTONES ADDRESSING VIOLENCE AGAINST WOMEN

There are so many conventions, declaration, Standards and Proclamations for the rights and welfare of women like, UN Declaration on the Elimination of Violence Against Women, Universal Declaration of Human Rights, Convention on the Elimination of all Forms of Discrimination Against Women, Special Rapporteur on violence against women, its causes and consequences etc. The Convention sets out the standards to be followed by all regions of the agreement in order to achieve the best possible benefit of the women. The main objective of these convention, declaration is to provide adequate relief to victim women in the proper manner.

India has adopted a number of laws and developed different policies to ensure the protection of women in their status including, The Immoral Traffic (Prevention) Act, 1956, The Dowry Prohibition Act, 1961, The Commission of Sati (Prevention) Act, 1987, Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace Act, 2013, The Criminal Law (Amendment) Act, 2013, The Indian Penal Code, The Indian Evidence Act. However, these laws and policies that promise to give protection and well-being have not resulted in the eradication of all domestic issues problems in the country and not that the law itself is expected to alleviate this problem completely.

- **(1948) The Universal Declaration of Human Rights:**

The very first foundation of the principle of gender equality which had attained worldwide recognition derives its origin from the Universal declaration of Human Rights, 1948³⁴ proclaimed by the United Nations General Assembly in Paris on December 10th, 1948. A declaration in form of recognition by all the developed countries of the World immediately after the Second World War was made specifically to overcome the inhuman treatments meted out on human race during this period and prior to this phase towards human race

- **(1993) Declaration on the Elimination of Discrimination against women, 1967.**

The principle of equality on personal fronts amongst men and women was sought to be achieved by the UDHR, 1948 and CCMR, 1962 and the next step towards the core of the issue of domestic

³⁴ Universal Declaration of Human Rights, 1948, Resolution no. 217A, United Nations General Assembly, Paris (Dec 10, 1948).

violence and equality was to support the female fraternity on a professional front and having been convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,¹⁰ the 1967 Declaration was proposed and signed by the participating nations. The declaration was solemnly made with the purpose of eradication of inequality still existing against women in spite of the previous publications of Charter, Declaration, Covenants and other instruments by the United Nations which is very well mentioned in the opening statement of the Declaration itself. With even passing of 20 years of the UDHR the object of equality was still far from being achieved on various fronts.

- **(1993) Vienna Declaration and Programme of Action, 1993.**

The declaration adopted by the World Conference on Human Rights in Vienna on 25 June 1993 mandated eradication of various forms of inequalities prevailing amongst men and women. The recognition of inequality as the basic form of violence was already made in the Declarations and Conventions and the express inclusion of violence in the World Conference was done.

- **(1994) International Conference on Population and Development:**

The Cairo programme of Action affirms that women's rights are an integral part of all human rights. It stresses that population and development programmes are most effective when steps have simultaneously been taken to improve the status of women. ICPD was the first international forum to acknowledge that enjoyment of sexual health is an integral part of reproductive rights. Men's rights and responsibilities towards their partners were also noted.

- **(1995) Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace, 1995**

The Beijing declaration had been the penultimate step in the realm of violence against women which includes the instances happening in private life also. The approach adopted by the international organizations towards the fight against the evil of domestic violence has been preceded in a phased manner starting from UDHR, 1948 till Beijing Declaration, 1995 The Beijing Declaration clearly lays down the foundation about the aspect of violence being a direct human rights issue. It is accepted that violence against women, where perpetrated or condoned by the State or its agents, constitutes a human rights violation. It is also accepted that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the State or by private persons, and provide protection to victims.

- **Optional protocol to convention**

On 6th October, 1999, the General Assembly adopted by consensus an optional protocol to the convention on the elimination of all forms of Discrimination against women. Both the World conference on Human Rights (Vienna, 1993) and the fourth world Conference on Women (Beijing, 1995) had called for the introduction of a right to petition under the convention.

- **Convention and Right of Women**

The Convention contained guarantees for equality and freedom from discrimination which may occur in public or private sphere. Convention is the powerful instrument for promoting in advancement and theoretical framework by which to identify barriers to women's advancement, to assess needs, to set goals, and to evaluate accomplishments. Convention provides the principles, norms and desired outcomes to pin the specific action arising from the world conferences.

- **The Special Rapporteur on Violence Against Women**

In 1994, the Commission on Human Rights appointed Radhika Coomaraswamy, from Sri Lanka, to the position of Special Rapporteur on Violence Against Women, Including Its Causes and Consequences. The mandate of the Special Rapporteur as articulated by the Commission is to “see and receive information on violence against women, its causes and consequences, from Governments, treaty bodies, specialized agencies and other special rapporteurs recommend measures, ways and means, at the national, regional and international level to eliminate violence against women and its causes, and to remedy its consequences.”³⁵

VI. PRESENT SCENARIO

Any critical analysis of the legislations in place to curb the menace of dowry and domestic violence would be incomplete without understanding the history of criminal law reform in India. The demand for criminal law reform came about largely because of the large number of women that were dying in their matrimonial homes due to dowry related harassment. In the 1980s, women's rights organizations across the country pressurized the Criminal Law Amendment Committee (1982) and urged the government to provide legislative protection to women against domestic violence and dowry, so that the victim could get justice while she was still alive. As a result of the intense campaigning and lobbying, significant amendments were made in the

³⁵ UN Special Rapporteur on Violence Against Women, available at://www.ohchr.org/en/special-procedures/sr-violence-against-women#:~:text=Reem%20Alsalem%20(Jordan)%20is%20the,and%20consequences%2C%20since%20August%202021.

Indian Penal Code, the Indian Evidence Act and the Dowry Prohibition Act, with the intention of protecting women from marital violence, abuse and dowry demands. The most important amendment came in the form of the introduction of Sec.498-A in the Indian Penal Code (IPC) in 1983, closely followed by Sec.304-B in 1986, which defined the special offence of dowry-related death of a woman.

It is believed that Sec.498-A and Sec.304-B were introduced to complement each other and be part of a scheme, since Sec.304-B addresses the particular offence of dowry death and Sec.498-A sought to address the wide-scale violence against married women for dowry. This was the first time that an attempt was made to consider domestic violence against women a criminal offence. The insertion of Sec.498-A IPC with allied provisions was specifically meant for imparting an element of deterrence against dowry deaths in India. Subsequent to the Criminal Law Amendments, the women's rights organizations realized that only a judicious mix of the civil and criminal law will bring solutions to the problem of domestic violence. They campaigned for a civil law on domestic violence which will enable court to pass 'stop violence' orders and will ensure the right to reside in the matrimonial home. Their efforts resulted in the enactment of the Protection of Women from Domestic Violence Act, 2005, almost two decades after the introduction of Sec. 498-A IPC.

VII. CONCLUSION

Domestic violence is quite common in Indian society. Generally, men are the perpetrators and women are the victims. It has become inseparable part and parcel of family life – men's right and women's due. Women in India have been resenting the practice in various forms and demanded legislative protection against violence. Under the pressure of women's movements and international community the Government of India has enacted. "Protection of women from Domestic Violence Act 2005 and its rules in 2006.

The PWDVA Act 2005 is an only one of its kind enactments. This is a secular law applicable on all religious faiths. This is a civil law aimed to protect the women and not intended to penalize the perpetrators of violence. It defines domestic violence comprehensively – covering physical, psychological, economic and sexual violence. It is applicable on all relations – sister, daughter, sister-in-law, wife, mother and live-in relationship. This act recognizes different rights of the victim. It laid down simple procedure for using these rights as to do not lay emphasis on evidence.
