

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 5

2023

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Domestic Violence from a Human Rights Perspective: A Critic

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ABSTRACT

Violence against women takes many forms in domestic situations, such as female foeticide, female infanticide, child abuse, incest, child marriage, wife battering, bride burning, and dowry death, sati, neglect, verbal abuse, cruelty, humiliation, and torture. In workplaces and on the streets, women become victims of eve-teasing, sexual harassment, molestation, immoral trafficking, rape, and murder. Such violence against women replicates the pathetic reality that women are not safe and secure anywhere. Of all the types of violence against women domestic violence are the most serious offense. In this article, an attempt is made to examine the various causes of domestic violence and Manifestations of Domestic violence and human rights violations, which are major salient features of CEDAW, and the problems for the implementation of the law, in the respective countries. Human rights have been provided in conventions, constitutions, and international covenants including the universal declaration of human rights. The primary cause of violence against women is their inferior status in a male-dominated society educationally and economically. Politically and socially, there are other factors responsible too. The increasing criminalization of society, media images of violence, inadequate means to address the cause and consequences of violence, poor enforcement of legal provisions unabashed consumerism, and erosion of traditional values have all added to it finally, I have given some suggestions to come out of this situation and for the protection of the human rights of women.

Keywords: *status of women, domestic violence, Marital rape, legal mechanism, violation of human rights.*

I. INTRODUCTION

All human beings are born free and equal in dignity and rights. The Constitution of India guarantees equality of status and opportunity to all citizens³. Though the Constitution is color-blind and human rights are gender-blind, women are deprived of their rights, and entitlements and are subjected to discrimination and exploitation at every level. Women are not able to lead

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³ Art. 14 of the Indian Constitution envisages equality before the law and equal protection of the laws.

a life free from the violence both within and outside the home. It is unfortunate that the home has become the least safe place for women, as it is the safest place for men to commit violence against women. Statistically, it is safer to be on the streets after dark with a stranger than at home in the bosom of one's family for it is there that the accidents of murder and violence are likely to occur⁴. It is due to their vulnerability that domestic violence is happening within the four walls. The vulnerable person has little choice or capacity to escape from pain or injury. Therefore, vulnerability is central to human rights activism and intervention.

(A) Objectives of the Research article

1. To understand women's status in the present society
2. To know the Constitutional status of women
3. To understand the need for affirmative action programs in favor of women
4. To identify the factors which are responsible for domestic violence.
5. To give suggestions to reduce domestic violence.

(B) Methodology

The present research article was written with the use of the doctrinal method. This is a socio-legal analysis of Domestic violence from a human rights perspective- a critic. By the problem and objectives of the adopted. The present study has not refrained from making value-judgment whatever it was logically necessary and ideas are a very rare thing. I do not claim that this work is entirely original in this regard. However, I have tried my best to check out any relevant findings in this paper.

II. CONTENT DISCUSSION

Among all types of violence against women, domestic violence is the most serious type. Modern studies⁵ imply that violence against women is common nature and domestic violence, in particular, is tortuously linked to the real fulfillment of maleness. It seems that men are more likely to use violence against women if they are not able to fulfill hegemonic masculinity. Violence against women constitutes a violation of basic human rights and is an obstacle to the achievement of the objectives of equality, development, and peace⁶. It is a global phenomenon and has been on the rise constantly. It is deeply ingrained in our minds and built into our social and political culture. It is a pervasive problem in India that cut across age, education, social

⁴ Sydney Brandon: Violence in Family (1976) p-1.

⁵ Domestic Violence in India: Exploring Strategies, promoting dialogue- Summary report of four studies, an international center for research on women. Washington D.C.(2012).

⁶ In the Platform for Action, as per the core document of the Beijing Conference (1995).

class, and religion. Social practices, culture, customs, trust, traditions, and patriarchy are the contributory factors of domestic violence.

In a son-preference society like ours, the journey of a girl child from womb to tomb is riddled with unsavory events with deep-rooted social taboos which transformed into social evils⁷. It is pitiable that even her womb is not spared as it is readily available for rent. Domestic violence manifests both in the natal home as well as conjugal home ranging from female foeticide, infanticide, child abuse, incest, child marriages, Sati, honor killings, wife battering, cruel treatment, neglect, and denial of the rights of aged women, abuse of widows, bride burning and dowry death, etc.⁸. It has a terrible impact not only on the victims but also on their children and other members of the family. Every instance above said is considered a violation of a human right.

Once, domestic violence was treated as purely a private matter. Interference into domestic privacy has traditionally been seen as a greater evil than actual violence inflicted upon a wife,⁹ The step forward came in understanding domestic violence as a human rights violation and attempting to dissolve the public-private divide in this regard¹⁰. The feminization of human rights has led to the recognition that there should not be a public-private divide on international human rights issues. It is to be noted that the purported intrusion in private life is necessary for the increased recognition of domestic violence as a valid social concern.

The victims are not able to raise their voices or protest against violence. They live in the grip of fear and horror. Peace remains wanting and terror haunting in the family. For millions of people, human rights seem mainly to be linked to one gender alone. Therefore, domestic violence must be treated as a human rights violation that has an impact on psychological, emotional, social, and financial dimensions. It is a slippery concept that cannot be understood only in physical terms. It has an impact on the dignity, personality, and value of a person. In this paper, an attempt is made to address all these human rights issues. Further, the new law is examined as to how it is going to protect women's rights¹¹.

III. WOMEN AND HUMAN RIGHTS

It needs hardly any emphasis that women must have certain rights to improve their positions:

⁷ Malvika Karlekar. Domestic Violence. EPW vol. XXXIII, No. 27. July (2008).

⁸ Dr. R. Revathi, Law Relating to Domestic Violence (2n ed.) p no 18Asia Law House (2009)

⁹ State v. Rhodes. 1868 WL 1278 (N.C.).

¹⁰. ICRW Report: Domestic Violence in India. A Summary Report of three studies is available at <http://www.org/docs/domviol.pdf>.

¹¹ Ahlawat, Neerja (2005). Domestic Violence against women : Emerging concerns in Rural Haryana, Social Action, Vol. 55, Oct-Dee, pp. 387- 394.

these rights have been provided in conventions, constitutions, and international covenants including the universal declaration of human rights. The declaration provides the following rights:¹²

1. Elimination of all forms of discrimination against women made based on sex, which has the purpose or effect of denying the equal exercise of human endeavors.
2. Basic human rights and fundamental freedom should be guaranteed to women and this on an equal basis with men.
3. All practices based on inferiority or superiority of either sex shall be eliminated.
4. Assurance of family education teaches that both men and women share a common role in raising a child.
5. Social and cultural patterns must be modified to eliminate sex-role, stereotypes, and notion of inferiority or superiority of either sex.
6. Measures should be taken to suppress all forms of exploitation of women including sexual and physical harassment.
7. Right to vote elect to be elected and hold offices at all levels of government along with the right to participate in information of government policy.
8. The opportunity to represent their country at the international level and to participate in international organizations.
9. Equal right to acquire, change or retain nationality.
10. Equal access to educational opportunity and elimination of stereotyping in education and textbooks.
11. Equal right to employment choice of profession, remuneration, and social security.
12. Guarantee of same legal capacity as men to contract, administer property and appear in courts or before tribunals.
13. Freedom of movement, right to choose residence, and domicile should be granted to women.
14. Contractual and other provide a restriction on the legal capacity of women shall be declared null and void.
15. Equal rights and responsibilities for men in marriage and family relationships.

¹² Devi, K. Uma (2005). *Violence Against Women: Human Rights Perspective*, New Delhi: Serial Publications.

16. Equality during marriage and its dissolution.
17. Equal rights to choose a family name, profession, or occupation.
18. Equal rights to guardianship and adaptation of children.
19. Equal rights and responsibilities and adaptation of children.
20. Abolish all existing laws, customs, and regulations that discriminate against women and establish institutions of protection against discrimination.

IV. SOME REASONS FOR THE INCREASE IN VIOLENCE AGAINST WOMEN

The main reason for violence against women is the inferior status of women in a male-dominated society educationally and economically. Politically and socially, there are other factors responsible too. The increasing criminalization of society, media images of violence, inadequate means to address the cause and consequences of violence, poor enforcement of legal provisions unabashed consumerism, and erosion of traditional values have all added to it¹³. Other reasons can be:

(A) More awareness in women of their rights:

Complaints being lodged in various police stations have increased which shows that awareness of rights among women laws has risen, and attitude has changed. Especially in offenses like rape where the stigma attached to it has lessened to some extent one of the reasons for the increase in the statistical graph of crime against women is that women have become more aware of their rights. Access to Mahila court's legal cells and crime for women has also helped indirectly to encourage women to register their complaints.

(B) Role of Media

Indian society is quick in being influenced by the west. The condition of our Indian cinema is deteriorating day by day. In Indian movies, it is common to have a scene of sexual harassment or rape such indecent scenes are often being shown in flings. Conditions have become scan that it has become rather embarrassing to watch T.V. with the family as most of the film songs have the heroes and heroines doing vulgar dances and songs containing sexual innuendoes.

(C) Low rate of punishment for guilty:

The low conviction rate is deplorable. The remedies that women have resources with in law are ineffective in as much as they do not cater to the immediate need of women. Lack of evidence

¹³ Agnes, Flavia (2006). Making Laws work for women: The potential of existing law against domestic violence, A Manushi Report, Vol. 156, pp. 25-31.

and lack of guidance loopholes in existing laws are the reasons for the increase in crime against women.

V. PROVISION UNDER I P C WHICH AIM TO PROTECT THE WOMEN

1. Under section 125, the wife can file a suit against her husband if the husband fails to maintain her.
2. Sections 375 and 376 specify the punishment for rape.
3. Under sections 359-396, the kidnapping of women is punishable.¹⁴ The offense is cognizable, non-malleable non-compoundable triable by a first-class magistrate. Whosoever kidnaps and abducts any person from India or lawful guardianship shall be punishable with the imprisonment for a term up to 7 years and a fine, as well as sections 363, to 373, clarify what constitutes kidnapping and abduction.
4. Section 302/304 (b) clarify the meaning and punishment relating to homicide for dowry, dowry death, or their attempts. Under section 304 (b), the death of her marriage shall be deemed to have been caused by any demand for dowry. Who soever causes such death shall be punishable with a term not less than seven years but May also extends to imprisonment for life or even a death sentence?
5. Section 306 says that only a person who commits suicide, whosoever abort the commission of such suicide is punishable with imprisonment up to 10 years and also a fine. The offense is cognizable and non-compoundable.
6. Under sections 312 to 314 a person causing miscarriage and punished with imprisonment which may extend up to 3 years or with a fine or both.
7. Bigamy is an offense under section 494 such an act is punishable with imprisonment for a term extending 7 years or with a fine.
8. Under section 407, a person who commits adultery shall be punished with imprisonment for a term which may extend to 5 years or with a fine or both, enticing or taking away or detaining a married woman with criminal intent is also punishable under this section.
9. Under section 498 (a) FIR can be lodged at any police station or women's cell for torture, both mental and physical by the husband or the in-laws. The offense is cognizable, non-

¹⁴ Gandhi Anjali (1997). Violence Against Women, with reference to 498 A and 304 B, Indian Penal Code, Indian Journal of Social Work, Vol. 58 Issue 4, pp. 582-598.

bailable non-compoundable. The punishment is imprisonment which may extend up to 7 years with fine.

10. Importation of girls up to 21 years of age from a foreign country shall be punishable under section 366 of IPC. The punishment can extend up to a term of ten years and also a fine.

11. Section 354 deals with outraging modesty of women. Any act of molestation with intent to outrage the modesty of women is punishable¹⁵.

12. Section 509 is related to the insult of modesty of women (sexual harassment) such an act shall be punishable with imprisonment and may extend up to 10 years and also give.

VI. MANIFESTATIONS OF DOMESTIC VIOLENCE AND HUMAN RIGHTS VIOLATIONS

Domestic violence is partner violence in the West¹⁶. It is also known as spousal abuse. It is a type of gender-based violence that occurs within the social context of male domination, women's subordination, and their familial bonds. If the wife is subject to isolation, her right to association and expression is violated. She will be reduced to animals due to her unconstitutional solitary confinement. It has a devastating effect on her physical and mental well-being. It is a deprivation of basic amenities like access to health, medical care, proper food, education, etc. It takes away her right to dignity and individuality. One should not forget that each person is valuable to himself/herself and is capable of value to others¹⁷.

Child abuse is a part of a wider gamut of violence. A child at a tender age is sexually abused. It is common in abusive relationships. Popular wisdom holds that sexual abuse takes place when children are in environments outside the safe confines of their homes and schools. However, most of the children not going to school had been sexually abused in their family environment¹⁸. The child in the stage of flowering is not allowed to blossom. The helpless abused child victim never reveals her untold misery nor does incest come out. She is voiceless and breaches of her rights were endless. The link between child abuse and domestic violence is now well established¹⁹. Incest, rape, and domestic violence would lead to trauma, physical handicap, or death. Some females fall prey to violence before they are born. In some societies, girls are

¹⁵ Ambaraya S. Hagaragi (2012). Policies Programmes and Women's status in India, Third Concept: An International Journal of Ideas, Vol. 26, No. 302, pp. 32-34.

¹⁶ Jana L.Jasinski and Linda M. Williams (ed.) Partner Violence (1998).

¹⁷ J.S.Mill. On Liberty: -Utilitarianism. on Liberty. Essay on Bentham(ed.) and Intro Mary Warnock. 126-250(1962).

¹⁸ The Study on Child Abuse in India was released by the Union Ministry of Women and Child Development 2017 and also Praveen swami, Our Crimes Against our Children appeared in The Hindu. Editorial Jan. 21. 2018.

¹⁹ Mullender, A. Kelly: L., Hague, G, Malos. E. and Iman, U.(2002) Children's Perspectives on Domestic Violence London: Routledge : Calder. M(2005).

subjected to traditional practices such as circumcision, and in other societies, they are compelled to marry at an early age before they are physically, mentally, and emotionally mature. There is no doubt that child marriage is a violation of human rights. Female foeticide, infanticide, sale, and abandonment of girl child threaten the very existence of women's race. As a result, there is a declining sex ratio. Their right to life is in jeopardy. Domestic violence is perpetrated in the form of forced termination of female fetuses otherwise called female feticide.

The decline in the sex ratio is an indicator of the low status of women. The question would be is not a declining sex ratio causing social imbalance? Does it not amount to a social disability? The concern is about missing women. Foeticide is a challenge on the very question of the right to be born. It implies the health of the mother. At the wider level, it affects the status of women and has serious ecological and demographical ramifications. It may lead to serious social problems like an increase in sexual offenses, sharing of women within and outside wedlock, and greater insecurity among women.

The dwindling sex ratio bears eloquent testimony to violence against women even in the mother's womb. With the dramatic advancement of technology, the sex determination of fetus-amniocentesis is done at a mass scale, not for diagnosis of a sex-linked genetic disorder of the fetus, but for abortion of a selective female fetus²⁰. News report says that female infanticide has reached the one-crore mark in the last decade. If this trend continues, there is a possibility of women becoming an extinct species. They are the only species in the entire world who do not want to give birth to their kind and have an instinct to kill their kind.

Female genital mutilation adversely affects the health of women. Every year an estimated 2 | million young girls undergo this procedure. The extent of trafficking in women and girl children has reached alarming proportions, especially in Asian countries. Just! like medical tourism in India sex tourism in developing countries are a well-organized industry in several European and other industrialized countries. There are acts of violence generally murder, mostly committed by male family members mostly against female relatives who are apparent to have brought dishonor upon the family. A woman can be targeted by persons within her family for a variety of reasons including - rejecting to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce, or committing adultery. The mere awareness that a woman has behaved in a specific way to dishonor her family is sufficient to trigger an attack. They are honor killings²¹. Honor killings are widespread in some economically advanced countries and

²⁰ See 65 years of Indian Parliamentary Democracy (1947-2015) chap-13 "Gender Issues" at 149. Also see, ... R. Vasavi's "when women become rare species". The Hindu. Open Page, Dec. 6th, 2015.

²¹ Siddarth Banke. Violence Against Woman - Issue of Honor Killings. Siddarth_banke@legalserviceindia .com.

Islamic nations. In India, different societies are increasingly facing the problem of honor killings²². Honor suicides occur with good legal penalties for killing, a woman is ordered or pressured into killing herself. Crimes of honor are crimes indeed and are violations of human rights.

Marital rape is yet another form of domestic violence. It occurs when a man has sexual intercourse with his wife forcibly without her consent. The provision for marital rape has specifically been exempted. The criminal law presumes that the husband cannot be guilty of rape committed by himself upon his lawful wife, because by their mutual matrimonial consent the wife has given up this right which one cannot retract. The rationale behind this exemption was the doctrine of unity in marriage²³. The exemption to section 375 of the Indian Penal Code explicitly says that sexual intercourse by a man with his wife not being under fifteen years is not rape. Thus, if the wife is above fifteen years then forcible intercourse even without her consent is not rape. It is submitted that this is unreasonable and undoubtedly a human rights violation. This is a major legal lacuna in India whereas countries like America, Russia, Sweden, and Australia allow the prosecution of husbands for marital rape.

Women have the same right to bodily autonomy as men, especially as regards their reproductive organs. Surgical alteration of a woman's sexual organs for any reason other than her health is a violation of her human rights. Compelling women to bear unwanted children and forbidding women from bearing wanted children are violations²⁴. Pregnancy is a time when a woman may be vulnerable to abuse. As a result, the right to autonomy, right to make choices, and procreation rights are in jeopardy. If a woman is forced to act as a surrogate, it is a challenge to her reproductive health. Reproductive health is a human right issue. Indian women are being exploited as surrogates by foreign childless couples. As a result, commercial surrogacy has become reproductive trafficking in India and women are movable property. These are all the consequences of medical biotechnology²⁵.

During the 1980s the feminist groups by their demonstrations throughout the country showed that many official suicides were in fact murders or forced suicides. **Sudha Goer**²⁶ is the first case in which the Supreme Court in 1985 sentenced the husband and mother-in-law of the deceased to life imprisonment for the bride bumping. As a result, to combat the increasing

²² The Varied Contours of Violence Against Women in South Asia: Coomaraswamy: Radhika a legalserviceindia.com.

²³ Shobha Savana. Crimes against Women and Protective Laws (1995) DD Publications. New Delhi.

²⁴ Sareetha v. Venkata Subbiah. AIR (1983) AP 356

²⁵ Patricia L Cross. -Woman's rights are Human Rights". Sunshine for Women Oct 3. 2001 at <http://www.pinn.net>.

²⁶ AIR 1986 SC 250.

menace of dowry deaths/ suicides, a new section 304-B²⁷ to IPC was inserted. Unfortunately, the cruelty under this section is referable to dowry harassment and not to any other type of cruelty. Thus if death is! caused to women due to harassment by the husband and in-laws for other than dowry-related issues like suspecting her fidelity or giving birth only to female children, etc., this provision is not attractive. Consequently, the case is to be dealt with in section 302 of IPC where the burden of proof lies with the prosecution. The burden of proof! under the section, 304-B is on the accused. This benefit is not available to the victim due to the lacuna discussed above.

There is a link between domestic violence and maternal mortality because some pregnant women die from domestic violence. Some studies have highlighted the existence of maternal deaths due to domestic violence²⁸. High rates of domestic violence and disproportionately high maternal mortality ratios in developing countries are recognized as public health problems. In most developed countries pregnancy-related suicide is rare²⁹. Amongst! abused women depression, post-traumatic stress, suicide, and self-harm are so prevalent that they can be referred to as “symptoms of abuse.”³⁰

Every human being has a right to lead a healthy life³¹. Since mental and physical health is of prime importance in marriage, any person suffering from a venereal disease communicable in nature like AIDS may not claim the right to marry as an absolute right. Hence, if a person suffering from dreadful diseases like AIDS knowingly marries a woman and thereby transmits infection not only to such a woman but also to the children begotten is considered a gross violation of human rights. The point of how the health hazard of a person causes domestic violence was highlighted by the Supreme Court in the X v. Hospital Z case³². The Court in the instant case discussed the issue of the right to marriage of AIDS patients.

The marriage of an AIDS patient if permitted with an otherwise healthy woman would end up with disastrous consequences for future generations. Hence, in the case of a conflict between the right to privacy of an AIDS patient and the right to the healthy life of a fiancée, the right to

²⁷ Sec 304-B of IPC is inserted by Act No. 43 of 1986. This section deals with the death of a woman as dour death, if such death occurs by any bumps or bodily injuries or other than normal circumstances within seven years of marriage.

²⁸ Ganatra BR. Sivaji KJ. Rao VN. Too far. Too little. Too late: a community-based case-control study of Maternal Mortality in Rural West Maharashtra, India. Bull. World Health Organization. 1998;76(16) 391-8.

²⁹ See Frautschi S Cerulli A. Maine D. Suicide During Pregnancy and its neglect as a component of Maternal Mortality. Int. Journal Gynaecol Obstet. 1994; 47(3) 275-84.

³⁰ Humphries. "Domestic Violence in the Blackwell Companion to Social Work, Martin Davies(ed) Blackwell Publishers. (2008) p-31

³¹ Art. 21 of the Indian Constitution.

³² (1998) S SCC 296.

advance the public morality or public interest alone would be enforced through the process of the Court. The Court emphatically declared in the above case that if there is a clash between the fundamental rights of two parties, public welfare is paramount.

VII. SALIENT FEATURES OF THE ACT

The Act is in keeping with CEDAW. The strict implementation of the Act would result in gender justice. Domestic Violence is defined as actual abuse or threat to abuse, whether physical, sexual, verbal, emotional, or economic³³. Besides physical violence such as beating, slapping, hitting, pushing, kicking, etc., it also covers sexual violence like any conduct of sexual nature that abuses, humiliates, degrades, or otherwise violates the dignity of women. Economic abuse includes deprivation of financial resources to which the aggrieved party is entitled, denial of household necessities to her and to the children, disposal or any alienation of assets (movable/immovable) valuables, shares, securities, bonds, or the like, and the property in which the aggrieved person has an interest or is entitled to use by domestic relationship.³⁴

The aggrieved person under this Act will only be a woman. This Act is enacted to eliminate all forms of discrimination against women. The Act recognizes women's right to live free from violence. The important feature of this landmark law is immediate relief to the victim in cases of emergency and the right to reside in a shared household. The idea of residence orders, therefore, has a dual purpose. The Act introduces the Protection Officer as the interface between the women and the court. This Act is enacted keeping in view the rights guaranteed under Art. 14, 15, and 21 of the Constitution to protect women from domestic violence. The Act covers all women who come into a live-in relationship with the perpetrator. Therefore, it protects mothers, daughters, sisters, widows, relations through adoptions, etc.

The very purpose of the law is actually to introduce a lot of civil remedies within the realm of magisterial court. It is a two-stage law. In the First Stage, the Magistrate passes civil order on applications³⁵ with the intent to allow the respondent to correct himself. In the second stage when the violence persists or there is a breach of protection order by the respondent, he has to face penal consequences. If the perpetrator of domestic violence disobeys the protection order, criminal action will be taken against him which is punishable by up to 1-year imprisonment and a fine of Rs. 20,000. It is submitted that the legislators instead of using the word 'fine', would

³³ Section 3 of the Protection of Women from Domestic Violence Act, 2005 provides a comprehensive definition of domestic violence.

³⁴ Definition of DV based on UN framework model legislation on domestic violence and UN Declaration elimination of Violence Against Women (General Assembly Resolution 48/104 of 1993).

³⁵ Section 12 of the Protection of Women from Domestic Violence Act. 2005

have used the word *compensation because the pecuniary jurisdiction of the magistrate is only 5000/- and how can a magistrate impose a fine of Rs. 20000/-.

The novel features of the Act are that persons against whom domestic violence is attributed are regarded as “respondents' only not as accused'. Further, the information given by the victim is not by way of complaint' but by “report'. On receipt of a complaint of domestic violence, the protection officer/service provider shall prepare a Domestic Incident Report (DIR) and submit the same to the magistrate. Magistrates in turn pass the protection orders providing the right of residence with interim monetary relief.

VIII. PROBLEMS IN THE IMPLEMENTATION OF LAW

After three years of implementation of the Act, the women activists and complainants realized that there are yawning gaps between the promise in print and the situation on the ground. Though the victim got some favorable orders under the Act, poor infrastructure and funding, lack of coordination between departments, and judicial delay are proving big deterrents. Lawyer's collectively³⁶ also pointed out huge disparities in implementation among States. The provisions of the Act place key responsibilities on State Governments. But it is the major lacunae that the governments are not appointing protection officers (PO) with independent charge. In very few States the POS are accessible to women, and because they are not full-time appointees and have other responsibilities, they can hardly devote any time to their duties under the Act.

The judicial delay is another major cause of ineffective implementation. Though the Act requires the court to complete the proceedings within 60 days, in the majority of the cases this timeline is not being met. Delhi attempted to address this by transferring all cases under the Act to certain designated Mahila Courts. Though it was well-intended, however, this move has resulted in overburdening of Mahila courts.

IX. CONCLUSIONS AND SUGGESTIONS

From the above, it is concluded that the human rights of women including girls' children are an inalienable, integral, and indivisible part of universal human rights. The full development of personality, fundamental freedoms, and equal participation by women in political, social, economic, and cultural life are concomitants for national development, and social and family

³⁶ The second annual evaluation report of the Act by the Women's Rights Initiative of lawyer's collective which is associated with the legislation since its inception.

stability. All forms of domestic violence are violative of fundamental freedoms and human rights. They de-empower women.

Social justice is an inseparable component of the human rights of women in India. It is also an essential concomitant of the sustainable development of a nation. Hence the goals of human rights are social justice and the resultant development of women. Women are critical agents of development and actors of change. However, they are not allowed to participate in the development process through selective elimination, exclusion, and isolation. Consequently, inclusive growth of the nation and development process is retarded.

The Act if implemented effectively is sunshine that dispels darkness within a family. The Act strikes at the roots of grief-stricken within a family. As a result, the family would become heaven. An important feature of the Act is a women's right to secure housing. The following suggestions are mooted for effective implementation to protect women's human rights:

- Section 304-B of IPC needs to be amended to cover all types of cruelty and not dowry-related harassment alone.
- Section 375 of IPC is to be amended to cover marital rape.
- The concerned State Government must allocate a budget to appoint Protection Officers exclusively for the purpose.
- People with the proper training need to be appointed as protection officers.
- Awareness campaigns must be conducted to the magistrates, police officers, protection officers/service providers, etc. about the new law,
- There must be an attitudinal change in society, Parenting plays a crucial role in determining behavioral patterns. Finally, the girl child is to be taught not to cow down to abuse.
