



DOMESTIC VIOLENCE: NATIONAL & INTERNATIONAL PERSPECTIVE

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Introduction:

Violence against women is a social reality across all countries in the world. It is more pronounced in case of domestic violence which remained unnoticed by the civil society for ages to come. India is no exception to this, though we worship the female form of God as most powerful. The prevalence of domestic violence in India ranges from 67% to 60% with considerable variation across the states in different settings. The magnitude, extent & burden of Domestic violence have already assumed alarming proportions'.¹ Women are considered equally important as men in our society but the question arise that do they get the same value or status as men the answer to all these questions is no, even in 21st century women are not able to get the equal rights as men, it does not matter how much developed.

Meaning:

Domestic violence is violent victimization of women within the boundaries of family, usually by men. Domestic violence is in a majority of cases violence against women by the members of house where she resides. It can be the husband, his parents or siblings or any other resident who has the overt or covert latitude for actions that can cause physical or mental agonies to women. It happens behind closed doors & is most often denied by the very woman who has been victim of violence.²

Historical Background:

The great Indian history shows that violence on women was there too in the ancient India. It was believed that a wife had no meaning of her life after the death of husband & with his dead body she too was forced to die as a 'Sati'. Later on, that heinous practice of Sati was abolished by the Britishers on the sane advice of Raja Ram Mohan Roy. Even today, instead of making a woman to die, she is forced to live an isolated

life as a helpless & harassed widow, in the scarcity of food, making her living by begging food. Thirty five years ago, violence against women was not considered an issue worthy of international attention victims of violence suffered in silence, with little public recognition of their plight. It began to change in the 1980 as women's groups organized locally, nationally & internationally to demand attention to the physical, psychological & economic abuse of women. Ultimately, it touched the conscience of our legislators & the Indian Parliament came out with landmark legislation, protection of women form Domestic Violence Act.

Domestic Violence in India:

Currently in India, a total of 4, 05,861 cases of crime against women were registered during 2019, showing an increase of 7.3% over 2018. Majority of cases under crime against women under IPC were registered under cruelty by husband or his relatives. According to NCRB repost published in September, 2020.³ At present there is diversity of offences or crimes that are committed against women as we know that gender-based violence is not limited to particular area or to a particular country but it's a global pandemic that affect in three women in their lifetime. There are just rough figures if we talk about reality there are so many incidents which are not reported we can classify some of the major offences against women as sexual harassment, rape, domestic violence, women trafficking, discrimination, eve-teasing & cybercrimes⁴

Offences against women: Indian legislations:

Offences against women under Indian legislations

Acid Attack: Throwing acid on women is one of the most prevalent crimes that have been committed against the women in India. According to India Today Data Intelligence Unit

¹ <https://www.utkalpar.com>

² Jaising Indira, Law of Domestic violence, 9-10, (universal law Pub. Co. Ltd. Delhi, 2001)

³ <https://indianexpress.com/article/india/ncrb-data-7-rise-in-crimes-against-women-6636529>.

⁴ <https://www.legalserviceindia.com>

1,483 acid attack victims have been found in the country from 2014 to 2018.⁵

Rape:

Is the faster growing crime against women in India as many as 33,356 incidents of rape were reported during 2018 involving 33,977 victims, an average 89 rapes daily.⁶

Dowry Death:

The offence of dowry death is provided under section 304(B) of IPC.

Sexual Harassment:

Section 354(A) of IPC deals with sexual harassment & its punishment, inserted in the IPC by the criminal law (Amendment) Act 2013.

Voyeurism:

Sec. 354(c) of IPC came into the existence after Nirbhaya rape case by the criminal law (Amendment) Act, 2013.

Offences against women under local & Special Laws:

Dowry (Prohibition) Act, 1961:

The total 7000 deaths linked with dowry have been recorded in the year of 2017.⁷ & around 20 women every day dies, either murdered or compel to suicide, this is the data of the cases which are reported.

Protection of Women from Domestic Violence Act, 2005:

The 86% of women has never sought help & around of victims of domestic violence has never said about it to anyone⁸

The Sexual Harassment of Women of Workplace (Prevention, Prohibition & Redressal) Act, 2013:

Sexual harassment at workplace is a major problem women are facing irrespective of their profession. It is increasing rapidly in the country. After 16 years of Vishaka vs. State of Rajasthan⁹, this Act has been passed in order to protect women from the sexual harassment at workplace.

The Commission of Sati (Prevention) Act, 1987:

According to this Act, the one attempting to Sati is punishable with one year or imprisonment or fine or with both.

⁵ <https://www.indiatoday.in/india/story/rapes-in-india-offenders-victim-minor-data-ncrb>.

⁶ National Crime records bureau of India, <https://www.indiatoday.in/india/story/rapes-in-india-offenders-victim-minor-data-ncrb>.

⁷ According to the report of National Bureau of India

⁸ According to National Family Health Survey, 2014-16.

⁹ AIR 1997 SC. 3011.

The Indecent Representation of Women (Prohibition) Act, 1986:

This is an Act to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.¹⁰

Domestic Violence in International Level:

The violence against women is recognized in international law as violation of their fundamental rights. To protect the rights of the women, many conventions have been made by the United Nations.

Universal Declaration of Human Rights:

UDHR was enacted & adopted by the United Nations General Assembly in the year 1948. UDHR has various social, cultural, economic, civil & political rights for women.

Convention on the Elimination of All Forms of Discrimination against Women:

The Convention was adopted by the United Nations in 1979, known as the International Bill of Rights of Women. The main objective of this treaty was to eradicate all the discrimination against the women prevailing in the world.

International Covenant on Civil & Political Rights:

1966 has 74 signatories, aims to protect the civil & political rights of men & women.

International Covenant on Social, Economic & Cultural Rights:

This International human rights treaty adopted in 1966. States that are Parties to this convention have an implicit obligation to protect women from violence as part of their obligation.

Judicial Perspective of Domestic Violence:

V.D. Bhanot vs. Savita Bhanot¹¹

The Apex Court upheld the Delhi High Court's view that "even a wife who had shared a household before the Domestic violence Act came into force would be entitled to the protection of the Domestic Violence Act"

Lalita Toppo vs. State of Jharkhand¹²

The S.C. held that, live-in partners & estranged wives are also included in the definition of "aggrieved person" under Sect. 2(a) of the Act.

Binita Dass vs. Uttam Kumar¹³

The S.C. held that qualification of the wife & the capacity to earn cannot be a ground to deny interim maintenance to a wife who is dependent & does not have any source of income.

Suggestions:

¹⁰ The Indecent Representation of women (Prohibition) Act, 1986- Section 3 & 4.

¹¹ AIR 2012 (3) SCC 183.

¹² SLP (cri.) No. 9080 (2013)

¹³ 2019 SCC online Del. 9666.

1. To amend & revise all laws that discriminate against women.
2. Police officials must be very vigilant while noting down complaints of offences against women.
3. The medico-legal system needs to provide women with appropriate diagnosis & treatment.
4. There is an establishment of shelter & safe homes for women who are battered which do not function as de facto detention centers for assaulters, but a place to refuge & stay for a certain period to feel safe & protected without losing personal dignity & freedom.
5. All prosecutors must be trained so that they maintain a gender neutral approach while

handling cases of domestic & sexual violences.

Conclusion:

All forms of violence against women have been increasingly recognized since the last two decades. It is also regarded nationally & internationally as a serious problem which immediately needed to be catered to. Today we have international conventions, treaties international, regional, national legislations etc. which provides us with a range of rights & protective measures for protecting women from violence including domestic & other gruesome offences.