

PROTECTION OF WOMEN AGAINST DOMESTIC VIOLENCE IN  
INDIA: A STUDY OF EMERGING TRENDS

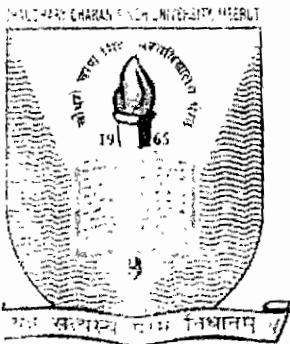
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*SUMMARY*

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## SUMMARY

There is a wide debate in India on the issue that whether laws hold promise of justice for women who have been victims of violence. Provisions for appropriate working conditions for women should also be made.

Legal mechanism cannot be the sole solution. An initiative on the part of public is also required it is of utmost necessity that such values are to be promoted which detest and vociferously oppose such decadent practices existing in society. People must be conscious of their rights so that they can avail full benefit out of them. If a person is ignorant of what his rights are then at many times he is not even in a position to understand the nature of injustice which was just inflicted on him.

The Domestic Violence Act, 2005 was passed by parliament and it received the assent of president on September 13, 2005. The Act defines 'Domestic violence in section 3 as any Act, omission or commission or conduct of the respondent shall constitute domestic violence in case it- (a) harms or injures or endangers the health, safety, life, limb well being whether mental or physical of the aggrieved person or tends to do so and included causing physical abuse, sexual abuse, verbal and emotional abuse, or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or another person related to her to meet any unlawful demand for any dowry or other property or valuable security, or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct, (d) otherwise injures or causes harm, whether physical or mental to the aggrieved person. For understanding the above provision, it is clear that and women living in a domestic relationship can file a case unlike under section 498 of IPC where obviously the aggrieved party must be wife. To prove a person guilty under section 498A IPC, the word 'cruelty' must be proved, which has of course a broader definition. But under this Act domestic relationship must be proved meaning thereby that the aggrieved party at one point of time has had a domestic relationship with the respondent.

The provisions incorporated in the Act will definitely curb immoral activities in our society, as any women living in a domestic relationship can file a case against any man.

Man's organizations such as save Indian family and Save family foundation have criticized the law since it is not gender neutral and abused men are not covered. Moreover, it might be abused by women and their families during family disputes. "Another

disquieting trend has been that women themselves have not been innocent of abusing women. At times women have played an unsavory, catalytic role in perpetrating violence whether against the daughter - in - law, the mother - in - law or female domestic helps.

The constitution is a living and organic thing which, of all instruments has the greatest claim to be construed proudly and liberally. Article (14), and 16(4) of the constitution intend to remove social and economic inequality to make equal opportunities available and articles 14, 15, 16 21, 38, 39, and 46 are envisaged to make the equality of the life of the poor, disadvantaged and disabled citizens of the society, meaningful.

Awareness about gender equality and women's rights should be instilled in boys and girls from very early age in order to bring about a change in the mindset of future generation list of NGO's and governmental organizations dealing with women's issues should be made known to the public.

The efforts of the government are in the shape of enacting relevant legislations, issuing order and launching various women welfare schemes. But their implementation remains tardy, as the lower level government functionaries are not gender sensitive. Pre-marital counseling should be made compulsory, post marital counseling is to be arranged as follow up, in order to prevent breakdown of families separate laws should be enacted to deal with protection of women against domestic violence. There should be a special court with a women judge and magistrate in each district to handle domestic violence cases. Mobile court should be introduced as an effective strategy to provide justice to the victims of domestic violence, Government should ensure proper enforcement of existing laws related to women's rights. Women should be made aware of women's commission offices. The women' Commission should be opened at the district and lower levels.

Police should be trained to be respectful and courteous to women in distress. A separate wing of police may be opened for dealing-with women's issues, in all police stations and personnel of this wing should be exempted from other duties. Media should be used to sensitive the officials and the public about domestic violence so as to develop a positive attitude towards women in general, and women victims, in particular. Censoring of the programmes should be implemented effectively, so that violence and negative impact programme do not get undue attention of the public.