

Legal Safeguards Against Domestic Violence: A Critical Appraisal

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ABSTRACT:

Domestic Violence is a social evil. It is a historical reality that the women in our society have been subjected to discrimination misbehavior and ill-treatment not only outside but also inside their house. The main causes for their plight being illiteracy, economic dependence on man and insensitivity to their rights and their dignity. Despite concept of equality of sex in all respects being a hallmark of our constitution, having been recognized in Articles 14,15,21,39 and 51(A), it is a harsh reality that the women in our country continue to be subjected to what we generally term as Domestic Violence. The phenomenon of Domestic Violence is widely prevalent but has remained largely invisible in the public Domain. According to National Crimes Record Bureau, a total of 4, 45, 256 cases of crime against women were registered during 2022. The majority of cases under crime against women under Indian Penal Code were registered, under cruelty by husband or his relatives (31.4 percent).

Keywords: Women, Domestic Violence, Equality, Dignity

INTRODUCTION:

“Sochanti Jamayo Yatra Vinasatyasu Tat Kulam Na Sochanti Tu Yatraita Vardhate Tad Hi Sarvada”. It means where the female relation live in grief, the family soon wholly perishes; but that family where they are not unhappy ever prospers.¹ The dignity of women is a part of her non-perishable and immortal self and no one should ever think of painting it in clay². The human rights for women including girl’s child are therefore, inalienable integral and indivisible part of universal human rights³. Despite concept of equality of sex in all respects being a hallmark of our Constitution, having been recognized in Articles 14,15,21,39 and 51 (A), it is a harsh reality that the women in our country continue to be subjected to what we generally term as domestic violence.⁴ The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain⁵. In **Indra sarma vs. V.K.V. Sarma**⁶, the Supreme Court observed that, “Domestic Violence” is undoubtedly a human rights issue, which was not properly taken care of in this country even though the Vienna Accord 1994 and the Beijing Declaration and platform for Action (1995) had acknowledge that domestic violence was undoubtedly a human right issue. UN Committee on convention on Elimination of All Forms of Discrimination against women in its general recommendations had also exhorted the member countries to take steps to protect women against violence of any kind, especially that occurring within the family, a phenomenon widely prevalent in India. It is a historical reality that, the women in our society have been subjected to discrimination, misbehavior and ill treatment, not only outside but also

inside their house. The main causes for their Plight being (i) Illiteracy (ii) Economic Dependence on men and (iii) insensitivity to their rights and their dignity. Even working women, whether she be construction worker who works side by side with her husband or a well educated and a suitably employed professional is not always accorded the dignity and respect, which ought to be given to her on the home front⁷. In **Preeti Gupta and Another Vs State of Jharkhand** the Apex Court observed that, it is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the court in our country including this court is flooded with matrimonial cases⁸. Presently when a woman is subjected to cruelty by husband or relatives it is an offence punishable under Section 498 A **IPC, 1860/Section 85 Bharatiya Nyaya Sanhita, 2023**.

The legislature has from time to time been making efforts to impart justice and fair play to the women by means of various statutory enactments⁹. The legislations which have been framed on the issues of maintenance are the Special Marriage Act 1954 (SMA), Section 125 of the Criminal Procedure Code, 1973/ Section 144 **Bharatiya Nagarik Suraksha Sanhita, 2023** and the Protection of women from domestic violence Act 2005 (“The DV Act”) which provide a statutory remedy to women, irrespective of the religious, community to which they belong, apart from the personal laws applicable to various religious communities¹⁰. The Protection of women Act, 2005 has been enacted to provide a remedy in civil law for protection of women from being victims of domestic violence and to prevent occurrence of domestic violence in the society. The Domestic Violence Act has been enacted to provide an effective protection of the rights of women guaranteed under the constitution, who are victims of violence of any kind occurring within the family¹¹.

According to National Crime Record Bureau (NCRB) 2022 a total of 4, 45, 256 cases of crime against women were registered during 2022, showing an increase of 4.0 % over 2021. (4, 28,278 cases) majority of cases under crime against women under IPC/BNS were registered under “Cruelty by Husband or his relative (31.41%) followed by kidnapping and Abduction of women (19.2%) assault on women with intent to outrage her modesty (18.7%) and rape (7.1%). The crime rate registered per Lakh women population was of 4.0 % in 2022 in comparison with 64.5 in 2021.

TABLE - A

IPC Crime against Women (State / UT- Wise)-2022 Cruelty by husband or her relatives (Section 498 A IPC, 1860 / Section 85 BNS 2023)

| SL | State / UT | No. of Incidence/ Cases | No. of Female Victims | Crime rate per Lakh Population |
|----|-------------------|----------------------------|--------------------------|-----------------------------------|
| | | 1 | 2 | 3 |
| | State | | | |
| 1 | Andhra Pradesh | 11964 | 12024 | 45.1 |
| 2 | Arunachal Pradesh | 74 | 74 | 9.8 |
| 3 | Assam | 4704 | 5870 | 27.0 |
| 4 | Bihar | 1850 | 1850 | 3.1 |
| 5 | Chhattisgarh | 942 | 945 | 6.3 |
| 6 | Goa | 6 | 6 | 0.8 |
| 7 | Gujarat | 2166 | 2209 | 6.4 |
| 8 | Haryana | 5883 | 5887 | 41.7 |
| 9 | Himachal Pradesh | 196 | 201 | 5.3 |

| | | | | |
|----|----------------|-------|-------|------|
| 10 | Jharkhand | 850 | 870 | 4.4 |
| 11 | Karnataka | 2812 | 2851 | 8.5 |
| 12 | Kerala | 4998 | 5094 | 27.0 |
| 13 | Madhya Pradesh | 8486 | 8506 | 20.4 |
| 14 | Maharashtra | 11367 | 11384 | 18.8 |
| 15 | Manipur | 10 | 10 | 0.6 |
| 16 | Meghalaya | 28 | 28 | 1.7 |
| 17 | Mizoram | 4 | 4 | 0.7 |
| 18 | Nagaland | 3 | 3 | 0.3 |

| | | | | |
|----|--------------------------------|---------------|---------------|--------------|
| 19 | Odisha | 5322 | 5466 | 23.2 |
| 20 | Punjab | 1640 | 1640 | 11.3 |
| 21 | Rajasthan | 18847 | 18852 | 48.2 |
| 22 | Sikkim | 2 | 2 | 0.6 |
| 23 | Tamil Nadu | 1043 | 1043 | 2.7 |
| 24 | Telangana | 9996 | 9996 | 53.0 |
| 25 | Tripura | 338 | 338 | 16.7 |
| 26 | Uttar Pradesh | 20371 | 20511 | 18.2 |
| 27 | Uttarakhand | 954 | 956 | 16.9 |
| 28 | West Bengal | 19650 | 22431 | 40.6 |
| | TOTAL STATE(S) | 134506 | 139051 | 20.6 |
| | UNION TERRITORIES | | | |
| 29 | A & N Islands | 5 | 5 | 2.6 |
| 30 | Chandigarh | 83 | 83 | 14.7 |
| 31 | D & N Haveliand Daman & Diu | 10 | 10 | 2.4 |
| 32 | Delhi | 4910 | 4930 | 49.7 |
| 33 | Jammu & Kashmir | 500 | 500 | 7.8 |
| 34 | Ladakh | 2 | 2 | 1.5 |
| 35 | Lakshadweep | 3 | 3 | 9.1 |
| 36 | Puducherry | 9 | 9 | 1.1 |
| | TOTAL UT (S) | 5513 | 5542 | 29.8 |
| | TOTAL All INDIA | 140019 | 144593 | 20..9 |

Source- National Crime Records Bureau, Ministry of Home Affairs , Govt. of India. Crime in India -2022

DOMESTIC RELATIONSHIP:

A domestic relationship means a relationship between two persons who live or have at any point of time, lived together in a shared household. The relationship may be by (i) Consanguinity (ii) Marriage or (iii) through a relationship in the nature of a marriage (iv) adoption or (v) are family members living together as a joint family¹².

DOMESTIC VIOLENCE:

“Domestic Violence” is any act of physical, mental or sexual violence and any attempted such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or had family or kinship ties or cohabit or dwell in the same house. It infringes the basic right to feel comfortable within the confines one’s house to all domestic violence victims is not a home. A home where one can live without any fear or insecurity¹³.

FORMS OF DOMESTIC VIOLENCE:

There are different types of domestic abuse including verbal and emotional, physical, sexual and economic abuse¹⁴.

1. Verbal and Emotional Abuse:

Verbal and emotional abuse includes insult, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child and repeated threats to cause physical pain to any person in whom the aggrieved person is interested¹⁵.

2. Economic Abuse:

Economic abuse includes deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom and maintenance¹⁶.

3. Physical Abuse:

Physical abuse means any act or conduct which is of such a nature as to cause bodily pain, harm or danger to life, limb or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force¹⁷.

CONCEPT OF MARRIAGE AND MARITAL RELATIONSHIP:

Marriage is often described as one of the basic civil rights of man/ women, which is voluntarily undertaken by the parties in public in a formal way, and once concluded, recognizes the parties as husband and wife. Three elements of common law marriage are (i) Agreement to be married (ii) living together as husband and wife (iii) holding out to the public that they are married, sharing a common household and duty to live together from part of the “consortium Omnis vitae “which obliges spouses to live together, afford each other reasonable marital privileges and Rights and be honest and faithful to each other. One of the most important invariable consequences of marriage is the reciprocal support and the responsibility of maintenance of the common house hold, jointly and severally. Marriage as an institution has great legal significance and various obligations and duties flow out of marital relationship, as per law, in the matter of inheritance of property, succession ship etc. marriage therefore, involves legal requirements of formality publicity, exclusivity and all the legal consequences flow out of that relationship¹⁸.

Marriage and the family are social institution of vital importance. Entering into and sustaining a marriage is a matter of intense private significance to the parties to that marriage for they make a promise to one another to establish and maintain and intimate relationship for the rest of their lives which they acknowledge obliges them to support one another, to live together and to be faithful to one another. Such relationships are of profound significance to the individuals concerned. But such relationships have more than personal significance at least in part because human beings are social beings whose humanity is expressed through their relationships with others. Entering into marriage erefore is to enter into a relationship that has public significance as well¹⁹. The institution of marriage

and the family are important social institutions that provide for the security, support and companionship of members of our society and bear an important role in the rearing of children. The celebration of a marriage gives rise to moral and legal obligations, particularly the reciprocal duty of support placed upon spouse and their joint responsibility for supporting and raising children born of the marriage. These legal obligations perform an important social function. This importance is symbolically acknowledged in part by the fact that marriage is celebrated generally in a public ceremony, often before family and close friends.²⁰

CONSTITUTIONAL PROVISIONS:

The progress of any society depends on its ability to protect and promote the rights of its women. Guaranteeing equal rights and privileges to women by the Constitution of India had marked the step towards the transformation of the status of the women in this country.²¹ Our Constitutional Jurisprudence has recognized the inseparable relationship between protection of life and liberty with the dignity. Human dignity is integral part of the Constitution.²² The Constitution of India not only grants equality to women but also empower the state to adopt measures of positive discrimination in favor of women for neutralizing the cumulative, socio economic, education and political disadvantages faced by them²³. It is apt to refer to certain constitutional provisions which are significant in these regards:- Article 14 provides that-

The state shall not deny to any person equality before the law or the equal protection of the law within the territory of India.

Article 15

- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- Nothing in this article shall prevent the State from making any special provision for women and children

Article 21

- No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 39

The State shall, in particular, direct its policy towards securing—

- that the citizens, men and women equally, have the right to an adequate means to livelihood;
- That there is equal pay for equal work for both men and women; Article 39 A- Equal justice and free legal Aid-
- The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article 51-A(e)- Fundamental duties

- It shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women²⁴.

INTERNATIONAL PROVISIONS:

The universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political rights, 1966, Declaration on the elimination of violence against women (DEVAW) 1993 and Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), 1979 lay down standards of general application to all human being which are applicable to all time and in all circumstances setting this standards for advancement of human rights.

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948:**Article 1 Provides that**

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 3:

- Everyone has rights to life, liberty and security of person.

Article 16(3)

- The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN (DEVAW), 1993:**Article 1 provides that:**

For the purposes of this declaration, the term “violence against women” means any Act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2:- Violence against women shall be understood to encompass, but not be limited to, the following:

- Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- Physical, sexual and psychological violence occurring within the general community, including rape, sexually abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.
- Physical, sexual and psychological violence perpetrated or condoned by the state, wherever it occurs²⁵.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966:**Article 6 provides that:**

Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived his life.

Article 23(1):

- The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 26:

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), 1979:**Article 16(1) provides that:-**

- State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women.
- The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration²⁶.

CAUSES OF DOMESTIC VIOLENCE:

In **Prabhs Tyagi Vs. Kamlesh Devi**, the Hon'ble Court observed that in India, most women are not educated nor are they earning, neither do they have financial independence so as to live singly. She may be dependent for residence in a domestic relationship not only for emotional support but for the aforesaid reasons. The said relationship may be by Consanguinity, marriage or through a relationship in the nature of marriage, adoption or is a part of or is living together in a joint family. A majority of women in India do not have

independent income or financial capacity and are totally dependent vis-a-vis their residence on their male or other female relations who may have a domestic relationship with her²⁷. In **Aparna Bhat vs. The State of Madhya Pradesh**²⁸ the Apex Court observed that, (i) women are physically weak, (ii) women cannot make decisions on their own (iii) Man are the head of the household and must make all the decisions related to family (iv) Women should be submissive and obedient (v) Good women are sexually chaste (vi) every women wants to be a mother (vii) women should be the ones in charge of their children (viii) being alone at night or wearing certain clothes make women responsible for being attacked (ix) women are emotional and often overreact or dramatize hence it is necessary to corroborate their testimony (x) testimonial evidence provided by women who are sexually active may be suspected when assessing consent in sexual offence cases and (xi) lack of evidence of physical harm in sexual offence case means consent was given.

Gender violence is most often unseen and is shrouded in a culture of silence. The causes and factors of violence against women include entrenched unequal power equations between man and woman that foster violence and its acceptability, aggravated by cultural and social norms, economic dependence, poverty and alcohol consumption etc. In India, the culprits are often known to the women, the social and economic cost of reporting such crimes are high. General economic dependence on family and fear of social ostracization act as significant disincentives for women to report any kind of sexual violence,

abuse or abhorrent behavior. Therefore, the actual incidence of violence against women in India is probably much higher than the data suggests, and women may continue to face hostility and have to remain in environments where they are subject to violence²⁹. Women often experience obstacles in gaining access to mechanisms of redress, including legal aid counseling services and shelters. They are re-victimized and exposed to further risk of violence through the denial of redress in the context of informal trials or negotiations between families and community leaders. The payment of financial compensation by the perpetrator or his family for acts of violence, against women, in lieu of legal remedies, was a recurrent concern vis-à-vis the formal and informal justice systems. Violence against women in India is systematic and occurs in a phrase that means the traits inherent to a thing or situation, especially a negative or difficulty one the public and private spheres. It is underpinned by the persistence of patriarchal social norms and inter and intra gender hierarchies. Women are discriminated against and subordinated not only on the basis of sex, but on other grounds too such as cast, class, ability, sexual orientation, tradition and other realities³⁰.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE:

The protection of women from domestic violence Act, 2005 was enacted keeping in view the rights guaranteed under Articles 14,15 and 21 of the Constitution of India to provide for a remedy under the Civil Law which is intend to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.³¹ The protection of women from domestic violence Act, 2005 is a secular legislation³² akin to section 125 of the Code of Criminal Procedure, 1973/ Section 144 BNSS, 2023. The Act is a piece of civil Code which is applicable to every women in India irrespective of her religious affiliation and/or social background for a more effective protection of her rights guaranteed under the Constitution and in order to protect women victims of domestic violence occurring in a domestic relationship.³³ The Act enjoins the appointment of protection officers who will be under the control and supervisions of a judicial magistrate first class. The said officer shall send a domestic incident report to the magistrate, the police station and service providers. The protection officers are required to effectively assists and guide the complaint victim and provide shelter, medical facilities, legal aid etc. and also act on her behalf to present an application to the magistrate for one or more reliefs under the Act.³⁴

RELIEF UNDER DOMESTIC VIOLENCE ACT:

Chapter IV is the heart and soul of the Domestic Violence Act, which provides various reliefs to a woman, who has or has been in domestic relationship with any adult male person and seeks one or more reliefs provided under the Act³⁵. The magistrate, while entertaining an application from an aggrieved person under section 12 of the domestic Violence Act, can grant the following reliefs:-

1. Right to reside in a shared household (section 17)³⁶.
2. Protection order (section 18)³⁷.
3. Residence orders (section 19)³⁸.
4. Monetary reliefs (section 20)³⁹.
5. Custody orders (section 21)⁴⁰.
6. Compensation orders (section 22)⁴¹.
7. Interim orders (section 23)⁴².

LEGAL AID UNDER DOMESTIC VIOLENCE ACT:

Section 9 (d) provides that-to ensure that the aggrieved person is provided legal aid under the Legal Services Act, 1987 and make available free of cost the prescribed form in which a complained is to be made⁴³.

PROTECTION ORDER UNDER DOMESTIC VIOLENCE ACT:

Section 31 of the Act, 2005 provides for penalty for breach of protection order by respondent. A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees or with both.⁴⁴

MAINTENANCE UNDER BHARATIYA NAGARIK SURAKSHA SANHITA, 2023:

Chapter X of Bharatiya Nagarik Suraksha Sanhita, 2023 provides for maintenance of wife, children and parents in a summary proceeding. Section 144 (1) provides that- If any person having sufficient means neglects or refuses to maintain-

- His wife, unable to maintain herself; or
- His legitimate or illegitimate child, whether married or not, unable to maintain itself; or
- his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself; or
- His father or mother, unable to maintain himself or herself,

A magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother at such monthly rate as such magistrate thinks fit and to pay the same to such person as the magistrate may from time to time direct,

Provided that, the magistrate may order the father of a female child referred to in clause (b) to make such allowance, until she attains her majority, if the magistrate is satisfied that the husband of such female child, if married is not possessed of sufficient means; provided further that, the magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother and the expense of such proceeding which the magistrate considers reasonable, and to pay the same to such person as the magistrate may from time to direct;

Provided also that, an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible be disposed of within sixty days from the date of the service of notice of the application to such person.

Explanation- For the purpose of this chapter, wife includes a woman who has been divorced by or has obtained divorce from, her husband and has not remarried.

THE BHARATIYA NYAYA SANHITA, 2023:**Section 85 of the Bharatiya Nyaya Sanhita reads as under:**

Section 85:- husband or relative of husband of a woman subjecting her to cruelty. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Section 86: cruelty defined- For the purposes of section 85, "cruelty" means-(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

THE LEGAL SERVICE AUTHORITY ACT, 1987:

The legal services Authority Act, 1987 was enacted to constitute legal services authorities for providing free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice were not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalat to ensure that the operation of legal system promoted justice on a basis of equal opportunity. The system of Lok Adalat, which is an innovative mechanism for alternative dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the Court.⁴⁵

JUDICIAL INTERPRETATION ON DOMESTIC VIOLENCE:

Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a sub ordinate position compare with men⁴⁶. In **Satish Chander Ahuja vs. Sneha Ahuja**⁴⁷, the Apex Court observed that: the Domestic Violence in this Country is rampant and several women encounter violence in some form or the other or almost every day, however, it is the least reported form of cruel behavior. A woman resigns her fate to the never ending cycle of enduring violence and discrimination as daughter, a sister, a wife, a mother, a partner or a single woman in her lifetime. This non-retaliation by women coupled with the absence of laws addressing women's issues, ignorance of the existing laws enacted for women and societal attitude makes the woman vulnerable. The reason why most cases of domestic violence are never reported is due to the social stigma of the society and the attitude of the women, themselves, where women are expected to be subservient, not just to their male counterparts but also to the male's relatives. Till the years 2005, the remedies available to a victim of domestic violence were limited. The women either had to go to the Civil Court for a decree of divorce or initiate prosecution in the Criminal Court for the offence punishable under section 498-A of the IPC/Sec.85 BNS. In both the proceedings no emergency relief/reliefs is/are available to the victim. Also the relationship outside the marriage was not recognized this set of circumstance ensured that a majority of women preferred to suffer in silence, not out of choice but of compulsion. The enactment protection of women from domestic violence Act 2005 is millstone for protection of women in this country.

WOMEN PROTECTION LAWS IN INDIA:

In a socialist democracy govern by rule of law; law is a social engineering brings about transformation in the social structure⁴⁸. The Parliament of India has enacted several laws to protect women, including:- (i) Family Courts Act,1984,(ii)Hindu Adoption and Maintenance Act, 1956,(iii)Hindu Marriage Act, 1955,(iv)Muslim Women (Protection of rights on divorce) Act, 1986,(v)Maintenance and Welfare of Parents and Senior Citizens Act, 2007,(vi)Maintenance Order Enforcement Act,1921,(vii)Special

Marriage Act, 1954,(viii)Divorce Act, 1869, (ix) Parsi Marriage and Divorce Act, 1936,(x)Dissolution of Muslim Marriage Act, 1939,(xi)Hindu Minority and Guardianship Act, 1956,(xii) Guardians and Wards Act, 1890,(xiii)Christian Marriage Act, 1872,(xiv)Foreign Marriage Act, 1969,(xv)Muslim women Personal Law (Shariat) Application Act, 1937,(xvi) Prohibition of Child Marriage Act, 2006,(xvii)Dowry Prohibition Act, 1961,(xviii)Protection of Children from Sexual Offence (POCSO) Act, 2012,(xix)The Maternity Benefit Act, 1961,(xx) The Medical Termination of pregnancy Amendment Act, of 2021. (xxi) National Commission for women Act,1990 (NCW) (XXii) The Protection of Human Right Act, 1993, (xxiii) The Indecent representation of women (prohibition) Act, 1986, (xxiv) The Prohibition of Child Marriage Act, 2006, (xxv) The Equal Remuneration ACT, 1976.

CONCLUSION:

Domestic violence is a social evil and is crime against society, though victim is an individual. Having regard to illiteracy, Lack of awareness, financial resources and societal constraints, a victim may be compelled to suffer such violence against her will and therefore may not report the incident/ may not be in a position to seek appropriate legal remedy/ may not have the means to resort to legal course. Ghastly incidents of such violence are increasing. So it is the duty of the police officer, protection officer, service provider and the Magistrate to inform the aggrieved person of her right to make an application for one or more reliefs under the Domestic Violence Act⁴⁹. It is therefore proposed to enact a law keeping in view the rights guaranteed under Article 14, 15 and 21 of the constitution to provide for a remedy under the civil law which is intend to protect the women from being victims of Domestic Violence and to prevent the occurrence of Domestic Violence in the Society⁵⁰.

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