



Domestic violence against women in India

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Abstract

Objectified by all, accepted by none- SHE is, was and will forever be the one without whom a life of any individual seems meaningless.

Internationally, violence against women has been considered one of the eleven critical areas concern by governments. This can be considered as turning point for women or help from outrage to women as till 1975, as status of women report where violence was not even mentioned.

We have heard about violence in many languages but domestic is what strikes new to our vision. Well, the target remains the same but the act or process is what is unheard, unnoticed but is a CRIME!!

Well to start with what often misleads people is the different category of domestic violence prevalent.

To mention physical violence which is often taken up as a method to express man's frustration after all he needs a vent to his emotion.

Keywords: accused, domestic violence, victim

Introduction

Domestic violence against women is the dire face of all posture towards women in India. Domestic violence is any behaviour the purpose of which is to gain power and control over a spouse, partner, girl/boyfriend or intimate family member.

It can affect any age or gender in its own brutal way. What, How and Why different aspects same victim. Violence in the home is one of those uneasy subjects that have to be debated in the public domain.

This is a societal issue about which every thinking person ought to be concerned. In India where almost half of the population are women, they have always been ill-treated and deprived of their right to life and personal liberty as provided under the constitution of India.

According to latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide violence against women is not a new phenomenon.

Women have to bear the burns of domestic, public, physical as well as emotional and mental violence against them, which affects her status in the society at the larger extent.

Crimes against women in India

Violence affects the lives of millions of women worldwide in all socio-economic and educational classes.

In a statement to the fourth world conference on women in Beijing in September 1995, the United Nations secretary general, Boutros Ghali, said that violence against women is a universal problem that must be universally condemned.

But he said that the problem continues to grow.

Role of Ngo's In Prevention of Domestic Violence

NGO is a legally constituted organisation created by natural or legal persons. The role of non- governmental organisation working in the field of women's human rights in the country can be traced with the help of evaluating the contribution of few NGO's.

Domestic violence legislation and its implementation-An analysis for Asian countries based on international standards and good practices by lawyer's collective women's rights initiative, India at UNIFEM 2009.

Top Ngo's against domestic violence

1. ALL India women's conference
2. JWP joint women's programme
3. Streebal
4. YWCA
5. Shakti Shalini

Constitutional provisions for the protection of women

The articles under part III of the constitution of India relating to the fundamental rights which try to uplift the status of women and provide equal opportunities for women.

According to article 14 of the constitution of India-

All persons including women are equal in the eyes of the law and they are also entitled to enjoy equal protection of laws within the territorial jurisdiction of India.

Article 15 deals with prohibition against discrimination.

As per article 17 of the constitution of India-

System of untouchability (offence) act of 1955 was enacted by the parliament.

This act was amended by untouchability (offence) amendment act 1976 in order to make the law more stringent to remove untouchability from the society.

As per article 21- no person shall be deprived of life or personal liberty except according to procedure established by law.

This "right to life" includes right to live with dignity.

Right to privacy

Criminal law relating to domestic violence

The criminal law in India is contained primarily in the Indian penal code, 1860. The IPC is supplemented by special laws, which define and punish specific.

There are some sections in Indian penal code, 1860 which deals with different domestic violence.

In India often women are murdered by their husbands and in-laws for flimsy reasons. In this context it is stated that under section 209 of the IPC.

The husband or relative who subjects the wife to cruelty presumed to have caused he dowry death and will have to prove that the death was not a result of the cruelty. It is the most common type of domestic violence.

As the earlier law was not sufficient to check dowry deaths, the legislature introduced stringent provisions viz, sec 304B of I.P.C and sec 113, Indian evidence act, in 1986.

498A-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.

The code of criminal procedure, 1973

In India often women are deserted by their husbands or living separated from their husbands without any reason.

In that situation code of criminal procedure, 1973 came to help those distressed women and their children.

According to sec 125 of the Cr. P.C, if any person having sufficient means,

Neglects or refuses to maintain his wife and children who are unable to maintain themselves, the 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 children at such monthly rate not exceeding five hundred rupees per head, or as such, the Magistrate thinks fit, and to pay the same to such person as the Magistrate may, from time to time, direct.

Hindu marriage act 1955

The Hindu marriage act 1955 deals with aspects of domestic violence only in the context of judicial separation and divorce.

The act also deals with maintenance and alimony.

Conclusion

The companionship is the basic requirement of all the human beings, as no man or woman is complete without each other. Man and woman are two halves of humanity. Neither can reach its highest creative excellence without the co-operation of the other. Domestic violence has long been accepted as something that often happens to women. Family which was perceived as an arena of love, affection, gentleness and centre of solidarity and warmth has now become a centre of

exploitation, assault and violence ranging from slapping, hitting, homicidal assault by one member of the family on the other, harassment for dowry or for any other reason.

In practice, the term violence against women encompasses an array of abuses targeted at women and girls, ranging from sex-selective abortion to the abuse of elder women.

There is no universally accepted definition of violence against women. Some human rights activists prefer a broad based definition that includes "structural violence" such as poverty and unequal access to health and education.

Thus a situation of anomaly exists in the constitution which prohibits discrimination based on sex and yet discriminatory personal laws are permitted.

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5. Section 498A IPC
6. Sec 125 of Cr PC