ABSTRACT

Today human beings live in the so-called civilized and democratic society that is based on the principles of equality and freedom for all. It automatically results into the non-acceptance of gender discrimination in principle. Therefore, various International Human Rights norms are in place that insist on the elimination of all forms of discrimination against women and advocate equal rights for women. Women's year, women decade etc. are observed that led to the creation of mass awareness and sensitization of people about rights of women. Many steps are taken by the government in the form of various policies and programmes to promote the status of women and to realize women's rights. But despite all the efforts, the basic issue that threatens and endangers the very existence of women is the issue of domestic violence against women. John Stuart Mill put it into his book 'the subjection of women' in 1869 that, 'marriage should be thought of as a partnership of equals analogous to a business partnership and the family not a school of despotism but the real school of the virtues of freedom'. Contrary to this women who constitute about half of the world's population are the worst victim of violence and exploitation within home. 'Home' which is described as a 'poor mans' castle' where one is supposed to enjoy a sense of love, affection, gentleness and warmth, even that place is not safe for women. Rather it has become a place of exploitation, assault and violence, a platform where all the inhuman and barbaric forms of abuses take place. A woman is subject to violence on the streets and the place of her work. But the highly pathetic state is that she suffers from a sense of insecurity even within the four walls of the house. The gravity of the
problem strikes further when the perpetrators are known and even related to woman and who are supposed to be her protectors. The worst is that no body stands witness to the crime against the victim. Therefore, it is the very nature of domestic violence that complicates the whole issue.

‘Domestic violence’ is a primitive practice that has always been treated as a part and participle of socio-cultural milieu of each and every society, exists in almost all the countries of the world whether developed or developing. Therefore, it was not treated as something wrong/unusual. Therefore, one never heard of terms like domestic violence. In this sense the term ‘Domestic violence’ is of recent origin.

Unfortunately, the socio-economic, religious and cultural set-up of Indian society as well as the family system within it can be regarded as the sexist organization which socialize both males as well as females from their early childhood in patriarchal values that accept and even glorifies gender discrimination as well as violence against women. This is the result of such socialization that a report of the National Family Health Survey 2005-06, says that ‘47% women in Uttar Pradesh believe it is justifiable for their husbands to beat them up’. It is highly unfortunate that our social system compels even an educated women to accept violence inside the home. According to Nisha, an educated housewife, “She would initially protest whenever her husband beat her up. But now, she feels it’s better to live with a husband, no matter how he is, rather than to live alone, because the fate of single women is worse in a country like India.” Socialization patterns ensure the continuing dominance of male values over female ones. Women have been found the victims of humiliation and various types of atrocities within
the family which finally turn into its worst form that women themselves start justifying their humiliation. Psychiatrist Prabhat Shithole also recognizes the same, in his views, 'it's a sort of disorder when an individual loses her self-esteem to the extent that she starts justifying her humiliation. There is no treatment except counselling and creating awareness about one's rights'.

Domestic violence against women is often perceived to be a structural phenomenon which is gender specific and is in-built in the system itself. Presently it has taken the severe form that it is also perpetrated by the father, mother and brother of women including in-laws.

Despite various legislations (related directly or indirectly) the problem of domestic violence against women remains more and less the same. The legal remedies, exclusive law on domestic violence with stringent punishment could not solve the problem which have caused the victim nor prevent further manifestation of such violence. On the other hand, women most of the time never dare to take legal actions, as Amod Kumar Srivastava, a lawyer in the family court says 'only 5% of women gather the courage to go to court and seek justice, despite laws in place' if they take legal actions against their abuser may have to suffer further brutal attack within holding of financial supports by the family members and considerable emotional stress at home in future. Such bias attitudes of the society against women who want to fight against domestic violence inside the home compel them to keep silence.

Undoubtedly there are many laws to protect and safeguard the victims of domestic violence. But despite the laws one can see the alarming increase in the cases of domestic violence against women. Many reasons can be
attributed to this growing violence against women. One of them is the lack of awareness among women about the laws made for their protection. Secondly women usually lack courage to file complaints against the accused ones and go to the court because of the fact that the perpetrators are usually their own relatives or neighbours or persons whom they know well. Besides, lack of socio-economic support also prevents women to take recourse to legal action. Thus, due to all these factors women silently face violence against them within the boundaries of home, since the time immemorial.

Though the problem was always there but not so visible earlier as it is today. Now it is increasing day by day, various reasons are assigned to the recent increase in the incidents of domestic violence against women, such as increase in the level of awareness about women’s rights, resulting in the assertion of rights by women and further resulting in the aggressive reaction of the patriarchal set up of the society. It is also because of the more awakened media. These factors are assigned for the increase in domestic violence or else in bringing the cases of domestic violence to light. Whatever it be but cannot shut eyes on the gravity of the problem of domestic violence against women. Since it has taken serious under tones threatening the social structure of the family.

Thus, the present work is a humble attempt to highlight the issues of domestic violence against women as a serious problem in Indian society. The present work attempts to study the problem of domestic violence from different points of view and concentrates on socio-legal aspects of the issue under Indian perspectives in an objective manner.