

EXAMINING GOVERNMENT PROGRAMMES AND POLICIES WITH SPECIAL REFERENCE TO DOMESTIC VIOLENCE

Auroshikha Mohanty* Ayushi Srivastava*

ABSTRACT

Domestic violence, a global issue, disproportionately affects women in India. This study explores its various forms, existing legal measures, and government schemes. It then identifies gaps and proposes solutions. The abuse manifests in physical, emotional, sexual, and financial control, often fuelled by systemic problems. While legal protections exist, lengthy court proceedings and social stigma hinder their effectiveness. Government initiatives raise awareness and offer support, but limited reach and resources pose challenges. However, limited reach in rural areas, inadequate funding, and a lack of trained personnel pose challenges. Furthermore, economic dependence on abusers makes leaving relationships difficult for many women. India faces a complex challenge for which a multi-pronged approach is crucial. By acknowledging its multifaceted nature, strengthening legislation, and implementing effective schemes, India can create a safer environment for women. Taking into consideration all the factors affecting the issue, this paper aims to provide necessary suggestions to deal with the existing lacunas for curbing domestic violence in the country.

Journal of Legal Research and Juridical Sciences

Keywords: Domestic Violence, Empowerment, Social Stigma, Gender Equality, Legislative Reform.

INTRODUCTION

Domestic violence has been documented in a wide range of cultures and societies worldwide, which serves as a good indicator of its pervasiveness. Acknowledged as a significant public health issue, it exhibits specific forms and patterns based on the area where it is happening. Despite its wide variety, it is the leading cause of non-fatal injuries to women, who bear the brunt of the harm, place the responsibility on themselves, and decide not to come forward.

*PHD SCHOLAR, NATIONAL LAW UNIVERSITY ODISHA, CUTTACK.

*ASSISTANT PROFESSOR, NATIONAL LAW UNIVERSITY ODISHA, CUTTACK.

They frequently internalise the violence and justify it by thinking that they were the ones who started it. As a result, they accept the abuse as their fate and continue to live with it.¹

It is defined as physical, sexual, and psychological abuse that takes place within the family, such as domestic abuse, battering, dowry-related violence, rape in marriage, female genital mutilation, and other harmful traditional practices; it also includes non-spousal abuse and violence related to exploitation in their households. According to data from the National Family Health Survey, more than 30% of Indian women report experiencing physical, sexual, or emotional abuse at the hands of their spouses at some point of time in their life.

Younger women who have lower incomes are not as educated, are from poorer castes, are not employed, and have partners who drink or gamble are more likely to experience domestic violence against them. Especially in India, domestic violence takes peculiar forms also.

This is why it is so important to have specific legislation addressing such an issue. The implementation of laws against domestic violence is linked to a 2.27% mean reduction in the adult mortality ratio between men and women. This results in the preservation of hundreds of thousands of women's lives.

FORMS OF DOMESTIC VIOLENCE

Journal of Legal Research and Juridical Sciences

Most parts of the world, be it any developed country, developing country, village, sub-urban town, or urban city, witness the menace of domestic violence. In India, the issue of domestic violence has become a widespread issue that is mostly directed at women. The ambit of this violence, however, does not stop at a particular age group; it has a widespread reach from infants aged a few months to older women in their 80s. Domestic violence, gender-based violence, primarily takes place through physical abuse such as kicking, slapping, strangling or pushing. Nonetheless, it can also be caused by hurling verbal abuses or making demeaning comments at the aggrieved person, constantly taunting them and insulting them relating to matters of dowry, family, bearing children or anything for that matter.² Domestic violence can also be caused by committing sexual violence on the aggrieved party, such as the husband

¹ Helen V. Tauchen, Ann Dryden Witte and Sharon K. Long, 'Domestic violence: A nonrandom affair' [1991] 2 INT'L ECON. L. REV. 38

² Biswajit Ghosh, 'State, Law and Domestic Violence Against Women in India: A Critical Review' (2017) Concept Publication: New Delhi 14 (ISBN: 978-93-85582-02-4).

forcing his wife to have sexual intercourse with him against her will, which can also be termed as marital rape, touching her against her will, and constantly forcing her into performing sexual acts to humiliate and abuse her by such forceful conducts.³ Psychological and economic abuse can also lead to domestic violence, such as dismissing the needs of the aggrieved person by not making that person feel seen or heard, taunting the aggrieved person's family and giving threats to harm them, isolating from loved ones, withholding financial resources necessary for survival, etc. So, domestic violence can happen by undertaking any of the aforementioned acts. Some of the most prevalent forms of domestic violence are-

Dowry Deaths

The National Crime Records Bureau (NCRB), Planning Commission and Census of India 2001 state that the number of dowry deaths caused by domestic violence at home rose to 8093 in the year 2007.⁴ Since time immemorial, dowry has been considered a social evil which is still prevailing in this patriarchal society. Dowry has become an inherent part of every marriage, be it a small-scale marriage or a big fat Indian wedding. The underlying idea behind giving and demanding dowry is that women are considered dependent individuals, first dependent on their father and, after marriage, on their husband and in-laws.⁵ Hence, the father has to give dowry for her needs and ensure proper treatment of his daughter. So, in those situations where the dowry demand has not been met or the dowry has been insufficient, the groom, along with his family, subjects the bride to physical and mental abuse, causing domestic violence. This has a terrible impact on the women's health and well-being. In 2013, NCRB conducted a survey which stated that despite the penal provisions of section 498A and section 304B in force, the dowry deaths in India are still over the figure of 1, 18,000 and the states such as Haryana, Bihar and Uttar Pradesh have recorded the highest deaths.⁶

Feticide

Sex-selective abortions based on the notion that males are superior to females and, hence, will help in the continuation of the family name and legacy leads to female feticide, which is a form of domestic violence taking place at home. Due to technological advent, several medical

³ Ibid.

⁴ Gopalan Reethesh Babu and Bontha Veeraju Babu, 'Dowry deaths: A neglected public health issue in India', *International Health* (2011) 3(1) 37.

⁵ Mudita Rastogi and Paul Therly 'Dowry and its link to violence against women in India', *Trauma Abuse, & Violence* (2006) 7(1) 70.

⁶ Ministry of Home Affairs, *Crime in India 2013* (National Crime Record Bureau 2014).

techniques such as ultrasound to determine the sex have cropped up, which leads to selective sex-selective based abortions. Even after the Pre-Conception and the Pre-Natal-Sex Determination Act 1994, illegal abortions after sex determination have been rising rampantly. The child sex ratio in India is in a terrible state, with 918 girls between the ages of 0 and 6 per 1000 males, according to the census of 2011.⁷ Within India, Haryana is one of those states with the lowest child sex ratio and high rates of crimes against women, unlike Kerala, where the sex ratio is in a better condition, and the female literacy rate is also high due to proper implementation, administrative efficiency and progressive mindset of the people.

Victims Of Rape/ Physical Assault

Another form of domestic violence is taking place in the form of violence being done on women through assaults, harassment and rape. The NCRB survey says that there is one act of sexual harassment every 59 minutes and one rape every 34 minutes.⁸ And most of those cases go unreported because of societal taboos and male patriarchal dominance over women. Cases like Nirbhaya rape case, Hyderabad doctor rape case, Kathua rape case still send chills down the spine amongst everyone even today.⁹ The International Centre for Research on Women (ICRW) conducted a survey.¹⁰ This emphasised the fact that even within marriage, women are constantly sexually abused and harassed; 57% of men undertake violent sexual abuse against their wives.

Infanticide

Since the year 2001, the female-child sex ratio has been on a sudden decline; up to 50 million girls have been missing in the last few decades due to the high rate of female infanticide.¹¹ Due to a patriarchal society that prefers a male child over female, female newborn children are killed after they are born using poisonous substances, thrown into river bodies, and in fireplaces to die.

⁷ Ibid.

⁸ Indira Sharma, 'Violence against women: Where are the solutions?' (2015) Indian Journal of Psychiatry. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4462781/> (Accessed: 16 March 2024).

⁹ Sreeparna Chakrabarty, 'Are crimes against women on the rise?: Explained' (2023) The Hindu. <https://www.thehindu.com/news/national/are-crimes-against-women-on-the-rise-explained/article67622430>. (Accessed: 16 March 2024).

¹⁰ Washington (USA): ICRW, The International Centre for Research on Women. Domestic Violence in India II: Exploring Strategies, Promising Dialogue (2001) ICRW Information Bulletin 7.

¹¹ India loses 3 million girls in infanticide (2021) The Hindu, <https://www.thehindu.com/news/national/India-loses-3-million-girls-in-infanticide/article12551293.ece> (Accessed: 16 March 2024).

GLOBAL SCENARIO

In 2006, there were only 60 countries with domestic violence legislation, but by 2011, the number had more than doubled to 127 countries. As per the most recent data, laws have been implemented in 144 nations to safeguard victims of domestic abuse and penalise those who commit it. This means that there is a positive trend in the passing of new laws that prioritise victim protection.

Today, victims of domestic abuse have the greatest and most reliable legal safeguards available in the continents of North America and Europe—with the United States very close to the top of the list. Similar robust legislations prohibiting domestic abuse are in place in Chile, Columbia, New Zealand, South Africa, Austria, and the United Kingdom, among other countries.¹²

The number of nations where marital rape is still not a crime is also steadily dropping, which serves as another indicator of progress. According to a 2011 UN report, 127 countries still allowed marital rape.¹³ But now, there are only 32 countries on the list. Nevertheless, this indicates that 32 nations do not provide any safeguards for wives against their husbands' sexual abuse. Even worse, rapists can still legally marry their victims in 20 different countries to evade prosecution. Thus, a lot of work still has to be done.

In 2016, China passed its first domestic violence law, which makes provisions for not just physical but also psychological abuse against family members and co-habiting non-relatives, widening the ambit of domestic abuse. Several Middle Eastern countries are also making great progress – they have repealed their rape-marriage laws and are advocating for increased autonomy for women, such as in Jordan, Lebanon and Tunisia. Kazakhstan enacted Safeguarding and Protection Against Domestic Violence, which makes it easier for witnesses and victims to report domestic violence crimes and improves police follow-up. This will ensure that people will not be averse to reporting such incidents at the risk of having to frequent courts. Additionally, the enactment gives victims of domestic abuse greater opportunities for rehabilitation. Liberia also enacted a remarkably robust Domestic Violence Act in 2019 that is very gender-neutral. Not only does it reinforce protections for women, men, and children who

¹² Michael P. Johnson, 'Domestic violence: It's not about gender: Or is it?' [2005] J. OF MARRIAGE AND THE FAMILY 1126-1130

¹³ Kristin E VanderEnde, 'Community-level correlates of intimate partner violence against women globally: A systematic review' [2012] 7 SOCIAL SCIENCE & MEDICINE 75

are victims of domestic violence, but it also requires healthcare providers, school administrators, and social workers to report suspected incidents of domestic abuse to local authorities with relative ease.¹⁴

There are still parts of the world where victims of domestic violence lack access to legal remedies, although these are primarily found in the Middle East, lower Africa, and West Asia. Among the nations on the list are Chad, Iraq, Iran, Sudan, Ivory Coast, Haiti and Myanmar.

LEGISLATIONS ENACTED IN INDIA

The History of Legislation

Domestic abuse against spouses was not illegal in India until 1983. There were, however, provisions for husbands or in-laws facing charges under IPC's general penal provisions for murder, aiding and abetting suicide, causing grievous hurt, and wrongful confinement. Given that these restrictions were equally applicable to any third person and not specific at the hands of domestic spouses, the particulars of the women's familial circumstances were disregarded. There was no specific focus on the concept of women being tortured by their spouses or in-laws. Moreover, women also found it very difficult to provide witnesses to support their account or establish proof of assault beyond a reasonable doubt, as required by courts.¹⁵

Journal of Legal Research and Juridical Sciences

A major reason for the need for criminal law reform was the high number of women who were dying in marriages as a result of harassment linked to dowry demands. Women's rights groups from different parts of the nation pressured the Criminal Law Amendment Committee in 1982 to give women legal protection against dowries and domestic abuse so that the victim might receive justice while she was still alive. IPC¹⁶ and the Evidence Act¹⁷ saw major changes as a result of vigorous campaigning and lobbying, intending to shield women from dowry demands, domestic abuse, and marital violence.

¹⁴ LynnMarie Sardinha and Héctor E. Nájera Catalán, 'Attitudes towards domestic violence in 49 low-and middle-income countries: A gendered analysis of prevalence and country-level correlates' [2018] 10 PLOS ONE 13

¹⁵ Kaamila Patherya, 'Domestic violence and the Indian women's movement: A short history' [2017]

9 INQUIRIES JOURNAL 11

¹⁶ Indian Penal Code 1860

¹⁷ Indian Evidence Act 1872

Indian Penal Code, 1860

The most significant change was made to IPC in 1983 with the addition of Section 498-A.¹⁸ This was quickly followed by the definition that it is an offence of a woman's death due to demand for dowry in Section 304-B in 1986.¹⁹ Given that Section 304-B deals with the specific crime of dowry death and Section 498-A aims to address the widespread violence against married women for dowry, it is thought that the two sections were adopted to be read in conjunction with one another. For the first time in India, there was an attempt to make domestic abuse of women a criminal offence. The purpose of adding Section 498-A IPC along with related clauses was to expressly add a measure of deterrence against dowry deaths in India.

This provision imposes jail time and fines on offenders. Additionally, the offence is not subject to bail, is not compoundable, and can only be brought to the attention of the police upon a complaint from the victim or authorised family members. It states that anyone who subjects a woman to cruelty—whether that woman's spouse or his family member—may be imprisoned for up to three years in addition to paying a fine. It explains cruelty as any deliberate behaviour that poses a risk of serious harm to a female's life, limb, or health, whether physical or mental. It also includes harassing a woman when the purpose is to coerce her or anyone connected to her to comply with an unlawful demand for property or valuable security or when the harassment is due to the victim's inability to comply with the demands.

Journal of Legal Research and Juridical Sciences

Indian Evidence Act, 1872

In the Evidence Act, Sections 113-A²⁰ and 113-B²¹ Have been inserted. These sections create legal presumptions. Courts have to consider a woman's death to be a dowry death if it can be demonstrated that she was the victim of abuse or harassment for dowry before her passing. In a similar vein, the court may assume that a married woman's suicide within seven years of marriage was abetted by her spouse or his family members owing to cruelty.

National Commission OF Women Act, 1990

The National Commission for Women is a statutory body established by the government with the specific responsibility of researching and keeping track of issues about the violations of

¹⁸ Section 498-A, Indian Penal Code 1860

¹⁹ Section 304-B, Indian Penal Code 1860

²⁰ Section 113-A, Indian Evidence Act 1872

²¹ Section 113-B, Indian Evidence Act 1872

legal and constitutional protections afforded to women. It also reviews current laws, proposes changes as needed, and investigates complaints about the denial of women's rights. Most cases are centred around atrocities by husbands regarding dower amounts, dowry, or suicides, deaths, and murders connected to such demands by in-laws. According to Sections 10(1)(f)²² and 10(1)(g)²³ Of the NCW Act, 1990, these cases are duly processed by the Commission, which then refers the cases to the relevant authorities, like the police and district magistrates, with recommendations for accelerating the application of criminal laws and bringing the guilty parties to trial in court.

Protection Of Women From Domestic Violence Act 2005

An important piece of legislation in India is the Protection of Women from Domestic Violence Act of 2005,²⁴ Attempts to protect women from several types of domestic abuse. Domestic violence is defined broadly in Section 3 of the Act.²⁵ As any act, omission, or behaviour that causes harm, injures or puts the aggrieved party's health, safety, or well-being in jeopardy. This includes verbal and emotional abuse, physical violence, sexual abuse, and economic abuse. The Act also protects from dowry-related harassment and acknowledges its coercive nature. Significantly, the new law acknowledges the battered woman's right to a safe home.

The Act includes provisions for partners living in a shared household and covers a wide range of relationships, including married, adopted and blood relationships. The right to file a complaint vests with anyone – ranging from the victim to her minor children to any other person on her behalf. The act also extends to adult male members who have shared a domestic relationship with the woman, along with her partner's family members, irrespective of what gender they belong to.

Magistrates have been given the authority to grant several reliefs and directions to safeguard the harmed women and their children. These could include financial assistance to pay costs incurred as a result of domestic abuse, counselling, and protection orders that keep the abuser from being evicted from the home. In addition to compensation for injuries, including mental torture and emotional suffering, custody orders for children may also be issued. Any order issued by the magistrate that is not followed is illegal and subject to punishment.

²² Section 10(1)(f), National Commission of Women Act 1990

²³ Section 10(1)(g), National Commission of Women Act 1990

²⁴ Protection of Women from Domestic Violence Act 2005

²⁵ Section 3, Protection of Women from Domestic Violence Act 2005

GOVERNMENT SCHEMES ENACTED TO PROTECT WOMEN FROM DOMESTIC VIOLENCE

National Commission for Women (NCW)

NCW²⁶ was established under the National Commission for Women Act 1990 to look into the matter of women's safety and welfare in the present times. The main functions of this statutory body are to examine the existing constitutional safeguards and legal measures for women's rights protection and safety, to look into the grievances raised by the women and come up with speedy remedial, advise the government on important policy matters about the women and suggest remedial steps for rectifying any step not in consonance with the objective of women welfare. Over the years, the commission has taken proactive steps towards eradicating child marriage, female foeticide/infanticide, dowry taking, etc. It has conducted several programmes and workshops to create awareness towards eradicating social taboos. Furthermore, it has constantly worked towards efficiently implementing the existing legislation.

Swadhar Greh Scheme

This centrally sponsored scheme has been set up and implemented by the Ministry of Women and Child Development (MWCD) to provide rehabilitating opportunities to those distressed women, primarily above the age of 18 years, who are homeless due to familial violence, forced prostitution, sexual harassment, violence, etc. Under the scheme, they are provided with the basic things for survival, such as shelter, food, clothing, medical treatment, therapy facilities, legal aid facilities, etc. It provides them with the much-required emotional and economic support that they have lost because of experiencing traumatic circumstances. It is mostly set up in every district and comprises at least 30 women.

Mission Shakti

In the year 2022, the MWCD formulated the 'Mission Shakti' scheme for the empowerment and protection of the safety and security of women. It is a comprehensive, integrated umbrella initiative that protects women along with empowering them by honing their skills. It enables them to have complete control and autonomy over their mind, soul, and body by releasing them from their surroundings of strife, violence, and crime. It has two sub-schemes within the main scheme: 'Sambal' and 'Samarthya'. Sambal looks into protection measures such as OSCs,

²⁶ National Commission for Women, <http://ncw.nic.in/commission/about-us> (Accessed: 17 March 2024).

helpline numbers, saving girls' children, and propagating their literacy. Samarthya consists of empowering initiatives such as Swadhar Greh, skill development schemes for women, the Ujjwala scheme, etc.

Ujjawala Scheme

This is a centrally funded scheme that aims at protecting, rehabilitating, re-integrating and rescuing women from trafficking of women for sexual exploitation. It aims at providing them with a life of dignity and freedom and a chance of reintegration into society after the sexual exploitation faced by them.

Nirbhaya Fund

After the Nirbhaya incident, the govt. Came up with the idea of establishing a Nirbhaya Fund under the MWCD. It is a corpus fund that shall be used for undertaking projects and programmes towards women's safety. The fund will be used to provide the much-required institutional-level training to the prosecution officers, evidence-collection experts, and medical officers. This central victim's compensation fund under the Nirbhaya fund aims to improve the existing measures for women's protection and safety. To achieve its objective efficiently, the Nirbhaya Fund consists of three sub-schemes such as the one-stop centres for distressed women, a universal women's helpline number, and a Mahila police volunteer.

Sakhi: One-Stop Centres and Women's Helpline Numbers

The Sakhi initiative has emerged out of the Nirbhaya fund. The MWCD has started the Sakhi initiative, which is a one-stop centre for rehabilitation, reintegration, and facilitation. It is usually set up in nearby public hospitals where distressed women can go to find medical services, legal aid facilities, temporary shelters, counselling services, etc. Since 2022, 733 OSCs in the govt. It has approved nearly 733 OSCs, of which 704 are already in operation.²⁷ The state govt. It is advised that the OSCs be properly functioning and effectively administered from time to time.

With regard to the women's helpline numbers, an integrated emergency response system has been created, and it has been functioning in states/UTs since 2019. This helpline number has

²⁷ Ministry of Women and Child Development, *One stop centre* (Press Information Bureau 2022) <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1797709> (Accessed: 17 March 2024).

facilitated the dispatching of the local police force to the women in emergencies. By using their dial-in feature on the Truecaller app, the women in distress need to type 181. It is one of the most laudable steps taken by the govt. Of Delhi to provide protection and safeguards to the women after the Nirbhaya aftermath.²⁸

Digital Shakti Campaign

In this era of the internet, where cyberbullying and cyberstalking have become the norm of society, the Digital Shakti campaign has provided a sigh of relief. Being a brainchild of the National Commission for Women, it teaches girls about cyberbullying and criminal harassment.²⁹ It empowers them and has created a safe environment for them on the internet. It has created a strong force of girls/women who not only know how to tackle a cybercrime but also know how to navigate this vast space of the internet safely, understanding every consequence attached to it.

Beti Bachao Beti Padhao

To tackle the issue of the declining child sex ratio due to female foeticide/infanticide, this scheme was started by the govt of India. The ministries handling this scheme are- MWCD, the Ministry of Education and the Ministry of Health and Family Welfare.³⁰ The scheme follows an integrated multi-sectoral approach to prevent the decline in the child-sex ratio and sex-selective abortion. It enables the protection of girl children by providing them with the means of survival and ensuring their education and skill development. The scheme keeps the districts with low sex ratios on the radar and develops measures to rectify the conditions in such districts. It also comprises a financial incentive scheme of 'Sukanya Samrddhi Yojana' along with a scheme to provide skill training to girls in non-traditional professions.

²⁸ Sana Shakil, 'Post-nirbhaya helpline off Govt radar, faces closure: India' (2014) The Times of India <https://timesofindia.indiatimes.com/india/post-nirbhaya-helpline-off-govt-radar-faces-closure/articleshow/31368124.cms> (Accessed: 17 March 2024).

²⁹ Government initiatives for Women's Safety: Best Practices (2022) Forbes India. <https://www.forbesindia.com/article/brand-connect/government-initiatives-for-womens-safety-best-practices/79383/1> (Accessed: 17 March 2024).

³⁰ Beti Bachao Beti padhao scheme, ClearIAS (2022) <https://www.clearias.com/beti-bachao-beti-padhao-scheme/> (Accessed: 17 March 2024).

Mahila Shakti Kendra

MSKs are implemented at village levels by the Panchayati Raj Systems. It was established by MWCD in 2017 to empower rural women by providing them with opportunities for education, skill development, and entrepreneurship.

Pradhan Mantri Matru Vandana Yojana

Under this scheme, financial help in the form of cash is being provided to pregnant women for the birth of their first living child. Usually, an amount of Rs 5000 is provided to pregnant/lactating women in instalments for their nutritional welfare.³¹ However, the benefit under this scheme is not provided to those women who are

Meri Saheli

It is an initiative taken by the Railway Protection Force (RPF) to provide security and protection to female passengers travelling from one station to another³². In this, an entire chain of Mahila officers is created across all the stations according to the zones. The deployment of such officers depends on the crime rates at the particular zones, their location, security conditions, etc.

SUGGESTIONS

Journal of Legal Research and Juridical Sciences

Despite all the efforts on the part of the government, domestic violence rates are still far too high. The fact that these stricter regulations only target domestic violence after it occurs rather than taking preventative measures could be one reason why they do not have the expected impact.

The major problem in domestic violence is that victims often tend not to report them – be it because of the stigma attached to it or because they are being blackmailed or threatened not to. To decimate the stigma attached to being a victim of domestic violence, anonymous helplines and support groups should be established. State-sponsored legal aid facilities and pro-bono services should be made available even in the most remote regions of India. Women alike should be informed of their rights as individuals. The State should also ensure that adequate

³¹ Ministry of Women and Child Development, 'Schemes/Programmes for Empowerment of Women' (Press Information Bureau 2022).

³² Ibid.

helplines are available in both urban and rural areas and that lawyers are trained with the necessary soft skills for representing and addressing such victims in court.

The ambit of domestic violence in legislation should also be specified to provide for different categories of abuse – such as marital rape also. Alternatively, it is not possible to sustain a conviction under Section 498-A IPC if the marriage is declared void.³³ – this provision should be extended to intimate partners and not just husbands.

Legislation should be passed to establish specialised courts for handling domestic abuse cases in each area, presided over by female magistrates and judges. Cases involving violence against women should only be tried by female magistrates. The introduction of mobile courts is a viable approach to delivering justice to victims of domestic abuse. Domestic violence victims and their families should be given police protection in required cases where their life or property is in danger due to them lodging such cases. A lot of victims report that their partners threaten to harm their children or parents if they do not withdraw such cases.

Additionally, in a nation like India, where historically a male-dominated society has prevailed, it is often difficult for people to acknowledge that men are just as susceptible to domestic abuse as women are. This mentality is the reason why Indian law also does not recognise domestic violence against men. However, contrary to popular belief, there is a growing number of male demographics who have reported being abused both physically and psychologically by their spouses. However, no law exists to shield those men from such acts. For instance, s. 498A of the IPC particularly aims to decimate violence against women and punish men for domestic violence; it has no such provisions to penalise women. Similarly, s. 3 of the Domestic Violence Act only protects women, not men. This discrepancy in law unintentionally supports the belief that men are the guilty partners and women are always the aggrieved.

According to a recent survey, 10.5% of Indian men reported having experienced violence from their spouses or intimate partners. This indicates that most men in India have encountered domestic violence at least once in their lives. The National Family Health Survey, 2004 also reported that male relatives of the wife frequently assault or threaten men, proving that female partners or spouses are not the only ones who commit this kind of violence. Consequently, an

³³ P Sivakumar v State Criminal Appeal Nos.1404-1405 of 2012

estimated 30 million men in India are victims of domestic violence, taking into account both physical abuse and threats from a wife's family.³⁴

The Domestic Violence Act has been extremely important in shielding women from domestic abuse, but it is time to think about whether gender-neutralising the law may result in a more equitable and welcoming judicial system. Legislators who oppose gender-neutral laws frequently voice worries about men making unfounded allegations as a means to silence their wives or an innovative way to torture them. Although this is a reasonable worry, the entire purpose of the judicial system is to evaluate the veracity of accusations. Laws that are gender-neutral guarantee that all charges are handled equally and impartially, not that guilt is assumed.³⁵ Even then, heavy penalties in the form of fines should be charged for lodging false cases. A thorough investigation should be undertaken, and specific support services and legal aid for men should be established. In addition to all of this, with same-sex relationships being legalised, laws about the rights of partners in such relationships should be codified.

One of the primary issues about the Sakhi Centres can be a lack of awareness relating to their existence; most people in the present times do not even know about the existence of such centres in the hospitals that help out women. The need of the hour is to conduct various awareness and outreach programmes to advertise the existence of such centres in the nearby public hospitals. The Sakhi workers need to collaborate with their nearest social workers, police stations, and self-help groups to apprise them of their existence and the services they offer. Furthermore, the OSCs need to work collaboratively with other departments, such as legal and medical departments, for its proper implementation. They need to form an integrated system where all types of services can be found under one roof. Another important progress can be made in the healthcare facilities being provided to women under the government. Schemes, a robust healthcare domain, can play a pertinent role in ensuring their health and well-being. To facilitate this, healthcare services need to foster an environment where women feel safe, respected, and devoid of stigma and where they can access top-notch, informed support. Prompt, non-judgmental and thorough response from the healthcare sector is essential, particularly in tackling the reluctance of abused women to seek assistance. For effective implementation of the Beti Bachao Beti Padhao Scheme, there needs to be a proper quarterly

³⁴ Helen Tauchen and Ann Dryden Witte, 'The dynamics of domestic violence' [1995] 2 THE AMERICAN ECON. REV. 85

³⁵ Anne L. Ganley, 'Understanding domestic violence' [1995] IMPROVING THE HEALTH CARE RESPONSE TO DOMESTIC VIOLENCE: A RESOURCE MANUAL FOR HEALTH CARE PROVIDERS 15-42

monitoring system for monitoring the progress of each district, giving special attention to vulnerable regions. Furthermore, to further increase the literacy levels and make people send their girl child to school, the participation of female teachers must be increased in the school to set an exemplary example in front of the parents as to what a girl child can do if given the appropriate education. Furthermore, proper toilet facilities must be available at every school in each district to prevent further deterrence. Additionally, for better implementation of Pradhan Mantri Matru Vandana Yojana, the benefits of the scheme must be extended to the birth of the second child as well. The amount of money offered should also be increased from the current Rs 5000 to partially fulfil the main objective of the scheme about wage compensation and to help them meet their expenses in this era of inflation.

Lastly, one group that most discourses fail to take into consideration in the context of domestic violence is that of children. Children who see violence in their households are also more likely to experience physical abuse in their relationship, which increases their risk of developing major long-term physical and mental health issues and perpetuates the cycle of domestic violence. As the youngest victims of domestic abuse, they are the most vulnerable. According to UNICEF, up to 275 million children globally are exposed to violence in their families. So, because children are a vulnerable population, they also become susceptible to abuse in forms that are different than that experienced by adults.

CONCLUSION

About half of the population on Earth is women. Priority and attention should be given to laws and organisations that enhance the well-being of women. Laws against domestic abuse have saved the lives of millions of women throughout the years. Domestic violence laws should, of course, be used as one tool in a variety of strategies to protect women - they are by no means the whole picture. Laws that seek to discourage bad behaviour or to reward good deeds eventually influence societal norms and are, thus, a crucial component of the overarching plan to save the lives of women worldwide.

In this era of changing mindsets and modernisation, the act of domestic violence continues as a social evil in society. It has wreaked havoc in the lives of multiple girls and women and destroyed numerous homes and marital lives. This problem of domestic violence is continuing because society still believes in the superiority of patriarchy in today's world. From childhood, a child is assigned defined gender roles such as boys are supposed to like blue colour and girls

are supposed to like pink colour, cooking and household chores are meant for women whereas men are made for working and dealing with the outside society. This mindset leads to issues relating to lower literacy rates amongst girl children, female infanticide/foeticide, child marriage, etc. In marital homes, women are constantly tortured for dowry, bearing a male child, etc. When a domestic violence victim goes to the police station to register an F.I.R., the police usually ask them to keep the matter within their matrimonial homes and settle with their in-laws. Further, the woman is constantly asked to behave in a certain way at her matrimonial house, in public places, and in educational institutions to prevent herself from being a victim of domestic violence. However, in this era of activism, the dark side of domestic violence has been gaining a lot of traction from the media houses.

Due to several female empowerment programmes undertaken by the government, there has been an increase in awareness and sensitivity regarding this manner. Women in rural regions are addressing the issue and are beginning to raise their voices against it. In recent years, the government's monitoring system has improved a lot compared to the previous few years due to the increase in awareness and social activism. Hence, by constantly taking initiatives right from the grassroots level and regularly monitoring the data of various districts, the govt. Can curb this social evil. Furthermore, the media houses can also contribute to stopping this issue by actively reporting issues of domestic violence taking place in the country instead of hiding the data to portray a better picture of the govt. Lastly, various small groups, NGOs, organisations and communities can come forward to synergise with one another and create a safe place for such women, along with actively advocating against its eradication.