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## SC on Crimes and Violence Against Women

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### Why in News

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Recently, the Supreme Court has said that crimes against women continued in a “**never-ending cycle**” in India.

### Key Points

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## Judgement:

- The judgement dealt with the statutory scheme of the **Protection of Women from Domestic Violence Act, 2005**. It has allowed women fighting domestic violence cases the **right to reside in the ‘shared household’** even if her husband had no legal right to the house and the same was owned by the father-in-law or mother-in-law.
- **Making the Act Comprehensive:** The court observed that the **relief granting right to residence** to a married woman under the domestic violence law by a **criminal court** is relevant and could be **considered even in civil proceedings** seeking her **eviction from the matrimonial home** (the residence in which a husband and wife have lived together).

The wife would have the right to claim the **“shared household”** of the joint family under the Domestic Violence Act, 2005.

**Section 2(s)** of the domestic violence act defines **“shared property”**, as the property owned by a woman’s husband, or by the joint family of which the husband is a member.

- **Reversed Earlier Judgement:** The court reversed the law held by a previous decision of the Supreme Court in December 2006 in SR Batra v Taruna Batra where on similar facts, it refused permission to the wife to continue staying in her husband’s house as it was owned by her mother-in-law. This part of the ruling was held wrong in law as it did not give full meaning to the 2005 act.
- **Least Reported Form of Cruel Behaviour:** The court noted that the domestic violence in India is rampant yet underreported. Women in India faced **violence and discrimination** in one form or the other in their various roles as daughter, sister, wife, mother, partner or single woman.
  - The **National Family Health Survey-4 (2015-16) (NFHS-4)** suggests that 30% women in India in the age group of 15-49 have experienced physical violence.
  - As per the **UN Women**, globally in 2019-20, 243 million women and girls (aged 15-49) across the world have been subjected to sexual or physical violence by an intimate partner.
    - Less than 40% of women who experience violence seeking help of any sort or reporting the crime.
    - Less than 10% of those women seeking help go to the police.

- **Reasons:** Women continue to be vulnerable to these crimes because of:
  - **Non-Retaliation,**
  - **Absence of laws** addressing their rights comprehensively.
  - **Ignorance of the existing statutes.**
  - **Societal attitude, stigma and conditioning** also made women **vulnerable** to domestic violence and these are the main factors for **under-reporting** of cases.
  - This set of circumstances ensured that a majority of women preferred to suffer in silence, **not out of choice but of compulsion.**

### **Acts of Domestic Violence**

- **Physical violence,** such as slapping, hitting, kicking and beating.
- **Sexual violence,** including forced sexual intercourse and other forms of sexual coercion.
- **Emotional (psychological) abuse,** such as insults, belittling, constant humiliation, intimidation, threats of harm, threats to take away children.
- **Controlling behaviors,** including isolating a person from family and friends, monitoring their movements and restricting access to financial resources, employment, education or medical care.

### **Way Forward**

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- The increase in **violence against women should be dealt with urgently** with measures embedded in **economic support and stimulus packages** that meet the gravity and scale of the challenge and reflect the needs of women who face multiple forms of discrimination.
- **Grassroots and women's organizations and communities** need to be supported strongly in their current frontline role.
- **Helplines, psychosocial support and online counselling** should be boosted, using technology-based solutions such as SMS, online tools and networks to expand social support, and to reach women with no access to phones or internet.
- **Police and justice services should** ensure that incidents of violence against women and girls are given high priority with no impunity for perpetrators.

**Source: TH**