

ABSTRACT

DOMESTIC VIOLENCE IN INDIA-A HUMAN RIGHTS APPROACH

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Human rights are the basic and fundamental rights to which all humans are entitled by virtue of being born in a family. The fundamental rationale behind the concept of human rights is that each person is a moral and rational being who deserves to be treated with dignity and respect. Problems with understanding domestic violence as a human rights issue begin with the scope of international human rights law, which is limited to the public sphere. Although international law is gender neutral in theory, in practice it interacts with gender-biased domestic laws and social structures that frequently relegate women to socially and economically inferior status. When gender-neutral international human rights law is applied in these gender-biased social contexts, those making the application do not necessarily challenge the gender bias embedded in the social structure or in the state's determination of its responsibilities.

Human rights are supposed to negate gender inequality and discrimination but in the case of women, the reality is often divorced from the theoretical concepts and ideal perceptions. Women's are also one of the most vulnerable sections of society, and they have been facing violence and discrimination since times immemorial. Women often bear the brunt of hypocrisy and discrimination, right from the moment they are conceived in their mothers' wombs. Then, they have to face it in the different stages of their lives as daughters, as sisters, as wives, as mothers, and above all, as women. The present paper explores the legal and constitutional provisions to protect the women from domestic violence and role of judiciary to protect the human rights of women.

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