



DOMESTIC VIOLENCE AGAINST WOMEN – LEGAL CONTROL AND JUDICIAL RESPONSE (2006). By Preeti Misra. Deep & Deep Publications Pvt. Ltd., F-159, Rajouri Garden, New Delhi. Pp. xxxviii+606. Price Rs. 1150/-.

DOMESTIC VIOLENCE is a pervasive problem in India that cuts across age, education, social class and religion. From the richest and highest castes to the slum dwellers, domestic violence is a problem. Recent studies indicate that violence against women in general and domestic violence in particular, is intricately linked to real or perceived fulfilment of masculinities. It appears that men are more likely to use violence against women if they are unable to fulfil a hegemonic masculinity. Men's expression of masculinity is also closely linked to controlling women in their family and ensuring that they fulfil expected roles. Women who do not fulfil expected roles or who challenge men's actions threaten their masculinity, often resulting in violent reactions. Situations where the wife confronts the man in front of his family or friends are especially likely to provoke violence. Violence, therefore, is at one level a sign of a struggle to maintain a sense of identity and power.

The author of the book under review believes that domestic violence against women in India is an issue that has been under-addressed in the law. She considers that domestic violence against women is an age-old phenomenon and in all its forms has increasingly been recognised nationally and internationally as a serious problem, which has either been condoned or ignored. She observes that while home is the least safe place for women, it is the safest place for men to commit violence against women. She opines that among the many manifestations of the violations of the fundamental rights of women, domestic violence is one of the most vicious.

Domestic violence is not simply a legal problem, which can be eradicated by appropriate legal measures alone. It is very much a social and psychological problem and can be tackled adequately by bringing about fundamental changes in the social system and in the attitudes of people towards women and children. It must be recognised that in traditional societies legislation by itself is an incomplete solution to the problem of social change.

The author expresses her pessimism by characterising Indian society as a tradition bound society in which the traditionalists would present an idealised picture of women substantiating their claims on the basis



of certain references from the Vedic and classical literature. Even in the 21<sup>st</sup> century with so many guaranteed legal and constitutional rights the woman is not given her due place in the society. Though the Constitution of India is colour blind and human rights are gender blind, women's rights are not recognised as human rights. As a result domestic violence is not treated as violation of human right.

While tracing history of domestic violence from prehistoric times to present day, the author in chapter 2 describes domestic violence as violent victimization of women. The pattern of behaviour includes foeticide, infanticide, incest, wife battering, dowry deaths, murder and abuse of elder women.

Chapter 3 of the book is a very important chapter, which evaluates the implications of abuse and neglect of women in Indian society. Bulk of discussion therein, relates to wife battering. Various theories about the causation of domestic violence is dealt with in chapter 4 and the author gives an integrated approach with a multi-factor theory.

Judicial response to domestic violence discussed in chapter 5 adequately explains as to how this agency is functioning. According to the author, the Protection of Women from Domestic Violence Act, 2005 is basically a knee-jerk reaction to the widespread violence against women. The very fact that such an Act had to be enacted reveals the kind of world we live in. In a perfect world, women and men would complement each other rather than compete with each other. They would rather derive happiness from honouring and not negating each other. Unfortunately that's not the world we have inherited.

How far the new law will be able to achieve the desired goals, one has to wait and watch. It can only be said that this is a good beginning in the direction of gender equality and gender justice. The real change has to start within families. It is important that the society and law enforcers become more sensitive towards women, if the legislation has to have any impact. At the same time there is an apprehension that the Act as a legal tool might be used against innocent men. Therefore, some of the provisions of the Act will have to be tested in courts for allaying such fears.

The book in chapter 6 incorporates the findings of the author derived on the basis of her empirical research. She claims that by the end of 1998, 84% of cases of domestic violence were pending trial. It goes without saying that there is no improvement in the disposal of such cases. In conclusion she suggests that structural changes are required to empower women to make them independent and thereby less vulnerable to violence. She also suggests that a great amount of attitudinal change both on the part of men and women is very much necessary if any tangible transformation is to happen. At this juncture the reviewer is reminded of Justice Learned Hand's observation that



the freedoms should be written in the hearts and minds of men and women and no amount of paper guarantees are adequate enough to save the victims from domestic violence.

The book is a significant contribution on a very important topic of contemporary relevance and it is hoped that it will find a place in the libraries of lawyers, academicians and social scientists and policy makers. The price of the book is, however, excessive and the publisher may well consider lowering it.

*A. Raghunadha Reddy\**

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\* Professor, Dept. of International Law, The Tamilnadu Dr. Ambedkar Law University, Chennai.