

## Gender Equality: A Constitutional Myth When Featured with Domestic Violence

**Authors :** Suja S. Nayar, Mayuri Pandya

**Abstract :** The foundation of legal system of any nation is its constitution and the strive to achieve equality amongst different classes prevailing in the social system. The most traditional form of inequality that is prevailing in the society is the gender inequality. The existence of inequality on the basis of gender prevails since the ancient era which has with the passing time merely continued and aggravated to a great extent. The founding fathers of our constitution were well aware of the then prevailing situation and being concerned about the future if this inequality continued to prevail, and in such view, the provisions of Article 14, 15, 38 and 44 of our Constitution were enacted with specific intent for the upliftment of women. The strive for equality is the rule of law embodied with the principle of foreseeability which is necessitated in the stability of justice system of any nation, and when it comes to equality, the first form of equality we need to achieve is gender equality. Time and again various initiatives have been announced and attempted to achieve the objective of gender equality, but analysis of the ground reality always have yielded disappointing results. The research that is proposed to be undertaken intends to cover all the above issues concerning the failures ineffective implementation of the gender-specific laws especially the provisions concerning the protection provided under Domestic Violence Act. The researchers will analyze the judgment of last five years' judgments of Supreme Court of India. In Hiral P. Harsora and ors. v Kusum Narottamdas Harsora and Ors. the Hon'ble Supreme Court recently deleting the words 'adult male' from the definition of respondent disclosed it is intent and understanding that domestic violence is being caused by a female on female also and not only restricted to males on females only. The procedure as prescribed under the act for claiming reliefs though is as per the criminal mandate, but the reliefs are of civil nature and so same needs to deal emphatically which now makes it a lengthier process. The pros and cons of such pronouncements are being weighed on the balance of constitution and social equality that is strived by the entire women fraternity.

**Keywords :** domestic, violence, constitution, gender, equality, women

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