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PROTECTING DIGNITY OR RECORDING VIOLATIONS? THE NHRC AND VIOLENCE AGAINST MARRIED WOMEN

~Nandit V. Tickoo

Introduction

Domestic violence has presented itself as a widespread issue in India that continues to impact many women, both physically and mentally.¹ In a study of about 10000 women, 26% had reported having experienced physical violence from their spouses during their lifetime. Figures from the National Crime Records Bureau show that in India every hour at least two women are sexually assaulted and every six hours a young married woman is beaten to death, burnt or driven to suicide.² According to National Family Health Survey data, 87% of Indian married women who are victims of marital violence do not seek help. Domestic violence against married women occurs in the form of harassment, torture, or murder in their marital homes by the husband and in-laws.³ Domestic violence is an absolute infringement of all the fundamental rights; it shamelessly upholds authority and subjugation on women behind the closed doors of homes.⁴ India, a nation where people even consider women as goddesses, has established statutory bodies such as the National Human Rights Commission, but the effectiveness of the NHRC in preventing violence against victims of domestic violence remains open to serious question. Does the NHRC intend to take pride by just merely recording ‘almost’ each case of domestic violence against women and never intervening before the worst happens?

¹ Daxa Patel & Jayshree N. Desai, *Domestic Violence Among Women in India: Extent, Impact, and Interventions*, 10 INT'L J. INDIAN PSYCH. (2022), <https://ijip.in/wp-content/uploads/2023/04/18.01.212.20221003.pdf>.

² Vijaykumar Harbishettar & Suresh Bada Math, *Violence against Women in India: Comprehensive Care for Survivors*, 5 INDIAN J. MED. RSCH. 1572, 1572 (2014).

³ Dr. Thippeswamy S, *Domestic Violence Against Women in India: A Critical Analysis*, INDIAN J. L. RSCH. & ANALYSIS, <https://www.ijlra.com/details/domestic-violence-against-women-in-india-a-critical-anlysis-by-dr-thippeswamy-s> (last visited June 9, 2026).

⁴ Prabha Negi, Narinder Singh Rawat & Niranjana Sahoo, *Dealing with Domestic Violence Against Women is a Challenge*, 22 THINK INDIA 4386, 4386 (2019).

Futility of Seeking Protection

The existing remedies have failed women. According to the Crime Report, nearly 44% cases of domestic violence, by the hands of a partner, go unreported.⁵ The experiences of several victims indicate that women only approach the police as their last resort. Their reason is that they, more than anyone else, are highly aware that they only have limited safe options outside marriage. In the case of *Rajesh Sharma v. State of UP* (2017), the judges implied that marriages only break because the wife, who is the victim of domestic violence by the hands of her husband and her in-laws, tried to approach the authorities, while she only intended to file a complaint against the wrongdoing done to her.⁶ Other than that, the NHRC includes intervening in any judicial proceeding involving the violation of any human rights and performing its duty to protect human rights as its official functioning. It presents itself as a body which prioritises various areas, which include women, police and police reforms.⁷ Does the harassment of a wife through dowry not constitute a violation of human rights? The case of *Rajesh Sharma v. State of UP* is not the sole one in Indian courts, but there are many and far worse cases where women are the victims of marital rape, physical abuse, mental torture and whatnot by their husband and in-laws, and bear the violation of their human rights. For many victims, approaching the police or any other authority is not the first step but the final one, due to their tragic circumstances, only after bearing prolonged abuse and social stigma.

The Flaw of Post-Facto Intervention

Yet, even at this stage, the NHRC does not seem to offer even little in the way of immediate protection. The commission possesses the authority to enquire into human rights violations and even recommend to governments actions for the betterment and justice of the victims,⁸ and yet the NHRC fails to do so. It only shows up when the violence has already taken place, the complaints have been denied with no good reasons and forgotten, and often when the victim has exhausted other avenues of relief. By doing so, the NHRC risks becoming a statutory body, meant to protect from violation of human rights, that only records the failure of protection of its people.

⁵ *Stigma and Domestic Violence*, [Connections for Abused Women and Their Children \(CAWC\)](https://www.cawc.org/news/stigma-and-domestic-violence/) (Feb. 27, 2023), <https://www.cawc.org/news/stigma-and-domestic-violence/> (last visited June 10, 2026).

⁶ Apoorva Mandhani, "Women Are Liars," Says Supreme Court, *ECON. & POL. WKLY. ENGAGE* (Aug. 20, 2021), <https://www.epw.in/engage/article/women-are-liars-says-supreme-court>.

⁷ *Strategic Plan*, [National Human Rights Commission, India](https://nhrc.nic.in/about-us/strategic-plan), <https://nhrc.nic.in/about-us/strategic-plan> (last visited June 11, 2026).

⁸ Supra note 7

It presents itself as an irony, empowered to protect human rights, yet it appears only after those rights have been violated and escalated beyond repair. There is a glaring absence of notable NHRC intervention and jurisdiction specifically addressing violence against married women. It is difficult to justify the silence of the commission given the scale of the problem. A human rights institution cannot measure its success by the number of violations it records or ineffective intervention; it must be judged by the violation it prevents. Its role begins to resemble that of a spectator recording tragedies rather than a guard preventing it.

Conclusion

The operational approach of NHRC requires immediate reconsideration. It cannot be content with documenting and recommending actions only while the violations continue unabated. Until the body evolves from a spectator into one which is capable of securing real accountability and protection, its promise of human rights protection will remain unfulfilled. The question raised, in the shadows of every violation left without redress, will continue to demand an uncomfortable answer. For the countless victims, the dignity cannot be protected by recording the abuse done to them, but when the institution is capable of preventing harm and providing timely relief to them.