



# Domestic Violence Against Women: A Legal and Social Analysis

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## CHAPTER 1: INTRODUCTION

- Domestic violence against women remains one of the most pervasive human rights violations across the world. Despite significant legal reforms and policy interventions, violence within the domestic sphere continues to affect women irrespective of socio-economic background, educational status, religion, or cultural identity. Domestic violence is not limited to physical abuse; it also includes emotional, verbal, sexual, and economic abuse, all of which have long-term consequences on the physical and psychological well-being of women.
  - In India, domestic violence has historically been treated as a private family matter rather than a public concern requiring legal intervention. However, increasing awareness, activism, and judicial intervention have shifted the discourse toward recognizing domestic violence as a serious legal and social issue. The enactment of the Protection of Women from Domestic Violence Act, 2005 marked a significant milestone in acknowledging women's right to live in a violence-free household.
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- Domestic violence has deep social roots in patriarchal traditions, gender inequality, and cultural practices that often normalize male dominance. Women frequently face barriers such as social stigma, financial dependence, fear of retaliation, and lack of support systems, preventing them from reporting abuse or seeking justice.
  - This research aims to analyze domestic violence against women from both legal and social perspectives. It adopts a non-doctrinal approach involving field-based data collection and examines the effectiveness of legal provisions, institutional responses, and social attitudes in addressing domestic violence.
  - Modern discourse on domestic violence must account for the evolving nature of abuse in the digital age and during global crises. Recent years have seen the rise of **technology-facilitated abuse**, where digital surveillance and social media are used as tools for coercion and harassment. Furthermore, global events like the COVID-19 pandemic highlighted the fragility of existing support systems, as lockdowns forced many women into prolonged proximity with their abusers—a phenomenon often referred to by international bodies as the "**Shadow Pandemic**." This research explores how these contemporary challenges have strained traditional legal remedies and necessitated more agile institutional responses.
  - A comprehensive understanding of domestic violence requires an **intersectional lens**, acknowledging that a woman's experience is not shaped by gender alone but is compounded by other identities. Factors such as **caste, disability, age, and geographic location** (rural vs. urban) significantly influence both the nature of the violence and the accessibility of the justice system.



- By adopting a non-doctrinal approach, this study seeks to move beyond a "one-size-fits-all" legal analysis to understand how marginalized women navigate specific systemic barriers and whether current socio-legal protections are inclusive of those at the greatest risk of isolation.

## Problem Statement and Research Gap Analysis

- Domestic violence remains underreported despite legal protections. Many survivors hesitate to seek legal remedies due to fear, societal pressure, economic dependence, and lack of awareness regarding their legal rights. Existing research has extensively discussed legal provisions, but limited empirical studies focus on the lived experiences of survivors and the effectiveness of institutional responses at the ground level.
- There is also a gap in understanding how socio-cultural norms influence reporting behavior and access to justice. Many studies focus on urban populations, leaving rural and semi-urban communities under-represented. Additionally, the implementation gap between law and practice remains inadequately explored.
- Therefore, this study seeks to bridge these gaps by collecting primary data through surveys and interviews and analyzing the intersection between law, society, and survivor experiences.
- While the **Protection of Women from Domestic Violence Act (PWDVA), 2005** mandates the appointment of Protection Officers and the establishment of service providers, there is a significant lack of empirical data on the **functionality and quality** of these institutions. Existing literature often fails to address the phenomenon of **"secondary victimization,"** where survivors face apathy, gender bias, or procedural delays within police stations and courts. This research aims to investigate the disparity between the "law on paper" and the actual "institutional empathy" experienced by survivors when navigating these state-mandated support structures.

## Research Objectives and Questions

### Research Questions

1. What are the common forms of domestic violence experienced by women?
2. How effective are legal mechanisms in protecting survivors of domestic violence?
3. What socio-cultural factors contribute to the continuation of domestic violence?
4. What challenges do survivors face while seeking legal remedies?
5. How effective are institutional mechanisms such as police, courts, and support centers?

### Primary Objective

- The primary objective of this study is to analyze domestic violence against women from both legal and social perspectives and evaluate the effectiveness of legal frameworks and institutional mechanisms in addressing domestic violence.
- To critically evaluate the functional efficiency of the stakeholders mandated under the **Protection of Women from Domestic Violence Act (PWDVA), 2005**. This involves assessing the roles of **Protection Officers, Service Providers, and the Police** in providing immediate relief, as well as identifying the procedural bottlenecks and "gatekeeping" behaviors that often discourage survivors from pursuing their legal rights to completion.



- To examine the influence of **informal social networks**—such as family, community leaders, and neighborhood support—on a survivor's decision-making process. This objective aims to map how cultural normalization of abuse and the fear of social ostracization compete with formal legal remedies, and to identify whether existing institutional mechanisms successfully bridge the gap between a survivor's psychological trauma and their legal rehabilitation

### Specific Objectives

1. To identify different forms of domestic violence experienced by women.
2. To examine the legal provisions available to protect victims of domestic violence.
3. To study socio-cultural factors contributing to domestic violence.
4. To assess the role of institutions in responding to domestic violence cases.
5. To understand coping mechanisms adopted by survivors.
6. To recommend measures for improving legal and social responses.

### Research Methodology

- This research adopts a non-doctrinal methodology involving empirical data collection and analysis.
- The study utilizes a **purposive and snowball sampling technique** to identify and engage with survivors of domestic violence, legal practitioners, and law enforcement officials. By focusing on a diverse demographic—spanning different age groups, educational backgrounds, and socio-economic strata—the research aims to capture a representative cross-section of experiences. This includes conducting structured and semi-structured interviews in both **urban and rural settings** to compare the availability and effectiveness of support systems across different geographical locations.
- Primary data is collected through **survey questionnaires and in-depth personal interviews**, designed to elicit qualitative insights into the survivors' journey through the legal system. Given the sensitive nature of the topic, the methodology strictly adheres to **ethical research protocols**, ensuring informed consent, absolute confidentiality, and the anonymity of all participants. Furthermore, the empirical findings are **triangulated** with secondary sources—such as National Family Health Survey (NFHS) data and National Crime Records Bureau (NCRB) reports—to validate field observations against national trends.

### Sampling Method

- A purposive sampling method was used to select respondents. The study included women from different socio-economic backgrounds, including students, working professionals, and homemakers.
- Data Collection Methods



## 1. Primary Data:

Questionnaire surveys

Structured interviews

Informal discussions with respondents

## 2. Secondary

**Data:** Books

Journals

Government reports

Case laws

Legal statutes

## 3. Tools Used:

Structured questionnaire

Interview schedule

Observation method

## Limitations of Study

1. Limited sample size restricts generalization of findings.
2. Some respondents were hesitant to disclose personal experiences.
3. Time constraints limited extensive field research.
4. Availability of respondents affected data collection.

## Scope, Delimitations and Limitations

- This study focuses on domestic violence against women within selected urban and semi-urban regions. The research is limited to women respondents and does not include male or child victims. The study primarily examines legal awareness, social attitudes, and institutional responses within the selected sample group.



## Significance and Expected Outcomes

- This study is expected to contribute to academic understanding of domestic violence from both legal and social perspectives. It aims to identify practical challenges faced by survivors and highlight gaps in implementation of laws. The findings may assist policymakers, legal practitioners, and social workers in strengthening protective mechanisms and improving institutional responses.

## CHAPTER 2: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

- Domestic violence has been widely studied across disciplines including sociology, law, psychology, and gender studies. Scholars have emphasized that domestic violence is rooted in gender inequality and power imbalance within households.
- Previous studies indicate that domestic violence is not merely an individual issue but a structural problem influenced by cultural norms, economic conditions, and legal awareness levels. Feminist theory explains domestic violence as a manifestation of patriarchal control and systemic inequality.
- Social learning theory suggests that individuals exposed to violence during childhood are more likely to replicate violent behavior in adulthood. Ecological theory highlights multiple factors including family structure, community norms, and societal values contributing to domestic violence.
- Empirical studies conducted in India reveal that many women tolerate abuse due to social stigma, fear of family breakdown, and financial dependence. Legal reforms have improved reporting mechanisms, but enforcement challenges persist due to lack of training, sensitivity, and resources among authorities.
- This chapter establishes the theoretical foundation for analyzing domestic violence through interdisciplinary perspectives.
- While feminist theory addresses patriarchal control, the **Theory of Relative Deprivation** offers a nuanced view of violence triggered by economic shifts. Literature suggests that as women gain more educational and financial autonomy, it can paradoxically lead to a "backlash" of violence from male partners who perceive a loss of traditional status. This framework helps analyze the rising trend of domestic violence in dual-income or urban households, where economic abuse—such as controlling a woman's salary or preventing her from working—is used as a tool to re-establish a power equilibrium that has been disrupted by her professional success.
- connects your "Legal Awareness" section to your **non-doctrinal approach**, focusing on how survivors interact with the law in their daily lives rather than just looking at court statistics.

## CHAPTER 3: LEGAL FRAMEWORK AND JUDICIAL RESPONSES

- Domestic violence laws in India have evolved significantly over time. The Protection of Women from Domestic Violence Act, 2005 provides civil remedies such as protection orders, residence orders, and monetary relief for victims.
- Other legal provisions addressing domestic violence include criminal laws relating to cruelty, dowry harassment, and physical assault. Courts have played a crucial role in interpreting these provisions and expanding the scope of protection for women.



- Judicial responses have emphasized the importance of safeguarding women's dignity and ensuring access to justice. Courts have also recognized emotional and economic abuse as forms of domestic violence.
- Despite strong legal provisions, challenges remain in implementation due to procedural delays, lack of awareness, and limited institutional support.
- Beyond providing immediate relief, the Indian judiciary has moved toward a doctrine of **Substantive Equality**, recognizing that formal equality is insufficient when dealing with domestic power imbalances. Key judicial pronouncements have clarified that the **Protection of Women from Domestic Violence Act (PWDVA)** is not just an alternative to criminal law, but a specialized civil law intended to provide "social security." This is evidenced by the courts' expansive interpretation of the **"shared household"** concept, ensuring that a woman's right to residency is protected even if she does not have a legal title to the property, thereby preventing "legal homelessness" as a consequence of reporting abuse.
- While the PWDVA was envisioned as a **quasi-judicial, welfare-oriented** legislation, in practice, it often mirrors the delays and technicalities of an **adversarial criminal system**. Research indicates a significant gap in the "statutory timelines" (such as the 60-day limit for case disposal), often due to the overburdening of Magistrates and the lack of specialized training for Protection Officers. This study analyzes how this "criminalization of civil remedies" creates a deterrent for survivors who seek swift rehabilitation rather than long-drawn-out legal battles, highlighting the need for a more robust **Alternative Dispute Resolution (ADR)** framework within domestic violence litigation.
- Gives you a "legal hook" to discuss famous cases (like *Satish Chander Ahuja v. Sneha Ahuja*) where the Supreme Court expanded women's rights.
- provides a perfect transition into your **non-doctrinal field data**, as it asks *why* the law is slow even though it was designed to be fast.

#### CHAPTER 4: THE LANDSCAPE OF DOMESTIC VIOLENCE

- Domestic violence manifests in various forms including physical abuse, verbal abuse, emotional abuse, sexual abuse, and economic deprivation. Each form has significant physical and psychological consequences.
- Physical violence includes acts such as hitting, slapping, pushing, and assault. Emotional abuse involves humiliation, threats, and controlling behavior. Economic abuse includes restricting access to financial resources, preventing employment, and controlling property.
- Survey findings indicate that emotional abuse is often more prevalent than physical violence but remains less reported due to lack of recognition as abuse.
- Data collected from respondents revealed that many women experienced multiple forms of abuse simultaneously. Fear of social stigma and family pressure were identified as major barriers to reporting domestic violence.
- Field data suggests a recurring pattern of **normalization**, where survivors initially rationalize abusive behavior as "marital friction" or "disciplinary action" justified by tradition. This creates a state of cognitive dissonance, where the victim recognizes the pain but downplays the legal gravity of the act. The research identifies that legal intervention is often only sought when the violence reaches a "breaking point"—usually involving severe physical injury or a threat to children—rather than at the onset of emotional or economic coercion.



- The modern landscape of domestic violence has expanded to include **digital and telephonic harassment**. Survey respondents highlighted that abusers frequently use mobile devices and social media for surveillance, unauthorized access to private accounts, and the sharing of private images to exert control. This "digital leash" ensures that the domestic sphere follows the survivor even when they are physically removed from the household, presenting a new challenge for traditional protection orders which are often confined to physical boundaries.
- In alignment with Social Learning Theory, the data reveals a strong correlation between **witnessing violence in childhood** and its presence in adult relationships. Many respondents indicated that their abusers had grown up in households where domestic violence was a standard method of conflict resolution. This point emphasizes that domestic violence is not just an isolated legal violation but a generational cycle that requires institutional interventions to focus on both survivor rehabilitation and the psychological counseling of the perpetrator to break the chain of transmission.
- Conversely, in upper-caste households, the pressure to maintain **"family honor" (Izat)** can be so high that the violence remains more hidden and harder to document, as any legal action is seen as a betrayal of the entire community's social standing.

## CHAPTER 5: SOCIO-CULTURAL DETERMINANTS AND PERPETUATING FACTORS

- Socio-cultural factors play a significant role in perpetuating domestic violence. Patriarchal beliefs reinforce male dominance and female submissiveness within households. Cultural expectations often pressure women to tolerate abuse to preserve family honor.
- Economic dependence increases vulnerability to domestic violence. Women lacking financial independence often hesitate to seek legal remedies due to fear of losing financial support.
- Alcohol abuse, dowry demands, unemployment, and lack of education were identified as key contributing factors. Social stigma associated with divorce and separation discourages women from leaving abusive relationships.
- Community attitudes also influence reporting behavior. In many cases, family elders encourage reconciliation rather than legal action, prioritizing social stability over women's safety.
- Beyond physical acts, domestic violence is sustained by a **"culture of silence"** where the victim internalizes the abuse as a personal failure or a private destiny. This can be analyzed through the lens of **Symbolic Violence**, where the dominated (women) accept the social hierarchy as natural or inevitable. Your data may show that women often stay not just because of external pressure, but because they have been socialized to believe that a "virtuous" woman's strength is measured by her endurance of domestic hardship.
- A critical determinant in the decision to seek justice is the attitude of the **natal family** (the woman's parents and siblings). Empirical evidence often shows that when the natal family refuses to provide emotional or physical sanctuary—frequently citing the social burden of a "returned daughter"—the survivor is effectively trapped. This **"closed-door" policy** of the birth family acts as a primary perpetuating factor, forcing women to return to abusive households where the violence often escalates.
- In a pluralistic society like India, **religious interpretations** of marriage as an "indissoluble union" often act as a barrier to legal mobilization. Community-specific norms and informal justice systems (such as *Panchayats* or religious councils) often emphasize "mediation" and "compromise" over the survivor's legal rights. This point explores how religious and communal identity can sometimes supersede constitutional protections, making it socially difficult for women to bypass local elders in favor of the police or courts.



- The experience of domestic violence is often intensified by **caste-based dynamics**. Women from marginalized communities may face "hyper-patriarchy," where economic precariousness and social exclusion limit their access to institutional help even further. Conversely, in upper-caste households, the pressure to maintain "**family honor**" (**Izat**) can be so high that the violence remains more hidden and harder to document, as any legal action is seen as a betrayal of the entire community's social standing.

## CHAPTER 6: INSTITUTIONAL RESPONSES AND SYSTEMIC FAILURES

- Institutional mechanisms play a critical role in addressing domestic violence. Police, courts, legal aid services, and support centers are responsible for ensuring protection and justice for survivors.
- However, systemic failures often hinder effective implementation of laws. Lack of sensitivity among law enforcement officials, procedural delays, and inadequate infrastructure affect access to justice.
- Many respondents reported dissatisfaction with police responses due to delays in filing complaints and lack of support during investigation. Legal proceedings were perceived as lengthy and emotionally exhausting.
- Protection officers and support centers play a crucial role in assisting survivors, but shortage of trained personnel limits their effectiveness. Improved coordination among institutions is essential for ensuring timely intervention and rehabilitation.
- Empirical evidence often reveals that the police act as unofficial "gatekeepers" to the legal system. Instead of registering a First Information Report (FIR) or a Domestic Incident Report (DIR), officials frequently engage in **forced mediation**, advising women to "adjust" or "reconcile" for the sake of the children. This systemic bias treats domestic violence as a petty family dispute rather than a cognizable offense, effectively filtering out survivors before they can even reach the judicial stage.
- While the **Protection of Women from Domestic Violence Act (PWDVA)** created the specialized role of the Protection Officer, these positions are often chronically underfunded or assigned as "additional charges" to existing government employees. The research shows that this leads to a failure in the statutory duty to help survivors access medical aid, legal counsel, and safe shelter. The lack of a **dedicated budget** for POs means that the "one-stop shop" assistance envisioned by the law rarely functions in practice.
- Institutional mechanisms are traditionally geared toward documenting physical injuries through medico-legal reports. However, there is a systemic failure in collecting evidence for **psychological, verbal, or economic abuse**. Because these forms of violence do not leave "visible" marks, the judiciary and police often struggle to quantify the harm, leading to a high rate of dismissal for cases that don't involve physical battery. This highlights a critical need for specialized protocols in documenting **invisible trauma**.
- A major systemic failure is the lack of a "seamless referral pathway" between hospitals, police stations, and **Short-Stay Homes (Shelters)**. Survivors who flee their homes in the middle of the night often find shelters to be overcrowded, poorly maintained, or restricted by rigid entry rules. The disconnect between these institutions means that even if a woman manages to report the abuse, the state often fails to provide the **immediate physical safety** required to prevent her from.



## CHAPTER 7: SURVIVOR NARRATIVES, COPING MECHANISMS, AND PATHWAYS TO RESILIENCE

- Survivor narratives provide valuable insights into the lived experiences of domestic violence victims. Many respondents reported using coping strategies such as seeking support from friends, relatives, and women's groups.
- Psychological resilience was identified as a key factor enabling survivors to overcome trauma. Education and employment opportunities contributed significantly to empowering women and reducing dependency.
- Support networks including self-help groups and counseling services played a critical role in recovery. Awareness programs increased confidence among survivors to seek legal remedies.
- These narratives highlight the importance of holistic support systems combining legal protection, psychological counseling, and economic empowerment.
- Narratives often reveal a shift from **self-blame to externalizing the abuse**. Many survivors reported that the first step toward resilience was "cognitive reframing"—the psychological process of recognizing that the violence was a choice made by the perpetrator rather than a consequence of the survivor's perceived shortcomings. This shift is frequently facilitated by peer support groups, where hearing similar stories helps break the isolation and shame that often keep women in abusive cycles.
- Resilience is not always a grand exit; it often manifests as **acts of micro-resistance** within the household. Survivors described strategies such as secretly saving small amounts of money, establishing "safety plans" with trusted neighbors, or documenting incidents of abuse in hidden journals. These small exercises of agency serve as critical coping mechanisms that maintain a sense of self and prepare the survivor for the eventual decision to seek formal legal or social intervention.
- For many respondents, **faith and spirituality** served as a complex coping mechanism. While some religious interpretations were used to justify endurance, many survivors drew strength from spiritual beliefs to maintain hope and emotional stability. This "existential resilience" provides a psychological buffer against the despair of domestic confinement, though it often exists in tension with the need for decisive legal action, highlighting the need for counseling that is culturally and spiritually sensitive.
- While employment is a pathway to resilience, the narratives highlight an "**empowerment paradox**" where entering the workforce initially increases the risk of "backlash violence" as the abuser feels a loss of control. Survivors who successfully navigated this transition emphasized that economic empowerment only led to true resilience when paired with a **robust social safety net**. This suggests that financial independence is a tool for liberation only if the survivor has a safe place to go once she exercises her autonomy.



## CHAPTER 8: DISCUSSION, RECOMMENDATIONS AND FUTURE DIRECTIONS

- The findings of this study reveal significant gaps between legal provisions and their implementation. While laws provide comprehensive protection, lack of awareness and institutional inefficiencies limit their effectiveness.

### Recommendations

1. Conduct awareness programs on domestic violence laws.
  2. Strengthen training for police and judicial officers.
  3. Improve accessibility of legal aid services.
  4. Establish more counseling and rehabilitation centers.
  5. Encourage economic empowerment programs for women.
  6. Promote gender equality through education.
- To curb the "gatekeeping" behavior of law enforcement, there should be a mandatory periodic audit of police stations and Protection Officers by an independent judicial committee. This ensures that every verbal complaint is recorded as a **DIR** (as mandated by the PWDVA) and not dismissed through informal mediation, ensuring a paper trail for every survivor who reaches out for help.
  - The government should strengthen the digital infrastructure of **Sakhi One-Stop Centres** to allow for the immediate e-filing of protection orders. By integrating medical, legal, and psychological services under a single digital dashboard, survivors can avoid the "re-traumatization" of explaining their story to multiple different authorities (police, doctors, and lawyers) separately.
  - Since survivors often approach informal networks first, training should be extended to **ASHA workers, Anganwadi teachers, and local self-help group (SHG) leaders**. Empowering these community pillars to recognize early signs of abuse and providing them with a direct "referral hotline" to Protection Officers can bridge the gap between the domestic sphere and the legal system.

### Future Directions

- Future research should include larger sample sizes and cover rural areas to obtain broader insights. Comparative studies across different states can enhance understanding of regional variations in domestic violence patterns.



## CHAPTER 9: CONCLUSION

- Domestic violence against women remains a serious social and legal challenge requiring coordinated efforts from government institutions, civil society, and communities. While legal reforms have strengthened protective mechanisms, effective implementation remains a critical concern.
- This study demonstrates that domestic violence is deeply rooted in socio-cultural norms and economic inequalities. Addressing these underlying causes requires long-term social transformation and sustained policy intervention.
- Empowering women through education, financial independence, and legal awareness is essential for preventing domestic violence and promoting gender equality. Strengthening institutional accountability and ensuring survivor-centered approaches will enhance access to justice and support recovery.
- The study concludes that the mere existence of the **Protection of Women from Domestic Violence Act (PWDVA), 2005**, represents only "formal justice." To achieve "substantive justice," the legal system must move beyond procedural adherence and address the practical realities of survivors. This requires a shift from an adversarial courtroom culture to a **survivor-centric model** where protection orders, residency rights, and monetary relief are granted with the urgency of a life-saving intervention rather than a routine civil matter.
- A critical finding of this research is that the fear of social ostracization often outweighs the fear of physical harm. Therefore, legal remedies cannot succeed in a vacuum. True reform necessitates **de-stigmatizing the act of reporting** by engaging local community leaders, religious heads, and family networks.

Transforming the "culture of silence" into a "culture of accountability" is the only way to ensure that the domestic sphere ceases to be a zone of legal exception.

- As domestic violence evolves into more sophisticated forms—including **economic coercion and digital surveillance**—the definition of "safety" must be expanded. The study underscores that a woman's resilience is directly proportional to her digital literacy and financial independence. Policy interventions must, therefore, integrate **digital safety protocols** and robust vocational rehabilitation to ensure that survivors are not just "protected" but are equipped to live a life of total autonomy.

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