
CHAPTER 21

Domestic Violence in India: A Multidimensional Perspective

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Abstract

Domestic violence, which transcends class, caste, religion, and location, is still one of India's most widespread yet little reported societal problems. Millions of women still experience physical, mental, sexual, and financial violence at home despite the constitution's promise of equality and laws like the Protection of Women from Domestic Violence Act of 2005. As we are aware that domestic abuse being a complex social and legal problem that threatens basic human rights. This research critically investigates the sociocultural elements such as patriarchal standards, economic reliance, and social silence on family issues that contribute to domestic violence. The Domestic Violence Act was passed in 2005 to lessen violence against women, but the results have been mixed so far. This research examination delves into the discrepancies that exist between legal frameworks and their practical application, underscoring the obstacles related to enforcement, the pervasive lack of awareness, and the societal stigma that often hinders the reporting of abuse. Through a thorough study, the research highlights the various multidimensions involved. Further the research concludes by advocating for a comprehensive strategy to address domestic violence, emphasizing the need to enhance legal structures, encourage gender awareness, empower women financially, and support interventions at the community level. This systematic review contends that domestic violence in India transcends the realm of personal issues, presenting itself as a challenge that necessitates collective engagement and ongoing policy reform. To achieve a society in India where everyone's house is a place of safety, dignity, and equality, everything must be done in concert.

Keywords

Domestic Violence, Abuse, Justice, Law, Protection.

1. INTRODUCTION

Domestic violence is unfortunately a prevalent issue within Indian society, a stark reality. Within the framework of Indian societal norms, the mistreatment of women has unfortunately been normalised. Numerous factors may contribute to the prevalence of domestic violence. From a critical perspective, one might argue that the prevalence of domestic violence against women is rooted in the patriarchal structure, the reinforcement of gender stereotypes, and the dynamics of power, whether actual or perceived, within

society. (M.Chandrasekhara,2009) According to this ideology, it is posited that men possess greater strength and power compared to women. They exert control over women and their lives, and as a consequence of this dynamic, they may inflict harm on women without facing repercussions. (Aya Gruber,2014) The expectation placed upon women is to passively endure their predetermined circumstances and the aggression directed at them without resistance. (Aya Gruber,2014).

The Protection of Women from Domestic Violence Act, enacted in 2005, (Domestic Violence Act,2005) represents a significant legislative effort to address the issue of domestic violence. The Act, in principle, significantly contributes to the safeguarding of women within the domestic sphere. It represents a significant advancement toward dismantling the problematic separation between public and private spheres that has long been upheld in legal discourse, a distinction that has faced persistent critique from feminist scholars. It is acknowledged that women previously had the opportunity to seek recourse through the Courts under the Indian Penal Code (The Indian Penal Code 1860), in instances of domestic violence. However, the types of domestic violence addressed by this Act, along with the victims acknowledged by it, render it broader in scope than the IPC presently Bharatiya Naya Sanhita. (The Bharatiya Nyaya Sanhita, 2023).

The IPC nor the BNS has never employed the term domestic violence to describe this objectionable practice. Indeed, the sole category of offenses addressed pertains to the mistreatment of married women. All other instances of domestic violence within the household were required to be addressed according to the offenses defined by the particular acts of violence outlined under the BNS, irrespective of the victim's gender.

The Act addresses forms of abuse that were previously overlooked or inadequately addressed in a more limited manner than is accomplished here. The definition further includes claims for compensation related to domestic violence and incorporates maintenance provisions akin to those outlined in Section144 BNSS . Nonetheless, the assertion for compensation extends beyond the maintenance permitted by that provision. It is important to recognize that the maintenance provided under this section should align with the lifestyle of the aggrieved party. Lastly, the Act delineates emotional abuse as a category of domestic violence, encompassing derogatory remarks directed at the victim for their lack of children or male offspring.

In the period following independence, the status of women in India has been significantly influenced by a variety of legislative measures, with the Protection of Women from Domestic Violence Act 2005 emerging as one of the most recent and notably contentious entries in this legal framework. (Tahira Karanjawala & Shivani Chugh,2009) Although it has been anticipated by some as a measure that could greatly enhance the status of women in Indian families, it has also faced considerable criticism for its ambiguity, discriminatory elements, and

potential risks. This article aims to examine this contentious legislation within the framework of its socio-economic context and the legal advancements that culminated in its passage. (Tahira Karanjawala & Shivani Chugh, 2009)

2. MEANING

In October 2006, the Indian government enforced the Domestic Violence Act, formally known as the Protection of Women from Domestic Violence Act 2005. The Domestic Violence Act was initially enacted by Parliament in August 2005 and received presidential assent in September of that year. In November 2007, four of the twenty-eight state governments in India ratified the Domestic Violence Act. (The Domestic Violence Act, 2005). The Act, for the first time in the nation's history, provided a formal definition of an act of domestic violence. The definition has been applied in numerous court cases, encompassing both civil and criminal matters, to hold accountable those individuals who engage in violent acts against their spouses or loved ones.

The Act, in a significant departure from previous legislations, provides a remarkably broad definition of the term "domestic violence," a term that has not been utilized in legal discourse until now. Domestic violence is articulated in a thorough manner in Section 3 of the Act, encompassing:

- Abuse can manifest in various forms, including physical, mental, verbal, emotional, sexual, and economic dimensions.
- Coercion related to dowry,
- Actions that involve the intimidation or coercion of the victim or any individual connected to her.

The Act thus deals with forms of abuse that were either not addressed earlier, or that were addressed in ways not as broad as done here. For instance, it includes in its ambit sexual abuse like marital rape which, though excluded under the IPC, can now be legally recognized as a form of abuse under the definition of sexual abuse in this Act. The definition further includes claims for compensation related to domestic violence and incorporates maintenance provisions akin to those outlined in Section 125 of the Code of Criminal Procedure (The Code of Criminal Procedure 1973) of previous Act and currently. In Sec 144 of Bharatiya Nagarik Suraksha Sanhita, 2023. (The Bharatiya Nagarik Suraksha Sanhita, 2023). Nonetheless, the assertion for compensation extends beyond the maintenance permitted by that provision. It is important to recognize that the maintenance provided under this section should align with the lifestyle of the aggrieved party. Lastly, the Act delineates emotional abuse as a category of domestic violence, encompassing derogatory remarks directed at the victim for their lack of children or male offspring.

3. CHALLENGES

- *Deficits in Institutional Infrastructure and Protection Officers:* Protection Officers are essential to the execution of the PWDVA 2025, but most states

do not designate specialized authorities to allocate DV responsibilities to ICDS employees already in charge of child welfare programs, which leads to insufficient training and an excessive workload. (Anamika & Lakshmana, 2023) Due to persistent understaffing, just 18% of domestic abuse cases result in convictions (2022 NCRB statistics), depriving victims of prompt assistance and efficient enforcement. (Harshita, 2025)

- ***Obstacles in Defining Shared Household by the Judiciary:*** The Supreme Court ruling in *S R Batra v Taruna Batra* (2007) refined the scope of Shared Household to encompass only properties owned by the husband or those rented jointly, thereby excluding ancestral properties or the homes of the husband's parents. This restrictive interpretation generates considerable legal uncertainty, resulting in many women lacking definitive residence rights and compromising the protective intent of the Act in modern contexts.
- ***Social Stigma and Cultural Norms Rooted in Patriarchy:*** Domestic violence continues to be perceived as a private family issue, largely due to deeply rooted patriarchal attitudes. (Dishari, 2023) This cultural backdrop discourages women from reporting instances of abuse, as they fear social ostracism. (Manjinder, 2026) This societal stigma, coupled with a pervasive lack of awareness regarding legal rights and the services available, constitutes a significant obstacle to obtaining relief mechanisms under the Act.
- ***Limitations in Resources and Disparities in Budget Distribution:*** States demonstrate considerable differences in their budgetary allocations for domestic violence infrastructure, revealing significant disparities in funding for shelter homes, particularly in rural regions, which results in victims lacking sufficient residential support. (Dishari, 2023) Overburdened officials, inadequate training, and limited resources lead to delays in the issuance of protection and compensation orders, thereby compromising the practical efficacy of the Act.
- ***Barriers in Evidence Despite Existing Legal Provisions:*** Although the Act allows for oral testimony and documentary evidence, victims face challenges in presenting tangible witnesses or documentation because of the inherently private nature of domestic violence. (Manjinder, 2026) This situation leads to evidentiary complications, despite the courts' acceptance of oral evidence. This barrier to evidence, along with procedural delays and varying judicial interpretations among states, greatly obstructs the successful prosecution of cases and the provision of relief.
- ***Recent Directives from the Supreme Court (2025) Underscore Notable Gaps in Implementation:*** The Supreme Court's June 2025 order mandating all states to appoint dedicated protection officers within six weeks explicitly acknowledges that infrastructural gaps continue to undermine the Act's key provisions. Despite the Act's critical legal framework, systemic lapses persist in effective on-ground implementation across India.

4. RECOMMENDATIONS

- ***Create a Specialized Cadre for Protection Officers:*** The state should prioritize the establishment of a dedicated, full-time, well-trained, and adequately compensated group of Protection Officers, rather than delegating domestic violence responsibilities to ICDS workers who are primarily focused on child welfare management. This involves performing research on a district-by-district basis to guarantee that women in remote regions have access to Protection Officers, assigning officers with a minimum tenure of three years for stability, and regularly assessing workload every few months to avoid excessive burdens.
- ***Compulsory Training on Gender Sensitization:*** It is essential to establish a requirement for regular and effective training focused on gender sensitivity and trauma-informed care for all personnel involved in handling cases under the Protection of Women from Domestic Violence Act. This includes police officers, judicial officials, lawyers, and magistrates, ensuring they are adequately equipped to address these sensitive matters. The state ought to appoint seasoned female Protection Officers for three-year terms, ensuring the establishment of appropriate infrastructure and facilities to enable them to fulfill their responsibilities effectively. Additionally, it is imperative to provide comprehensive sensitization training for all security personnel to ensure the proper implementation of the Act.
- ***Enhance the Availability of Shelter Homes and Allocate Increased Financial Resources:*** It is imperative to enhance the availability of government-supported shelter homes, ensuring that there is at least one facility per district equipped with adequate and safe accommodations for women survivors and their children. This initiative necessitates substantial public investment to establish a comprehensive network of secure, inclusive, and long-term shelter homes that are seamlessly integrated with healthcare responses. (Ganguly, 2022) The Union Government ought to enhance the central budgetary allocation, ensuring the timely release and effective utilization of funds, accompanied by precise specifications regarding their intended purposes.
- ***Clarify Definitions Within the Legal Framework Through Amendments:*** Revise the Act to eliminate ambiguities in the definition of shared household and to offer more precise guidance for enforcement, while also considering judicial interpretations that influence the application of the Act. This encompasses legislative reform aimed at rectifying the exclusion of specific categories of victims and broadening rehabilitation frameworks to incorporate female perpetrators, all while upholding the protective principles of the Act.
- ***Establish Mechanisms for National Monitoring and Convergence:*** Create a framework to facilitate alignment among the parties accountable for

executing the Act, with the Ministry of Women and Child Development establishing a robust coordination system to disseminate and oversee information, government directives, circulars, and guidelines. It is imperative for states to create dedicated reporting and monitoring units within the Women and Child Development Departments. These units should be staffed by an officer responsible for gathering data on the services rendered, tracking cases and financial allocations, and delivering consistent feedback to both authorities and civil society organizations.

- ***Initiate Campaigns Aimed at Enhancing Public Awareness:*** The government ought to initiate extensive public information campaigns regarding women's entitlement to a violence-free home and the protections afforded under the PWDVA. Such mass awareness initiatives should be executed through both print and electronic media to enhance legal awareness within the community. This encompasses the advancement of women's education, the enhancement of economic empowerment, and the fostering of community engagement to challenge patriarchal ideologies, while also broadening the scope to incorporate LGBTQ+ individuals and non-marital partners.

5. CONCLUSION

The Protection of Women from Domestic Violence Act 2005 represents a pivotal legislative measure in the evolution of family law in India since independence. It aims to safeguard women against domestic abuse while offering effective remedies through provisions that prioritize the needs of survivors. Nonetheless, after two decades of enforcement, the implementation of the Act continues to exhibit significant deficiencies, evidenced by a mere 18% conviction rate and substantial systemic gaps that endure across various states. The challenges are complex and multifaceted, involving institutional infrastructure deficiencies marked by understaffed Protection Officers who are burdened with overlapping child welfare responsibilities. There are judicial ambiguities surrounding the definition of shared households that restrict residence rights, alongside deeply entrenched patriarchal social norms that render domestic violence a private family issue. Additionally, there is inadequate resource allocation characterized by uneven budgetary distribution, as well as evidentiary barriers that persist despite existing legal provisions for oral testimony.

Addressing these implementation gaps requires comprehensive, multi-dimensional reforms spanning institutional, legal definitions through legislative amendments to remove ambiguities, establish national monitoring mechanisms for stakeholder convergence, and launch comprehensive public awareness campaigns about women's rights under PWDVA. As the Supreme Court's June 2025 directive explicitly acknowledged, effective implementation depends on strengthening infrastructure, ensuring timely protection, legal help and safer shelter for victims through coordinated state action. The Act's transformative

potential remains unrealised until these systematic reforms are implemented, as comprehensive measures are essential to strength enforcement and ensure the law fully serves its protective and empowering purpose for domestic violence victims across India.

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