

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIALTEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*



## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **THE ANALYTICAL STUDY OF DOMESTIC VIOLENCE AGAINST WOMEN'S IN INDIA**

AUTHORED BY - DR SIBANI SARMAH

Designation: Assistant Professor

Department of Legal Studies

Mahatma Gandhi University Meghalaya

## **Abstract:**

Domestic violence, a significant crime against women closely linked to the perpetuation of patriarchy. India, a country continues to witness numerous instances of violence against women. Domestic violence includes any form of physical, sexual, psychological, or economic harm inflicted within a domestic setting. This may involve actions such as physical assault, sexual coercion, psychological manipulation, financial exploitation, and emotional neglect by her in-laws, family members or husband. This research paper studies the meaning, forms of violence and the factors which raises these violence. The paper also examine the effect of laws relating to the Domestic violence as well as provide recommendations to eradicate this menace.

**Keywords:** Domestic Violence, abuse, human rights, Laws

## **Introduction:**

Domestic violence is a widespread problem impacting millions worldwide, It includes abusive actions in close relationships, such as physical, emotional, psychological, and financial harm. Numerous women encounter various forms of violence in their daily lives. Due to these traumatic experiences, many women tragically choose to end their lives. The incidence of such cases is rising steadily. Despite the existence of several laws and regulations, there appear to be deficiencies in certain areas. Therefore, by investigating the underlying causes of the increasing domestic violence and the shortcomings of current laws and legislation, it may be possible to address and ultimately eliminate this widespread issue.

Approximately 40% of married women in India experience domestic violence, with 30% facing physical violence, 10% experiencing sexual violence, and 15% encountering emotional abuse.

A systematic review of 137 studies estimated that 4 in 10 Indian women report experiencing domestic violence in their lifetime, and 3 in 10 report domestic violence in the past year. The prevalence of domestic violence varies across states, with Karnataka reporting the highest prevalence at 48%, and rural areas experiencing higher incidence rates compared to urban areas.<sup>1</sup>

Despite the high prevalence, reporting rates remain low due to social stigma, fear, and lack of awareness. According to the National Crime Records Bureau, over 80,000 domestic violence cases were reported in 2022, but less than 7% of filed cases completed legal trials, with offenders convicted in only 15.5% of cases. Over 1.5 million cases of cruelty by husbands or relatives were reported in India from 2001 to 2018.<sup>2</sup>

The World Conference on Human Rights held in Vienna in 1993 recognized that the rights of women and girls constitute an essential, inherent, and indivisible component of universal human rights. In December 1993, the United Nations General Assembly endorsed the Declaration on the Elimination of Violence against Women.

Individuals from marginalized communities face a heightened risk of encountering abuse. Nevertheless, it is crucial to acknowledge that anyone, irrespective of their age, race, gender, sexual orientation, socioeconomic status, or religious beliefs, can fall victim to abuse.

Domestic abuse can take many forms. These are some of the different types of domestic abuse:

### **Types of Domestic Violence:<sup>3</sup>**

**Physical abuse:** Physical abuse is often the most apparent manifestation of domestic and family violence (DFV), encompassing direct assaults on an individual's body, which may include the use of weapons, reckless driving, property destruction, the mistreatment of pets in the presence of family members, and enforced sleep deprivation. It is important to note that physical abuse seldom occurs in isolation, as perpetrators frequently engage in various other forms of abuse against their victims.

**Sexual abuse:** It encompasses any type of physical contact or sexual interaction that occurs

---

<sup>1</sup>Bushra Sabri, Abha Rai, Arthi Rameshkumar, "Violence Against Women in India: An Analysis of Correlates of Domestic Violence and Barriers and Facilitators of Access to Resources for Support"

<sup>2</sup> Ibid

<sup>3</sup> Sanjana gupta, "Domestic Abuse: Types, Causes, and Impact", 2023

without the explicit consent of the other individual. It also refers to any sexual engagement between an adult and a minor, defined as anyone under the age of 18.

**Psychological abuse:** Additionally, emotional or psychological abuse involves behaviour's such as yelling, cursing, name-calling, bullying, coercion, humiliation, gaslighting, harassment, infantilization, threats, intimidation, isolation, manipulation, or any other form of control over another person. This type of abuse can be equally damaging as sexual or physical abuse.

**Neglect:** It refers to the failure to supply a child or a dependent adult with essential needs, including food, water, clothing, shelter, medical attention, or supervision. Additionally, neglect can manifest emotionally, characterized by the lack of love, care, and emotional support for a family member.

**Financial abuse:** It refers to the act of exerting control over a person's financial resources by manipulating their income, limiting their employment opportunities, or incurring debts under their name.

**Technological abuse:** It refers to the misuse of technology to intimidate, stalk, harass, or harm another individual. Examples of this type of abuse include employing tracking devices to surveil someone's movements or online behavior, as well as insisting on access to the person's social media or email accounts.

There are a number of different factors that contribute to the prevalence of domestic violence. Some of them are as follows:

### **Factors contributing to Domestic Violence:**

**Cultural influences:** Traditionally, numerous patriarchal societies have allowed the physical punishment and discipline of women and children, who are regarded as the property of men. Furthermore, a woman's sexuality is frequently associated with the family's honor. Consequently, any actions or behaviour's by a woman that are deemed to bring dishonor to the family are often met with societal condemnation and violence.<sup>4</sup>

**Legal considerations:** Law enforcement agencies frequently perceive domestic violence as a

---

<sup>4</sup> Sanjana gupta, "Domestic Abuse: Types, Causes, and Impact", 2023

private familial issue and may show reluctance to intervene. Incidents of domestic abuse are often treated with greater leniency compared to offenses committed by outsiders. In many cultures, sexual violence perpetrated by intimate partners is not even acknowledged as a criminal act.

**Economic influences:** Insufficient financial resources are frequently linked to domestic violence.

**Environmental influences:** Individuals raised in abusive environment, having either witnessed or endured abuse during their childhood, may have a higher propensity to commit domestic violence in adulthood.

**Societal influences:** There remains a tendency within society to hold victims accountable for their abuse, creating barriers for them to report their perpetrators. Victims frequently face intense scrutiny, with any flaws being used against them.

**Substance abuse:** The overconsumption of substances like alcohol and drugs can contribute to incidents of domestic violence.

In order to eradicate this menace, many legal protection has been provided. The Domestic Violence Act 2005, has been passed. Lets take a look of this Act:

### **Domestic Violence Act, 2005:**

India has numerous laws aimed at ensuring the safety and protection of women from domestic violence perpetrated by their partners and family members. Among these, the Protection of Women against Domestic Violence Act of 2005 stands out as a significant legislative measure. This Act, enacted by the Indian Parliament, is designed to protect women from various forms of domestic violence, including sexual, physical, economic, and emotional abuse, thereby providing them with essential security against male family members.

The scope of the Act encompasses not only the protection of married women but also those who are in live-in relationships. This legislation grants women the right to be free from all forms of violence. Under this law, women are entitled to protection from domestic violence, the right to reside, and financial compensation within a shared home. Maintenance may be provided in instances where women live apart. The legal framework addressing domestic

violence in India ensures that women have access to shelter and the means to support themselves, while also safeguarding their safety.

A woman experiencing domestic violence is entitled to access police services, shelter facilities, and medical institutions. Additionally, she has the right to concurrently lodge a complaint under Section 85 of the Bharatiya Nyaya Sanhita (BNS).

The DV Act 2005, ensure that the cases should be reported to the protection officer who then make a Domestic Incident Report to the Magistrate and forwarded a copy to the police officer in charge within the local limits of jurisdiction.

Initial trend suggest a significant rise in the Cases of domestic violence registered under Protection of Women from Domestic Violence Act 2005

#### **Other Legal protection:**

**Section 85** addresses acts of cruelty towards women in domestic relationships, which include not only marital connections but also other forms of partnerships. It covers behaviours that may lead a woman to consider suicide or inflict serious harm, as well as harassment intended to pressure her or her family into fulfilling illegal demands.<sup>5</sup>

- **The Dowry Prohibition Act of 1961:** The Act establishes a definition of dowry and enforces stringent measures to punish and prevent violence against women associated with dowry.
- **The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act of 1994:** The Act prohibits prenatal sex determination, aiming to combat female feticide and improve India's declining sex ratio.
- **The Medical Termination of Pregnancy Amendment Act of 2021:** The Act enhances access to safe and legal abortion services by ensuring universal access to comprehensive care.

#### **Important Judicial interpretation:**

In the case of *Lalita Toppo v. The State of Jharkhand (2018)*, the Supreme Court acknowledged the rights of women in live-in relationships by expanding the protections

---

<sup>5</sup> <https://advocateforwri.com/bharatiya-nyaya-sanhita-bns-85/>

provided under the Protection of Women from Domestic Violence Act. Lalita Toppo sought maintenance under this Act, despite the absence of a legal marriage. This ruling significantly enhanced the legal acknowledgment of relationships concerning domestic violence, ensuring that individuals in live-in relationship will receive same protection afforded to married couples. ***Inder Raj Malik and Others v. Sunita Malik (1986)***: This case marked an early recognition by the courts of the cruelties linked to dowry demands. The court determined that the act of demanding dowry could be classified as cruelty and therefore subject to penalties under current legislation. Impact: This decision strengthened the judiciary's dedication to tackling marital cruelty associated with dowry, establishing legal precedents for the management of such cases. In the case of ***Rajesh Sharma & Others v. State of U.P. & Another (2017)***, the court established guidelines to mitigate the abuse of Section 498A of the Indian Penal Code, recommending the formation of family welfare committees to evaluate complaints prior to any arrests. These guidelines were designed to safeguard against the potential misuse of legal protections intended for women facing marital abuse, ensuring a balance between preventing misuse and providing necessary protection.

In the case of ***V.D. Bhanot v. Savita Bhanot (2012)***, the Supreme Court determined that the provisions of the Domestic Violence Act can be applied retroactively, permitting victims of abuse that occurred prior to the Act's enactment to seek legal recourse and protection, thereby expanding the scope of justice.

***Ajay Kumar v. Lata @ Sharuti (2019)***: The court examined the potential liability of a brother-in-law for maintenance under the Domestic Violence Act. It was concluded that he could be held responsible if he was a member of a joint family and shared in the household duties. Impact: This ruling broadened the understanding of 'maintenance' in the familial context under the Domestic Violence Act, highlighting the shared obligations of family members towards one another.

***Kamlesh Devi v. Jaipal and Others (2019)***: This ruling by the Supreme Court examined the applicability of the Domestic Violence Act in conflicts concerning the shared household, especially in relation to family members who are not spouses. Impact: The ruling elucidated legal definitions and the conditions under which the concept of a shared household may be utilized, thereby offering more precise guidelines for these types of cases.

The landmark cases under discussion have not only enhanced the legal comprehension of domestic violence but have also impacted cultural attitudes and enforcement practices throughout India. They act as precedents that inform future legal principles and promote a more knowledgeable and empathetic approach to addressing allegations of domestic violence.

### **Government Efforts to Eradicate Domestic Violence Against Women:<sup>6</sup>**

#### **1. National Commission for Women:**

Established in 1992, this statutory body was created to investigate and oversee issues related to the constitutional and legal protections afforded to women, based on core constitutional provisions.

#### **2. National Human Rights Commission:**

Founded in 1993, this statutory body is tasked with safeguarding human rights in India. According to section 2(d) of the Protection of Human Rights Act of 1993, human rights are defined as the rights to life, liberty, equality, and dignity of individuals, as guaranteed by the constitution or enshrined in international treaties, and enforceable by Indian courts. Consequently, the NHRC plays a crucial role in protecting women who are victims of domestic violence.

#### **3. Beti Bachao Beti Padhao Scheme:**

Launched in 2015 to tackle the declining child sex ratio and the challenges related to the empowerment of girls and women, this scheme aims to prevent gender-biased sex-selective elimination and to ensure equal opportunities for girls in society.

#### **4. Swadhar Greh Scheme:**

This initiative aims to combat violence against women by providing institutional support to those facing difficult circumstances, enabling them to recover and live with dignity. 5. One Stop Centre and Universalization of Women Helplines: These two projects, funded by the Nirbhaya Fund and managed by the Ministry of Women and Child Development, aim to assist women who have experienced violence and connect them with relevant agencies, including law enforcement.

---

<sup>6</sup> Ayush Kumar shukla, Understanding the Issue of Domestic Violence against Women in India: A Critical Analysis

### **Objective of the Study:**

- To study the nature and causes of Domestic violence against women
- To study the laws and government initiatives relating to domestic violence against women.
- To suggest certain measures to eradicate domestic violence.

### **Research Methodology:**

The current paper primarily relies on both primary and secondary data. The primary data are important Judicial interpretation regarding domestic violence against women. Secondary sources are collected from the National Crime Records Bureau (NCRB), the National Family Health Survey (NFHS), the National Commission for Women (NCW), and the Press Information Bureau (PIB) as well as from legal journal, websites, books etc. Additionally, both qualitative and quantitative analytical methods have been employed.

### **Conclusion and Recommendations:**

In conclusion, domestic violence has increasingly become a significant issue within our society, particularly in the home, largely due to gender inequality and patriarchal structures. This situation highlights the various physical and emotional distress experienced by victims and their families, especially children, which can lead to enduring consequences that may persist across generations. Addressing domestic violence is crucial for the overall well-being of society, as it adversely affects not only the health of women who are victims but also the entire family unit. Children raised in violent households are at a higher risk of becoming violent adults themselves. Despite the efforts made by the Indian government to protect women from domestic violence, it is disheartening to note that such violence remains prevalent within homes. Women, as a marginalized group in society, require special attention, particularly in instances of domestic abuse, including dowry-related killings, physical and psychological harm, and other forms of violence. However, the effectiveness of laws is contingent upon their proper enforcement by law enforcement and the judiciary. Therefore, both governmental and non-governmental entities must take concrete actions to empower women, thereby reducing their vulnerability and the likelihood of domestic violence.

To mitigate domestic violence against women in India, several measures can be implemented, such as raising public awareness about domestic violence as a human rights violation,

conducting legal literacy programs at the community level, establishing special courts with female judges in each district dedicated solely to domestic violence cases, creating a specialized police unit to address domestic violence issues, and providing comprehensive education to both boys and girls from an early age regarding domestic violence and women's rights.

### Reference:

- Ayush Kumar shukla, (2023) Understanding the Issue of Domestic Violence against Women in India: A Critical Analysis, retrieved on 9<sup>th</sup> may 2025 [https://www.researchgate.net/publication/375030073\\_Understanding\\_the\\_Issue\\_of\\_Domestic\\_Violence\\_against\\_Women\\_in\\_India\\_A\\_Critical\\_Analysis](https://www.researchgate.net/publication/375030073_Understanding_the_Issue_of_Domestic_Violence_against_Women_in_India_A_Critical_Analysis)
- Bushra Sabri, Abha Rai, Arthi Rameshkumar, "Violence Against Women in India: An Analysis of Correlates of Domestic Violence and Barriers and Facilitators of Access to Resources for Support" retrived on 8<sup>th</sup> May 2025 <https://pmc.ncbi.nlm.nih.gov/articles/PMC9756932/>
- Kalaiyarasi, R. (2015). Violence against women in India. IOSR Journal of Humanities and Social Science, 20(2), 51-55.
- <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=1b4a2218f89d87dee2a0ac05715e80a598cb6ffa>
- Kalokhe, A., Del Rio, C., Dunkle, K., Stephenson, R., Metheny, N., Paranjape, A., & Sahay, S. (2017). Domestic violence against women in India: A systematic review of a decade of quantitative studies. Global public health, 12(4), 498-513. <https://doi.org/10.1080/17441692.2015.1119293>
- Kaur R, Garg S. Addressing domestic violence against women: an unfinished agenda. Indian J Community Med. 2008 Apr; 33(2):73-6. <https://doi.org/10.4103%2F0970-0218.40871>
- Kethineni, S., Srinivasan, M., & Kakar, S. (2016). Combating violence against women in India: Nari Adalats and gender-based justice. Women & Criminal Justice, 26(4), 281-300. <https://doi.org/10.1080/08974454.2015.1121850>
- Sanjana gupta, "Domestic Abuse: Types, Causes, and Impact", (2023,) retrieved on 9<sup>th</sup> may 2025 <https://www.verywellmind.com/domestic-abuse-types-causes-and-impact-5324104>
- <https://advocateforri.com/bharatiya-nyaya-sanhita-bns->