

DOMESTIC VIOLENCE AGAINST WOMEN IN INDIA – A SOCIO LEGAL STUDY

Author : Sugandha Sameer Kharsamble. (Advocate / Student)

Co-Author : Ms. Ananya Yadav. (Assistant Professor)

Email ID : sugandhakharsamble84@gmail.com

Department : Department of law

University : Chhatrapati Shivaji Maharaj University, Shedung, Panvel

City : Khopoli, Country : India

Abstract :-

Violence against women is a serious issue and not new to world. It is a cruel reality of today's world which exist everywhere. It is deeply rooted in androcentrism, economic dependence, male supremacy and social stigma. In India where we worship Goddess Durga, Kali, Lakshmi as a tremendous source of power and energy and on the other hands we found many examples of violence against women. Nearly every home in India faces some form of domestic abuse, wherein women suffer physically, psychologically and economically. The protection of women from Domestic Violence Act, 2005 (PWDVA)ⁱ defines it broadly to include physical, sexual, verbal and economic abuse by partner or family member within a domestic relationship. The National Family Health Survey (NFHS), 2019-2021ⁱⁱ, noted that 29.3 percent of married Indian women between the ages of 18 and 49 have experienced domestic / sexual / economic violence and this data is collected only from the violence complaint / cases filed by women but in real there are much more cases but complaint is not registered due to social pressure, lack of support from family and trust issues with police. Domestic violence is a worst form of violence which affect not only aggrieved women but also affect the life of her related people. This paper manages about meaning, forms of violence against women, necessity of a holistic strategy to prevent domestic violence against women preventing their safety, dignity, empowerment and how not providing essential documents and economic abuse makes it worst.

Introduction :-

Domestic violence is a social problem which is increasing day by day that although well recognised and is still associated with uncertainty, fear of society and taboos. The statistics of increasing crime against women even in the presence of strict laws is very shocking, where womens are subjected to violence attacks including foeticide, infanticide, medical neglect, child marriages, rapes it may included rape by husband and close relatives, sexual haressment at home. In all the above cases women is considered as aggrieved person. Domestic violence is a serious violation of human rights that undermines their dignity and equality. As Domestic violence in some extent is a result of contributing factors like the patriarchal system or androcentrism, dowry, low literacy and economic dependency. The long term institutions have been passed to deal with charge sex, arrangements relating to homogrown existance of womenⁱⁱⁱ, proprietary freedom and women, public activity of women and their own freedom are a portion of instance of such moderate regulation. Hindu Marriage Act 1955, Child Marriage Restraint Act 1901, Dowry prohibitin Act, 1961 is a portion of the heavenly guides to advance circumstance and provide legal remedies and support services for survivors.

The Protection Of Women From Domestic Violence Act 2005, provides for the protection of women from domestic violence and empowers the victim to seek various reliefs such as protection order, residence order, monetary relief etc. from the court. Dowry prohibition Act, 1961^{iv}prohibits both the parties from giving or taking dowry in any form at or before the marriage which is related to domestic violence against women. The aim of this act is to suppress the practice of dowry, which further leads to domestic violence against women.

Nowdays there are many laws to protect women from domestic violence but the effectiveness of these laws also depends on their proper implementation and enforcement by law enforcement agencies and the judiciary. Also on the other hand gaining a knowledge of domestic violence against women via the lens of socio-legal theory enables one to obtain a more awareness.

ⁱ Domestic Violence Act, 2005 (PWDVA)

ⁱⁱ The National Family Health Survey (NFHS), 2019-2021

ⁱⁱⁱ homogrown existance of women means authentic way of living and creating.

^{iv} Dowry prohibition Act, 1961

Meaning of violence :

Violence is defined by the World Health Organisation as, “ the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation. ”

Meaning of Domestic Violence :

Under Section 3 of the PWDVA, 2005, domestic violence is defined as “ any act omission or Commission or conduct of a respondent that harms or injuries or endangers the health, safety, life or well-being^v, whether mental or physical of the aggrieved person or tend to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse or harasses, harms, injuries or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security . This may also includes any behaviour that intimidate, blame, manipulate, humiliate, threaten, hurt, continuous taunting, provoking etc. is happens very frequently. It also involves abusive relationship in which one person having power and control over life of other person

Forms Of Violence Against Women :-

1) Intimate Partner Violence (IPV)

This type of violence is most commonly found which involve harm by current or former partner or husband as follows :

- Physical Violence includes slapping, burning, hitting, kicking etc.
- Sexual Violence like marital rape, unnatural sex, weird sexual acts etc. is a big issue.
- Psychological Abuse includes continuous humiliation, intimidation, create fear in mind, forcefully isolate from family and friends, take doubt on character without any reason and while having extramarital affair of husband to overcome that make a false blame on wife etc.
- Economic Violence like keep her unemployed and make her depend on accused for smallest needs, control financial resources, treat like a slave.

As of late 2025, state like Uttar Pradesh report the highest number of cases against women and girls, while Delhi and Haryana shows the highest rates of crime against women. Domestic violence against women changes its way with time and increased day by day which becomes a black site of every progressive country.

2) Sexual Violence and Harassment

The sexual behavior that imposed on someone without consent.

- Rape which include marital rape as there is sexual contact without consent or non- consensual penetration.
- Sexual harassment includes requests for sexual favors, staring in public, work place etc.
- Stalking or following anybody with some cause that causes fear and unsafe .

3) Harmful Traditional Practices

- Child Marriage in which any one of couple i.e bride is under age 18 or groom is under age 21 or pushes them into forced marriage without their consent.
- The killing of female foetus intentionally.
- Forcefully marriage of kidnapped girls with man for example in Rajasthan as female foetus killing is normal so female rate is lower in Rajasthan and because of that they buy girls for marriage illegally.
- The exploitation of women and girls for profit, basically for forced labour or sexual exploitation.
- Violence, sometimes leading to death, directed at a women by her husband or his family regarding dowry demands.

^v Section 3 of the PWDVA, 2005

Legal protection towards domestic violence in India

- 1) **Section 85 BNS :-** Covering willful conduct that make a women to suicide, grave, injury or harassment for unlawful and cruel dowry demands. This offence is cognizable and non-bailable. Punishment is imprisonment for up to 3 years and a fine. Police have to follow directives requiring justified reason for arrest explained in *Arnesh Kumar Vs. State Of Bihar*.^{vi}
- 2) **Section 89 to 92 BNS :-**
 - Sec 89 : Causing miscarriage without woman's consent or knowledge.
 - Sec 90 : Death caused by act done with intent to cause miscarriage.
 - Sec 91 : Act with intent to prevent child being born alive or cause it to die after birth.
 - Sec 92 : Causing death of quick unborn child by amounting to culpable homicide.

Are punishable under Bhartiya Nyay Sanhita and considered as sexual abuse against women.

- 3) **Dowry Prohibition Act, 1961 :-** This act defines dowry and set very strict guidelines for punishing such acts and preventing women from this abuse. But it is really essential that women that under gone such abuse should come forward on time without any fear and without bothering social taboo. It's not only duty of legal authority to prevent women from this abuse but it is also our duty to strictly avoid give and take of dowry.
- 4) **Protection Of Women From Domestic Violence Act, 2005 :-** Protection of Women from Domestic Violence Act, 2005 came into force from 26 October 2006. It is a very effective, comprehensive and promising legislation that combines civil remedies with criminal procedures to ensure effective protection and immediate relief to victims of violence of any kind occurring within the family. According to this law aggrieved can seek protection against any physical, sexual, verbal and emotional abuse or economic abuses. This law help women for the first time to get a violence free home. Under the Act, the right to reside in the matrimonial home / shared household was a breakthrough in women's rights in India. She cannot be evicted from the shared household and if she is forcefully evicted can get immediate relief includes a protection order, monetary compensation, residency order, custody order, free legal services, medical aid and counseling with the help of the Protection Officer. This act provides a legal frame to women and help her to become self dependent. Sex determination is banned in India to stop female foeticide ^{vii} and help to maintain the declining sex ratio. This law prohibits labs, clinics from conducting different tests like ultrasound to determine the sex of the fetus also prohibits sale of ultrasound machines to unregistered clinics and labs. Prenatal diagnostic techniques are allowed only for detecting metabolic disorders, genetic and chromosomal abnormality. Violation of this act lead to imprisonment for up to 3 years and fines up to ₹ 10,000 \- for the first conviction. Repeated convictions can leads to penalties upto 5 years imprisonment and ₹ 1 lakh fine. These offences are cognizable, non-bailable. As this law is made for protection and rehabilitation of a aggrieved women but beside that this law has some legal loopholes like having no time limit and strong provision for avoidance of maintenance by husband.
- 5) **Medical Termination Of Pregnancy Amendment Act, 2021 :-** This law increases access to safe and legal abortion processes by guaranteeing universal access to comprehensive care.

Holding essential documents from wife and child, economic abuse :- It is recognized as severe economic abuse and domestic violence under PWDVA, 2005. Court deem this a violation of fundamental rights, allowing victims to seek protection, financial relief and access to documents. As not providing essential documents is taking easy but it really leads to mental harassment of women as she have to struggle for her and her kids maintainance and on other hand harassed by not providing essential documents. Withholding of documents as part of the Domestic Incident Report to the protection officer and also can approach the Magistrate for an order under section 19 or 20 of PWDVA, 2005 to compel the return of documents and grant financial relief.

With this it is also important and a rising issue in world is Domestic violence against men . As domestic violence against women is one side of violence and against men is another side. So it's really needed to make a law for Domestic violence against men.

Case laws :-

1. **Satyavol Venkat Rama Krishna Rao Vs. Kavita Rao, 17 December 2024 :** The Delhi high court held that failure to provide maintenance amounts to economic abuse as it is responsibility of husband to provide for his child persists regardless of any purported grievances.
2. **B. Prakash Vs. Deepa on 28 July, 2015 :** The term “ Domestic violence” is defined in sec.2(g) of the act, which states that the domestic violence either of two would amount to economic abuse. Such economic abuse will amount to domestic violence. The wife who is the victim of this.
3. **Amarjeet Kadian Vs Simran Kadian, 2026 :** Recent high court rulings continue to deal with maintainance and protection orders under section 12, focusing on interim relief for aggrieved women.

^{vi} *Arnesh Kumar Vs. State Of Bihar, 2014, 8 SCC 273 AND Air 2014 SC 2756*

^{vii} Sex determination is banned in India to stop female foeticide

4. **Aparna Bhat Vs. The State Of Madhya Pradesh, 18 March 2021** : The supreme court of India in this case set aside the judgment of Madhya Pradesh High Court and observed that the condition in this case was arbitrary and so invalidated it. High court also laid down a number of guidelines for the courts that must be followed at the time of granting bail in sexual offences.

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