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A SOCIO LEGAL ANALYSIS ON WOMEN STATUS AND CONDITION DURING DOMESTIC VIOLENCE SUITS IN INDIA

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Abstract

This paper examines the condition and status of women involved in domestic violence cases in India from both a legal and social perspective. It seeks to understand how protective laws function in reality, especially for women who are already facing emotional, financial, and societal challenges. The study discusses key legal provisions, judicial responses, and the practical difficulties women encounter during legal proceedings. It highlights that despite the existence of strong legal safeguards, many women continue to struggle with delays in justice, social stigma, lack of awareness about their rights, and economic dependence on their abusers. In many instances, the legal process itself becomes overwhelming and difficult to navigate. The paper also evaluates the role of courts and enforcement agencies in handling such cases and briefly addresses concerns regarding misuse of laws to maintain a balanced perspective. Overall, the study emphasizes that legal provisions alone are not sufficient; there is a pressing need for effective implementation, faster procedures, and a more sensitive and supportive legal system. Strengthening institutional support and increasing awareness can help ensure that women are able to exercise their rights meaningfully and live with dignity and security.

Key Words: Domestic Violence, Women, Socio-Legal Study, Justice, Gender Issues

Introduction

Domestic violence is one of the most serious yet often hidden problems faced by women in India. It is not limited to physical harm but also includes emotional, verbal, sexual, and economic abuse that takes place within the home. Even though such violence violates basic

human rights, many cases go unreported because women fear social stigma, family pressure, and the consequences of speaking out. To address this issue, the Protection of Women from Domestic Violence Act, 2005 was introduced to provide legal protection and ensure that women can live with dignity and without fear.

The protection offered under domestic violence laws is not only about stopping abuse but also about helping women rebuild their lives. Courts can grant relief such as residence rights, protection orders, maintenance, and compensation. These remedies may be temporary during the case or permanent after the case is decided. Just like alimony aims to provide financial support after separation, domestic violence laws try to ensure that women are not left helpless when they seek justice. The main goal is to reduce inequality within relationships and provide a sense of safety and stability.

However, in Indian society, marriage is often seen as a lifelong bond, which sometimes leads to the acceptance or silence around abusive behaviour. Many women hesitate to approach the courts because they depend financially on their partners, lack awareness about their rights, or fear being judged by society. Even when they take legal action, the process can be long, stressful, and emotionally exhausting. As a result, the dignity, safety, and well-being of women are often affected during the course of litigation.

Courts in India have played an important role in making these laws more effective. In ***Hiral P. Harsora v. Kusum Narottamdas Harsora***, the Supreme Court made a significant change by allowing complaints to be filed not only against adult male members but also against female relatives. This made the law more practical and better suited to real-life situations where abuse can come from different members of the household. Such judgments show how the judiciary helps in strengthening women's protection.

At the same time, there has been ongoing debate about the misuse of laws related to domestic violence. Some argue that provisions like Section 498A of the Indian Penal Code are sometimes used to make false allegations. However, it is equally important to recognize that many genuine cases still do not receive proper attention. Domestic violence is a complex issue, and both misuse and underreporting exist side by side.

This study takes a socio-legal approach to understand the real condition of women during

domestic violence cases in India. It focuses not only on what the law says but also on how it works in real life. The aim is to identify the gap between legal rights and actual experiences and to suggest ways to make the system more effective, supportive, and fair so that women can truly live with dignity and security.

1.1 Research Problem: The Gap Between Legal Protection and Reality

This research focuses on how domestic violence laws in India work in real life, especially for women who seek protection through the courts. Although these laws promise safety, dignity, and a better life under Article 21 of the Constitution, many women still face difficulties such as delays in justice, lack of awareness, financial dependence, and social stigma. The study looks at the gap between what the law provides and what women actually experience during domestic violence cases. It also explores whether these laws truly help women or if social and practical barriers limit their effectiveness.

1.2 Research Objectives and Methodology Research Objectives

This paper analyzes domestic violence laws by examining their legal framework, understanding their social impact, and evaluating how effectively they protect women in Indian society.

1. To examine the development and scope of domestic violence laws in India, particularly the Protection of Women from Domestic Violence Act, 2005, along with relevant constitutional provisions.
2. To analyze the real condition and experiences of women during domestic violence suits, including issues like social stigma, economic dependence, and access to justice, along with judicial approaches in such cases.

Research Methodology

This research follows a doctrinal method, relying on statutes, case laws, research articles, and other legal and social sources. It also incorporates socio-legal perspectives to understand how laws function in practice and their impact on women in Indian society.

1.3 Literature Review

The issue of domestic violence and the status of women within such disputes had been extensively examined through both legal and socio-cultural lenses. Indian courts have consistently recognized that domestic violence is not merely a private or familial concern but

a serious violation of a woman's fundamental rights, particularly the right to live with dignity under Article 21 of the Constitution. In *V.D. Bhanot v. Savita Bhanot*, the Supreme Court adopted a progressive approach by holding that the Protection of Women from Domestic Violence Act, 2005 is a beneficial legislation that must be interpreted liberally to ensure maximum protection for women. The Court further clarified that relief under the Act could extend to situations that predate its enactment, thereby reinforcing its remedial and welfare-oriented nature.

Similarly, in *S.R. Batra v. Taruna Batra*, the Court dealt with the scope of a woman's right to residence under the Act. While the judgment attempted to define the contours of a "shared household," it also exposed certain limitations and ambiguities in the practical application of the law. These judicial pronouncements collectively demonstrate the evolving nature of domestic violence jurisprudence in India, where courts attempt to balance statutory interpretation with the lived realities of women, though gaps in implementation continue to persist.

From a scholarly perspective, domestic violence has been widely acknowledged as a manifestation of structural inequality embedded within patriarchal family systems. *Indira Jai singh* argues that domestic violence laws must be understood not merely as legal remedies but as instruments of social transformation aimed at correcting entrenched gender hierarchies. She emphasizes that such laws should be interpreted in light of constitutional principles of equality and dignity, thereby ensuring substantive justice for women. In a similar vein, *Flavia Agnes* highlights that although India has enacted progressive legislation, its effectiveness is often undermined by societal attitudes, lack of awareness, and institutional inefficiencies. According to her, women frequently encounter barriers such as social stigma, economic dependency, and fear of retaliation, which discourage them from seeking legal recourse.

Further contributions by scholars such as *Madhumita Pandey* underscore the normalization of domestic violence within households, where abusive behaviour is often perceived as a private matter rather than a legal wrong. This normalization, deeply rooted in cultural and social practices, prevents many women from recognizing or reporting abuse. Complementing this view, *Shalu Nigam* emphasizes that access to justice extends beyond the mere existence of laws; it requires effective implementation, availability of legal aid, and institutional sensitivity. Without these supporting mechanisms, the legal framework risks becoming inaccessible to

those it seeks to protect.

At the same time, the literature also reflects a critical perspective concerning the alleged misuse of protective laws. *Ajita Ananya* argues that in certain instances, provisions designed to protect women may be strategically used in matrimonial disputes, raising concerns about fairness and potential misuse. This viewpoint has contributed to ongoing debates surrounding provisions such as Section 498A of the Indian Penal Code. However, this argument has been countered by scholars like *Nivedita Menon*, who caution against overemphasizing misuse, as it may dilute the seriousness of domestic violence and discourage genuine victims from approaching the legal system. She asserts that the focus should remain on strengthening protections rather than weakening them based on isolated instances.

The literature also shows that the role of courts is very important in such cases. Judges need to be sensitive and understanding while dealing with domestic violence matters. However, delays in court proceedings, multiple cases in different forums, and lack of coordination often make the process stressful for women. This shows the need for a more efficient and supportive legal system.

Another important issue discussed by scholars is the financial condition of women. Many women depend on their partners for money, which makes it difficult for them to leave abusive relationships or continue long legal battles. Although the law provides for maintenance and compensation, delays in getting this relief reduce its effectiveness. This highlights the need for stronger support systems to help women become independent and secure.

In addition, the broader societal context plays a crucial role in shaping women's experiences during domestic violence suits. Legal provisions often challenge traditional norms and power structures within families, leading to resistance from both family members and the community. This societal resistance can discourage women from initiating or continuing legal action. As a result, scholars emphasize the importance of legal awareness, education, and sensitization of stakeholders, including law enforcement authorities and judicial officers, to ensure that the objectives of the law are effectively realized.

2. Domestic Violence Laws in India

2.1 Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 is the main law in India that deals specifically with domestic violence. It was introduced to give quick and effective relief to women who face abuse within their homes. The Act recognizes that domestic violence is not limited to physical harm but also includes emotional, verbal, sexual, and economic abuse. Its main aim is to ensure that every woman has the right to live in a safe and violence-free environment.

One of the important features of this law is that it provides civil remedies such as protection orders, residence rights, monetary relief, custody of children, and compensation. It applies not only to married women but also to women in live-in relationships and other domestic arrangements. The Act also provides for the appointment of Protection Officers and service providers who help women in filing complaints and accessing legal remedies. Courts can pass both interim and final orders depending on the urgency of the situation, which makes the law more practical and responsive to women's needs.

2.2 Criminal Law Provisions (IPC/BNS)

Along with civil protection, criminal law also plays an important role in dealing with domestic violence. Section 498A of the Indian Penal Code, now reflected in the Section 85 of the Bharatiya Nyaya Sanhita, deals with cruelty by a husband or his relatives. It covers both physical and mental cruelty, including harassment related to dowry. This provision is meant to punish offenders and act as a deterrent against abusive behaviour within marriages.

In addition to this, other criminal provisions related to hurt, assault, and intimidation can also be used depending on the nature of the violence. These laws show that domestic violence is not just a personal issue but a serious offence against society. However, in practice, there are debates about misuse and challenges in enforcement, which sometimes affect how these provisions are applied by authorities.

2.3 Constitutional Safeguards and Other Remedies

The protection of women from domestic violence is also supported by the Constitution of India. Article 14 guarantees equality before the law, while Article 21 ensures the right to life and

personal liberty, which includes the right to live with dignity and without fear. These constitutional principles guide the interpretation of domestic violence laws and strengthen the rights of women.

Apart from specific domestic violence laws, women can also seek support through other legal provisions such as maintenance and family law remedies. This creates a broader system of protection for women facing abuse. However, the effectiveness of these remedies depends on awareness, access to legal help, and the sensitivity of the authorities involved.

Overall, although India has a strong legal framework to address domestic violence, the real challenge lies in how these laws are implemented. The gap between what the law promises and what women actually experience continues to affect their status and condition during domestic violence cases.

3. Landmark Case Analysis Related to Domestic Violence in India

An important case that shows how courts try to balance protection and fairness in domestic violence matters is *Arnesh Kumar v. State of Bihar*. In this case, the Supreme Court noticed that in many situations, arrests under Section 498A IPC were being made too quickly, sometimes without proper investigation. The Court was concerned that this could lead to unnecessary harassment of the accused and their families. Therefore, it laid down clear guidelines to ensure that arrests are made only after proper inquiry. From a socio-legal point of view, this case is important because it reflects the ongoing debate between protecting women from abuse and preventing misuse of the law. It shows that the legal system must be careful and balanced so that justice is done to both sides.

Another important judgment is *Indra Sarma v. V.K.V. Sarma*, where the Court dealt with the issue of live-in relationships. The question was whether women in such relationships could seek protection under the Domestic Violence Act. The Court recognized that society is changing and not all relationships fit into the traditional concept of marriage. It laid down certain conditions to decide when a live-in relationship can be treated as similar to marriage. This case is significant because it acknowledges modern realities and tries to extend legal protection to women who might otherwise be left without any remedy. However, it also shows the difficulty women face in proving the nature of their relationship, which can become a

challenge during legal proceedings.

In *Krishna Bhattacharjee v. Sarathi Choudhury*, the Supreme Court focused on the concept of “**stridhan**,” which refers to the property that belongs to a woman. The Court held that a woman has a continuous right over her property, even after separation, and that denial of such property amounts to economic abuse under the Domestic Violence Act. This judgment is very important because it highlights that domestic violence is not only physical but can also be financial. It strengthens the idea that economic independence is crucial for women and that controlling a woman’s finances can be a form of abuse.

Another progressive judgment is *Satish Chander Ahuja v. Sneha Ahuja*, where the Supreme Court expanded the meaning of “shared household.” Earlier, courts had taken a narrow view, which sometimes left women without a place to stay. In this case, the Court clarified that a woman has the right to live in a shared household even if she does not own the property. This was a major step forward, as it ensured that women are not left homeless during domestic disputes. It also corrected earlier limitations and made the law more practical and supportive for women.

Together, these cases show how the judiciary has tried to respond to the real challenges faced by women in domestic violence situations. They highlight that domestic violence is not just about physical harm but also includes emotional, economic, and social aspects. At the same time, they reflect the difficulties within the legal system, such as delays, evidentiary challenges, and the need to balance different interests. From a socio-legal perspective, these judgments help us understand that the condition of women during domestic violence suits depends not only on the law itself but also on how it is interpreted and applied in real situations.

4. Challenges Faced by Women During Domestic Violence Suits in India

Women who take the step of approaching the legal system in domestic violence cases often face many difficulties, both inside and outside the courtroom. Even though strong laws exist to protect them, the actual experience of going through a case can be very challenging. These problems are not only legal but are also connected to social attitudes, financial conditions, and how institutions function in reality.

One of the biggest challenges is **social stigma and family pressure**. In many parts of society, domestic violence is still seen as a private matter, and women are often told to adjust rather than speak out. Fear of being judged, blamed, or isolated by family and society makes it very difficult for women to file or continue a case. Many women are pressured to withdraw complaints in order to maintain family reputation.

Another important issue is the **lack of awareness about legal rights**. Many women do not fully know about the Protection of Women from Domestic Violence Act, 2005 or the remedies available to them. Even if they are aware, the legal process can be confusing and difficult to understand without proper guidance. This creates a gap between the law and its actual use.

Financial dependence is also a major problem. Many women rely on their husbands or families for money, which makes it hard for them to leave abusive situations or fight long legal battles. Although the law provides for maintenance and monetary relief, delays in receiving such support often force women to compromise or give up their cases.

The **legal process itself is often slow and complicated**. Domestic violence cases may involve multiple hearings and long waiting periods, which can be emotionally exhausting. Women who are already dealing with trauma find it difficult to handle such delays, and this sometimes discourages them from continuing their cases.

Women also face **problems with authorities and institutions**. In some cases, police officials may not take complaints seriously or may try to settle the matter informally without proper investigation. Protection Officers and support systems may not function effectively in all areas, which makes it harder for women to get timely help.

Another serious issue is the **difficulty in proving domestic violence**. Since most abuse happens inside the home, it is hard to provide evidence or witnesses. Emotional and psychological abuse, in particular, is difficult to prove in court, which can affect the outcome of the case.

There is also a debate about the **misuse of laws**, which sometimes creates additional pressure on women. Because of this perception, genuine victims may face more questioning or doubt, making the process even more stressful for them.

Lastly, women go through a lot of **emotional and mental stress** during these cases. Fighting a legal battle against family members, reliving traumatic experiences, and facing social judgment can take a serious toll on their mental health. The lack of proper counselling and emotional support makes this situation even harder.

5. Comparative Analysis of Domestic Violence Laws in Different Countries

In **the United States**, domestic violence laws are strong and mainly focus on providing quick and effective protection to women. Victims can seek restraining orders, emergency protection, and even custody-related relief to ensure their safety. Police authorities can take immediate action in serious cases, and offenders may face strict punishment along with mandatory counselling or rehabilitation. Another important feature of the US system is the availability of strong support services such as shelters, legal aid, and helplines, which help women both legally and emotionally. Although laws may differ across states, the overall system is highly victim-oriented and encourages women to come forward.

Similarly, **the United Kingdom** has adopted a modern and inclusive approach under the Domestic Abuse Act, 2021. The law recognizes not only physical abuse but also emotional, financial, and controlling behaviour. Women can seek protection through non-molestation orders and occupation orders, which help ensure both safety and housing rights. The UK also provides strong institutional support through trained police, social workers, and victim support organizations. The law applies to both married and unmarried relationships, reflecting changing social realities and making the system more accessible and sensitive to women's needs.

In contrast, **China's Anti-Domestic Violence Law**, introduced in 2016, marked an important step in recognizing domestic violence as a legal issue. Women can apply for protection orders and seek help from authorities, including police and local committees. However, the effectiveness of the law is often limited due to social and cultural factors. There is a strong emphasis on maintaining family harmony, which leads to mediation instead of strict legal action. Many women hesitate to report abuse due to social pressure and lack of awareness, which reduces the practical impact of the law.

In **Saudi Arabia**, recent legal developments have recognized domestic violence as a punishable offence and have introduced measures such as helplines, shelters, and awareness

programs. The government has taken steps to improve protection for women, and legal action can be taken against offenders. However, traditional social norms and cultural expectations still influence how these laws are used. Women may face difficulty in reporting abuse due to family pressure and limited awareness of their rights. As a result, although the legal framework is improving, its effectiveness in practice is still developing.

Overall, this comparison shows that while countries like the United States and the United Kingdom have strong laws supported by effective implementation and support systems, countries like China and Saudi Arabia face challenges due to social and cultural barriers. It highlights that laws alone are not enough proper implementation, awareness, and societal support are equally important. **For India**, this comparison suggests that along with having a strong legal framework, there is a need to focus on better enforcement, faster justice, and stronger support systems to improve the condition of women during domestic violence cases.

6. Changing Trends in Thought Related to Domestic Violence Laws in India

In recent years, there has been a significant shift in the way domestic violence laws are understood and applied in India. Earlier, these laws were mainly viewed as protective measures aimed at safeguarding women from abuse within the household. The focus was largely on providing immediate relief and ensuring safety for women, who were considered the most vulnerable group in domestic relationships. However, with changing social conditions, increasing awareness, and evolving judicial interpretations, the perspective has become more balanced and complex.

One of the most debated issues today is the **alleged misuse of domestic violence laws**, particularly provisions such as Section 498A of the Indian Penal Code. It has been observed that in certain cases, complaints may be exaggerated or filed as a strategy during matrimonial disputes. Situations such as financial conflicts, refusal to grant divorce, or family disagreements are sometimes cited as reasons behind such complaints. In such instances, not only the husband but also his relatives may be implicated, leading to concerns regarding **unfair arrests, harassment, and damage to reputation**. These concerns have led to judicial observations emphasizing the need for careful investigation and balanced application of the law.

At the same time, it is important to recognize that domestic violence remains a serious and

widespread issue in Indian society. A large number of cases still go unreported due to fear, social stigma, and economic dependence. Women are often discouraged from approaching courts due to family pressure and societal expectations. Therefore, while misuse is a concern, it should not weaken the primary objective of the law, which is to provide effective protection and relief to genuine victims.

Another important development is the growing discussion around **gender neutrality in domestic violence laws**. Traditionally, these laws have been framed to protect women, considering their vulnerable position in society. However, there is increasing recognition that men can also be victims of domestic violence. In *Mohammed Zakir v. Shabana*, the Court emphasized the importance of equality and acknowledged that protection under the law should not be viewed strictly from a gender-specific perspective. This reflects a gradual shift towards a more inclusive and balanced legal framework.

The judiciary has also addressed concerns related to misuse. In *Preeti Gupta v. State of Jharkhand*, the Supreme Court observed that false or exaggerated complaints can cause serious hardship to the accused, including mental stress, social humiliation, and financial burden. The Court highlighted the need for cautious and fair handling of such cases to ensure justice for all parties involved.

Another emerging trend is the recognition of the **emotional and psychological impact** of domestic violence cases. Women often face trauma, stress, and social isolation during legal proceedings, while individuals who are falsely accused may also experience anxiety, financial difficulties, and reputational damage. This has led to a broader understanding that domestic violence cases are not only legal disputes but also deeply personal and emotional experiences. There is also an increasing focus on the **implementation of laws**. Despite having a comprehensive legal framework, challenges such as delays in court proceedings, multiple legal processes, lack of coordination among authorities, and inadequate support systems continue to affect the delivery of justice. Women often face difficulties in accessing timely relief and enforcing court orders, which reduces the effectiveness of the law in practice.

In the matter of changing trends, the following key aspects can be observed:

- **Misuse Concerns:** Allegations of false or exaggerated complaints leading to harassment and legal complications.

- **Need for Fair Investigation:** Emphasis on proper scrutiny before arrest or legal action.
- **Gender Neutrality Debate:** Increasing recognition that protection should be inclusive of all genders.
- **Judicial Sensitivity:** Courts highlighting the importance of balancing protection with fairness.
- **Emotional Impact:** Recognition of mental and psychological stress faced by all parties.
- **Implementation Issues:** Delays, procedural complexities, and weak enforcement mechanisms.

In conclusion, the approach towards domestic violence laws in India is gradually shifting from a purely protective framework to a more balanced and inclusive one. While the primary aim continues to be the protection of women, there is a growing need to ensure fairness, proper implementation, and sensitivity in the legal process. Strengthening institutional support, improving awareness, and promoting a more equitable legal framework are essential to ensure that justice is effectively delivered to all individuals involved.

7. Conclusion and Suggestions

The present study shows that domestic violence in India is not just a legal problem but a deeply rooted social issue connected with culture, family structure, and economic conditions. Even though India has strong laws like the Protection of Women from Domestic Violence Act, 2005 and constitutional protections that promise dignity and equality, the real situation of women during domestic violence cases tells a different story. Many women still struggle with social stigma, fear of being judged or isolated, lack of awareness about their rights, and financial dependence on their abusers. Along with this, the legal process is often slow and stressful, which makes it difficult for women to continue their cases. As a result, there is a clear gap between what the law promises and what women actually experience.

The study also shows that courts have tried to improve the situation by giving progressive judgments and expanding the scope of protection. However, the real problem lies in how these laws are implemented. Delays in court proceedings, lack of proper support from authorities, and weak enforcement reduce the effectiveness of legal remedies. At the same time, the debate

about misuse of laws has added another layer of complexity. While misuse may occur in some cases, it should not take attention away from the fact that many women still do not get justice. What is needed is a balanced approach where genuine victims are protected and fairness is ensured for everyone.

To improve the situation, there is a strong need to focus on practical changes. Laws should not only exist on paper but should work effectively in real life. Police officers, judges, and other authorities need proper training so that they handle such cases with sensitivity and seriousness. Court procedures should be faster and simpler so that women can get timely relief without unnecessary delays. At the same time, awareness about legal rights should be increased so that women feel confident in approaching the system.

It is also very important to build strong support systems. Women going through domestic violence cases need more than just legal help they need emotional support, counselling, safe shelters, and financial assistance. These services can help them deal with the stress of litigation and rebuild their lives. At the same time, proper safeguards should be in place to prevent misuse of laws, so that the system remains fair and trustworthy.

In conclusion, India has made important progress in creating laws to protect women from domestic violence, but real change will only happen when these laws are properly implemented and supported by society. There is a need for faster justice, better support systems, and a more understanding approach from both legal institutions and society. Only then can women truly feel safe, exercise their rights, and live with dignity and security.