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DOMESTIC VIOLENCE AGAINST WOMEN, A MENACE IN SOCIETY: AN ANALYSIS

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CHAPTER 1

INTRODUCTION

Domestic violence against women is one of the most persistent and widespread violations of human rights in modern society. It refers to abusive behaviour occurring within domestic relationships such as marriage, cohabitation, or family settings, where one person seeks to dominate or control another through force, fear, intimidation, or coercion. Violence may take several forms, including physical assault, verbal abuse, emotional harassment, sexual violence, social isolation, and economic deprivation. Although domestic violence can affect individuals of any gender, women remain the most vulnerable due to historically unequal power relations and patriarchal social structures.

The issue of domestic violence is often hidden within the private sphere of the home, making it difficult to identify and address. Many women endure abuse in silence because of fear of social stigma, concern for children, financial dependency, emotional attachment, and pressure from family members to preserve the marriage. In many communities, domestic violence is normalised as a disciplinary or personal matter rather than recognised as a serious social injustice. This normalisation allows cycles of abuse to continue across generations.

From a socio-legal perspective, domestic violence is not merely a family dispute but a matter of public concern involving constitutional rights, legal accountability, and social reform. It affects the dignity, equality, liberty, and mental well-being of women. Therefore, the state has a duty to create effective laws, support systems, and awareness mechanisms to prevent violence and protect victims. Studying domestic violence through both social and legal dimensions helps in understanding not only why it occurs but also why existing remedies often fail to provide complete justice.

Objectives of the study

1. To identify different forms of domestic violence experienced by women.
2. To study the socio-cultural and economic causes of domestic violence.

3. To examine constitutional and statutory safeguards for women.
4. To analyse important judicial decisions relating to domestic violence.
5. To evaluate the implementation of domestic violence laws.
6. To study challenges faced by survivors in seeking remedies.
7. To suggest reforms for prevention, protection, and justice delivery.

Hypothesis

The present study is based on the hypothesis that domestic violence against women is largely caused by patriarchal social structures, gender inequality, economic dependence, lack of education, dowry practices, and weak implementation of protective laws. It is further assumed that women who are financially dependent and unaware of their legal rights are more vulnerable to abuse and less likely to seek justice. The legal enforcement, judicial intervention, awareness programmes, education, and economic empowerment of women aim to make it more effective in reducing domestic violence and ensuring the protection of women's rights.

Research Methodology

This study adopts a doctrinal research methodology. The doctrinal method involves the study of primary legal sources such as the Constitution of India, statutory enactments, judicial precedents, and international conventions relating to women's rights. It also includes the examination of legal commentaries, textbooks, journal articles, and policy documents.

Problem Statement and Research Gap Analysis

Domestic violence continues to exist at alarming levels despite the presence of constitutional guarantees, criminal laws, and welfare legislation designed to protect women. A large number of cases remain unreported due to fear of retaliation, lack of family support, economic insecurity, and distrust in police or judicial institutions. Even when complaints are filed, women often face delays, procedural barriers, and pressure to compromise. This reveals a serious gap between legal rights on paper and actual access to justice in practice.

Most existing discussions focus either on domestic violence as a social issue or on legal provisions as separate topics. Social science studies often analyse patriarchy, poverty, alcohol abuse, and family structures, whereas legal studies mainly examine statutes and court decisions. However, fewer studies integrate both dimensions to understand how social realities influence the functioning of law. For example, a woman may legally have the right to protection orders, but social dependence may prevent her from seeking such remedies.

Another research gap lies in the implementation of laws such as the Protection of Women from Domestic Violence Act, 2005. There is limited ground-level analysis regarding the role of Protection Officers, shelter homes, counselling centres, and local authorities. This study seeks to fill these gaps by examining domestic violence through an integrated socio-legal framework, focusing on both structural causes and institutional responses.

Limitations of the Study

Every research study has certain limitations, and this study is no exception. One major limitation is the dependence on secondary data rather than large-scale field interviews or surveys. As a result, the findings rely on already published statistics, reports, and documented experiences, which may not fully capture the present realities of all communities.

Another limitation arises from the underreporting of domestic violence cases. Many women do not file complaints due to fear, shame, family pressure, or economic dependence. Therefore, official statistics may represent only a portion of the actual problem. This makes it difficult to measure the true extent and frequency of abuse.

A further limitation is that laws, judicial interpretations, and government policies continue to evolve over time. New judgments or amendments may emerge after the completion of the study. Despite these constraints, the research seeks to provide a careful and relevant analysis based on available materials.

Chapter II

Historical Background of the Role of Women and Violence Against Them in Indian Society

MEANING OF VIOLENCE

The term violence refers to any physical force or any damage or injury to a person or property. Oxford Dictionary defines " violence " as behaviours involving physical force intended to hurt, damage or kill someone or something". WHO defines Violence: "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high Likelihood of resulting in injury, death, psychological harm, or deprivation.

Domestic violence is the violent victimisation of women within the boundaries of the family, usually by men. Domestic violence is, inmost cases, violence against women by the members of the household where she resides.

It can be the husband, his parents, or siblings or any other resident who has the overt or covert latitude for actions that can cause physical or mental agonies to women. It happens behind closed doors and is most often denied by the very women who have been victims of violence.’ Women’s role historically included reproductive and care work within households, participation in agriculture and artisanal production, and, in certain periods and communities, education, religious scholarship, trade, and political leadership.

Classification of Violence against Women

Violence against women must be understood broadly as:

Physical violence: assault, homicide, “honour” crimes, custodial violence.

Sexual violence: harassment, assault, exploitation, trafficking.

Psychological violence: intimidation, threats, humiliation, isolation.

Economic violence: denial of property rights, unequal wages, forced dependency.

Structural/cultural violence: practices and norms that restrict autonomy and legitimise discrimination (e.g., child marriage, dowry, restrictions on mobility).

Women in Ancient India: Early Vedic and later Vedic periods

Historical sources were often authored by elite men, women’s experiences are sometimes recorded indirectly—through laws, moral codes, literature, court records, and reform debates. Some early texts suggest that certain women participated in ritual life and learning, and a limited number are remembered as scholars (e.g., women sages mentioned in textual traditions). Over time, especially in later Vedic and post-Vedic developments, patriarchal kinship structures strengthened: Emphasis on lineage purity, control of sexuality, and women’s dependence on male guardianship. Increasing stress on marriage as a social institution that regulated women’s labour and reproduction

Violence and subordination in the ancient context

- **Control over sexuality and reproduction:** restrictions on the choice of marriage, widow remarriage limitations in certain communities.
- **Labour exploitation:** women’s work in household and agrarian production is often undervalued.
- **Caste and slavery-like institutions:** women from marginalised communities faced higher vulnerability to sexual exploitation and forced labour.

- Violence was not always recorded as “crime” in modern terms; it was often treated as a private or community matter.

Consequences of Domestic Violence

Many consequences of domestic violence affect the mental health of the victim

- a. Physical effects like broken bones, head injuries, internal bleeding, and bruises require medical care. Pregnant women who are victims of domestic violence have experienced a more significant risk of miscarriage, death of the foetus, preterm labour pain, etc.
- b. Psychological effects include a high amount of stress, fear, anxiety, depression, suicidal thoughts, Post-traumatic stress disorder, etc.

CHAPTER III

Violence Against Women in India: Trends and Patterns

Trends in Violence Against Women in India

Available crime statistics and survey data indicate that complaints related to crimes against women have increased over time. This rise may partly reflect actual increases in violence and partly improved reporting due to awareness, helplines, media attention, and legal reforms. Higher reporting does not always mean more violence alone; it can also indicate greater willingness to seek justice.

Domestic cruelty and cruelty by husband or relatives often constitute one of the largest categories of reported offences against women. This suggests that violence within intimate and family relationships remains widespread. Cases of sexual harassment, stalking, cyber abuse, and trafficking have also received growing attention in recent years.

Urbanisation, migration, widespread internet use, and changing gender roles have created new contexts for violence. Women entering education and employment spaces may face backlash, harassment, or surveillance. Technology has also enabled new forms of abuse, such as impersonation, blackmail, and the circulation of private images.

Patterns Based on Age, Class, and Social Location

Violence affects women differently depending on age, economic status, caste, disability, marital status, and location. Young women and adolescent girls may be more vulnerable to stalking, sexual assault, forced marriage, and trafficking. Married women may face dowry harassment, domestic abuse, or economic control. Elderly women may suffer neglect or

property-related abuse.

Women from marginalised communities may face compounded discrimination. Poverty can reduce access to legal remedies, healthcare, shelter, and education. Women with disabilities may face higher risks of dependency-based abuse and barriers in reporting violence.

Rural women may encounter limited institutional access due to distance, lack of transport, or local social pressures. Urban women may have better access to institutions, but also face workplace harassment, unsafe commuting, and cyber abuse. Thus, violence must be understood through an intersectional lens.

Causes and Contributing Factors

Patriarchy remains one of the root causes of violence against women in India. Beliefs that men should control women's behaviour, mobility, finances, or sexuality often create conditions for abuse. Gender stereotypes that undervalue women's autonomy reinforce unequal treatment.

Economic stress, unemployment, alcoholism, substance abuse, dowry expectations, and family conflict may aggravate violence, though they do not justify it. Lack of education and poor conflict-resolution skills can also contribute to abusive environments.

Weak law enforcement, delayed justice, fear of stigma, and social acceptance of certain abusive practices allow violence to continue. Where offenders believe they will face no serious consequences, deterrence is reduced.

Government Measures and Legal Responses

India has introduced multiple laws and institutional mechanisms to address violence against women. These include domestic violence legislation, anti-dowry laws, sexual harassment laws, criminal law reforms, helplines, one-stop crisis centres, fast-track courts, and women police stations.

Awareness campaigns, legal aid services, shelter homes, and compensation schemes have also been developed in many areas. Police training and forensic improvements are gradually expanding, though unevenly.

However, implementation gaps remain significant. Laws are effective only when complaints are registered promptly, investigations are fair, trials are timely, and survivor support services are accessible.

Prevention requires long-term social change alongside legal enforcement. Gender equality education in schools, respectful relationship training, and community awareness can challenge

norms that normalise violence.

Economic empowerment of women through education, employment, and property rights can reduce dependency and improve bargaining power. Men and boys must also be engaged in changing harmful attitudes and behaviours.

CHAPTER IV

International Perspective on the Protection of Women

The protection of women's rights has become a major concern of the international community over the past several decades. Across the world, women have historically faced discrimination, violence, economic inequality, denial of education, and exclusion from decision-making processes. In response to these challenges, international organisations, treaties, conventions, and global movements have developed legal and policy frameworks to promote equality and safeguard women from abuse. The international perspective recognises that women's rights are human rights and that no society can achieve real development without ensuring dignity, safety, and equal opportunities for women.

The concept of protecting women internationally extends beyond preventing physical violence. It includes securing access to education, healthcare, employment, political participation, reproductive rights, and protection from trafficking, exploitation, and harmful traditional practices. Many countries have adopted domestic laws inspired by international standards. These developments demonstrate that women's empowerment is not only a national issue but also a global responsibility.

This chapter examines the international legal framework for women's protection, the role of global institutions, important conventions, regional mechanisms, and comparative approaches adopted by different countries. It also highlights the continuing challenges in translating international commitments into practical realities.

Evolution of International Concern for Women's Rights

For many centuries, women's issues were treated as private or domestic matters rather than subjects of international law. However, after the Second World War, the global human rights movement recognised the need to protect all persons equally. The establishment of the United Nations in 1945 marked a turning point in promoting gender equality. The Charter of the United Nations affirmed faith in fundamental human rights and the equal rights of men and women. During the second half of the twentieth century, women's organisations worldwide demanded

equal treatment in family law, employment, education, and political participation. This led to the development of specific international instruments addressing discrimination and violence against women. The global women's conferences held in Mexico City (1975), Copenhagen (1980), Nairobi (1985), and Beijing (1995) further strengthened international commitment to women's rights.

Today, gender equality is recognised as an essential component of democracy, justice, and sustainable development. International concern has expanded from formal equality to substantive equality, meaning women must enjoy equal outcomes and opportunities in real life.

United Nations and Protection of Women

The United Nations has played a central role in promoting women's rights globally. Through its various organs, agencies, and specialised bodies, the UN develops norms, monitors compliance, and assists countries in implementing gender-sensitive policies. The UN General Assembly, Human Rights Council, and Commission on the Status of Women have adopted several resolutions and declarations concerning women's safety and equality.

One of the important institutions is UN Women, established in 2010, which works to eliminate discrimination against women and empower them economically and politically. It supports governments in drafting laws, improving institutions, and collecting gender-based data. UN Women also promotes campaigns against domestic violence, child marriage, workplace harassment, and trafficking.

The United Nations Sustainable Development Goals (SDGs), particularly Goal 5, emphasise achieving gender equality and empowering all women and girls. This includes ending violence, recognising unpaid care work, ensuring leadership opportunities, and guaranteeing reproductive rights. These global goals encourage all nations to integrate women's protection into national development plans.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The most significant international treaty concerning women's rights is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979. It is often described as the international bill of rights for women. CEDAW defines discrimination broadly and requires states to eliminate unequal treatment in political, social, economic, cultural, and civil spheres.

State parties to CEDAW must take measures such as reforming discriminatory laws, ensuring

equal access to education and employment, protecting maternity rights, and preventing the exploitation of women. The Convention also addresses equality within marriage and family relations. Countries that ratify CEDAW must submit periodic reports to the CEDAW Committee regarding progress made.

Although CEDAW does not explicitly mention domestic violence in its original text, later General Recommendations clarified that gender-based violence is a form of discrimination. This interpretation has greatly influenced national laws dealing with domestic abuse, sexual harassment, and violence against women.

Declaration on the Elimination of Violence against Women, 1993

In 1993, the United Nations adopted the Declaration on the Elimination of Violence against Women. This was an important step because it clearly recognized violence against women as a human rights violation. The Declaration defines violence broadly to include physical, sexual, and psychological harm occurring in the family, community, or by the state.

It specifically acknowledges domestic violence, marital rape, sexual abuse of female children, trafficking, workplace harassment, and other harmful acts. The Declaration calls upon states to exercise due diligence in preventing violence, investigating complaints, punishing offenders, and supporting survivors.

Though not legally binding like a treaty, the Declaration has moral and political significance. It has guided law reform, awareness campaigns, and judicial interpretation in many countries. It also helped move violence against women from the private sphere into the public domain of law and policy.

Beijing Platform for Action, 1995

The Fourth World Conference on Women held in Beijing in 1995 produced the Beijing Platform for Action, one of the most influential policy documents for gender equality. It identified critical areas of concern such as poverty, education, health, violence, armed conflict, economy, power-sharing, institutional mechanisms, human rights, media, environment, and the girl child.

Regarding women's protection, the Platform urged governments to criminalise violence, provide shelters, improve healthcare responses, train police and judges, and eliminate stereotypes that normalise abuse. It emphasised that women's advancement requires coordinated action by governments, civil society, and international institutions.

The Beijing Platform continues to guide national gender policies worldwide. Periodic reviews

assess progress and highlight remaining gaps in implementation.

Regional Human Rights Mechanisms

Apart from global instruments, regional systems also protect women's rights. In Europe, the European Convention on Human Rights and the Istanbul Convention provide safeguards against domestic violence, stalking, forced marriage, and sexual violence. These frameworks require states to prevent abuse and support victims.

In the Americas, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) is a landmark treaty recognising women's right to live free from violence. It has influenced reforms across Latin America.

In Africa, the Maputo Protocol to the African Charter on Human and Peoples' Rights advances women's rights relating to dignity, inheritance, reproductive health, and protection from harmful practices such as female genital mutilation and child marriage. These regional systems strengthen accountability by creating localised standards and monitoring bodies.

Comparative Approaches in Different Countries

Many countries have enacted strong laws inspired by international norms. Spain established specialised gender violence courts and integrated support systems for survivors. Canada and Australia developed coordinated responses involving police, counselling, shelters, and restraining orders. Sweden emphasises consent-based sexual laws and gender equality policies. Several developing countries have also made progress. South Africa has comprehensive domestic violence legislation, while Bangladesh and Nepal have introduced legal reforms addressing dowry violence, child marriage, and abuse. India enacted the Protection of Women from Domestic Violence Act, 2005, which provides civil remedies such as residence orders, protection orders, and maintenance.

Despite legal progress, implementation varies widely. Cultural resistance, weak institutions, lack of funding, and social stigma continue to hinder effective protection in many regions.

Challenges in International Protection of Women

One major challenge is the gap between law and practice. Many countries ratify treaties but fail to implement them effectively. Laws may exist, yet police may not register complaints promptly, courts may delay relief, and shelters may be insufficient.

Another challenge is the persistence of patriarchal norms that justify control over women.

Harmful practices such as child marriage, honour-based violence, female genital mutilation, and trafficking continue in some societies. Conflict zones and humanitarian crises also expose women to increased violence and exploitation.

Economic inequality further limits women's freedom. Without education, employment, and financial independence, many women cannot escape abusive relationships. Therefore, legal protection must be combined with social and economic empowerment.

Chapter V

Constitutional and Legal Framework for Protection of Women

Constitutional Framework for the Protection of Women

The Constitution of India is the supreme law of the land and guarantees equality, liberty, and dignity to all citizens, including women. Article 14 provides equality before the Law and equal protection of laws. This means women are entitled to the same legal rights and remedies as men. Article 15(1) prohibits discrimination by the State on grounds of religion, race, caste, sex, or place of birth. Thus, discrimination solely because a person is a woman is unconstitutional. Article 15(3) is particularly significant because it allows the State to make special provisions for women and children. This recognises that formal equality alone may not be sufficient where historical disadvantage exists. Therefore, laws granting maternity benefits, reservations, welfare schemes, and protective measures for women are constitutionally valid. Article 16 ensures equality of opportunity in matters of public employment, thereby promoting women's participation in government services.

Article 21 guarantees the right to life and personal liberty, which has been judicially interpreted to include the right to live with dignity, privacy, bodily integrity, and freedom from violence. Directive Principles such as Articles 39(a), 39(d), 39(e), 42, and 47 direct the State to secure equal livelihood opportunities, equal pay for equal work, humane conditions of work, maternity relief, and improved public health. Article 51A(e) imposes a fundamental duty on citizens to renounce practices derogatory to the dignity of women.

Legal Framework for Protection of Women

India has enacted numerous laws specifically aimed at protecting women from violence, exploitation, and discrimination. These laws operate in civil, criminal, labour, and family law domains. They reflect the constitutional commitment to dignity and equal status.

One of the most important enactments is the Protection of Women from Domestic Violence

Act, 2005. This law recognises domestic violence in physical, emotional, sexual, verbal, and economic forms. It provides civil remedies such as protection orders, residence orders, maintenance, custody orders, and compensation. The Act is significant because it treats domestic violence as a rights violation requiring immediate relief.

Other major laws include provisions of the Indian Penal Code dealing with cruelty by husband or relatives, assault, harassment, sexual offences, trafficking, and outraging modesty. Family laws, succession laws, labour laws, and special statutes together create a broader protective legal structure for women.

Laws Against Sexual Harassment and Violence

Women's safety outside the home is equally important. Sexual harassment in workplaces and educational institutions limits women's freedom and participation. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was enacted following judicial guidelines to create safe working environments. It requires Internal Committees, complaint mechanisms, and employer responsibility.

Criminal laws also address rape, sexual assault, stalking, voyeurism, acid attacks, trafficking, and kidnapping. Amendments introduced after major public outrage strengthened punishments and expanded definitions of sexual offences. These reforms aimed to make criminal law more responsive to gender-based violence.

However, the law alone cannot eliminate sexual violence. Effective policing, survivor-sensitive procedures, witness protection, and public education are necessary to ensure justice and deterrence.

Need for Reforms and Future Directions

Future reforms should focus on faster disposal of women-related cases, stronger witness and survivor protection, improved shelter and rehabilitation services, and better coordination among agencies. Digital complaint systems and legal awareness campaigns can increase accessibility.

Economic empowerment through education, skill development, employment opportunities, and financial inclusion is equally important. Economically independent women are often better positioned to resist abuse and seek justice.

Social transformation must accompany legal reform. Patriarchal attitudes, victim-blaming, and tolerance of violence must be challenged through education, media responsibility, and community engagement.

CHAPTER VI

Role of Judiciary in Preventing Violence Against Women

The judiciary derives its authority from the Constitution of India and is entrusted with protecting fundamental rights. Articles 32 and 226 empower the Supreme Court and High Courts to issue writs for the enforcement of constitutional rights. Women facing discrimination, violence, denial of liberty, or institutional inaction may approach the courts for relief. This makes the judiciary a key defender of women's rights.

Article 14 guarantees equality before the law, Article 15 prohibits discrimination based on sex, and Article 21 protects life and personal liberty. Courts have interpreted Article 21 broadly to include the right to live with dignity, privacy, bodily integrity, shelter, health, and freedom from violence. These constitutional principles enable judges to develop gender-sensitive jurisprudence.

The judiciary also acts as a check on arbitrary or insensitive state action. Where police fail to register complaints, authorities neglect victims, or laws are implemented poorly, courts may issue directions, monitor investigations, or award compensation. Thus, the constitutional role of the judiciary extends beyond dispute resolution to active rights protection.

Judiciary in Cases of Domestic Violence

Domestic violence often occurs within private spaces, making legal intervention difficult. Victims may depend financially or emotionally on the abuser and fear retaliation. Courts, therefore, play a crucial role in ensuring immediate and meaningful relief. Magistrates may grant protection orders, restrain further abuse, secure residence rights, award maintenance, and provide custody-related directions.

Judicial sensitivity is especially important in domestic violence matters because survivors may withdraw complaints under pressure or social coercion. Courts must distinguish genuine reconciliation from forced compromise. They are expected to prioritise safety, dignity, and long-term welfare rather than merely preserving marriage at any cost.

Family courts and magistrates' courts also help in connected matters such as divorce, maintenance, child welfare, and property disputes. A coordinated judicial response can prevent repeated victimisation and support women rebuilding independent lives.

The Indian judiciary has delivered several landmark judgments advancing women's rights. In

Vishaka v. State of Rajasthan (1997)¹, the Supreme Court laid down guidelines to prevent sexual harassment at the workplace in the absence of legislation. These guidelines later formed the basis for the Sexual Harassment of Women at Workplace Act, 2013. This case demonstrated how judicial innovation can fill legislative gaps.

In **Danial Latifi v. Union of India (2001)**², The Court interpreted maintenance rights in a manner that protected divorced Muslim women from economic hardship. In **Shayara Bano v. Union of India (2017)**³ Instant triple talaq was declared unconstitutional, reinforcing gender justice and equality within personal law frameworks.

“In **S.R. Batra vs. Smt. Taruna Batra**⁴, The court held that the wife is only entitled to claim residence in a shared household. The shared home means the house belonging to the husband, or taken on rent by the husband, joint family property in which the husband is a member of that family”.

“In **Krishna Bhattacharjee v. Sarathi Choudhury and Another**⁵, the Supreme Court said that there are some duties or principles followed by the courts while deciding the domestic violence case”.

“In **Vimlaben Ajitbhai Patel v. Vatslaben Ashokbhai Patel and Ors**⁶The court said that the husband has a personal obligation to maintain his wife”.

“In **V.D Bhanot vs. Savita Bhanot**⁷, The Delhi High Court said that even the wife who had shared a household before the Domestic Violence Act came into force would be entitled to protect the Domestic Violence Act”.

“In **Indira Sarma vs. VKV Sarma**⁸, The Supreme Court said that not all live-in relationships are like marriage. For testing the concept of a live-in relationship, courts see the duration of the relationship, shared household, domestic arrangements, pooling of resources and financial arrangements, sexual relationship, intention, and conduct of the parties, and socialisation in public.

Courts have also strengthened women’s inheritance and autonomy rights. Judicial decisions recognising daughters’ equal coparcenary rights, reproductive choice, and protection from degrading customs have significantly expanded women’s legal status in family and society.

¹ AIR 1997 SC 3011

² AIR 2001 SC 3958

³ AIR 2017 SC 4609

⁴ AIR 1979 Pat 266

⁵ (1979) 4 SCC 260

⁶ (1981) 4 SCC 335

⁷ AIR 2003 SC 3331

⁸ AIR 1982 SC 1473

Public Interest Litigation and Social Justice

The judiciary has expanded women's protection through Public Interest Litigation (PIL), allowing broader issues affecting vulnerable groups to be addressed even when individual victims cannot approach courts directly. PIL has been used in matters relating to trafficking, custodial abuse, unsafe shelter homes, bonded labour, and rehabilitation of survivors.

Through PIL, courts have directed governments to establish shelters, compensation schemes, legal aid services, anti-trafficking measures, and workplace safeguards. Judicial monitoring has sometimes improved implementation where administrative agencies were inactive.

This social justice role reflects the idea that courts are not only forums for private disputes but also institutions that uphold constitutional morality and protect disadvantaged communities.

The future role of the judiciary includes strengthening digital access to justice, enabling online filing of complaints, virtual hearings in urgent matters, and quicker enforcement of maintenance or protection orders. Technology can reduce barriers for women who cannot easily travel or face social restrictions.

Courts may continue to shape constitutional values in areas such as reproductive rights, workplace equality, cyber harassment, online abuse, and intersectional discrimination affecting women from marginalised communities. As society evolves, new forms of violence require updated judicial responses.

The judiciary must also deepen coordination with legal aid bodies, women's commissions, police, and counselling services so that judgments translate into practical relief. Justice should be preventive, responsive, and restorative where appropriate.

CHAPTER VII

Conclusion and Suggestions

Conclusion

The present study on Domestic Violence against Women: A Socio-Legal Perspective reveals that violence against women continues to be one of the most serious challenges faced by society. Domestic violence is not limited to physical assault alone, but also includes emotional abuse, verbal harassment, sexual violence, economic deprivation, and psychological cruelty. Such violence often takes place within the family environment, where women are expected to feel safe and protected. Instead, many women suffer in silence due to fear, social stigma, economic dependence, and lack of awareness about their rights.

The study highlights that domestic violence is deeply connected with social factors such as patriarchy, gender discrimination, dowry demands, alcoholism, poverty, illiteracy, and unequal power relations. These factors create an atmosphere where abuse becomes normalized and women are denied dignity and equality. Domestic violence not only harms women physically and mentally but also affects children, family stability, and social development. Therefore, it must be treated as both a social evil and a legal wrong.

From an international perspective, it is clear that women's rights are recognised as human rights. International instruments such as CEDAW, the Beijing Platform for Action, and the Declaration on the Elimination of Violence against Women have influenced countries to enact stronger protections for women. These global frameworks emphasise equality, freedom from violence, and state responsibility to safeguard women.

The constitutional and legal framework in India provides strong support for women's protection. Articles 14, 15, 16, and 21 of the Constitution guarantee equality, non-discrimination, liberty, and dignity. Laws such as the Protection of Women from Domestic Violence Act, 2005, the Dowry Prohibition Act, the Sexual Harassment of Women at Workplace Act, and criminal law provisions provide remedies against abuse. The judiciary has also played an important role through progressive judgments that expanded women's rights and strengthened access to justice.

However, the study also finds that there is a significant gap between law in books and law in practice. Many women still face barriers such as delayed justice, police inaction, lack of shelter homes, social pressure to compromise, and limited legal awareness. Therefore, the mere existence of laws cannot eliminate domestic violence unless they are effectively implemented. In conclusion, domestic violence against women is a violation of human dignity and constitutional values. Protection of women is essential for creating a just, equal, and progressive society. True empowerment of women can be achieved only when every woman is able to live free from fear, violence, discrimination, and dependence.

Suggestions

Strict enforcement of existing laws relating to domestic violence, dowry harassment, sexual offences, and workplace harassment is necessary. Authorities must ensure that complaints are registered promptly and offenders are punished according to the law. Effective implementation will increase public confidence in the justice system.

Speedy justice should be ensured through special courts or fast-track courts dealing with crimes against women. Long delays in legal proceedings discourage victims and weaken evidence.

Quick disposal of cases can provide timely relief and strengthen deterrence.

Awareness programmes should be conducted regularly in schools, colleges, villages, and urban communities regarding women's rights and legal remedies. Many women continue to suffer abuse because they are unaware of protection laws, helplines, and support services. Legal literacy is therefore essential.

Education must be used as a tool for social transformation. Gender equality, mutual respect, and the importance of non-violence should be taught from an early age. Patriarchal attitudes and harmful stereotypes about women should be challenged through value-based education.

Economic empowerment of women is equally important. Women should be given equal access to education, employment opportunities, skill development, property rights, and financial assistance schemes. Economic independence enables women to resist abusive relationships and make independent choices.

Police officers, protection officers, and judicial staff should receive gender-sensitive training. Victims approaching authorities must be treated with dignity, confidentiality, and empathy. Friendly procedures can encourage more women to report violence without fear.

Adequate support services such as shelter homes, counselling centres, medical assistance, legal aid clinics, and emergency helplines should be made available in both rural and urban areas. Women facing violence need immediate protection and long-term rehabilitation support.

Strong cyber safety measures should also be introduced to address online harassment, cyber stalking, blackmail, and digital abuse against women. Specialised cyber cells and awareness campaigns are necessary in the modern digital era.

Community participation is essential in ending domestic violence. Families, local leaders, and social organisations should support survivors instead of pressuring them to remain silent. Society must reject dowry demands, victim-blaming attitudes, and the normalisation of abuse. Finally, continuous monitoring and policy reforms are necessary to strengthen the protection of women. A coordinated effort by the government, judiciary, civil society, and citizens is required to build a society where every woman can live with dignity, equality, and safety.

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