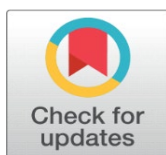


DOMESTIC VIOLENCE IN INDIA: A CRITICAL ANALYSIS OF THE CRIMINAL JUSTICE SYSTEM AND LEGAL RESPONSES

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ABSTRACT

Domestic abuse constitutes a significant and enduring infringement of human rights in India, impacting individuals from diverse social, economic, educational and cultural backgrounds. It encompasses physical, emotional, psychological, sexual and economic abuse occurring inside domestic relationships, primarily targeting women. Notwithstanding constitutional assurances of equality and dignity, together with the implementation of specific legislation like the Protection of Women from Domestic Violence Act, 2005, domestic violence is pervasive in Indian society. The enduring nature of this issue is primarily shaped by patriarchal social institutions, female inequality, social stigma, economic dependency, insufficient awareness and inadequate enforcement of legal laws. This article analyzes the characteristics, origins and prevalence of domestic violence in India and assesses the efficacy of the criminal justice system in addressing these offenses. It examines the function of diverse institutions, including as law enforcement, the judiciary, protection officers, legal aid organizations and social welfare agencies, in safeguarding and delivering justice for victims. The study also examines the obstacles encountered by survivors in obtaining justice, including case underreporting, procedural delays, insufficient institutional support and societal pressure to preserve familial harmony. The article evaluates the strengths and weaknesses of current legal systems, namely Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act, 2005. The paper critically analyzes legal remedies and implementation procedures, revealing the disparity between legislative aim and real enforcement. The article concludes by advocating for legal, institutional and social reforms to bolster victim protection, foster gender sensitivity in the criminal justice system, increase awareness of legal rights and ensure a more effective, victim-centered approach to addressing domestic violence in India.

Keywords: Domestic Violence, Criminal Justice System, Women's Rights, Legal Protection, India, PWDVA 2005



1. INTRODUCTION

Among the most pressing social and legal issues affecting contemporary Indian society is the prevalence of domestic violence. It is a common kind of abuse that happens at home and impacts people of all ages, faiths, social classes, levels of education and economic standings. Although males and females are equally susceptible to domestic violence, patriarchal norms and gender inequality make women the more common victims in India. When one or more family members commit acts of psychological or emotional abuse, verbal or physical humiliation, threats, intimidation, or economic deprivation against another, it is considered domestic violence. Human progress and societal concord are both stunted by acts of violence that violate people's basic rights and dignity. The Indian family has a long history of secrecy and reverence, with members required to keep family business out of public view. Domestic violence events are

frequently downplayed and viewed as family disputes rather than criminal offenses due to this cultural mindset. Many victims do not speak out because they are afraid of repercussions from society, their families, their economic reliance, their emotional investment, their worries for their children and their ignorance of their legal rights. Therefore, many incidents of domestic abuse go unreported, which further complicates the problem and makes effective solutions more elusive. Victims of domestic violence often face devastating emotional, mental, physical and social effects. Many people who have survived abuse often struggle with mental health issues, including sadness, worry, trauma, poor self-esteem and even thoughts of suicide.

Table 1

Table 1 Forms and Impact of Domestic Violence in India		
Form of Domestic Violence	Description	Common Impact on Victims
Physical Violence	Includes hitting, slapping, kicking, beating and causing bodily harm	Physical injuries, trauma, disability, fear
Emotional/Psychological Abuse	Involves insults, threats, humiliation, intimidation and mental harassment	Depression, anxiety, low self-esteem, emotional distress
Sexual Violence	Includes forced sexual acts, marital rape and sexual coercion	Trauma, reproductive health issues, psychological suffering
Economic Abuse	Denial of financial resources, employment, or property rights	Financial dependency, insecurity, inability to leave abusive relationships
Verbal Abuse	Use of abusive language, insults and constant criticism	Mental stress, emotional instability, loss of confidence

There has been an increase in the public's threat to gender equality and human rights as a result of feminist movements, human rights activism and international treaties. With the passage of time, constitutional protections, criminal statutes and specialized legislation have developed within India's legal system to offer victims with remedies and protection. Domestic abuse is still pervasive in India, even though these legal structures are in place. Many victims are unable to receive adequate justice due to factors such as a lack of knowledge about their rights, long court processes, insensitive attitudes from law enforcement, insufficient support services and cultural pressures to compromise.

2. CONCEPT AND FORMS OF DOMESTIC VIOLENCE

The term "domestic violence" refers to aggressive actions taken by one partner in a relationship with the intent to dominate, intimidate, or exploit the other partner in a domestic or familial setting. It encompasses a wide range of abusive behaviors that have a detrimental impact on the victim's physical, mental, emotional, sexual and financial health, not just physical assault. Intimate partner violence can happen between anyone living in the same home, including parents and children, in-laws, siblings and spouses. As a result of pervasive gender discrimination, patriarchal social structures and unequal power relations, women in India are disproportionately victims of domestic violence. For a long time, people kept the issue of domestic abuse inside the confines of their own homes because they believed it was a private family concern. Nonetheless, it is now acknowledged as a major social and legal problem, in addition to a breach of basic human rights, thanks to rising human rights consciousness and legislative changes. The effects of domestic abuse extend beyond the immediate victim to include their family, children and community at large. Fear, insecurity and inequity it fosters impede progress toward gender equality and societal development. Below we will go over some of the many forms that domestic abuse can take:

2.1. PHYSICAL VIOLENCE

Among the many forms of domestic violence, physical violence stands out the most. It is the intentional application of physical force with the goal to inflict physical pain, harm, injury, or danger on the victim. Beatings, slappings, punches, kicks, shoving, choking, scorching, or attacks with objects or weapons are all forms of physical abuse. Physical aggression can cause lifelong harm, impairment, or death in extreme circumstances. As a method of controlling and dominating women, physical violence is common in many households. Many victims remain silent because they are economically dependent, afraid of punishment, or feel pressured by family members to keep family honor. Victims' physical and mental health suffer greatly as a result of physical abuse; they may experience trauma, despair, anxiety and emotional instability.

Victims' fears of social stigma and distrust in the criminal justice system cause many cases to go unreported, despite legislative protections.

2.2. EMOTIONAL AND PSYCHOLOGICAL ABUSE

Any action that results in the victim experiencing mental anguish, terror, shame, or emotional distress is considered emotional and psychological abuse. Though it may not be immediately apparent, the effects of psychological abuse can be just as devastating and long-lasting as those of physical violence. Criticism, insults, humiliation, threats, intimidation, verbal harassment, controlling conduct, manipulation and isolation from loved ones are all parts of this abusive pattern. Emotional abuse makes their victims reliant and afraid by eroding their confidence and independence. Victims of chronic psychological abuse are at increased sadness, anxiety, low self-esteem, traumatic experiences and even thoughts of suicide. Victims of emotional abuse in marriage may find it difficult to recognize or disclose the abuse because it is so common in Indian society.

2.3. SEXUAL VIOLENCE

In intimate relationships, sexual violence occurs when one partner forces another to engage in sexual acts or behaviors against their will. In marriage or domestic partnerships, sexual abuse can take many forms, including coercion, unwanted sexual contact, sexual humiliation and forced sexual intercourse. Marital rape is still a major problem that impacts women's bodily autonomy and dignity, even if Indian law for adult married women. Because of cultural attitudes that view sexual relations within marriage as a husband's right, many victims of sexual violence within marriage are reluctant to report abuse. Victims are already discouraged from pursuing justice due to societal shame, stigma and the fear of family disintegration. Sexual assault has devastating effects on the mental and emotional well-being of survivors, in addition to the obvious physical harm it does. Trauma, dread, anxiety, issues with reproductive health and a loss of self-esteem are common experiences for victims.

2.4. ECONOMIC ABUSE

The goal of economic abuse is to establish economic dependence on the abuser by controlling or denying the victim access to financial resources. Problems arise when people are deprived of resources that they need to survive, such as money, property, jobs, education, or basic financial assistance. Instances of economic violence against women can take many forms, including exclusion from the workforce, confiscation of wages, denial of maintenance and reliance on family members for subsistence. Victims of economic abuse can seek redress through remedies including maintenance orders and monetary assistance, which are made available by the Protection of Women from Domestic Violence Act, 2005. As a result, domestic violence is complex, encompassing not just physical but also psychological, sexual and financial abuse. Recognizing the gravity of domestic abuse and creating effective institutional and legal responses to safeguard victims and provide justice requires an understanding of these various forms.

3. CAUSES OF DOMESTIC VIOLENCE IN INDIA

Many different cultural, economic, social, psychological and institutional elements contribute to the multifaceted nature. Traditional gender inequities and societal institutions constitute the bedrock of domestic violence, which persists even in the face of legal and technological advancements. Multiple factors, such as patriarchy, economic stress, social conventions, ignorance and imbalanced power dynamics within families, often interact to generate domestic violence. If we want to create effective preventative measures and legal responses, we need to know what causes them.

The major causes of domestic violence in India are discussed below:

3.1. PATRIARCHAL SOCIAL STRUCTURE

For the most part, men in Indian society have always held the positions of authority and decision-making, with women supposed to play the role of housekeeper and take orders from their male counterparts. As a result of the inherent inequality between the sexes in the home, violence against women becomes acceptable and even encouraged.

It is commonly believed among patriarchal societies that women should put up with abuse in order to maintain marital and family honor. Education, career, financial decisions and personal choices are areas where women in many households face limitations. Violence and abuse are possible outcomes of women's efforts to express their autonomy and question established gender norms. Domestic violence persists in both urban and rural regions due to deeply ingrained societal preconceptions about masculinity and the subjection of women.

3.2. DOWRY SYSTEM

In India, the dowry system is still a big contributor to domestic violence. The practice of dowry persists in many cultures despite the fact that it is prohibited under the Dowry Prohibition Act, 1961. As a result of marriage and the added financial obligations that come with it, many women experience verbal and physical abuse at the hands of their spouses and in-laws. Some forms of abuse that are associated with dowries include threats, physical violence, emotional and verbal abuse, malnutrition and humiliation. Bride burning, suicide and dowry-related fatalities are some of the worst outcomes. For some people, the dowry system has turned marriage into a business transaction driven by avarice and social pressure. Women and their families experience uneasiness due to the threat of dowry harassment. Social acceptability of dowry practices and lax enforcement of legal protections both play major roles in perpetuating domestic violence.

3.3. LACK OF EDUCATION AND AWARENESS

Another key aspect that contributes awareness about the issue. Many people, particularly women, lack the education and knowledge necessary to know their rights and how to seek justice when they are victims of abuse because of factors such as illiteracy. There are laws in place to protect victims of cruelty and harassment, but many victims are not aware of them. One such law is the Protection of Women from Domestic Violence Act, 2005. Another is the Indian Penal Code. Abuse within families is even more common in rural and impoverished regions due to traditional beliefs and lack of knowledge. It may be more challenging for women without a high school diploma to enter the workforce or find a way to support themselves financially. Similarly, victims may be insensitively treated and incidents may go unreported due to a lack of understanding among local communities and law enforcement. The elimination of domestic violence requires societal shifts toward gender parity, greater understanding of individual rights and more access to quality education.

3.4. ECONOMIC DEPENDENCY

Victims sometimes stay in abusive relationships due to economic necessity. For many Indian women, providing for their basic needs including food, housing, healthcare and education falls on their husbands or other family members. Their capacity to escape abusive homes or pursue legal action against abusers is hindered by this dependence. Abuse is more likely to occur when women face barriers to economic empowerment, such as low income, lack of property ownership and limited access to credit. When victims of domestic violence consider leaving an abusive partner, they often worry that they will be unable to provide for their children, end up homeless, or both. Abusers frequently exploit financial control as a means of dominating their victims. This can be done by limiting their access to money, stopping them from working, or even stealing their wages and property. Because of this, financial instability is both a cause and an effect of domestic abuse.

3.5. SOCIAL STIGMA AND FEAR

Many victims of domestic violence are afraid to speak out for fear of retaliation or social stigma. Preserving the prestige and reputation of one's family sometimes takes precedence above ensuring the safety of women in many societies. When victims consider reporting abuse, they frequently experience fears of societal stigma, condemnation, family rejection and harm to marital ties. Some sections of Indian culture still have a negative attitude of divorce and separation, which puts women under pressure to keep quiet when they experience violence. Victims are even less likely to seek help when they have fears of the abuser's retaliation, worries about their children's future, emotional attachment and family support. Relatives, community leaders and social institutions often put pressure on women to stay in the marriage rather than seek legal action. Such societal views enable domestic violence to go unpunished because fewer occurrences are reported.

Table 2

Table 2 Comparative Analysis of Legal Responses and Practical Challenges in Domestic Violence Cases		
Aspect	Legal Provision/Expectation	Practical Challenges Observed
Filing of Complaints	Victims have the right to approach police and seek legal protection	Many victims fear social stigma and hesitate to report abuse
Police Intervention	Police are expected to register complaints and ensure victim safety	In some cases, complaints are ignored or treated as family disputes
Judicial Protection	Courts can issue protection orders and maintenance relief	Judicial delays reduce the effectiveness of remedies
Role of Protection Officers	Protection Officers should assist victims in accessing support services	Shortage of trained officers affects proper implementation
Shelter and Rehabilitation	Victims should receive shelter, counseling, and rehabilitation support	Limited shelters and inadequate facilities exist in many regions
Legal Awareness	Women are entitled to know their legal rights and protections	Lack of awareness prevents many victims from seeking justice
Enforcement of Laws	Laws aim to ensure safety, equality, and dignity for women	Weak implementation and poor monitoring reduce legal effectiveness

4. LEGAL FRAMEWORK ON DOMESTIC VIOLENCE IN INDIA

Domestic abuse has long been acknowledged by India's legal system as a major breach of gender equality and human rights, rather than just a private family issue. To protect victims, punish perpetrators and halt the cycle of abuse, numerous pieces of legislation, including constitutional protections, criminal laws, civil remedies and special statutes, have been passed. Domestic abuse legislation in India welfare and human dignity, with the overarching goal of protecting women from harm and ensuring that they are treated fairly. Weak implementation, delayed justice, societal stigma and lack of information are some of the obstacles that continue to hamper victims' effective protection, even though there are various legislative safeguards in place. What follows is an analysis of the primary Indian statutes dealing with the issue of domestic violence:

4.1. CONSTITUTIONAL SAFEGUARDS

Legal protections against domestic violence in India are based on the Constitution, which promotes gender equality and guarantees basic rights. While there is no explicit language in the Constitution protecting women from abuse or discrimination in the home, there are a number of laws that do so implicitly.

Article 14 – Right to Equality

Article 14 guarantees equality before the law and equal protection of laws to all persons. It ensures that women are entitled to equal legal protection and cannot be subjected to discrimination or violence on the basis of gender.

Article 15 – Prohibition of Discrimination

Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Article 15(3) further empowers the State to make special provisions for women and children. This constitutional provision provides the basis for enacting laws specifically aimed at protecting women from domestic violence and exploitation.

Article 21 – Right to Life and Personal Liberty

Article 21 guarantees the right to life and personal liberty, which has been interpreted by the judiciary to include the right to live with dignity, safety and freedom from violence. Domestic violence directly violates the dignity, mental peace and physical security of victims, thereby infringing upon their fundamental rights under Article 21.

4.2. SECTION 498A OF THE INDIAN PENAL CODE

One of the most significant criminal laws addressing cruelty against married women is Section 498A of the Indian Penal Code (IPC), which was introduced in 1983. Any act of cruelty perpetrated by a husband or his family against a married lady is made illegal under this law. The main reason this rule was put into place was to tackle the growing problem of dowry harassment, domestic abuse and violence against women in marriage houses.

Harassment, whether mental or physical, that poses an imminent threat to a woman's life or health or that causes her to contemplate suicide is considered cruel under Section 498A. Unlawful requests for dowry or property might also be covered under this kind of harassment. The seriousness of the offense is reflected in the fact that it is cognizable, non-bailable and non-compoundable under this provision.

With the passage of Section 498A, domestic abuse was finally criminalized and no longer treated as a family issue. Victims of domestic violence might use this as a springboard to report their abusers to authorities and face criminal charges. On the other hand, there have been discussions and critiques of the clause over possible abuse in specific instances. The cautious approach taken by law enforcement authorities due to judicial concerns about misuse has the potential to undermine effective implementation. Regardless of these arguments, Section 498A is still an important law that protects married women from abuse and cruelty in the home.

4.3. PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

An important piece of law that was passed with the express purpose of protecting women from domestic abuse and offering them remedies for it is the Protection of Women from Domestic Abuse Act, 2005 (PWDVA). Protecting, rehabilitating and providing prompt relief to victims are the primary goals of the PWDVA, in contrast to the punishment-centric and rights-based approach of conventional criminal law. Domestic women, such as wives, mothers, sisters, widows and those in live-in relationships, are encompassed under this. The right of women to live in shared households, independent of ownership or legal title, is acknowledged in the Act, which is one of its notable elements.

The major features of the Act include the following:

- **Residence Rights**

The Act ensures that women cannot be unlawfully removed from the shared household and grants them the right to reside in the matrimonial home.

- **Monetary Relief**

Victims may receive financial support for medical expenses, maintenance, loss of earnings and other damages resulting from domestic violence.

- **Custody Orders**

The court may grant temporary custody of children to the victim to ensure their safety and welfare.

- **Appointment of Protection Officers**

Protection Officers are appointed to assist victims in filing complaints, obtaining legal aid, accessing shelter homes and securing medical assistance.

Service providers, shelters and non-governmental organizations (NGOs) can also be contacted through the PWDVA by victims in need of support and assistance. The Act is a positive development because it acknowledges domestic violence for what it is: a complex problem that calls for societal support systems in addition to legal protections. Unfortunately, the Act is still not being effectively implemented due to issues such as insufficient infrastructure, a lack of Protection Officers, low awareness and lengthy procedural delays.

4.4. DOWRY PROHIBITION ACT, 1961

Giving or receiving a dowry as a condition of a marriage was outlawed by the Dowry Prohibition Act of 1961. The term "dowry" describes the valuables (such as money, gifts, or property) that are given or required as part of a marriage ceremony. For a long time, married women in India were linked to the dowry system, which meant they were vulnerable to domestic violence, harassment, cruelty and even dowry killings. In an effort to put an end to exploitation and abuse stemming from dowry, the Act criminalizes both the act of giving and receiving dowry. Dowry traditions persist in numerous places despite legal prohibitions, driven by social norms and economic constraints. When women can't pay their dowries, they are frequently harassed, humiliated and even killed. Such abuse can lead to death or suicide in extreme circumstances. As a complement to other statutes that address dowry-related violence, such as Section 498A of the Indian Penal Code and Section 304B of the Code, the Dowry Prohibition Act establishes legal protections for victims.

5. ROLE OF THE CRIMINAL JUSTICE SYSTEM

In order to combat domestic violence and provide victims with safety, justice and rehabilitation, the criminal justice system is indispensable. Police, courts, protection officers, legal aid agencies, shelters and social welfare groups all play a part in this system, which aims to reduce the occurrence of violent crimes, punish those responsible and provide assistance to victims and their families. If we want people to trust the legal system and abuse victims to feel secure coming forward, we need a criminal justice system that works. Victims of domestic violence are more likely to obtain prompt aid and justice depending on how the criminal justice system handles these situations. Nevertheless, victims frequently encounter a multitude of obstacles when engaging with these institutions, even while legal protections and institutional processes are in place. The efficacy of legal remedies is often diminished due to delays, insensitivity, insufficient infrastructure, societal pressure and procedural complexity. Below, we will go over the main parts of the criminal justice system and how they contribute to dealing with domestic violence:

5.1. POLICE RESPONSE

The police play an essential role in protecting survivors and enforcing the law because of violence. They are responsible for taking complaints, documenting them as First Information Reports (FIRs), investigating the incidents, protecting victims immediately and connecting them with medical and legal aid. A lot of the time, victims can get the justice they need sooner if the authorities step in to stop the violence. Despite their crucial position, police in India are sometimes criticized for their lack of empathy and insufficient response to situations of domestic violence. Police personnel are sometimes reluctant to record complaints from victims, particularly in situations that are deemed "family matters." Instead of going to court, victims are often told to make up with their abuser or find a middle ground. Such views perpetuate the taboo nature of discussing domestic abuse and deter survivors from seeking assistance.

5.2. JUDICIAL RESPONSE

Victims of domestic violence rely heavily on the judicial system to provide them with justice and protection. Protecting survivors' rights and dignity, interpreting laws and prosecuting perpetrators all fall under the purview of the judicial system. Courts have the authority to grant victims and their children protection orders, residency orders, support orders and custody arrangements under statutes like the Protection of Women from Domestic Violence Act, 2005 and Section 498A of the Indian Penal Code. Additionally, the judiciary has made a substantial impact by providing progressive interpretations of constitutional rights pertaining to equality, dignity and protection from violence. The Indian judicial system has always stressed that domestic abuse is a human rights violation, not just an intimate family matter. The expansion of the breadth of protection afforded under various laws has been bolstered by judicial rulings, which in turn have reinforced women's rights. Pressuring women to return to abusive houses, courts sometimes prioritize reconciliation and mediation over victim protection. Reconciliation has its place, but putting too much focus on compromise can lead to victims being subjected to ongoing abuse and undermines justice.

5.3. PROTECTION OFFICERS AND SUPPORT SERVICES

Among their duties is facilitating the filing of complaints, the preparation of reports about domestic incidents, the acquisition of protection orders, the arrangement of medical treatment and the connection of survivors with shelter houses and legal assistance programs. Another factor limiting victims' use of these programs is their lack of awareness of their presence. Delays and inefficient aid to victims are frequently the consequence of poor coordination among police, courts, hospitals and support agencies. Consequently, in order to guarantee effective assistance and rehabilitation for survivors of domestic violence, it is vital to expand institutional infrastructure, increase financial support, provide specialized training and improve awareness.

6. CHALLENGES IN IMPLEMENTATION

Laws are only as good as the institutions tasked with enforcing them, which in turn depends on their responsiveness, efficiency and accountability. Many victims in India are unable to seek justice and protection due to economic

dependence, procedural delays, institutional deficiencies, lack of knowledge and socio-cultural obstacles. Consequently, even though there are legal remedies available, many women nonetheless endure assault. The following are some of the most significant obstacles to enforcing laws against domestic violence:

6.1. UNDERREPORTING OF CASES

The pervasive underreporting of incidents of domestic abuse in India is a major obstacle to tackling this issue. Fear, societal pressure, economic dependence and worries about family reputation are some of the reasons why many victims do not approach the courts or police. The stigmatization of domestic violence as an intimate family issue rather as a crime deters victims, particularly women, from seeking help. The preservation of marriage and family honor often necessitates that victims endure violence at the hands of family, friends, or even society at large. Victims hesitate to seek legal assistance societal shame, emotional attachment to family members, worry for children and fear of the abuser's reprisal. Women could be less mobile and have less access to institutional supports in traditional societies and rural locations.

6.2. DELAY IN JUSTICE DELIVERY

A further significant barrier to the efficient execution of domestic abuse legislation is the length of time it takes for cases to reach trial. Long trials and postponed verdicts are common outcomes of the Indian judicial system's overburdened caseloads, judge shortage and procedural complexity. Obtaining protective orders, maintenance, or final rulings in domestic abuse cases can be a lengthy process, sometimes taking months or even years. Survivors who are financially dependent on their abuser or who lack social and emotional support often feel discouraged from continuing litigation due to the length of the legal proceedings.

6.3. MISUSE DEBATE

The alleged abuse of legal measures, especially Section 498A of the Indian Penal Code, is one of the contentious problems surrounding domestic violence legislation in India. Some people think that spouses and their families are the targets of false accusations, which leads to needless arrests and the abuse of criminal law provisions. The public's view and police tactics have been greatly affected by judicial observations and media conversations about abuse. While it's true that some laws are abused, it's also crucial to note that the number of unreported incidences of domestic violence far outweighs the number of fraudulent cases.

6.4. INSTITUTIONAL INSENSITIVITY

The persistence of institutional insensitivity is a significant obstacle to providing victims of domestic violence with the justice and protection they need. People in positions of authority who deal with situations of domestic violence, such as police, judges and doctors, may exhibit callous attitudes toward survivors on occasion. Rather of receiving the help and protection they need, victims of abuse are frequently exposed to stigmatization, victim shaming, indifference, or even pressure to make amends with their abuser. Authorities still often downplay domestic violence as a major human rights violation, viewing it instead as a matter involving individuals or families.

Table 3

Table 3 Challenges and Suggested Reforms in Addressing Domestic Violence		
Major Challenges	Effect on Victims and Justice System	Suggested Reforms
Underreporting of Cases	Victims hesitate to seek help due to fear and stigma	Awareness campaigns and confidential reporting mechanisms
Delay in Judicial Process	Delayed justice discourages victims	Establishment of fast-track courts
Institutional Insensitivity	Victims face poor treatment from authorities	Gender-sensitive training for police and judiciary
Lack of Awareness	Women remain unaware of legal rights	Legal literacy and educational programs
Inadequate Support Services	Limited access to shelters and counseling	Strengthening rehabilitation and support infrastructure
Economic Dependency	Victims unable to leave abusive households	Financial assistance and employment opportunities for survivors

7. CRITICAL ANALYSIS OF LEGAL RESPONSES

The Indian legal system has come a long way in addressing the problem of domestic abuse, which is a major social and human rights concern. To combat domestic violence and protect victims, the Indian government and courts have passed a number of laws pertaining to criminal law, welfare and constitutional protections. As one of the most forward-thinking legislative initiatives, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) acknowledges all forms of abuse, including physical, emotional, sexual, verbal and economic and takes a victim-centered approach. With the passage of the Act, the focus shifted from domestic violence as a criminal problem to a complex societal issue that necessitates legislation, rehabilitation and support services. Laws like the PWDVA, 2005 and Section 498A of the Indian Penal Code show that the Indian legal system is serious about protecting women's equality, dignity and right to be free from violence. By upholding non-discrimination, equality and the right to live with dignity, the judiciary has further bolstered women's rights through its interpretations of Articles 14, 15 and 21 of the Constitution. Domestic abuse is a clear violation of basic human rights and courts have sought to increase the protections afforded to victims on multiple occasions.

The effectiveness of legal measures is constrained due to substantial implementation gaps, despite progressive legislative intent. Without effective institutions, public awareness and enforcement mechanisms, legislation against domestic abuse will not be enough to put an end to the problem. Procedure backlogs, institutional incompetence, social shame and a lack of support networks are real obstacles that many victims still encounter when trying to get justice. Therefore, there is a big difference between survivors' real experiences seeking safety and justice and the rights given by law. Consequently, operational difficulties, institutional inadequacies and socio-cultural impediments limit the practical effectiveness of the Indian legal system in addressing domestic abuse, despite its progressive intent and tremendous legal improvement. The only way to guarantee that victims of domestic abuse in India receive the protection and justice they deserve is to overhaul the criminal justice system so that it is more accountable, sensitive, accessible and victim-centered.

8. SUGGESTIONS AND RECOMMENDATIONS

Survivors need the criminal justice system to respond more effectively and for there to be real policy changes and reforms that will safeguard them. Legal remedies to domestic abuse in India might benefit from the following ideas and proposals:

8.1. STRENGTHENING GENDER-SENSITIVE POLICE TRAINING

The rapid protection and access to justice that victims of domestic violence need is greatly enhanced by the fact that police officers are frequently the first authorities that these victims seek. On the other hand, many victims encounter callousness, unwillingness to register complaints and insensitive conduct. Consequently, law enforcement officials should undergo ongoing gender-sensitization and specific training to enhance their knowledge of human rights concepts, victim psychology and domestic violence legislation. Training should center on teaching participants to listen with empathy, how to conduct thorough investigations, how to safeguard victims and how to handle sensitively and confidentially allegations of domestic abuse. Police stations could also have women's help desks and specialized domestic violence units to better assist victims and their families.

8.2. ESTABLISHING FAST-TRACK COURTS FOR DOMESTIC VIOLENCE CASES

For many victims, the legal system becomes untrustworthy due to the length of time it takes for cases to be resolved. Survivors are discouraged from seeking legal remedies and are frequently subjected to ongoing abuse due to lengthy trials, many adjournments and procedural complications. So, to make sure domestic abuse cases are handled quickly, special fast-track courts should be set up. When it comes to criminal punishment, custody judgments, maintenance and protective orders, expedited procedures might be helpful. The victims' mental and financial suffering could be alleviated and the legal system's efficiency enhanced with streamlined processes and time-bound hearings.

8.3. INCREASING AWARENESS REGARDING LEGAL RIGHTS

Unfortunately, many Indian women still do not know their rights or how to seek help when they are victims of domestic violence. Many victims are unable to seek assistance or report abuse due to a lack of knowledge about the legal system and education. Domestic violence is a serious problem and women and communities need to know their rights, what the laws say and where to find help if they are victims. Legal assistance programs, hotlines, shelters and the Protection of Women from Domestic Violence Act, 2005 should be widely publicized through the joint efforts of government agencies, schools, media outlets and NGOs. Communities on the margins and in rural areas, where resources for legal education are scarce, should be the primary focus of awareness campaigns.

9. CONCLUSION

Despite numerous constitutional and legislative protections, domestic violence remains one of the most significant social and legal issues in India. It has far-reaching effects on victims' physical, mental, emotional and financial health as well as on their families and communities. Domestic violence is still an issue in both rural and urban communities due to factors such as economic dependence, social stigma, gender inequity and deeply ingrained patriarchal ideas. These statutes have elevated domestic abuse from a personal family issue to a major human rights violation and they have enhanced victim protection. The existence of these regulations does not, however, alleviate the enormous difficulty of their successful execution. Fear of societal shame, ignorance, economic dependence, institutional insensitivity and lengthy court procedures all contribute to the difficulty many victims continue to have in obtaining justice. Many victims are discouraged from reporting abuse because authorities and organizations do not respond adequately. Inadequate Security The inadequacy of shelters, officers and support service coordination further diminishes the efficacy of the legal system. So, in order to guarantee survivors' safety and actual justice, the criminal justice system has to be more victim-centered, efficient and easily accessible. To better address domestic violence, institutions must invest in gender-sensitive training for law enforcement and judges, create expedited court processes, increase accountability measures and enhance rehabilitation services. Reforms to the law alone will not put an end to domestic abuse, though. In order to combat patriarchal ideologies and advance causes like as gender parity, tolerance and respect for human dignity, a more systemic shift in society is required. Social views that accept domestic abuse can be changed through raising public awareness, educating the public, empowering women and encouraging community involvement. Thus, it will need a concerted effort by the Indian government, civil society organizations, courts and communities to end domestic violence. A safer, more equitable and violence-free society, where individuals can live with dignity, security and freedom from abuse, can only be realized via the effective execution of laws, institutional accountability and social transformation.

CONFLICT OF INTERESTS

None.

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None.

REFERENCES

- Sinha, R. (2026). Restorative justice and intimate partner violence in India: Constitutional morality, feminist limits, and tribal legal pluralism. *Advances in Consumer Research*, 3(1).
- Kaur, J., Kaur, A., and Dhingra, R. M. (2025). A juxtaposition of domestic violence laws: A study of India and USA. *International Journal of Human Rights and Constitutional Studies*, 12(4), 335–348. <https://doi.org/10.1504/IJHRCS.2025.149276>
- Shrivastava, A., and Jabeen, F. (2025). Domestic Violence Against Women: A Socio Legal Perspective. *LawFoyer International Journal of Doctrinal Legal Research*, 3, 2380. <https://doi.org/10.70183/lijdlr.2025.v03.227>
- Kaur, N., and Gulati, S. (2024). Domestic Violence Against Men in India: A Critical Analysis with Special Reference to Indian Laws. *South India Journal of Social Sciences*, 22(1), 70–81. <https://doi.org/10.62656/SIJSS.v22i1.1-231>

- Ganguli, P. (2024). Legal Responses to Domestic Violence: Efficacy and Challenges. *LawFoyer International Journal of Doctrinal Legal Research*, 2, 279. <https://doi.org/10.70183/lijdlr.2024.v02.17>
- Paandey, D. (2024). An Analysis: Domestic Violence Against Women in India. *Legal Spectrum Journal*, 4, 1.
- Panchal, T. J., Thusoo, S., Inamdar, V., and Balaji, A. (2023). Domestic Violence and the Law: A Study of Complaints Under the Protection of Women from Domestic Violence Act, 2005 in Maharashtra, India. *Violence Against Women*, 29(12–13), 2617–2638. <https://doi.org/10.1177/10778012231188091>
- Bhattamishra, S. D. (2023). Victims of Domestic Violence and the Indian Criminal Justice System: Issues and Challenges. *Indian Journal of Criminology*, 51, 153.
- Akant, N. (2023). Comparative Analysis of the Domestic Violence Act in the United States and India. *Indian Journal of Law and Legal Research*, 5(2), 1.
- Tanwar, N. P. S. (2022). Critical Analysis of the Domestic Violence Law. *Indian Journal of Law and Legal Research*, 4(2), 1.
- Gupta, R. (2020). A Critique of the Legal Framework for Domestic Violence in the Light of Coronavirus Pandemic. *International Journal of Socio-Legal Research*, 6(4). <https://doi.org/10.2139/ssrn.3729866>
- Roychowdhury, P. (2019). Illicit Justice: Aspirational-Strategic Subjects and the Political Economy of Domestic Violence Law in India. *Law and Social Inquiry*, 44(2), 444–467. <https://doi.org/10.1017/lsi.2018.13>
- Nigam, S. (2019). *Women and Domestic Violence Law in India: A Quest for Justice*. Routledge India. <https://doi.org/10.4324/9780429343575>
- Dutt, A. (2018). Locating Patriarchy in Violence Against Women in India: Social, legal and Alternative Responses. *PEOPLE: International Journal of Social Sciences*, 4(2), 212–228. <https://doi.org/10.20319/pijss.2018.42.212228>
- Menon, S. V., and Allen, N. E. (2018). The Formal Systems Response to Violence Against women in India: A Cultural Lens. *American Journal of Community Psychology*, 62(1–2), 51–61. <https://doi.org/10.1002/ajcp.12249>
- Chattopadhyay, S. (2017). Gendering Legal Discourse: A Critical Feminist Analysis of Domestic Violence Adjudication in India. *The Journal of Law, Social Justice and Global Development*, 20(b). <https://doi.org/10.31273/LGD.2017.2017>
- Dave, A., Ajgaonkar, V., Pradhan, Y., and Chakraborty, R. M. (2017). In Search of Justice and Care: How Women Survivors of Violence Navigate the Indian Criminal Justice System. *Journal of Gender-Based Violence*, 1(1), 79–97. <https://doi.org/10.1332/239868017X14900133026601>
- Goodman, L. A., and Epstein, D. (2011). *The Justice System Response to Domestic Violence*. Oxford University Press. <https://doi.org/10.1037/12308-011>