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Socio-Political Dimensions of Domestic Violence in India: Law, Representation, and Equity, Health Issues in Prospect of Domestic Violence

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ABSTRACT

Domestic violence in India has long been considered a private or family matter. Still, its impact has a much broader dimension in terms of the social, political, and legal structure of the country. This paper examines domestic violence not simply as a gendered issue but as a structural problem related to questions of representation, equity, and governance. Adopting an integrated doctrinal and socio-legal research methodology, the study assesses the Protection of Women from Domestic Violence Act, 2005 (PWDVA) and identifies the social, economic, and cultural context in which it operates. Special focus is placed on marriage, marital expectations, and patriarchal expectations, which undermine women's autonomy within the family. The paper connects women's vulnerability to violence and their access to justice with socio-economic dependency, rural-urban hierarchies, and cultural norms. Using a combination of demographic and political representation data, the paper also interrogates the ways in which the underrepresentation of women and marginalised groups in legislative and decision-making institutions undermines the implementation of protective laws. The conclusions suggest that the efficacy of legislation to prevent domestic violence cannot be discussed at a grand theoretical level, but should be expressed in the language of structural inequality and political will. The paper concludes by suggesting remedial legal reforms, policy interventions, and an enhanced presence of women in governance institutions as solutions not just for a more equitable society but for a more responsive and caring one.

Keywords: domestic violence, women's representation, gender justice, socio-political equity, Indian law, federal balance

I. INTRODUCTION

Domestic violence is among the largest but least recognised problems in Indian society. Traditionally treated as a private or family matter, it in fact escapes the private realm and carries

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a significant social and political dimension, because it violates gender equality, human rights, and the democratic spirit of the nation. Data from the National Family Health Survey-5 (NFHS-5) for 2019–21 indicate that 29.3% of ever-married women aged 18–49 have experienced spousal violence, and that the prevalence is higher in rural areas (31.6%) than in urban areas.¹ The NATIONAL CRIME RECORDS BUREAU report *Crime in India 2022* further records the continued registration of cases, year on year, under Section 498A of the Indian Penal Code (now Section 85 of the Bharatiya Nyaya Sanhita, 2023) for cruelty by a husband or his relatives, which shows the persistence of the problem despite the safeguards that exist on paper. Domestic violence cannot be isolated from the wider questions of representation and equality. Legislation such as non-discrimination and access-to-justice measures is enacted to protect women, but the limited presence of women as political actors in politics and decision-making has hampered the implementation of those laws. Federal equity, which strives to secure equal representation across social and demographic groups, is not achieved if the perspectives of women, and particularly of women who belong to marginalised groups, remain absent from legislative and policy processes. State-level variation in both political representation and the incidence of crimes against women reinforces the point that governance structures influence women's vulnerability. These differences are compounded by social, economic, and cultural inequalities, and for this reason domestic violence cannot be understood in individual terms alone, but also as a structural problem of power and justice.

Against this background, the present paper states its research objectives as follows: to examine the issues of relationship and marriage in the Indian context; to discuss the expectations within marital relationships that give rise to difficulties; to identify the parameters that influence the condition of women in the family and in the wider social environment; and to recommend remedial action to secure the effective implementation of the law, to provide an effective remedy against domestic violence, and to contribute to building a responsible and caring society.

By placing domestic violence within the socio-political discourse of representation and federal equity, this analysis shows that the effective reach of domestic violence law depends both on legal reform and on the elevation of marginalised voices in governance.

II. THEORETICAL FRAMEWORK

In India, the appropriate approach to research on domestic violence is a multi-disciplinary one that combines feminist legal theory with socio-political analysis. This dual lens helps to

¹ INT'L INST. FOR POPULATION SCIS. & ICF, NATIONAL FAMILY HEALTH SURVEY (NFHS-5), 2019–21: India, Volume I (2021).

illustrate both the structural causes of violence and the failure of legal and institutional capacity to respond to it.

A. Feminist Legal Theory and Gender Justice

Feminist legal theory provides the theoretical basis for an examination of the ways in which laws, policies, and institutions tend to replicate patriarchal assumptions that exclude women's lives.² From that perspective, domestic violence is no longer viewed as an individual or family matter; it reflects a structural inequality of power relations that is reproduced and practised on a societal scale. Although the Protection of Women from Domestic Violence Act, 2005 is progressive legislation, in practice it is undermined by gender stereotypes within social structures and by the insensitive attitude that law enforcement and judicial agencies display towards victims of domestic violence and abuse. A gender justice perspective suggests that the response of the law should move beyond punitive measures to focus on empowerment, equalisation, and transformation.

B. Socio-Political Dimensions

The socio-political lens strengthens the interaction between law, society, and political representation as ways of framing women's rights. Domestic violence cannot be separated from questions of federal equity and representation, because the efficacy of legal provisions is directly affected by the degree to which women are included in decision-making bodies.³ Often, however, marginalised women, rural communities, minorities, and those who are economically weak have not made it onto the legislative agenda, which lessens the reach of the law. Furthermore, because of demographic differences, geographic divides, and cultural tendencies, vulnerability to domestic violence occurs on different scales, making domestic violence a social injustice as well as a political disparity.

At the intersection of feminist legal scholarship and socio-political critique, domestic violence is conceptualised as a compound phenomenon that calls not only for the reform of the law but for structural reform at the level of representation and governance.

III. DOMESTIC VIOLENCE IN THE INDIAN CONTEXT

Domestic violence in India has to be seen in the wider context of marriage, family systems, and deep-rooted socio-cultural norms. Marriage is generally regarded as a sacred institution that

² CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE (1989); Carol Smart, *The Woman of Legal Discourse*, 1 SOC. & LEGAL STUD. 29 (1992).

³ HANNA FENICHEL PITKIN, THE CONCEPT OF REPRESENTATION (1967); Mona Lena Krook & Diana Z. O'Brien, *All the President's Men? The Appointment of Female Cabinet Ministers Worldwide*, 74 J. POL. 840 (2012).

yields stereotyped gender roles, confines women to a fixed position, and ultimately enables violence and the suppression of their lives.⁴ In patriarchal cultures men are placed at the highest point of the family structure, while women's autonomy is reduced and their independence is limited, thereby promoting an unequal distribution of power.

Married life is further complicated by conflicting expectations. Women are expected to carry a double burden, first within the household and then progressively within the economies of survival, while the value of their work is repeatedly devalued.⁵ Societal expectations of submissiveness, sacrifice, and silence around marital disputes deter women from reporting abuse or seeking outside assistance. Through this silencing, the familial and domestic realm is increasingly treated as off-limits to the political and public spheres, which privatises violence and actively occludes it from public visibility.⁶

Several factors contribute to the marginalisation of women within the family and to higher levels of domestic violence. Women's socio-economic dependency is perpetuated by the fact that in rural areas women still lack economic independence and access to education.⁷ The practice of dowry, and son preference, are among the socio-cultural phenomena that have worsened this situation; women's bodies continue to be commodified despite the rhetoric about changing attitudes towards women. NFHS-5 (2019–21) estimates that 29.3% of ever-married women between 18 and 49 years of age experience spousal violence, and that women in rural areas (31.6%) are considerably more likely to experience such violence than women in urban areas (23%).⁸ Understood in this way, domestic violence is not an individual or merely interpersonal issue, but a result of the unequal structural arrangements that are endemic to Indian society.

IV. LEGAL FRAMEWORK AND EFFECTIVENESS

The Protection of Women from Domestic Violence Act, 2005⁹ was landmark legislation in the history of Indian law, because for the first time it recognised domestic violence not only in the context of physical abuse but also as emotional, economic, and sexual abuse within a domestic relationship. The Act provides civil remedies in the form of protection orders,

⁴ R. Chowdhury, *Marriage, Patriarchy, and Gendered Violence in India*, 26 J. FAM. STUD. 321 (2020).

⁵ MANGAI NATARAJAN, *WOMEN, CRIME, AND JUSTICE IN INDIA* (2019).

⁶ S. BANERJEE, *SILENCES WITHIN THE HOME: DOMESTIC VIOLENCE IN CONTEMPORARY INDIA* (2021).

⁷ Sonalde Desai & Lester Andrist, *Gender Scripts and Age at Marriage in India*, 47 DEMOGRAPHY 667 (2010).

⁸ INT'L INST. FOR POPULATION SCIS. & ICF, *supra* note 1.

⁹ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005 (India).

residence orders, and monetary relief, and thereby brings relief outside the punitive provisions of the penal law.¹⁰

Despite its progressive framework, large gaps remain in implementation. Women have been unaware of the provisions of the Act, and there is limited awareness among law-enforcing agencies and limited institutional intent in implementing it.¹¹ Protection Officers remain at the forefront of service delivery for survivors, yet they are under-resourced and overworked, and delays in service delivery follow.¹² The fear of social ostracism and of the humiliation and disgrace that a woman is expected to bear also prevents such women from approaching the law.¹³ According to the NATIONAL CRIME RECORDS BUREAU, more than one lakh cases were registered in 2022 under Section 498A of the Indian Penal Code (cruelty by a husband or his relatives, now Section 85 of the Bharatiya Nyaya Sanhita, 2023), but conviction rates are below 15%, which throws light on the disconnect between the law as it exists and the law as it is enforced.

Judicial decisions have extended the scope of the Act and have also clarified structural barriers. In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court struck down the words "adult male" in the definition of "respondent" in Section 2(q), and thereby opened up the possibility of women filing complaints against female relatives as well. In *Indra Sarma v. V.K.V. Sarma*, the Court accepted that a live-in relationship may fall within the meaning of a domestic relationship under the PWDVA, so that the protection of the Act can extend to such relationships. The courts have further held that the right of residence under Section 17 cannot be denied to a woman merely on the ground of ownership of the premises.¹⁴ Alongside shortcomings in the implementation of orders by the State authorities, the judiciary has consistently voiced concern about the lack of accountability on the part of State agencies.¹⁵

Amendments are needed to make the law work better. These include building the capacity of Protection Officers, providing dedicated machinery for redress, including counselling and remedies, and enhancing awareness programmes, particularly along rural and underrepresented lines.¹⁶ Linking domestic violence redressal mechanisms to wider policies on women's representation and empowerment also has the potential to change the structural conditions in

¹⁰ R. Bhattacharya, *BEHIND CLOSED DOORS: DOMESTIC VIOLENCE IN INDIA* (2014).

¹¹ A. Parashar, *Access to Justice and Domestic Violence Law in India*, 53 J. ASIAN & AFR. STUD. 743 (2018).

¹² R. Kapur, *Gender, Governance, and Law in India: Mapping Implementation Gaps*, 48(44) ECON. & POL. WKLY. 47 (2013).

¹³ S. Khan, *Domestic Violence and Social Stigma: Barriers to Justice in India*, 28 CONTEMP. S. ASIA 451 (2020).

¹⁴ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165 (India); see also *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755 (India).

¹⁵ A. Singh, *Judicial Responses to Domestic Violence in India: Progress and Challenges*, 31 NAT'L L. SCH. J. 113 (2019).

which gender-based violence thrives. For example, on the basis of research showing that women's access to political office has resulted in increased reporting of crime and improved service delivery, an increase in the participation of women in the police, the judiciary, and local governance is of paramount importance. Only a combination of legal reform, a vigilant judiciary, and socio-political commitment can help achieve the promise of the PWDVA, 2005.

V. REPRESENTATION, EQUITY, AND POLITICAL DIMENSIONS

The representation of women and marginalised communities in law-making and governance is closely linked to how well domestic violence legislation in India performs. Representation affects not only the content of policy but also the significance accorded to women's claims on the political agenda. The empirical literature documents a positive relationship between a larger share of women elected representatives and the level of pro-gender legislation and social welfare programmes.¹⁷ However, despite the provisions of the 73rd and 74th Constitutional Amendments that mandate reservation for women in local self-government, the participation of women in state legislatures and Parliament remains low. In the 18th Lok Sabha, elected in 2024, women hold 74 of 543 seats, or 13.6%, which is well below the global average of about 26.9% of members of national parliaments.¹⁸ The Women's Reservation Bill 2023, which is intended to secure 33% representation for women in Parliament and the state legislatures, remains subject to sticking points about actual implementation. Likewise, marginalised communities, and especially the Scheduled Castes, the Scheduled Tribes, and religious minorities, are less able to influence law and institutions, which leaves many without protection.

Further, background and the urban or rural setting mediate the prevalence and the legal adjudication of domestic violence. Women in urban centres tend to obtain justice more readily, because awareness is greater and institutional bodies are available.¹⁹ For women in rural communities, the likelihood of obtaining justice is far lower, because of taboos, the absence of the economic freedom that would enable them to litigate, and the general absence of an institutional presence that can legitimise their grievances.²⁰ These difficulties are compounded by socio-demographic pressures, including population growth and socio-economic inequality, which add to unequal access to the protection of the law. Stated differently, unless a larger share

¹⁶ S. Chaudhuri, *Strengthening Domestic Violence Law in India: Institutional Gaps and Policy Remedies*, 12 INDIAN J.L. & SOC'Y 45 (2021).

¹⁷ Raghavendra Chattopadhyay & Esther Duflo, *Women as Policy Makers: Evidence from a Randomized Policy Experiment in India*, 72 ECONOMETRICA 1409 (2004).

¹⁸ INTER-PARLIAMENTARY UNION, WOMEN IN NATIONAL PARLIAMENTS: WORLD AND REGIONAL AVERAGES (2024).

¹⁹ S. Srivastava, *Women's Rights and Urban Governance in India: Access and Exclusion*, 56 URB. STUD. 2485 (2019).

²⁰ S. Kumar, *Domestic Violence in Rural India: Challenges of Access to Justice*, 13 J. HUM. RTS. PRAC. 245 (2021).

of women representatives in legislatures translates into a stronger institutional response to gender-based violence, the federal conception of representative justice is rendered redundant.

The careful exercise of the franchise can improve women's access to the law. There is empirical evidence that women's access to decision-making increases the political will for resource mobilisation and the uptake of gender-specific policies.²¹ In short, meaningful participation of women in grassroots politics, legal advocacy, and policy design requires a framing that conceptualises domestic violence not as a personal issue, but as a systematic injustice that requires systematic solutions. Increasing women's representation in politics, and mainstreaming the inclusion of marginalised groups in political life, is therefore an integral aspect of the discourse of gender justice and of the equitable implementation of domestic violence legislation in India.

VI. FINDINGS AND DISCUSSION

The analysis shows that the law cannot go very far in addressing domestic violence on its own, and that it has to be understood within the larger socio-political narrative of representation and equity. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) secures women's rights on paper, but the extent to which its structure is realised is linked to the structural determinants of resources, values, and justice.²² Where law enforcement is more effective, domestic violence laws tend to be stronger, which suggests a reinforcing relationship between the two,²³ and enhanced political representation of women correlates with more effective domestic violence laws.²⁴

This shows that legislation on domestic violence is linked to broader notions of socio-political justice. Federal equity and inclusive governance require that people who are marginalised by sex, ethnicity, age, religion, belief, culture, class, and other socio-economic factors, and particularly rural women, are properly represented in law and policy. However, well-recognised urban–rural and demographic gaps are inimical to such inclusion and produce an unequal distribution of justice.²⁵ Statistical data published by the NATIONAL CRIME RECORDS BUREAU show that more than 1,00,000 cases of cruelty by a husband or his relatives were registered during 2022, while the conviction rate stands below 15%, which shows the gap between the reporting and registration of a crime and conviction for it. Where minority voices are absent

²¹ Lori Beaman, Esther Duflo, Rohini Pande & Petia Topalova, *Female Leadership Raises Aspirations and Educational Attainment for Girls: A Policy Experiment in India*, 335 SCIENCE 582 (2012).

²² Bhattacharya, *supra* note 10.

²³ Choi & Hsiang (2004) [citation incomplete in the manuscript and not traceable; author to supply full details].

²⁴ Chattopadhyay & Duflo, *supra* note 17.

²⁵ Srivastava, *supra* note 19.

from decision-making processes, structural inequalities are reproduced, which shows that the law alone will not be the cure unless these cases form part of a wider socio-political reform.

The relationship between effective laws and representation is also symbiotic. On the one hand, effective communication about domestic violence legislation reaffirms the right of women to safety, dignity, and equality, and acts as a catalyst for increased participation of women in public and political life.²⁶ On the other, a more active role for women in politics increases support for gender-focused policies, improves accountability in policy implementation, and strengthens the conditions in which domestic violence, once seen as a private issue, can be treated as a public concern.²⁷

What all of this indicates is a two-pronged approach to eliminating domestic violence in India: tightening the laws while at the same time supporting women's political representation and socio-economic inclusion. Taken together, these promise a more just and responsive system, and one in which the law becomes a practical and lived matter in the course of a person's life.

VII. CONCLUSION AND RECOMMENDATIONS

The research illuminates domestic violence in India not only as a private or intra-family matter, but as an entrenched practice linked with complex cultural and institutional interactions across the legal, social, and political processes of the country. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was an important step in broadening the definition of violence and in providing a civil redressal mechanism. However, its operationalisation still faces conceptual challenges as well as constraints of institutional capacity and socio-cultural attitudes.²⁸ This is also evident from the national data, because more than one lakh cases of cruelty by a husband or his relatives were registered in 2022, of which only about 15% resulted in conviction.²⁹ The conclusions suggest that legal effectiveness cannot be separated from broader issues of representation, equity, and governance. Where women and marginalised groups are more included in decision-making, the law tends to be better enforced, which illuminates the reciprocal relationship between gender-sensitive politics and gender-sensitive laws.³⁰

A comprehensive approach to domestic violence law reform is needed to strengthen all of the following responses.

²⁶ Kumar, *supra* note 20.

²⁷ Beaman et al., *supra* note 21.

²⁸ Parashar, *supra* note 11; Khan, *supra* note 13.

²⁹ NAT'L CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, CRIME IN INDIA 2022 (2023).

³⁰ Chattopadhyay & Duflo, *supra* note 17; Beaman et al., *supra* note 21.

A. Legal Reforms

- Develop the capacity and accountability of Protection Officers through training and suitable resources.
- Extend the courts' powers of speedy disposal in domestic violence cases to minimise procedural delay.
- Strengthen monitoring mechanisms for the equal implementation of the PWDVA across states.

B. Policy Interventions

- Undertake stigma-reduction initiatives to encourage reporting, including targeted social awareness programmes, specifically in rural communities.
- Link domestic violence services to health, education, welfare, and employment initiatives to enable a holistic approach to the needs of women.
- Provide financial and housing support for survivors, so as to reduce their economic dependence.

C. Socio-Political Measures

- Improve gender mainstreaming through a greater presence of women in Parliament, the state legislatures, and local government bodies. Once implemented, the Women's Reservation Bill 2023 is expected to be significant legislation.
- Encourage gender-sensitive political manifestos, and support women in taking political leadership.
- Strengthen community-led mobilisation, including women's self-help groups and grassroots pressure groups, through which individuals take steps to challenge patriarchal rules and to build collective pressure.

In conclusion, legal recourse against domestic violence in India is not sufficient without a structural transformation in governance and representation, and in the social roles that men and women play within society. A pluralistic approach that combines law, equity, and political will would convert domestic violence from an invisible injustice into a public concern, and would drive the country towards both gender justice and democratic equity.
