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A Brief Analysis of Judicial System Dealing with Domestic Violence in India

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ABSTRACT

Domestic violence against women in India is an issue entrenched in societal norms and economic dependency. Feminine fatalism, domestic violence, sexual harassment, and other manifestations of gender-based violence are tangible realities. Domestic violence adversely impacts the physical and psychological health of abused women, as well as that of their children. Although women's participation in public life is on the rise and legal reforms are occurring, India remains singular in its challenges. Indian women have a considerable journey ahead to attain equality as citizens in their nation. A significant number of women experience violence in our society. Intimate partners endure their suffering in silence. In certain instances, domestic violence results in the fatalities of these women. This paper is presumed to address the meaning, causes, types, and consequences of domestic violence. Furthermore, the paper elucidates strategies to mitigate this threat to women and delineates their role. It is conducted by social workers, professionals, and various voluntary organizations to deliver interventions to impacted individuals. Ultimately, recommendations were proposed to eliminate domestic violence from society.

Keywords: Domestic violence, sexual harassment, family, oppression

I. INTRODUCTION

There is a deep-seated connection between domestic violence and the history of human evolution in India. Over the course of human history, there have been many invasions and instances of embezzlement. The goal is to create a system of dictatorship over women. Throughout history, women have been seen as vulnerable and susceptible to being used. Since the beginning of time, violence has been regarded as something that occurred to women. The family, which was once a stage for love and devotion, has become a center of exploitation. Previously, the family was a center of kindness, solidarity, and warmth. Violence inside the family that might range from slaps and beatings to murders Including wife enrichment, girl child abuse, domestic elder abuse with domestic violence, and sexual abuse of wives and in-laws for dowry or other reasons, as well as death by dowry. Other forms of abuse include

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dowry-related situations. Abusive behavior in the home is not something that is exclusive to any one individual. It is possible that his victims are younger people, women, the elderly, people with disabilities, or other vulnerable populations. Patriarchy, emotional and economic dependence, and inherent biological vulnerability are some of the conventional causes for this relationship. It turns out that the phrase is the most strong, and he is a member of the vicious rings. There is a closed door, the exact door that was supposed to shield women from the horrors of the outside world. This is a sort of violence that occurs inside prisons, and it must be acknowledged as such. Domestic abuse has to come out of the closet and be dealt with control legal mechanism.

II. DOMESTIC VIOLENCE IN INDIA

A universally accepted definition of violence against women remains elusive. Activists advocate for a more expansive definition that encompasses "structural violence," including phenomena such as poverty. Access to health and education is not equitable. Some propose a more limited definition. The United Nations Declaration on the Elimination of Violence Against Women (1993) articulates that violence against women encompasses: "physical, sexual or threatening acts, coercion, or arbitrary deprivation of liberty, regardless of whether such acts occur in public or private spheres."

This definition pertains to the gendered origins of violence. "Violence against women serves as a significant social mechanism that perpetuates the relegation of women to a subordinate status, thereby reinforcing the dominance of men." Define violence to encompass both physical and psychological harm inflicted on women, which includes their roles in both private and public spheres. The declaration delineates violence against women, encompassing, but not restricted to, three domains: domestic violence and related forms of abuse. Communities, in a broader context, and the violence that is either enacted or condoned within them, present a complex situation.

Domestic violence, also referred to as spousal abuse, encompasses beatings and intimate partner violence (IPV). It is characterized as a recurring pattern of abusive behavior exhibited by one partner towards another within an intimate relationship, which may include marriage, dating, familial connections, or cohabitation. Domestic violence is characterized by physical assaults or injuries, which may include actions such as hitting, kicking, biting, pushing, grabbing, slapping, or throwing objects, as well as threats of such behavior. Sexual exploitation; psychological manipulation; authoritarian control; coercive tactics; harassment; subtle or indirect maltreatment (e.g. neglect); financial oppression.

Statistics from the National Criminal Records Bureau (NCRB) indicate that a woman is subjected to rape in India every 20 minutes. The incidence of child rape cases has risen by 336% in the last ten years. Government data indicate a significant escalation in juvenile crime, particularly in the areas of rape and kidnapping of women, rising from 48.7% in 2002 to 66.5% in 2012.

III. AREA OF PROBLEM

Completely eradicating the concept of domestic violence presents a formidable challenge, as it is deeply embedded within the fabric of contemporary culture. The patriarchal system serves not merely as the underlying cause of the offense, but also as its principal perpetrator. A notable concern is the perceived deficiency in the visibility of the crime, as there exists a prevalent notion that it is a private matter that ought not to be addressed publicly with others. In 1994, the World Bank undertook a comprehensive study on domestic violence across 35 countries, revealing that between one quarter and one half of the women in these nations had experienced physical abuse at the hands of a spouse. Furthermore, a significant proportion of women, specifically one in three, reported having experienced violence. Acts of violence directed towards women transpire daily across numerous regions of the globe. Instances of domestic violence in India have persisted for millennia, largely attributable to the prevailing patriarchal beliefs that are perceived to dominate the community. Three Domestic violence remains a significant issue in India, with a notable one thousand incidents reported from the state of Uttar Pradesh. This research delves into the essential truths surrounding domestic violence. The scope encompasses private residences within the Gautam Buddha Nagar District of Uttar Pradesh. The gravity of these offenses, which continue to occur with alarming frequency, constitutes the central concern of scholarly inquiry. The influence on the lives of women in the region and the rationale behind the inadequacy of the existing laws to address these issues. Statistics from the University of Public Policy indicate that a woman has been victimized in 54,074 instances. Domestic violence constituted 43 percent of her overall total. 1.25 million instances of domestic violence have been recorded 133 days following the initiation of the UP100 (state of emergency issued) (refer to the above).

IV. THE PURPOSE OF THIS RESEARCH

Current research endeavors encompass a range of subjects, including an exploration of the various forms of domestic abuse prevalent in India. Examination of data concerning domestic violence against women in India. Propose various recommendations and present potential legal remedies concerning domestic abuse affecting women in India.

V. RESEARCH METHOD

The primary focus of the current study is on secondary data obtained from the National Criminal Records Bureau (NCRB), the Press and Information Service, and the statistical abstraction state. The data from the census and the crime were analyzed. Instead, a methodical strategy was used for the investigation. In the process of data analysis, both qualitative and quantitative approaches were used.

VI. MANIFESTATIONS OF DOMESTIC ABUSE

For a more comprehensive grasp, the subsequent outlines represent all possible manifestations that would constitute the offense: Physical maltreatment Section 3 of the Protection of Women from Domestic Violence Act, 2005 delineates the definition of physical abuse. This definition articulates that physical abuse encompasses any action or behavior that is capable of inflicting bodily pain, harm, or posing a threat to life, limb, or health, or that may hinder the health or development of the individual affected. This definition includes the concepts of assault, criminal intimidation, and the application of criminal force. Physical abuse represents the most common form of control exerted over a woman within the domestic environment. It represents the most pervasive and ancient method of subjugating women within the familial structure.

a) Psychosocial and Emotional Exploitation

Within the framework of domestic existence, numerous elements may contribute to the occurrence of abuse against women. The Protection of Women from Domestic Violence Act of 2005 delineates emotional or psychological abuse, categorized as verbal abuse, encompassing acts such as insults, ridicule, humiliation, and name-calling. This definition is particularly pertinent when addressing the context of a child's absence, especially that of a male child, as well as the recurrence of insults aimed at inflicting physical pain upon individuals with whom the aggrieved person has a vested interest. A prevalent form of violence that women often endure is psychological abuse. The Population Fund (UNFPA) and the International Center for Women's Studies-Inquiries, both located in Washington, are significant entities within the United Nations framework, contributing to the World Report. In Uttar Pradesh, the population comprises 9,205 males within the age bracket of 18 to 49 years. The states in question include Madhya Pradesh, Rajasthan, Punjab, Haryana, and Orissa. In a comparative analysis, it is evident that seasoned males in Maharashtra face a likelihood of discrimination and violence against their partners that is fourfold greater than that of their younger counterparts. The onset of the violence was reported to have originated in the states

of Uttar Pradesh and Orissa. In some regions, there have been reports of more than seventy percent of her in males. Refute the assertion that you are abusive to your spouse or wife.

b) Coercive Sexual Conduct

Regulations governing the international community in relation to acts of violence. Recognizes the reality that sexual assault against women is among these issues. Violence manifests in various forms across both public and private sectors. In the year 2005, legislation was enacted for protecting women from the Peril of Domestic Violence. This assertion posits that sexual abuse includes all forms of sexual conduct, alongside the attributes of being wronged, degraded, or otherwise affronted in various manners. This particular dynamic of abusive relationships between men and women demonstrates a significant level of effectiveness. In numerous instances, they exist within a marital partnership. Among the numerous obligations that a woman bears, the satisfaction of sexual duties is considered one of them, as articulated by her partner. Her spouse is expected to consistently attend to her responsibilities without neglect. It is entirely justifiable and rational for her to be unable to meet her sexual obligations or to harbor a certain level of doubt regarding her financial situation. Currently employed by individuals raising accusations of sexual assault and engaging in discourse regarding masculinity. This particular method of fabrication is increasingly observed in the subsequent domains: households comprising men of considerable education and wealth. The findings of a survey revealed that 79% of males employed sexual violence as a method of exerting control over their wives. Moreover, 57% of these individuals had been wed for a duration exceeding six years of formal education.

c) Financial and economic inequality

It represents a profound denial of fundamental necessities, and those who endorse such a system within society are indispensable. It constitutes a form of injustice. A scenario wherein one intimate partner possesses a greater degree of access to economic resources compared to the other partner. Among the various manifestations of financial exploitation are: Precludes the possibility for the partner to acquire financial resources. The availability of resources for victims, or those that can be acquired through economic means, is influenced by varying levels of educational achievement. An Internationally Published Journal of Applied Research They exist on distinct intellectual planes, yet each evokes a sense of isolation. They struggle to establish connections and identify shared perspectives. Frequently, the terms "adjustment" and "compromise" are employed in discussions regarding Indian marriages. There is no reference to companionship or solidarity, as articulated by John Stuart Mill in his analysis of

the circumstances. In this context, a woman appears to exhibit cognitive limitations, emotional instability, and a lack of reliability, among other characteristics. Women who are educated and financially independent often face a sense of isolation, as men maintain control over access within patriarchal structures. This results in the isolation of women within the domestic sphere, thereby constraining their roles in childbearing, nurturing a well-rounded son, and fulfilling other familial responsibilities. Encompasses the entirety of economic endeavors alongside all valuable resources and intellectual capital that enhance profitability. In addition to this The patriarchal authority, both local and foreign, is primarily responsible for the design and monitoring of the works of Indian women. Without addressing this issue, the Domestic Violence Act of 2005 was passed. The following are examples of forms of abuse that are congruent with other forms of abuse: financially, emotionally, and psychologically deficient there. In other words acceptance of Harmful Conduct The prevalence of domestic violence can often be traced back to cultural foundations, leading many women to endure the abuse they face, as they are influenced by gender roles established within their cultural context. Investigations into the Phenomenon of Domestic Violence A declaration that embodies this sentiment can be located in India: 29% of women who claimed having encountered violence had never been victims of it. Ten percent of victims of domestic abuse have never obtained medical treatment. She let the health personnel know that she was being mistreated. The woman indicated that she had engaged in a dialogue regarding the matter of domestic abuse with an individual from the healthcare sector. Examination of data related to domestic violence experienced by two women in India.

Any form of mistreatment encountered among biological relatives is regarded as domestic violence within the context of India. Women often find themselves vulnerable to assault from male relatives and family members. The national total lifetime prevalence of violence stands at 33.5%, with sexual violence accounting for 8.5%, as reported by the 2005 Health Survey conducted across families nationwide. Reports of assault were made by women within the age range of 15 to 49. According to a research published in *The Lancet* in 2014, the reported incidence of sexual violence in India is among the lowest among the most populated countries in the world. There are around 27.5 million women in India who have been victims of violence at some point in their life. Since 2005, there has been a notable decline in the number of cases documented under the Domestic Violence Act over the past three years. The article is scheduled for publication by the Press and Information Bureau on March 13, 2015. "The recorded instances were 531 in 2014, 4204 in 2013, and 16,351 in 2012, as per preliminary data from the National Crime Records Bureau (NCRB), which was available until

2014."According to the findings of Fact Checker, the situation seems to be: However, the little research that is currently available suggests that domestic violence may escalate quickly. In 2013, domestic violence was low, and seventeen of the thirty-four states and federal territories had not yet discussed measures. Many big states, like Maharashtra, Gujarat, and Bihar, were included among them. Based on the information presented, it appeared that there was a rising trend in domestic violence. The region that revealed the data was the erstwhile state of Andhra Pradesh, which recorded the highest incidence of filed domestic violence cases in 2013, totaling 3,758. This represents a 75% rise from 2012, when there were 2,150 instances. The state of Kerala comes in second with 142 instances, which is a 21% rise from 2013 and 2012 (117). The article "Domestic Violence in India," written by Claire Snell-Rood, was published in five magazines in 2015. Snell-Rood (2015) indicates that the proportion of women who do not acknowledge being victims of family violence could vary between 75 and 86 percent. This data was obtained from the Department of Behavioral Sciences at the University of Kentucky. On the 3rd of March, 2015, the National Institute of Public Safety (IPS) reported in an article that a recent state household survey revealed that forty percent of women experience abuse within their homes. The central and posterior regions Independent data, sanctioned by the Planning Commission of India, indicates that this percentage is approaching 84%. A comprehensive household study carried out in India by the United Nations Office on Drugs and Crime (UNODC) revealed that ten percent of Indian women reported experiencing sexual abuse by their husbands at some stage in their romantic relationships. In June, an article was published by Reuters. In 2012, the Health and Program Development Advisor for Save the Children UK stated, "International NGO working in 120 countries to save Kinderleben." This highlights the global reach of the organization, even in a nation as localized as India. The Law for the Protection of Women from Domestic Violence, enacted in 2005, represents a significant legislative framework aimed at safeguarding women against domestic violence through various legal measures instituted by the Government of India.. The law serves to safeguard individuals against the perils of domestic violence. Within the confines of their residences, women are confronted by four enclosing walls. This legislation represents a significant triumph. The necessity for new legislation cannot be overstated. Abuse perpetrated by a husband, partner, or woman ought to be recognized as an offense. Women possess the inherent right to obtain stable housing, while other male residents may perceive their treatment as unjust. The crux of the issue resides within sections 18-23. This legislation encompasses a variety of laws established by its provisions. In what ways can women who have experienced abuse attain a sense of relief? She has the capacity to

obtain various legal instruments, including court orders, protection orders, residency permits, waivers, custody orders, orders pertaining to children, indemnification orders, and interim or unilateral orders, as applicable.

VII. NON-GOVERNMENTAL ORGANIZATIONS IN INDIA DEDICATED TO ADVANCING WOMEN'S RIGHTS AND EMPOWERMENT

Various entities such as domestic violence support services, family courts, law enforcement agencies, Family Counseling Centers, mediation centers, non-governmental organizations, and the Crime Against Women (CAW) cell serve as crucial resources for individuals affected by domestic abuse. The commission comprises the Women's Commission, People's Committee, Council for Social Justice, and Religious Institutions as its members. Despite these constraints, adherence to the law remains elusive, and following an extended legal battle, the Indian judiciary persists in rendering women increasingly disadvantaged and vulnerable.

Modifications that are essential for fostering awareness and promoting sensitivity in India Acknowledging the entitlements of women and advancing the principle of gender parity The cultivation of knowledge for both boys and girls ought to commence at an early stage in life. At what age should a shift in consciousness be deemed necessary for the benefit of future generations? It is essential to conduct legal literacy camps with regular frequency. An organized structure that operates methodically within the community. The enumeration of currently operational governmental bodies and non-governmental organizations ought to be discourse surrounding the consciousness of women.

Individuals engaged in the healthcare sector, encompassing doctors and nursing staff. The emergency medical team must possess a comprehensive understanding of the appropriate methods for addressing the needs of women who have experienced abuse. Programming that fosters awareness serves as a catalyst for policy development. Recommendation or counsel Premarital counseling should be considered a necessity. Subsequently, it is advisable to arrange a consultation following the conclusion of the marriage. Safeguard the integrity of the familial structure. Promotion of women's participation in self-employment endeavors Currently, it is quite commonplace for women to enter the realm of professional endeavors. In truth, we have opted to pursue alternative enterprises. The rationale behind the belief that self-employment represents the most advantageous choice. It not only aids women in transforming their self-perceptions, but it also facilitates their pursuit of equitable social standing. A dedicated court comprising a single judge is essential for addressing the needs of domestic

abuse victims. This judge ought to be accountable to superior courts or the high court on a monthly basis, providing justifications for any denial of relief to the victim. The fact that courts in India frequently disregard the testimonies of domestic abuse victims, even in the presence of prima facie evidence, is a troubling reality. Instances involving domestic violence do not receive the priority they warrant in the considerations of appeal courts. The appellate court does not impose disciplinary measures for non-compliance with legislation, including the Domestic Violence Act of 2005, which is not enforced with sufficient rigor.

Judicial authorities in the county addressing domestic violence the act. It is imperative that only female judges possessing a comprehensive grasp of legal interpretation are entrusted with the oversight of cases pertaining to violent crimes. Moreover, it appears that a significant number of judges fail to adhere to the rulings issued by the Supreme Court, which raises concerns regarding judicial integrity, and they seem to struggle with comprehending the legislation. To realize the objective of promoting effective governance within the Indian judiciary, appellate courts ought to adopt a similar approach.

Justice for victims can indeed be pursued in domestic courts through a range of strategic approaches. To ensure the effective enforcement of laws, it is imperative to synchronize the efforts of law enforcement agencies. It is imperative for India to implement rigorous regulations to mitigate vices such as alcoholism, drug addiction, sociopathy, and other analogous behaviors.

The duty of the Indian government to ensure that sufficient enforcement measures are implemented. The current legal framework pertaining to the rights of women. The establishment of the Women's Commission Office is imperative at both the district and subordinate levels. It is imperative that women be appointed to the commission. To ensure a respectful and courteous interaction with women, it is imperative that police officers undergo comprehensive training. The role of the media to enhance awareness among both authorities and the general populace, it is imperative to leverage the media effectively. The discourse surrounding domestic violence will be approached through the lens of fostering a constructive perspective on women as a whole, with a specific emphasis on female victims.

VIII. CONCLUDING REMARKS

It is incumbent upon women to question rather than acquiesce. She has been profoundly impressed by the remarkable structures that have emerged in their surroundings. She is not allowed. She ought to demonstrate reverence towards a woman who is prepared to engage in the struggle for it. Achieving female empowerment is a complex process that cannot be

simplified into a notion of "quick resolution." The judicial framework and mechanisms of accountability ought to be progressively refined to more effectively address the prevailing issues. It is essential for India to implement its laws with rigor and precision. It is essential that we establish robust and thorough public policy. All aspects of development strategy and long-term commitment factors are encompassed. Regarding the economy, the empowerment of women is not only just but also prudent. In essence, the focus is on empowering women to a greater extent.

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