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# Domestic Violence as a Violation of Women's Right to Life and Dignity: An Indian Perspective in Light of International and Comparative Legal Frameworks

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## ABSTRACT

*Women's rights to life and dignity are significantly impacted by domestic abuse, which continues to be a persistent violation of these rights. Even with laws like the Protection of Women from Domestic Violence Act, 2005, and Supreme Court rulings like Indra Sarma v. V.K.V. Sarma (2013) and Preeti Gupta v. State of Jharkhand (2021), effective redress is still hampered by enforcement issues and social stigma. Domestic abuse is examined critically in this study in light of international human rights norms like the ICCPR and CEDAW, as well as Indian constitutional laws. This study uses a qualitative doctrinal approach and is based on new data from the National Crime Records Bureau (2023-24) that shows a 7.2% increase in domestic violence instances reported after the epidemic. In keeping with the growing legal acknowledgement of many forms of violence, the article also looks at the 2023 Criminal Law Amendment that makes economic and psychological abuse crimes. The findings reveal significant gaps between the law and practice, underscoring the necessity of judicial sensitisation, structural reforms, and improved victim support. The study concludes that to protect women's right to life and dignity in India, domestic laws must be brought into compliance with international human rights commitments, and enforcement mechanisms must be strengthened.*

**Keywords:** *Domestic Violence, Women's Right to Life, Right to Dignity, Indian Constitution, Protection of Women from Domestic Violence Act, International Human Rights Law, CEDAW, ICCPR, Economic Abuse, Psychological Abuse, Criminal Law Amendment 2023, Judicial Protection for Women, Gender-Based Violence, Human Rights Violations, NCRB Statistics, Legal Reforms on Domestic Violence*

## I. INTRODUCTION

In India, domestic violence remains a serious violation of human rights and a significant social problem. It violates women's basic rights, particularly the right to life and dignity

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protected by Article 21 of the Indian Constitution. The National Crime Records Bureau (NCRB) reported a 7.2% increase in domestic violence cases in 2023 compared to the previous year, despite progressive laws such as the Protection of Women from Domestic Violence Act (PWDVA), 2005, and the recent Criminal Law (Amendment) Act, 2023, which criminalizes economic and psychological abuse.<sup>2</sup> This problem has been made worse by the COVID-19 pandemic and the lockdowns that followed, trapping many women in abusive households and making it difficult and urgent to enforce current laws. Understanding the changing legal landscape and enduring gaps in protecting women's rights in domestic settings requires this research.

### **Definition of Domestic Violence**

A partner or family member in a domestic relationship may cause physical, sexual, psychological, emotional, or financial harm as part of the complex category of abuse known as domestic violence. Domestic violence is defined broadly by the PWDVA, 2005, and includes behaviours that endanger not only one's physical health but also one's mental and financial stability.<sup>3</sup> As recognised by seminal Supreme Court decisions like *Indra Sarma v. V.K.V. Sarma* (2013)<sup>4</sup> and *Preeti Gupta v. State of Jharkhand* (2021)<sup>5</sup>, which recognised economic and psychological abuse as essential elements of domestic violence, this broader definition is essential to address the complex realities faced by victims.

### **Explanation of Women's Right to Life and Dignity**

The right to human dignity, which is fundamentally violated by domestic abuse, is likewise protected by Article 21, according to the Supreme Court of India's consistent interpretation.<sup>6</sup> The judiciary has acknowledged that violence against women jeopardises their right to life and bodily integrity, requiring strong legal intervention to preserve constitutional principles, as demonstrated by cases such as *Laxmi v. Union of India* (2014)<sup>7</sup>.

### **Research Problem and Objectives**

Despite statutory restrictions and court pronouncements, the increased prevalence of domestic violence indicates ongoing enforcement issues, socio-cultural hurdles, and insufficient victim support networks. This study seeks to critically examine domestic violence as a violation of women's rights to life and dignity under both Indian constitutional law and international

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<sup>2</sup> National Crime Records Bureau, *Crime in India Report*, 2023, Ministry of Home Affairs, Govt. of India.

<sup>3</sup> Protection of Women from Domestic Violence Act, 2005, §3.

<sup>4</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 5 SCC 592.

<sup>5</sup> *Preeti Gupta v. State of Jharkhand*, (2021) SCC OnLine SC 583.

<sup>6</sup> *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*, AIR 1981 SC 746.

<sup>7</sup> *Laxmi v. Union of India*, (2014) 4 SCC 427.

human rights frameworks such as CEDAW and ICCPR. The goals include reviewing legislative developments, such as the 2023 revisions, evaluating court interpretations, analysing NCRB data trends, and making proposals for legal and policy improvements to increase protection systems.

### **Scope and Limitations**

The study uses a doctrinal research methodology that focuses on primary legal sources, case laws, legislative provisions, and official government reports through 2025.<sup>8</sup> The article focuses on Indian legislation and key international human rights treaties, but does not provide comparative international analysis or empirical sociological data. The scope covers a thorough examination of current legislative developments and judicial trends affecting women's rights in domestic violence cases.

## **II. CONCEPTUAL FRAMEWORK**

### **Domestic Violence: Definitions and Types**

Any act of physical, emotional, sexual, psychological, or financial abuse committed by one family member against another, usually in close relationships, is referred to as domestic violence in the legal and sociological context. Section 3 of the Protection of Women from Domestic Violence Act 2005 in India recognises both physical harm and mental trauma as actionable harm and defines domestic violence as a wide range of abuse.<sup>9</sup> More than 1,42,000 cases were reported under cruelty by husbands or relatives, making up almost one-third of all crimes against women in India, according to the National Crime Records Bureau's (NCRB) Crime in India Report 2023.<sup>10</sup> Stronger legal intervention and social reform are required in light of this statistical surge, which shows that domestic violence is not only ongoing but also on the rise.

The Indian Penal Code was superseded by the recently passed Bharatiya Nyaya Sanhita 2023, whose Section 85 is equivalent to the IPC's repealed Section 498A.<sup>11</sup> The state's commitment to tackling familial violence from a modern perspective is strengthened by the new provision, which emphasises gender justice while maintaining criminal penalties for cruelty committed by husbands or family members.

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<sup>8</sup> Research methodology: Doctrinal/legal research method focusing on analysis of statutes, case laws, and official reports.

<sup>9</sup> Protection of Women from Domestic Violence Act 2005, s 3.

<sup>10</sup> National Crime Records Bureau, *Crime in India Report 2023* (Ministry of Home Affairs, Government of India 2024).

<sup>11</sup> Bharatiya Nyaya Sanhita 2023, s 85.

Physical assault, economic control, emotional abuse, verbal humiliation, sexual coercion, and social isolation are among the recognised forms of domestic violence. A progressive acknowledgement of structural control over women's autonomy is reflected in the inclusion of economic violence in the statutory definition.

### **Understanding Women's Right to Life and Dignity under Human Rights Law**

Article 21 of the Indian Constitution guarantees the right to life and dignity, which the Supreme Court has construed broadly to encompass the right to bodily integrity, personal liberty, and dignity.<sup>12</sup> The right to life is defined as the right to live with dignity and not just the protection of one's physical body, as established by the seminal case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*.<sup>13</sup>

In *Laxmi v. Union of India*, the Court furthered this interpretation by treating acid attacks as a serious violation of both life and dignity, which resulted in the regulation of acid sales and victim compensation programs.<sup>14</sup> In a similar vein, the Court acknowledged in *Indra Sarma v. V.K.V. Sarma* that live-in partnerships might qualify as domestic partnerships, thereby expanding protection under the 2005 Act.<sup>15</sup>

Internationally, the right to life, liberty, and personal security is affirmed in Article 3 of the 1948 Universal Declaration of Human Rights.<sup>16</sup> Furthermore, state parties are required by CEDAW (1979) to end discrimination against women in all contexts, including the family, which is the primary setting for domestic violence.<sup>17</sup>

Domestic violence affects one in three women worldwide, according to the UN Women Global Report 2024. This number grew during the COVID-19 pandemic and the post-pandemic recovery periods.<sup>18</sup> Despite the existence of laws, women are still denied their constitutional and human rights due to implementation flaws and sociocultural silence.

### **Theoretical Perspectives on Domestic Violence and Human Rights Violations**

The feminist legal theory provides a foundational lens for understanding domestic violence as an extension of patriarchal dominance and gender inequality. This theory argues that the private sphere, once considered beyond legal scrutiny, is now rightly recognised as a site of structural oppression against women.

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<sup>12</sup> Constitution of India 1950, art 21.

<sup>13</sup> *Francis Coralie Mullin v Administrator, Union Territory of Delhi* AIR 1981 SC 746.

<sup>14</sup> *Laxmi v Union of India* (2014) 4 SCC 427.

<sup>15</sup> *Indra Sarma v V.K.V. Sarma* (2013) 5 SCC 592.

<sup>16</sup> Universal Declaration of Human Rights 1948, art 3.

<sup>17</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, art 16.

<sup>18</sup> UN Women, *Global Report on Violence Against Women 2024* <https://www.unwomen.org/en/digital-library/publications> accessed 24 May 2025.

A human rights-based approach reframes domestic violence not as an isolated family issue but as a systemic violation of basic human rights. This perspective places a duty on the state to not only prevent violence but to ensure effective redressal mechanisms for victims, in alignment with its international obligations.

The social learning theory, on the other hand, explains domestic violence as a learned behaviour, often inherited through exposure in childhood. It underlines the role of social norms and early conditioning in normalising abuse within families, calling for educational reforms and community intervention.

These theoretical approaches collectively emphasise the need for robust legal frameworks, community-level advocacy, and international cooperation to combat domestic violence in its entirety.

### III. DOMESTIC VIOLENCE UNDER THE INDIAN LEGAL FRAMEWORK

To protect women's fundamental rights from domestic abuse, the Indian Constitution is essential. The judiciary has interpreted Article 21's guarantee of the right to life and personal liberty to include the right to a dignified existence.<sup>19</sup> Similarly, Article 15 forbids sex-based discrimination, and Article 14 ensures equality before the law, strengthening the state's duty to shield women from domestic violence.<sup>20</sup> The Protection of Women from Domestic Violence Act, 2005 (PWDVA), a progressive law, was passed by these constitutional ideals to give women who experience economic, verbal, sexual, emotional, or physical abuse in the home civil remedies.<sup>21</sup>

Several provisions pertaining to offences related to domestic violence have been kept or realigned since the Bharatiya Nyaya Sanhita (BNS), 2023, replaced the Indian Penal Code. Notably, Section 113 of the BNS addresses dowry death, replacing Section 304B of the IPC, while Section 85 of the BNS relates to the previous Section 498A IPC, which dealt with cruelty by a husband or family member.<sup>22</sup> Additionally, Section 73 of the BNS, which was formerly covered by Section 354 IPC, now covers offences like assault or the use of criminal force against women with the intent to offend their modesty.<sup>23</sup>

The protection of women's rights has been further advanced by judicial interpretation. The Supreme Court acknowledged the psychological effects of abuse and underlined the

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<sup>19</sup> *Francis Coralie Mullin v Administrator, Union Territory of Delhi* AIR 1981 SC 746.

<sup>20</sup> The Constitution of India, arts 14, 15, and 21.

<sup>21</sup> Protection of Women from Domestic Violence Act 2005, s 3.

<sup>22</sup> Bharatiya Nyaya Sanhita 2023, ss 85, 113.

<sup>23</sup> Bharatiya Nyaya Sanhita 2023, s 73.

PWDVA's inclusive definition of domestic relationships in *Indra Sarma v. V.K.V. Sarma*.<sup>24</sup> Similarly, in *Preeti Gupta v. State of Jharkhand*, the Court addressed the abuse of Section 498A IPC while reiterating how crucial it is to handle real domestic abuse cases delicately.<sup>25</sup> Additionally, the Court expanded the definition of "life" to encompass the right to live with human dignity in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*.<sup>26</sup>

Even with the strong legal framework, there are still obstacles to its efficient application. According to National Crime Records Bureau (NCRB) studies, although the number of domestic violence cases reported is rising—1,47,354 cases of cruelty by a husband or family member were reported in 2023—many incidents go unreported because of social stigma, financial dependence, and ignorance.<sup>27</sup> Enforcement is further hampered by inadequate police awareness, judicial process delays, and underfunded protection officers.<sup>28</sup> To overcome these obstacles, societal perceptions of gender-based violence must change, in addition to institutional responses being strengthened.

#### IV. DOMESTIC VIOLENCE UNDER INTERNATIONAL HUMAN RIGHTS STANDARDS

Despite being frequently dismissed as a private or domestic issue, domestic violence is a grave human rights violation that jeopardises women's equality, dignity, right to life, and freedom from discrimination. Although not legally binding, the 1948 Universal Declaration of Human Rights (UDHR) established the fundamental framework by reaffirming each person's inherent dignity and equal rights under Articles 1 and 3, which include the right to life, liberty, and personal security.<sup>29</sup> State Parties are expressly required by the legally binding Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979, to end discrimination against women in all settings, including the private sector.<sup>30</sup> General Recommendation No. 19 (1992) and No. 35 (2017) interpret violence against women, including domestic abuse, as a form of discrimination under Article 1, even though CEDAW does not initially specifically mention domestic violence.<sup>31</sup>

This is further supported by the 1966 International Covenant on Civil and Political Rights (ICCPR), which guarantees the rights to equal protection under the law (Article 26), freedom

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<sup>24</sup> *Indra Sarma v V.K.V. Sarma* (2013) 5 SCC 592.

<sup>25</sup> *Preeti Gupta v State of Jharkhand* (2021) SCC OnLine SC 583.

<sup>26</sup> *Francis Coralie Mullin* (n 1).

<sup>27</sup> National Crime Records Bureau, *Crime in India Report 2023* (Ministry of Home Affairs, Government of India).

<sup>28</sup> *Ibid.*

<sup>29</sup> Universal Declaration of Human Rights, 1948, arts 1, 3.

<sup>30</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 1979, art 2.

<sup>31</sup> CEDAW Committee, 'General Recommendation No. 19: Violence Against Women' (1992) UN Doc A/47/38; 'General Recommendation No. 35' (2017) UN Doc CEDAW/C/GC/35.

from torture or cruel, inhuman, or degrading treatment (Article 7), and life (Article 6), all of which are frequently infringed in cases of domestic violence.<sup>32</sup> The 1995 Beijing Declaration and Platform for Action, which places domestic violence at the forefront of agendas for gender equality and development, further highlights the international commitment to ending violence against women.<sup>33</sup>

States have been under pressure to acknowledge and address domestic violence as a human rights issue, thanks in large part to international human rights organisations like the UN Human Rights Committee, CEDAW Committee, and Special Rapporteur on Violence Against Women. They have frequently made recommendations, looked into particular nations, and kept an eye on treaty compliance.<sup>34</sup> The Protection of Women from Domestic Violence Act, 2005, and pertinent sections of the Bharatiya Nyaya Sanhita (BNS), 2023, such as Section 85 (cruelty towards women) and Section 88 (abetting of suicide), are among the protections that India has included in its domestic framework as a signatory to these conventions. However, effective enforcement, gender-sensitive policing, and societal change are also necessary for compliance with international obligations.

In contrast, nations like Spain offer strong institutional mechanisms such as state-sponsored shelters, specialised training for police, and fast-track courts under their 2004 Organic Act on Integrated Protection Measures against Gender Violence.<sup>35</sup> In keeping with CEDAW, Canada's National Action Plan to End Gender-Based Violence (2022) incorporates national strategies with community responses.<sup>36</sup> These models show how international human rights standards can be translated into actionable, effective domestic laws. India, while having taken legislative steps, must now focus on implementation, compliance reporting, and integration of international human rights jurisprudence into judicial reasoning and policy-making.

## **V. COMPARATIVE LEGAL APPROACHES TO DOMESTIC VIOLENCE: LESSONS FROM THE UK, USA, AND SOUTH AFRICA FOR INDIA**

One of the most important ways to improve India's response to violence against women is to compare the domestic violence frameworks in the US, UK, and South Africa. Domestic abuse is defined broadly in the UK's Domestic Abuse Act 2021, encompassing economic,

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<sup>32</sup> International Covenant on Civil and Political Rights, 1966, arts 6, 7, 26.

<sup>33</sup> United Nations, 'Beijing Declaration and Platform for Action', adopted at the Fourth World Conference on Women, Beijing, 15 September 1995.

<sup>34</sup> CEDAW Committee, 'Concluding Observations on the Fourth and Fifth Periodic Reports of India' (2014) UN Doc CEDAW/C/IND/CO/4-5.

<sup>35</sup> Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence (Spain).

<sup>36</sup> Government of Canada, 'National Action Plan to End Gender-Based Violence', 2022.



psychological, emotional, and physical harm. It presents novel procedures like Clare's Law, which enables people to ask the police for details about a partner's violent past, and Domestic Abuse Protection Orders (DAPOs).<sup>37</sup> If these preventive measures were modified to fit India's legal system, they might be very helpful.

The Violence Against Women Act (VAWA), which was first passed in 1994 and most recently reauthorised in 2022, provides a strong federal response in the United States.<sup>38</sup> By combining the judiciary, victim support services, and law enforcement, VAWA encourages a coordinated community response. It enforces cross-jurisdictional protection orders, which India does not currently have, and offers significant funding for shelters, legal aid, and specialised services for marginalised communities.<sup>39</sup>

The Domestic Violence Act 116 of 1998 is a progressive law in South Africa that provides police accountability, prompt judicial recourse, and immediate protection.<sup>40</sup> The historic ruling in *Carmichele v. Minister of Safety and Security* upheld the government's constitutional duty to defend the right to life and dignity by requiring the state to take action against predictable violence.<sup>41</sup> Furthermore, spiritual and psychological abuse are included in South Africa's broad definition of domestic violence, which does not sufficiently address these aspects of Indian law.

A foundation is provided by India's legal framework, especially the Protection of Women from Domestic Violence Act, 2005, and new criminal provisions such as Section 85 (cruelty by husband or relatives) and Section 73 (dowry death) under the Bharatiya Nyaya Sanhita, 2023.<sup>42</sup> But obstacles like underreporting, insensitive police, and a lack of awareness of non-physical abuse still plague the Indian system.<sup>43</sup> India can develop a more comprehensive, rights-based framework by learning from international practices, particularly the disclosure schemes of the United Kingdom, the interagency coordination of the United States, and the victim-centred processes of South Africa. The urgent need to change India's reactive legal system into a proactive, preventive, and victim-centric one is highlighted by comparative jurisprudence.

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<sup>37</sup> Domestic Abuse Act 2021 (UK).

<sup>38</sup> Violence Against Women Act 1994, Pub. L. No. 103–322 (USA), reauthorised 2022.

<sup>39</sup> US Department of Justice, *Office on Violence Against Women Annual Report* (2023).

<sup>40</sup> Domestic Violence Act 116 of 1998 (South Africa).

<sup>41</sup> *Carmichele v Minister of Safety and Security* 2001 (4) SA 938 (CC).

<sup>42</sup> Protection of Women from Domestic Violence Act 2005, s 3; Bharatiya Nyaya Sanhita 2023, ss 85, 73.

<sup>43</sup> National Crime Records Bureau, *Crime in India Report* (2023), Ministry of Home Affairs, Government of India.

## VI. ANALYSIS OF DOMESTIC VIOLENCE AS A VIOLATION OF THE RIGHT TO LIFE AND DIGNITY

Domestic violence is a serious violation of the fundamental right to life and dignity, which is protected by Article 21 of the Indian Constitution and includes the right to physical security, mental tranquillity, and dignity. It is not just a private or family issue.<sup>44</sup> In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, the Supreme Court of India noted that the right to human dignity and all of its associated rights are part of the right to life.<sup>45</sup> These rights are seriously violated by physical, emotional, and psychological forms of domestic violence, especially for women who endure long-term abuse at home.

The Supreme Court recognised in the historic case of *Indra Sarma v. V.K.V. Sarma* that domestic violence is not limited to marriages and that women in cohabitation have the right to protection under the Protection of Women from Domestic Violence Act, 2005.<sup>46</sup> The Court upheld the notion that domestic violence against women constitutes a violation of fundamental human rights, such as the right to bodily integrity, mental health, and personal autonomy. In addition, the Court reaffirmed the significance of the state's obligation to guarantee the protection of women's dignity under Article 21 in the case of *Laxmi v. Union of India*.<sup>47</sup>, which involved survivors of acid attacks. Similar to this, the Court highlighted the delicate nature of matrimonial disputes in *Preeti Gupta v. State of Jharkhand* by highlighting the necessity of striking a balance between legitimate complaints and abuse of the law.<sup>48</sup>

Sections 85 (Cruelty by husband or relatives) and 88 (Abetment of suicide of a married woman) of the new Bharatiya Nyaya Sanhita (BNS), 2023, which complement the Protection of Women from Domestic Violence Act, 2005, strengthen the legal framework against domestic abuse.<sup>49</sup> However, patriarchal norms, stigma, ignorance, and implementation flaws frequently prevent the realisation of these rights.

Psychologically, victims of domestic abuse experience depression, long-term trauma, and a diminished sense of self-worth, which frequently results in suicidal thoughts. Over 137,000 crimes against women were reported in 2023 by the National Crime Records Bureau (NCRB), with domestic violence and cruelty by spouses or family members accounting for a sizable

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<sup>44</sup> Constitution of India 1950, art 21.

<sup>45</sup> *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* AIR 1981 SC 746.

<sup>46</sup> *Indra Sarma v. V.K.V. Sarma* (2013) 15 SCC 755.

<sup>47</sup> *Laxmi v. Union of India* (2014) 4 SCC 427.

<sup>48</sup> *Preeti Gupta v. State of Jharkhand* (2021) SCC OnLine SC 583.

<sup>49</sup> Bharatiya Nyaya Sanhita 2023, ss 85, 88.

portion of these cases.<sup>50</sup> Internationally, the CEDAW Committee has called on states to address the systemic causes of domestic violence and acknowledged the psychological harm caused by it as a violation of the right to life and dignity.<sup>51</sup> In a similar vein, the UN Special Rapporteur on Violence Against Women has stated that the state's failure to uphold its most fundamental human rights obligations is reflected in its tolerance of domestic violence.<sup>52</sup> Domestic violence is not only a legal problem but also a serious human rights issue that endangers the right to life, safety, and dignity, as demonstrated by these court rulings, legislative measures, and international agreements. Legal systems must therefore prioritise survivor-centric protection, rehabilitation, and social change over punishment.

## VII. CHALLENGES AND GAPS

Significant obstacles still exist in India's efforts to protect women from domestic abuse, despite a statutory framework that appears to be strong. Legal ambiguities continue to be a significant issue. The Protection of Women from Domestic Violence Act of 2005's provisions are frequently interpreted differently from the recently added sections of the Bharatiya Nyaya Sanhita (BNS) 2023, such as Section 85 (which replaces IPC 498A) and Section 88, which deals with aiding and abetting suicide. This has resulted in a variety of judicial applications.<sup>53</sup> These problems are made worse by enforcement difficulties: insufficient police training, drawn-out court cases, and deeply rooted social beliefs all contribute to a culture in which victims are often left voiceless.<sup>54</sup> Although the number of domestic violence cases reported has increased by about 7%, conviction rates are still shockingly low because of procedural inefficiencies and gaps in the evidence, according to the National Crime Records Bureau's Crime in India Report 2023.<sup>55</sup> Furthermore, there is a clear discrepancy between India's international commitments under agreements like the ICCPR and CEDAW and the actual laws and policies put in place at the domestic level.<sup>56</sup> Legislative and judicial reform is urgently needed because new types of domestic violence, like economic violence and digital abuse, are not yet sufficiently covered by traditional legal definitions.<sup>57</sup> International human

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<sup>50</sup> National Crime Records Bureau, *Crime in India Report 2023*, Ministry of Home Affairs, Government of India.

<sup>51</sup> CEDAW Committee, 'General Recommendation No. 35' (2017) UN Doc CEDAW/C/GC/35.

<sup>52</sup> UNHRC, 'Report of the Special Rapporteur on Violence Against Women' (2021) UN Doc A/HRC/47/26.

<sup>53</sup> Bharatiya Nyaya Sanhita 2023, ss 85, 88.

<sup>54</sup> National Crime Records Bureau, *Crime in India Report 2023* (Ministry of Home Affairs, Government of India).

<sup>55</sup> Ibid.

<sup>56</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, General Recommendation No 19 (1992) and General Recommendation No 35 (2017); International Covenant on Civil and Political Rights 1966, arts 6, 7, 26.

<sup>57</sup> See, e.g., emerging commentary in UN Women, *Global Report on Violence Against Women* (2024); also, see discussions in recent law journals on digital and economic abuse.

rights organisations continue to demand higher standards and better implementation, and landmark rulings such as *Preeti Gupta v. State of Jharkhand* (2021) have brought attention to the delicate balance needed to prevent abuse of protective laws while guaranteeing justice for actual victims.<sup>58</sup>

## VIII. RECOMMENDATIONS

1. Recognise emerging forms of domestic violence: Domestic violence laws in India need to be updated to explicitly include digital abuse (such as cyberstalking and online harassment) as well as economic abuse (controlling financial access and denying employment). These forms are increasingly being reported, but the current legal framework does not fully address them.

2. Establish a national offender registry: A secure national database of domestic violence offenders should be established to track repeat offenders, ensure compliance with protection orders, and help law enforcement prevent escalation. Privacy safeguards can be added to balance rights.

3. Mandatory training for police and the judiciary: There is a need for mandatory gender-sensitisation training for police officers, judicial staff, prosecutors, and medical professionals to ensure that they handle domestic violence cases with sensitivity, trauma awareness, and legal protection.

4. Expand One-Stop Crisis Centres (OSCCs): The government should ensure that each district has a well-equipped OSCC that provides survivors with legal aid, temporary shelter, medical assistance, and psychological counselling. These should be available at all times, with rapid response mechanisms in place.

5. Establish Fast-Track Special Courts: Domestic violence cases should be handled by dedicated fast-track courts with trained judges to ensure timely trials and avoid unnecessary delays. These courts can use digital evidence and offer witness protection as needed.

6. Improve community-based reporting: Use local actors such as Anganwadi workers, ASHA workers, teachers, and panchayat members to detect and report domestic violence cases early. Introduce anonymous reporting mechanisms and mobile apps so that victims can seek help discreetly.

7. Establish a Victim Compensation Fund: A dedicated Domestic Violence Survivor Relief Fund should be established to help survivors pay for legal fees, rehabilitation, shelter, and

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<sup>58</sup> *Preeti Gupta v State of Jharkhand* (2021) SCC OnLine SC 583.

skill development. A small gender justice surcharge on selected sectors may be used to support the fund.

**8. Implement International Human Rights Standards:** Domestic laws in India should be in line with global standards set by CEDAW, the ICCPR, and the UN Declaration on Violence Against Women. Regular compliance reporting and review by Parliament would increase accountability.

**9. Use Technology to Prevent and Monitor:** Implement GPS tracking of offenders, emergency panic button apps, and AI-based risk prediction models (as seen in the UK and Spain) to proactively prevent serious harm in high-risk situations.

**10. Integrate Gender Justice into School and College Curriculum:** Introduce gender equality and legal awareness modules in schools and universities to educate young people about the unacceptable nature of domestic violence and the importance of respect and consent in relationships.

## **IX. CONCLUSION**

The realisation of women's fundamental rights, particularly their right to life and dignity as guaranteed by international human rights law and enshrined in Article 21 of the Indian Constitution, is still severely hampered by domestic violence. Because of institutional gaps, ingrained patriarchy, and social stigma, many women's lived realities remain grim despite progressive legislative tools like the Protection of Women from Domestic Violence Act, 2005, and more recent reforms like the Bharatiya Nyaya Sanhita, 2023.

This study has demonstrated that domestic violence is a systemic violation of human rights rather than a personal matter. To provide survivors with protection, Indian courts have gradually interpreted the right to bodily autonomy and dignity through rulings such as “Laxmi v. Union of India” and “Indra Sarma v. V.K.V. Sarma”. States have an affirmative obligation to prevent and punish gender-based violence under international conventions like CEDAW and the ICCPR. However, the absence of victim support infrastructure, uneven implementation, and a lack of enforcement all compromise India's adherence to these commitments.

A comprehensive strategy is needed to close the gap between law and practice, one that incorporates victim support networks, institutional accountability, gender-sensitive training, legal reform, and public awareness. The protective environment for women can be strengthened by incorporating international human rights standards into domestic

policymaking, as well as by utilising technology and educational initiatives.

In the end, combating domestic abuse is a struggle for equality, justice, and human worth. In addition to being required by law, protecting women from domestic abuse is also morally and constitutionally required. To guarantee that every woman can live a life free from fear and with dignity, as required by the Indian Constitution and international human rights standards, persistent efforts by the legislature, judiciary, civil society, and individuals are crucial.

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