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DOMESTIC VIOLENCE AGAINST WOMEN: A SOCIO LEGAL PERSPECTIVE

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I. ABSTRACT

Domestic violence against women is a widespread violation of human rights, illustrating the entrenched gender inequality and patriarchal frameworks within society. It includes various forms of abuse physical, psychological, sexual, emotional, and economic perpetuated in domestic settings, typically by intimate partners or family members. From a sociological viewpoint, domestic violence is perpetuated by cultural standards, power disparities, economic reliance, low literacy levels, and social stigmas that deter women from reporting such abuse. The processes of socialization and longstanding traditions often validate violence and silence victims, which exacerbates the issue. Legally, numerous national and international frameworks aim to prevent domestic violence and uphold women's rights. In India, measures like the Protection of Women from Domestic Violence Act, 2005, along with sections of the Indian Penal Code, are designed to offer civil and criminal remedies, such as protective orders, rights to residence, and maintenance. Despite these protective laws, challenges in implementation, lack of awareness, procedural delays, and societal pressures frequently hinder their effectiveness. These abstract underscores the necessity for a comprehensive socio-legal strategy that combines legal enforcement with social reforms, awareness initiatives, victim support systems, and empowerment programs. Tackling domestic violence requires not only robust legal measures but also significant shifts in societal attitudes to guarantee justice, dignity, and equality for women.

II. KEYWORDS

Domestic Violence, Protection of Women from Domestic Violence Act 2005, Gender-based Violence, Legal Framework, Socio-legal Perspective.

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III. INTRODUCTION

Domestic violence against women is one of the most prevalent and enduring forms of gender-based violence, transcending barriers of class, caste, religion, education, and geography. It encompasses any form of physical, psychological, sexual, emotional, or financial abuse perpetrated against women within the household, usually by husbands, intimate partners, or other family members. While the home is often seen as a refuge and a place of nurturing, it becomes a zone of fear, manipulation, and exploitation for many women.

From a sociological viewpoint, domestic violence is deeply rooted in patriarchal social frameworks that confer a subordinate role on women and validate male supremacy. Cultural practices, gender norms, dowry customs, financial dependency, limited educational opportunities, and the fear of social ostracism frequently force women to endure abuse in silence. Social conditioning and imbalanced power dynamics within families normalize violence, rendering it an “invisible” crime that remains largely unreported. From a legal standpoint, domestic violence is regarded as a significant breach of fundamental human rights, including the rights to life, dignity, and equality. Over the years, both international treaties and national legal systems have developed to confront this problem.

In India, the introduction of the ³Protection of Women from Domestic Violence Act, 2005 represented a crucial turning point by acknowledging domestic violence as not just a private issue but as a societal wrong that necessitates legal action. The legislation offers civil remedies such as protection orders, rights to residence, and maintenance, in addition to criminal provisions in the Indian Penal Code. Despite the presence of legal protections, domestic violence against women persists due to ineffective implementation, a lack of legal awareness, societal pressures, and insufficient support systems. Consequently, a socio-legal examination is crucial for understanding the intricate relationship between law and society. This approach aids in pinpointing not only the legal deficiencies but also the social obstacles that obstruct justice.

³Ghosh, S. (2011). Legal rights of women in India: Domestic violence and the law. *Social Change*.

Effectively tackling domestic violence requires a multifaceted strategy that includes legal enforcement, social change, awareness, and empowerment to provide genuine protection and equality for women.

A. Research Questions

The present study seeks to address the following research questions:

1. What are the major socio-legal factors responsible for domestic violence against women in India?
2. How effective is the Protection of Women from Domestic Violence Act, 2005 in providing real relief to victims?
3. What are the social, psychological, and legal consequences of domestic violence on women?
4. What challenges do women face in accessing justice through the legal system?
5. How can law and society jointly work to reduce domestic violence and protect women's rights?

B. Research Objectives

The objectives of the present research are:

1. To examine the nature, causes, and forms of domestic violence against women.
2. To analyse the socio-cultural factors contributing to domestic violence.
3. To critically evaluate the legal framework dealing with domestic violence in India.
4. To assess the practical effectiveness of the Protection of Women from Domestic Violence Act, 2005.
5. To understand the experiences of victims within the criminal justice system.
6. To suggest legal and social reforms for better protection of women.

C. Research Hypotheses

The study is based on the following hypotheses:

1. Domestic violence against women is primarily rooted in patriarchal social structures.
2. Legal provisions alone are insufficient to curb domestic violence without societal change.
3. Lack of awareness, economic dependency, and fear of stigma prevent women from seeking justice.
4. Weak enforcement mechanisms significantly reduce the effectiveness of protective laws.
5. Empowerment through education and financial independence reduces vulnerability to domestic violence.

D. Literature Review

Domestic violence against women has been widely discussed in socio-legal scholarship. Feminist theorists view domestic violence as a manifestation of systemic gender inequality. Scholars such as Flavia Agnes argue that domestic violence is not merely an individual issue but a product of patriarchal institutions and social conditioning.

According to Bina Agarwal, economic dependency is one of the strongest factors preventing women from escaping abusive relationships. Financial autonomy significantly increases women's bargaining power within households.

Upendra Baxi emphasizes that laws addressing violence against women often suffer from poor implementation, lack of institutional sensitivity, and social resistance. He argues that legal reforms must be accompanied by structural social reforms.

Studies by National Crime Records Bureau (NCRB) consistently reveal that domestic violence constitutes one of the highest categories of crimes against women in India. Despite the presence of the PWDVA, reporting remains low due to fear, family pressure, and lack of faith in institutions.

Internationally, UN Women and WHO reports highlight that domestic violence leads to long-term psychological trauma, health problems, reduced productivity, and intergenerational cycles of violence.

Thus, existing literature establishes that domestic violence is both a legal failure and a social crisis, requiring an integrated approach.

IV. CONSTITUTIONAL ASPECTS

The Indian constitution, which serves as the fundamental law of the nation, encompasses numerous provisions for the benefit and safety of women. The concept of equality and non-discrimination follows its anticipated position in the Indian Constitution. Moreover, it also enables the state to tackle ratios of favourable segregation for women. In addition to primary rights, certain specific measures to ensure the rights of women have also been incorporated in Directive Fundamentals of Government Policy. Regardless, despite constitutional guarantees and several Rules, direction, division, and inequity continue to occur.

This is fundamentally regarding the reasons that those who support the rules or interpret them do not always fully agree the perspective on the concept of orientation equity idea Indian women are on the whole hindered regarding all their needs essential for access to fairness. The extensive deficit in education, the societal barriers and submission is highly common. The intimidating framework of regulation has become quite concerned women distant from the rules and judiciary. Swindled women experience various interactions with the public criminal equity structures. They cannot always depend on the law enforcement system for likewise certainty or revival. Regarding the battle against violence towards women. There often are gaps and uncertainties in the laws addressing violence.

Rules will frequently be fragmented, focusing on specific forms of brutality instead of addressing all varieties of violence towards women. Whenever a law is established, there is often weak enforcement execution. This leads to the casualty's disengagement, uncertainty, and avoidance of the system. It seems like your input got cut off. Please provide the complete text you'd like me to paraphrase, and I'll be happy to help

particular situations, such as the violence and settlement deaths, corruption among Law enforcement and other regulatory bodies act as a major hindrance.

The officials, community organizations, women's groups, volunteer organizations, and NGOs ought to focus on addressing the needs of assault victims. There is an urgent requirement to obtain a shift in the attitude of law enforcement professionals regarding assault case matters. They should maintain a considerate mindset regarding the victims of violence and the essential support that should be provided to the individuals in question.

V. REALITIES OF VICTIMS AND BENEFICIARIES

According to the European Association's Charter of Fundamental Rights, major possibilities and benefits, such as the right to freedom and security, are violated by brutality toward women. In addition to being blatant, physical, passionate, or domestic, brutality toward women can mental.⁴ Women are afraid of being brutalized, which prevents them from working together on various daily problems. Even after post-brutality restorative procedures and healing, the injury's profound effects remain. The intelligent locality and region-aware distribution of the respondents indicate that the injuries are widespread throughout the region. An insightful contrast is observed, yet the occurrences of violence are located throughout the geological area and within both the high and low prevalence zones.

Fundamentally, the socio segment emphasizes the respondents' highlights indicating that occurrences of brutality are located throughout the assembly. There is no differentiation regarding religion, status and Education. Every age group of women has been experiencing violence in their lives. Most instances of violence typically happen during the day when the woman is present outside of the house, solo for professional activities, with no family members around. Surprisingly in the in most instances, those held responsible are individuals familiar to the victim from the

⁴ Bhattacharya, R. (2017). Intersectionality and domestic violence in India: A study of marginalized women's access to justice. *Journal of Social Inclusion Studies*.

community or kin. Generally, it is acknowledged that significant risk for women comes from unknown individuals.

Then what is natural, but the reality is quite the opposite. Women are unreliable among the people they are familiar with. In the current situation, she could pose a threat to loved ones and those nearby. It is observed that often the woman goes alone to file the case, and in many instances, they failed to pursue proper care from the relevant officer. At times, losses have occurred advising authorities, though in some cases they did not request mentioned assistance. A significant number of them have not obtained the services such as, complimentary legal assistance and financial support. To prevent and manage misconduct, women must be aware of their unnecessary behaviour. They must get ready for, 'how to identify and protect themselves from the charged', as a significant a segment of the accused is within their local community for individuals.

To prevent such brutality, they should be ready for self-defence. They should be made aware of the arrangement of support for the victims such as counselling, free legal assistance, financial compensation for their help and backing. Specifically, the law enforcement department and the relevant authorities need to be equipped to promote understanding so they can handle the situation with greater compassion and kindness.

VI. CRITICAL ANALYSIS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is a significant law designed to protect women from violence in the home environment. It offers a comprehensive and forward-thinking definition of domestic violence, encompassing physical, sexual, emotional, verbal, and financial abuse. The Act also acknowledges women's entitlement to live in the common household and provides civil remedies like protection orders, residence orders, maintenance, and compensation, thus treating domestic violence as a matter of both social and legal concern.

Although its framework is progressive, the Act encounters numerous practical difficulties. A significant concern is poor execution resulting from insufficient awareness among women, law enforcement, and protection agents. Insufficient infrastructure, lack of trained protection personnel, and holdups in court processes frequently weaken the efficacy of relief efforts. The civil nature of remedies, while designed for prompt relief, occasionally fails to deter offenders effectively. Moreover, accusations of misuse of the laws have resulted in public backlash, sometimes undermining the credibility of actual victims.

Another restriction stems from societal views that still regard domestic violence as a personal issue, deterring individuals from reporting and taking legal action. Financial reliance and the fear of societal backlash further limit women's ability to seek justice. Although the Act specifically addresses gender and is essential for safeguarding women, detractors advocate for a balanced approach to its implementation to avert misuse while maintaining its protective purpose.

The Act offers civil remedies including protection orders, residency orders, financial relief, custody orders, and restitution. It also designates protection officers and acknowledges the contribution of service providers in helping affected women. The Act aims to provide comprehensive assistance by integrating legal safeguards with social support systems.

Overall, the PWDVA, 2005 represents an important advancement for women's empowerment, yet its efficacy relies on proper enforcement, awareness, and fostering social change.

VII. DOWRY DEATH

Dowry deaths are a cruel manifestation of violence against women in India, stemming from the ongoing tradition of dowry even though it is legally banned. A dowry death denotes the death of a woman resulting from burns, physical harm, or other unnatural causes within seven years of marriage, where it is demonstrated that she endured mistreatment or harassment from her husband or his family regarding dowry

requests.⁵ These fatalities emphasize the convergence of avarice, male dominance, and entrenched societal traditions.

Despite the Dowry Prohibition Act of 1961 making the giving and receiving of dowry illegal, the tradition persists because of societal pressure, financial desires, and the belief that women are economic liabilities. The Indian Penal Code tackles this matter with Section 304B (dowry death) and Section 498A (cruelty by husband or family), while the Indian Evidence Act establishes a presumption of guilt against the accused in specific situations. In the case of *Kamesh Panjiyar v. State of Bihar* – This is a leading Supreme Court case that clarified the essential ingredients of dowry death under Section 304B IPC: death within seven years of marriage, cruelty or harassment by the husband/relatives linked to dowry demands, and the causal connection between harassment and death. These legal regulations seek to discourage wrongdoers and promote responsibility. In *Bachni Devi v. State of Haryana* – The Supreme Court held that any demand for property or valuable security in connection with marriage amounts to a dowry demand and upheld convictions under Section 304B IPC against the husband and mother-in-law.

Nonetheless, the impact of the law frequently diminishes due to inadequate enforcement, prolonged investigations and trials, insufficient evidence from domestic crimes, and social stigma that quiets victims and their relatives. In certain situations, family pressure and compromise hinder justice. Dowry deaths are not just legal problems but significant societal wrongs. Eliminating them necessitates stringent law enforcement, swift justice, awareness in society, education for women, and a unified endeavour to shift societal views on marriage and gender equality.

VIII. CRUELTY BY HUSBAND AND RELATIVE

Cruelty by a husband or relatives constitutes an offense punishable under Section 498A of the Indian Penal Code, 1860, created to safeguard married women from mistreatment and abuse in the household. The clause acknowledges that cruelty

⁵ Kapoor, S. (2000). Domestic violence against women and girls. Innocenti Digest No. 6. UNICEF.

encompasses not only physical harm but also the psychological and emotional distress caused to a woman.

Under Section 498A, cruelty includes:

1. Any wilful conduct likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb, or mental or physical health.
2. Harassment of a woman with a view to coercing her or her relatives to meet unlawful demands for dowry or valuable property, or due to failure to meet such demands.

The violence pertains not only to the husband but also to his relatives, including parents, siblings, or other family members participating in the abuse. It is a non-bailable and cognizable offense, indicating the gravity of the crime. Section 498A is vital in tackling domestic abuse and harassment linked to dowry. Nonetheless, worries about improper use have prompted courts to stress thorough examination and equitable enforcement of the law. Nonetheless, the measure serves as a crucial legal protection to uphold women's dignity, mental health, and their right to live without violence.

IX. LEGAL AND SOCIETAL RESPONSES

Domestic violence represents a grave infringement of human rights and a significant societal issue impacting women globally. It encompasses physical, emotional, sexual, verbal, and economic abuse in the home, typically perpetrated by husbands or romantic partners. Over time, legal systems and society have developed responses to tackle domestic violence, acknowledging that it is not merely a private family issue but a societal problem necessitating collective action.

Legal measures against domestic violence seek to stop abuse, safeguard victims, and penalize perpetrators. In India, the most important law is the Protection of Women from Domestic Violence Act of 2005 (PWDVA). This Act offers a thorough definition of domestic violence and grants civil remedies including protection orders, residence

orders, financial support, child custody, and compensation.⁶ A significant advantage of the Act is its emphasis on providing immediate assistance and safeguarding instead of solely on legal penalties. It also acknowledges women's entitlement to live in the common residence, irrespective of ownership.

Alongside the PWDVA, sections of the Indian Penal Code are crucial. Section 498A IPC makes cruelty by a husband or his family members a criminal offense, especially regarding dowry harassment cases. Section 304B of the IPC pertains to ⁷dowry-related deaths, whereas Section 306 of the IPC concerns the encouragement of suicide. Section 113B of the Indian Evidence Act establishes a presumption of guilt for the accused in dowry death situations. Collectively, these statutes enhance the legal system addressing domestic violence.

Nonetheless, legal responses encounter obstacles like postponed trials, insufficient awareness, poor enforcement, and claims of abuse. Courts have consistently stressed the importance of a fair application of laws to safeguard true victims while preventing the harassment of innocent individuals.

Societal reactions are also crucial in addressing domestic violence, since legislation by itself cannot create significant progress. Historically, Indian society has viewed domestic violence as a personal issue, leading women to refrain from reporting abuse due to concerns about stigma, shame, and family influence. Patriarchal social norms frequently normalize violence and anticipate that women will endure abuse to maintain family honour.

In recent years, societal attitudes have gradually shifted. Enhanced literacy, media reporting, and awareness initiatives by government and NGOs have contributed to making domestic violence a topic of public discussion. NGOs, women's groups, and legal aid organizations are vital as they offer counselling, shelter, legal support, and

⁶ Nair, P. (2004). Women's rights in India: Violations and challenges. *The Indian Journal of Political Science*, 65(4), 607-620.

⁷ World Health Organization. (2013). *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*. WHO.

emotional assistance to survivors. Helplines, comprehensive crisis centres, and protection officers under the PWDVA have enhanced social support systems.

Empowering women through education and economic opportunities is also essential for society. Economic autonomy allows women to combat abuse and pursue legal solutions. Community-based initiatives, like awareness campaigns for men, family members, law enforcement, and local authorities, aid in confronting patriarchal attitudes and fostering gender equity. Responses from the legal system and society towards domestic violence are interconnected and must collaborate for successful results. Although laws offer safeguarding and fairness, societal transformation which guarantees prevention and enduring influence. Addressing domestic violence necessitates rigorous enforcement of laws, swift justice, awareness, education, and a joint commitment to change societal views, securing dignity, safety, and equality for women.

X. SUGGESTIONS AND RECOMMENDATIONS

A. Legal Reforms

1. Strengthen enforcement of the PWDVA through better monitoring mechanisms.
2. Establish fast-track courts for domestic violence cases.
3. Mandatory gender-sensitivity training for police, judiciary, and protection officers.
4. Simplify legal procedures for filing complaints.

B. Social Reforms

1. Awareness campaigns on women's legal rights at grassroots level.
2. Inclusion of gender equality education in school curricula.
3. Community-based counselling and support groups.
4. Encouraging male participation in gender sensitisation programs.

C. Institutional Measures

1. Increase number of shelter homes and crisis centres.
2. Improve funding for NGOs working with domestic violence survivors.
3. Provide free legal aid and psychological counselling.
4. Introduce economic rehabilitation schemes for victims.

XI. CONCLUSION

Violence against women in the home continues to be one of the most entrenched and chronic violations of human rights, highlighting the imbalanced power dynamics that are ingrained in society. The socio-legal examination of domestic violence shows that it is not simply a personal or private matter, but a systemic issue influenced by patriarchal values, gender bias, economic reliance, and social conditioning. Even with modernization and legal progress, domestic violence still impacts women from all social, economic, and cultural backgrounds.

Legally, the introduction of legislation like the Protection of Women from Domestic Violence Act, 2005, along with pertinent sections of the Indian Penal Code, has represented a major change in acknowledging domestic violence as a criminal act. These regulations offer an extensive structure for safeguarding, assistance, and fairness, encompassing civil remedies, criminal penalties, and supportive systems. Nonetheless, the efficiency of these legal measures is frequently undermined by inadequate enforcement, insufficient awareness, delays in the judicial system, poor infrastructure, and victims' hesitation to seek legal recourse due to fear, stigma, and societal pressure.

From a societal viewpoint, domestic violence is perpetuated by deeply rooted patriarchal beliefs that normalize male control and female inferiority. Social stigma, fear for family reputation, and financial instability drive many women to suffer through abuse in silence. Despite the efforts of awareness campaigns, media initiatives, and non-governmental organizations, the pace of societal transformation continues to be slow and inconsistent.

Consequently, tackling domestic violence towards women necessitates a comprehensive and unified socio-legal strategy. Legal reforms need backing from efficient enforcement, awareness of law enforcement bodies, and judicial processes that are friendly to victims. At the same time, societal transformation via education, gender awareness, financial empowerment, and community involvement is crucial. Domestic violence can be effectively prevented only through a joint effort of law and society, guaranteeing justice, dignity, and equality for women in a genuinely democratic society.

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