



Protection of Women from Domestic Violence

For Prelims: [Protection of Women from Domestic Violence Act, 2005](#), [National Family Health Survey](#), [Dowry Prohibition Act 1961](#)

For Mains: Legal frameworks addressing domestic violence in India, the Role of societal norms.

Source: [IE](#)

Why in News?

The Delhi High Court recently emphasised the universality of the [Protection of Women from Domestic Violence Act of 2005](#), stating that it **applies to all women regardless of their religious or social background**.

- The High Court made these observations while dismissing a plea filed by a husband and his relatives.
- The plea challenged an appellate court order that reinstated a domestic violence complaint filed by the wife.

How Widespread is Domestic Violence in India?

- In India, **32% of ever-married women reported having experienced physical, sexual, or emotional violence** by their husbands in their lifetime.
- According to the [National Family Health Survey-5 \(NFHS-5\), 2019-2021](#), “29.3% of married Indian women between the ages of 18 and 49 have experienced domestic/sexual violence; 3.1% of pregnant women aged 18 to 49 have suffered physical violence during their pregnancy.”
 - That is only the number of cases reported by women. There are frequently many more that never make it to the police.
- According to **NFHS data, 87% of married women who are victims of marital violence do not seek help.**

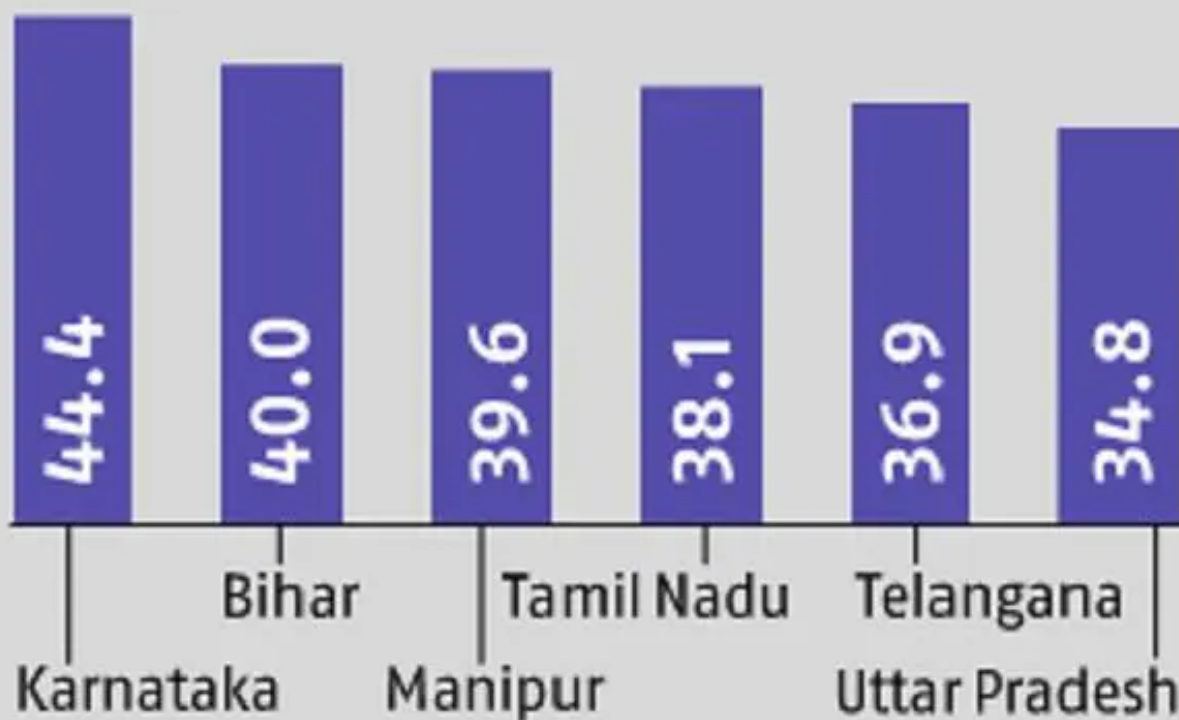
DOMESTIC VIOLENCE FACED BY INDIAN WOMEN

29.3
2015-16

31.2
2019-21

STATES WITH THE HIGHEST CASES OF DOMESTIC VIOLENCE

(Married women, 18-49, spousal violence)



What are the Factors Contributing to Domestic Violence?

- **Gender Disparities:**
 - India's wide [gender gap](#), as reflected in global indices, contributes to a sense of male superiority and entitlement.
 - Men may use violence to assert dominance and reinforce their perceived superiority.
- **Substance Abuse:**
 - **Alcohol or drug misuse** that impairs judgement and exacerbates violent tendencies.

Intoxication leads to loss of inhibitions and escalation of conflicts into physical or verbal abuse.

▪ **Dowry Culture:**

- There is a strong correlation between **domestic violence and the dowry system**, with instances of violence increasing when dowry expectations are not met.
 - Despite legislation prohibiting dowry, such as the **Dowry Prohibition Act 1961**, cases of bride burning and violence related to dowry persist.
- Financial stressors and dependency dynamics that exacerbate tensions within relationships.

▪ **Sociocultural Norms:**

- Traditional beliefs and practices perpetuate gender roles and household power imbalances.
- **Patriarchal systems** that prioritise male authority and control over women. Violence often stems from notions of ownership over women's bodies, labour, and reproductive rights, reinforcing a sense of dominance.
 - Desire for dominance and exertion of control over a partner, stemming from insecurity or entitlement.
- Social conditioning **often portrays marriage as the ultimate goal for women**, reinforcing traditional gender roles.
- Indian culture often glorifies women who exhibit tolerance and submission, discouraging them from leaving abusive relationships.

▪ **Socioeconomic Stressors:**

- **Poverty, and unemployment**, create additional stresses within households, increasing the likelihood of violent behaviour.

▪ **Mental Health Issues:**

- Untreated mental health conditions such as depression, anxiety, or personality disorders that contribute to volatile behaviour.

▪ **Lack of Education and Awareness:**

- Limited understanding of healthy relationship dynamics and rights, leading to acceptance or normalisation of abusive behaviour.
 - Ignorance about legal protections against domestic violence or available support services.
- Many women lack awareness of their rights and accept their subordinate status, perpetuating a cycle of low self-esteem and subjugation.

What Legal Frameworks Address Domestic Violence in India?

Legal Framework	Description
Protection of Women from Domestic Violence Act, 2005 (PWDVA)	<ul style="list-style-type: none"> ▪ Aims to protect women from domestic violence. Covers physical, emotional, sexual, and economic abuse. Provides various orders for protection, residence, and relief.
Indian Penal Code, 1860 (Section 498A)	<ul style="list-style-type: none"> ▪ Deals with cruelty by a husband or his relatives towards a woman. Criminalises acts of cruelty, harassment, or torture.
Indian Evidence Act, 1872	<ul style="list-style-type: none"> ▪ While not exclusively focused on domestic violence, this act provides rules for evidence in legal proceedings. Relevant in cases related to domestic violence.
Dowry Prohibition Act, 1961	<ul style="list-style-type: none"> ▪ Addresses dowry-related offences. Makes giving or receiving dowry a crime.

<u>Criminal Law (Amendment) Act, 2013 (Section 354A)</u>	<ul style="list-style-type: none"> Amended the IPC to include new offenses related to sexual harassment. Relevant in cases of domestic violence.
<u>Juvenile Justice (Care and Protection of Children) Act, 2015</u>	<ul style="list-style-type: none"> Protects children's rights and welfare. Relevant when children are victims of domestic violence.
<u>National Commission for Women Act, 1990</u>	<ul style="list-style-type: none"> Establishes the National Commission for Women (NCW) to safeguard women's rights. NCW plays a role in addressing domestic violence.
The Prohibition of Child Marriage Act, 2006	<ul style="list-style-type: none"> Aims to prevent child marriages. Relevant when child brides face domestic violence.
Domestic abuse in the context of same-sex relationships	<ul style="list-style-type: none"> Current laws primarily focus on heterosexual relationships, leaving same-sex partners vulnerable to domestic abuse without legal recourse. Recognition of same-sex marriages could impact existing laws, potentially extending protections to same-sex couples and addressing domestic abuse within these relationships.

Global Initiatives:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):**
 - Adopted in 1979 by the [UN General Assembly](#), CEDAW works towards eliminating discrimination against women in all areas of life.
- UN Declaration on the Elimination of Violence against Women (DEVAW):**
 - The 1993 DEVAW was the **first international instrument explicitly addressing violence against women**, providing a framework for national and international action.
- Safe Cities and Safe Public Spaces:**
 - This initiative is a flagship program by [UN Women](#) aimed at preventing and responding to sexual harassment and other forms of violence against women and girls (W&G) in public spaces.
 - It works collaboratively with city governments, local communities, and civil society organisations.
- Beijing Platform for Action:**
 - The 1995 Beijing Platform for Action identifies specific actions for governments to take to **prevent and respond to violence against women and girls.**

Why is Enforcement of Laws Against Domestic Violence Challenging?

- **Social:**
 - Victims often hesitate to **report domestic violence due to societal stigma**, fear of retaliation, or concerns about family reputation. This silence makes it challenging for authorities to take action.
 - Domestic violence incidents are often underreported. Victims may not recognise certain behaviours as abuse or may normalise them.
- **Lack of Awareness:**
 - Many people, including victims, are **unaware of their legal rights and available resources**. Without awareness, reporting and seeking legal help become difficult.
- **Dependency and Economic Factors:**
 - Victims may be financially dependent on their abusers. **Fear of economic repercussions** can prevent them from seeking legal assistance.
- **Inadequate Implementation and Training:**
 - Law enforcement agencies and judicial bodies may lack proper training on handling domestic violence cases. Inconsistent implementation of laws hinders effective enforcement.
- **Legal Hurdle:**
 - Proving domestic violence in court requires substantial evidence. Lack of witnesses or physical evidence can weaken cases.
- **Complex Family Dynamics:**
 - Domestic violence often occurs within family units. Legal actions can disrupt **family relationships, making victims hesitant to pursue legal remedies**.
- **Cultural and Regional Variations:**
 - Different cultural norms and practices affect how domestic violence is perceived and addressed.
 - Enforcement strategies must consider these variations.

Way Forward

- A fundamental prerequisite is a transformative change in attitudes towards gender roles and power dynamics. **Initiatives targeting both men and women are crucial for fostering mutual respect** and dismantling the patriarchal mindset deeply ingrained in society.
- **Mandate gender perspective training for stakeholders** like law enforcement, service providers, and magistrates to foster empathy and victim-centred approaches.
- Ensure victims have access to free or low-cost legal representation throughout the court process.
- Implement programs that equip survivors with job training and financial literacy skills, fostering economic empowerment.

Read more: [Domestic Violence Act, 2005](#)

<https://www.drishtijudiciary.com/en>

Drishti Mains Question:

Q. Discuss the socio-cultural, economic, and legal challenges hindering the effective enforcement of laws against domestic violence in India.

UPSC Civil Services Exam Previous Year Questions (PYQ)

Prelims:

Q. 'Beijing Declaration and Platform for Action', often seen in the news, is (2015)

(a) a strategy to tackle the regional terrorism, an outcome of a meeting of the Shanghai Cooperation Organization

(b) a plan of action for sustainable economic growth in the Asia-Pacific Region, an outcome of the deliberations of the Asia-Pacific Economic Forum

(c) an agenda for women's empowerment, an outcome of a World Conference convened by the United Nations

(d) a strategy to combat wildlife trafficking, a declaration of the East Asia Summit

Ans: (c)

Mains:

Q. We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. **(2014)**

Q. How does patriarchy impact the position of middle-class working women in India? **(2014)**

PDF Reference URL: <https://www.drishtias.com/printpdf/protection-of-women-from-domestic-violence>

