

Domestic Violence against Women in India: A Critical Legal Analysis

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Abstract

In India, domestic violence against women is a widespread social issue that is profoundly rooted in systemic barriers, gender inequalities, and cultural norms. The objective of this investigation is to offer a thorough comprehension of the legal and social aspects of domestic violence against women in India. This investigation investigates the societal context that exacerbates domestic violence, which encompasses economic disparities, cultural beliefs, and patriarchal structures. It investigates the ways in which these factors contribute to the normalization and perpetuation of violence within intimate relationships, resulting in the marginalization and suffering of women. The study examines the legal framework that governs domestic violence in India, with a particular emphasis on the Protection of Women from Domestic Violence Act (PWDVA) that was implemented in 2005. It evaluates the efficacy of legal mechanisms in offering protection, justice, and assistance to domestic violence victims, as well as identifying voids and obstacles in the enforcement and implementation of these laws. This research also investigates the effects of domestic violence on the socio-economic status, physical and psychological well-being, and access to resources and support services of women. It also emphasizes the intergenerational cycle of violence and its implications for future generations.

This paper conducts a critical analysis of the issue of domestic violence against women in India as a violation of their human rights. The paper examines the meaning and manifestations of violence against women, as well as the factors that perpetuate domestic violence against women. Additionally, the national responses to prevent violence against women are also addressed. Along with that, the paper tries to come up with ways to get rid of this problem from society.

Keywords - Domestic, Violence, Women, Physical, Mental.

Introduction

Violence against women is not a novel phenomenon. The status of women in society is significantly impacted by the wounds they endure from domestic, public, physical, emotional, and mental violence. The statistics regarding the rise in crimes against women are shocking, as they include a variety of forms of violence, such as foeticide, infanticide, medical neglect, child marriages, bride burning, sexual abuse of girl children, forced marriages, rapes, prostitution, and sexual harassment in both domestic and professional settings. In all of the aforementioned instances, women are regarded as aggrieved individuals³.

The definition of violence has evolved over time to encompass a variety of forms of maltreatment, including emotional, mental, financial, and physical violence. Therefore, the term "domestic violence" encompasses any action that harms or threatens the health, safety, life, limb, or well-being of the victim or has the potential to do so. This includes the infliction of physical, sexual, verbal, emotional, and economic abuse by any individual who is or was in a domestic relationship with the victim. Two There are numerous statutory provisions in India that are designed to address violence against women. India is no exception to the global crisis of domestic violence against women, which is a significant human rights and social issue⁴.

Domestic violence is a pervasive and widespread issue in Indian society, rooted in profoundly entrenched gender inequalities, cultural norms, and patriarchal structures. The prevalence of domestic violence continues to present substantial challenges to the well-being and liberties of women throughout the nation, despite the implementation of a variety of legislative measures and social interventions⁵.

Throughout its history, India has encountered social norms and practices that have resulted in the subordination of women within the family and society as a whole. Economic dependence, traditional gender roles, and unequal power dynamics have all contributed to the perpetuation of domestic violence as a method of maintaining dominance and asserting control over women in intimate relationships. Certain groups of women are further marginalized and exposed to vulnerabilities and discrimination due to the fact that these cultural norms frequently intersect with other forms of discrimination based on caste, class, religion, and ethnicity. India has implemented a variety of legal frameworks to safeguard the rights of women and guarantee access to justice in response to the pressing need to address domestic violence. PWDVA, 2005, is a significant milestone in the recognition of domestic violence as a distinct offense and the provision of legal remedies and support services for their survivors. The Protection of Women from Domestic Violence Act, 2005, guarantees the protection of women from domestic violence and enables the victim to pursue a variety of reliefs,

³ Sharma Pratima, Domestic Violence Against Woman as an Emerging Human Right Issue: International Perspective; Lawteller 2006 p. 447

⁴ Indulkar Sugandha, 'When a woman uses law, she is accused of misuse; when an Indian woman uses law, she is labelled with bad character', TI, Aug 14, 2017.

⁵ Tripathy SC, Arora V Law Related to Women and Children Allahabad Central Law Publications 2004

including protection orders, residence orders, and monetary relief, from the court⁶.

Objective of Research

- To assess the efficacy and comprehensiveness of the current statutory provisions in India that are designed to combat violence against women, including the Protection of Women from Domestic Violence Act, the Dowry Prohibition Act, and pertinent sections of the Indian Penal Code.
- To pinpoint the deficiencies and weaknesses in the enforcement and implementation of laws concerning violence against women.
- To investigate the impact of societal and cultural factors, such as societal stigma, gender stereotypes, and patriarchal conventions, on the incidence of violence against women.
- To evaluate the extent to which women are aware of their rights and protections under current laws against violence and of their level of legal literacy.
- To formulate policy recommendations that are supported by empirical evidence in order to enhance the legal framework, enhance implementation mechanisms, and mitigate societal factors that contribute to violence against women.

Hypothesis

As a result of factors such as ineffective implementation, limited access to justice, cultural barriers, and societal norms that perpetuate gender inequality, the prevalence of violence against women in India remains high, despite the existence of statutory provisions aimed at addressing the issue. Although laws are in place to safeguard women from a variety of forms of violence, their enforcement and implementation frequently fail as a result of obstacles such as corruption within the justice system, a lack of training among law enforcement officials, and insufficient resources. The primary objective of current laws and policies is to address instances of violence after they have occurred, rather than to implement effective preventive measures. This reactive approach may not adequately address the underlying causes of violence against women.

Research Methodology

The current research is doctrinal in nature, taking into account the purpose of the study and the constraints of time. Data has been collected from a variety of primary and secondary sources for doctrinal research. The primary sources consist of statutes passed by legislatures, court decisions, executive orders, and the rules and regulations of various administrative bodies. The review and analysis of case statutes, judgments, legal journals, and bulletins will also be employed for secondary data. Web search is also an excellent supply of information that will be examined on the internet. Professional meetings, seminars, discussions, and site visits, among other things. Sampling may be implemented through the utilization of records, reports, judgments, complaints, and forms.

⁶ The Protection of Women From Domestic Violence Act (2005) Available from:<http://legislative.gov.in/sites/default/files/A2005-43.pdf> Last accessed on 12/01/2025

LEGAL PROVISIONS ON VIOLENCE AGAINST WOMEN IN INDIA

Constitutional provisions

The Act was enacted with the fundamental liberties guaranteed under Articles 14, 15, and 21 in mind, according to the Statement of Objects and Reasons. Article 21 grants the right to life and liberty in negative terms, requiring that it be revoked only through a legal procedure that is deemed fair, just, and reasonable by judicial decisions. The right to life has been defined to include the following rights, which are reflected in the Act, among others: This privilege is punishable under the Act and is classified as domestic violence, as it is included in the definition of physical abuse in the Act. Physical abuse is defined as actions or behaviors that result in bodily discomfort, harm, or peril to life, limb, or health, or that impede the health or development of the aggrieved individual⁷.

Furthermore, the Act includes analogous acts of physical violence and specific acts of physical violence as defined in the Indian Penal Code within the definition of domestic violence. By utilizing such a broad definition, the Act protects the rights of women against violence. The right to life with dignity has been incorporated into Article 21, which is related to the right to life. This provision has been employed to safeguard the rights of women, such as the right to secure abortions, the right to divorce, and the right to a life free from violence. The Act's inception is directly linked to Article 15 (2), which explicitly stipulates that "the State may establish special provisions for women and children in order to achieve equality." This implies the implementation of affirmative action to address an injustice. It is often claimed that India has a plethora of laws, but they are not enforced. Nevertheless, the fundamental problem is not the absence of implementation, but rather the absence of a mechanism that enables it to be implemented. Women are unable to access the courts and have a limited understanding of the law⁸.

Consequently, it is essential to not only enact a law but also to establish the necessary infrastructural tools to ensure its accessibility. This can be achieved by enacting a legal mechanism. The Act has achieved this by recognizing the role of the Service Providers and establishing the position of the Protection Officer. Legal assistance, medical facilities, and shelter homes are affirmative obligations that the government has been obligated to fulfill in anticipation that women in distress will receive these services. Furthermore, the Supreme Court of India underscored the regulative objective in the case of *Indra Sarma v. V.K.V Sarma*⁹, asserting that the DV Act was enacted to offer a common law remedy for the protection of women who are survivors of such relationships and to prevent the occurrence of DV in the general public. The discussion also included a variety of regulations, including the CrPC and the IPC, which have provided relief to women who are in vulnerable situations¹⁰.

⁷ The Constitution of India, Art 14, 15, 21.

⁸ Durga Das Basu, *Commentary on the Constitution of India*, (2017), Vol-I, p.986

⁹ *Indra Sarma v. V.K.V Sarma*, (2013) 15 SCC 755

¹⁰ *Dewan V.K.*, *Law relating to Cruelty and Offences against Husbands*, (2009), p. 4

India is among the nations that prioritize marriage and daily life. In India, the act of marrying an individual and continuing to live a happy existence is considered sacred. Nevertheless, India is one of the many nations that have a plethora of issues, such as violence against married women and offenses related to inheritance. In comparison to the previous decade, the rate of enlistment for cases such as domestic violence and settlement has increased¹¹.

The fundamental reason for this peculiarity is that a significant number of households lack a harmonious atmosphere and individuals are not in a respectable relationship. In a multitude of such situations, women will endure a variety of torments, while others will be the victims of deliberate actions that are directed at them. In India, the Indian Penal Code and various regulations, such as the Dowry Prohibition Act and the Protection of Women from DV Act of 2005, are in place to protect the freedoms of women, particularly married women, and to prevent them from committing various offenses that have a significant impact on their intellectual and emotional well-being¹².

Domestic Violence Means

"Inflicting harm, injury, or a threat to one's life, health, security, or prosperity, regardless of whether it is mental or physical." The woman is subjected to harm, injury, or risk in order to compel her or another individual associated with her to fulfill any obligation for compensation. "Actual maltreatment" encompasses any form of injury. Criminal power, criminal terrorizing, and attack. Fifteen For instance, sexual maltreatment may result in a sexual type, such as constrained sex, which compels the individual to view erotic entertainment or other immoral material. Use of a woman to persuade others, engage in a sexual act, manhandle, humiliate, debase, or otherwise violate one's respect. "Psychological and verbal abuse," such as defamation or accusations directed at an individual. Confrontation regarding the failure to tender the endowment, Insult for lacking a masculine child, and so forth¹³.

The woman's motivation for refraining from attending school, work, or any other educational institution is to cause distress to any individual she is interested in. She also refrains from marrying an individual of her choosing. For instance, financial maltreatment may involve failing to provide funds to support a woman or her children¹⁴.

To refuse to provide food, clothing, medication, and other necessities. Forcing a woman to leave her residence. Preventing access to or use of any part of the property, as well as hindering or preventing one from continuing to work. The lease will not be installed if a leased convenience is sold or pawned, or if any other resources are pawned or sold without illumination or consent. Removing compensation, remuneration, or wages through coercion. Non-payment of various expenses, such as electricity, among other¹⁵s.

¹¹ Saharaj H.K. (2009) Laws of Marriage and Divorce Eastern Law House, Calcutta.

¹² Das P.K., Law Relating to cruelty to Husband, (2008), p.54

¹³ Waghamode R.H., Desi Bhavana and Kalyan, J.L., Domestic Violence against Women: An Analysis, International Research Journal of Social Science, Vol. 2(1), 2013, p. 34-37

¹⁴ Kulkarni H.G., "Erratic Dimensions of Law" Vol:118, Cri LJ, p.29, January(2012)

¹⁵ Bharani, Domestic Violence and Human Rights, International Research Journal of Social Sciences,

Protection of Women from Domestic Violence Act, 2005:-

In addition to the victim, "any person who has reason to believe that" an act or acts of domestic violence were or are being committed may also file a complaint. This implies that neighbors, social workers, and relatives may also take the initiative. The magistrate has been granted the authority to allow the aggrieved woman to remain in her domicile, and she is prohibited from being evicted by her male relatives in retaliation. Additionally, the aggrieved woman may be granted access to a portion of the residence for her own use¹⁶.

The respondent may be prohibited from entering the aggrieved person's place of employment, entering the aggrieved person's school, or dispossessing the aggrieved person or in any other way disturbing her possessions. Additionally, the magistrate has the authority to prohibit the respondent from engaging in "personal, oral, written, electronic, or telephonic contact" with the aggrieved party. Maintenance payments may be mandated by the magistrate on a monthly basis. The respondent may also be required to fund the expenses and losses that the aggrieved person and any of their children have experienced as a consequence of domestic violence. It may also provide coverage for medical expenses, loss or damage to property, and loss of earnings.

A magistrate may impose compensation and damages on the respondent for injuries, including mental torment and emotional distress, that were caused by an act of domestic violence under Section 22. The act allows for the imposition of a fine of up to Rs. 20,000/- and a penalty of up to one year. The offense is also deemed cognizable and non-bailable, and Section 32(2) explicitly states that the court may determine that the accused has committed an offense based solely on the testimony of the aggrieved person¹⁷.

The act makes sure that justice is done quickly because the court has to start the process and hold the first hearing within three days of receiving the complaint. Additionally, each case must be resolved within sixty days of the initial hearing. The act establishes the status of "service providers" and "medical facility" and the appointment of protection officers by the state. Section 16 of Chapter 4 says that the judge can keep the proceedings secret "if either party to the proceedings so desires"¹⁸

Reliefs available under Domestic Violence Act

Protection order

This may also be referred to as a "stop violence order." The court has the authority to direct the other party to cease the act of violence immediately through this order. The following actions may be taken

¹⁶Choudhari V R "Commentary on Protection of Women from Domestic Violence Act, 2005" Premier Publication Company, 3rd edition 2023.

¹⁷.Protection of Women from Domestic Violence Act, 2005, Sec 22

¹⁸ Protection of Women from Domestic Violence Act, 2005. Sec 16

by the magistrate in this order: The Magistrate may obstruct the offender from accessing the woman's place of employment and engage in harassment. You may direct the offender not to harm the victim, her relatives, or any other individual who has provided assistance to her. Direct the perpetrator to refrain from engaging in or assisting in domestic violence. You can instruct the offender to refrain from contacting the victim through personal contact, email, telephone, or any similar medium. These things might be illegal for the offender to do without her permission: selling or giving away their things, using their joint bank account, or using their joint bank locker. The magistrate can issue a "protection order" in a domestic violence case before she makes her final decision if she has some reason to believe that violence has happened or is likely to happen soon¹⁹.

Residence Order

A residence order' is one of the orders that the magistrate may issue in matters of domestic violence. The following items may be included in the residence order: She has the authority to direct the perpetrator not to evict the victim from their shared residence. She has the authority to direct the perpetrator to vacate the communal residence. It is important to acknowledge that she is unable to direct any female relatives of the offender to vacate the premises. She has the authority to prohibit the offender and his relatives from entering the victim's portion of the shared residence²⁰.

She has the authority to direct the offender not to sell, lease, or mortgage the shared residence. She has the authority to prohibit the offender from departing the shared residence without her consent. If necessary, she has the authority to require the perpetrator to purchase or finance an additional residence for the victim. The magistrate has the authority to impose supplementary conditions on residence orders to safeguard the victim and her children. Occasionally, the magistrate may require the offender to execute a surety with the court to guarantee that they refrain from engaging in domestic violence. The magistrate has the authority to mandate that the offender obtain sureties, which are individuals who will assume responsibility for their actions. Using their power, the magistrate can ask the local police to help them enforce a residence order for the victim. Using their power, the magistrate can ask the local police to help them enforce a residence order for the victim. If the victim cannot pay, the magistrate can order the offender to pay rent and other fees as part of a residence order. It is possible for the magistrate to request assistance from the local police in assisting the victim in the implementation of a protection order. The magistrate may order the offender to return her stridhan or other valuable security to the victim²¹.

¹⁹ Supra ,Sec 16

²⁰ Supra , Sec 19.

²¹ Baijal Rajat and Wadhwa Abhishek "Law of Protection of Women From Domestic Violence" Bharat Law Publication, 2nd Edition, Reprint 2023

Monetary relief sec 20

In order to compensate the victim and her children for the injuries and losses they may have sustained because of domestic violence, the magistrate may require the offender to pay for the following: lost income e.g., if the victim was hospitalized for a month due to her husband's assault); hospital bills and medication expenses; damaged property or property that the offender has taken from the victim; child maintenance to important to note that the victim is eligible to claim maintenance under this Act even if she has submitted a separate application under criminal law). The magistrate should determine the amount in accordance with the victim's standard of living. The magistrate has the authority to decree maintenance on a monthly or lump-sum basis. The parties involved in the case and the local police station must receive copies of these decrees. The offender is required to pay the victim within the designated time frame as outlined in the magistrate's order. In the event that the offender fails to make the payments, the magistrate has the authority to direct the individual who employs the offender or owes money to the offender to pay the court directly. This amount will be subtracted from the amount that the offender is required to pay²².

Order of custody under section 21

This law grants the Magistrate the authority to issue an interim custody order at any point during the proceedings. Custody of the children may be granted to the victim or any individual who has filed the case on her behalf. Additionally, she has the option of permitting the perpetrator to visit the children. If the offender's visit has the potential to cause harm to the children, she has the option to decline the visit²³.

Compensation decree pursuant to s. 22 Compensatory orders are an additional form of order that the Magistrate may issue for the payment of money. The Magistrate issues such orders to compensate the victim for emotional distress and mental suffering.²⁴

Ex-parte or interim order pursuant to s. 23 The law permits the Magistrate to issue temporary orders (prior to the final order being issued) or orders in the absence of the offender (in the event of an imminent threat of violence) due to the nature of domestic violence cases.²⁵

²² Protection of Women from Domestic Violence Act, 2005. Sec 20

²³ Supra Sec 21

²⁴ Supra Sec 22

²⁵ Supra Sec 23

Cruelty Against women in Bhartatiya Nyaya Sanhita, 2023.

Whoever, as the husband or relative of the husband of a woman, subjects such a woman to maltreatment shall be punished with imprisonment for a term that may extend to three years and with a fine. Briefly, In this section, "cruelty" refers to the following²⁶:

(a) any willful conduct that is of a nature that is likely to cause the woman to commit suicide or to cause grave injury or danger to her life, limb, or health (whether mental or physical); or

(b) harassment of the woman where such harassment is intended to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of her or any person related to her failure to meet such demand.

The government has failed to adequately evaluate the changes in their prevention target since the institutionalization of laws and policies to criminalize DV in 1983. The violence in this section is increasing as well-educated women become aware that it is both cognizable and non-bailable. Consequently, women's straightforward accusations can result in the incarceration of men. After observing the extensive survival and strictness of recorded cases of women's cruelty, S.498-A in IPC was implemented in 1983 but new law has been clarified on sec 86.

The intention is to inform a restraint aspect, as the execution of S.85 BNS is penal provisions. Nevertheless, the husband's and his family members' involvement in numerous false claims has been widespread, resulting in widespread recognition of these recipient laws as a means of exacting revenge on the wife. The case of "Kaliyaperumal vs. State of Tamil Nadu²⁷" demonstrates that mercilessness is a common fundamental in offenses under both Section 80 and 85 of the BNS.

"The two sections are not commonly comprehensive; rather, they are unmistakable offenses. Individuals who are vindicated under S.80 for the offense of share passing may be sentenced for an offense under S.85 of the BNS. " Clarification of S.86 emphasizes the significance of pitilessness. Sec. 80 does not contain its significance; rather, the significance of cold-bloodedness or badgering, as established in Sec. 85, is also applicable in Sec. 80. The offense of share demise is defined under Sec. 86 BNS, while mercilessness that is independent of anyone else constitutes an offense under S.85 of the BNS.

The passing is more likely than not to have occurred over the course of seven years of marriage. However, Sec. 85 does not specify any such period. The term "cruelty" is defined in the clarification of "Inder Raj Malik vs. Sunita Malik²⁸," which states that the provocation of a woman with the

²⁶ Sec 86, BNS 2023

²⁷ 2004 (9) SCC 157; 2004 SCC(Cr) 1417; 2003 AIR(SC) 3828.

²⁸ 1986 (2) Crimes 435; 1986 (92) CRLJ 1510; 1986 RLR 220

intention of securing any unlawful demand for property or profit is considered "pitilessness."

- a) Cruelty by vexatious case
- b) Cruelty by hardship and inefficient propensities
- c) Cruelty by tireless interest
- d) Cruelty by additional conjugal relations
- e) Harassment for non-settlement request
- f) Cruelty by disapproval of infant young woman
- g) Cruelty by bogus assaults on modesty
- h) Taking without end children The assumption of cruelty also emerged in the context of S.118, BSA 2023.

This assumption rendered the spouse liable for the abetment of suicide in the context of Sec. 108, where the husband had an illegal relationship with another woman and physically assaulted his wife. In the context of Explanation (a) of Sec. 85, this behavior was seen as persistently violent.

The Dowry Prohibition Act 1986

The Dowry Prohibition Act 1986 has incorporated the offense of dowry homicide as a section 85 in the BNS. Section 80 in BNS has been incorporated to regulate the increasing prevalence of monstrosities against women, in which a significant number of young women were being executed due to their inability to pay the requested dowry. The Amendment Act has also implemented two or three significant revisions to the Bharatiya Sakshya Adhiniyam and the Bharatiya Nagarik Suraksha Sanhita in order to enhance the success of the arraignment of wrongdoers in cases of dowry death. In order to preserve the constitutional order, the state has authorized various authoritative estimates that are intended to ensure equal rights, combat social segregation and various forms of violence and abominations, and provide assistance, particularly to working women. Although women may be victims of any of the wrongdoings, such as "murder," "burglary," "cheating," and so forth, the violations that are explicitly coordinated against women are referred to as "wrongdoing against women."²⁹

In the event that a woman dies due to the aforementioned circumstances, the spouse and the husband's family members will be presumed to have caused a "dowry death" and may be held accountable for

²⁹ Bharatiya Sakshya Adhiniyam 2023, section 80 & 85.

the offense, unless an alternative explanation is provided. This is to say that the burden of proof is shifted to the offender in order to establish their honesty, as opposed to other offenses in which the accused is presumed innocent. In the event of a dowry fatality, Proviso (2) suggests a base discipline of 7 years of detainment, which may extend to life detainment. When the question is whether an individual is responsible for the dowry death of a woman and the evidence indicates that she was subjected to brutality and exploitation for, or in relation to, any interest in dowry, the court will presume that the individual caused the dowry death.³⁰

The weight of indicating the conditions of the death was on the accused, as they must be uniquely known to them, in accordance with the ethical arrangement in S.106 of the Bharatiya Sakshya Adhiniyam, where the arraignment had the option to demonstrate that the deceased woman was most recently seen alive in the organization of the denounced; she is currently in her uncommon consideration and authority; there was a solid thought process behind the wrongdoing, and the death in question was unnatural and maniacal.³¹

The assumption under the section was held to be fully applicable, requiring the accused to be indicted under sec 80 BNS, in cases where the death was caused by strangulation and evidence was available to demonstrate that dowry was being requested and the accused spouse was also subjecting his deceased wife to cruelty. It has been determined that Section 118 of the Bharatiya Sakshya Adhiniyam is a review in activity due to its procedural nature a.

The assumption under section sec 118 in Bharatiya Sakshya Adhiniyam³², will be raised explicitly upon the affirmation of the following fundamentals:

- (1) The court must conduct an inquiry to determine whether the individual in question has committed the dowry murder of a woman. This suggests that the presumption may be made only if the accused is being pursued for the offense under section 80 BNS.
- (2) The woman was subjected to remorselessness or badgering by her spouse or his family members.
- (3) The remorselessness or badgering was motivated by or in relation to any interest in dowry.
- (4) Her death was imminently preceded by such provocation or pitilessness.

The court is essentially required to draw the assumption of dowry death based on the evidence of the conditions referenced in this section, despite the fact that the arrangements are mandatory. This shifts the responsibility to the accused to demonstrate that the married woman was not treated with savagery

³⁰ Supra.

³¹ Bharatiya Sakshya Adhiniyam 2023, section 106.

³² Supra, section 118.

by her significant other shortly before her death. In a dowry death case, it is a conditional point of reference to the hypothesis that the deceased married woman was subjected to assault or provocation in connection with the interest in dowry prior to her death. The court concluded that it was reasonable to anticipate that badgering existed for a period of time prior to the deceased woman's death, given the fact that a continuous provocation associated with the desire for a dowry was occurring from the moment she met her parents two days prior to her death. A settlement did not involve any mediating efforts. The lady's statement to her sibling, which was made 2-3 days prior to her death, that she was not being allowed to leave her in-laws until their interest in a bike was satisfied, was deemed permissible under s. 38 of the Bharatiya Sakshya Adhiniyam. The court stated that interest in dowry was occurring shortly prior to her demise, and from this, an assumption could be made under the section³³.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The Sexual Harassment Act solely addresses the insurance of female workers and lacks impartiality. Male employees, when subjected to indecent conduct, cannot ensure protection or recourse under the law. The definition of 'lewd behavior' and the terms 'verbal, text-based, physical, realistic, or electronic activities' could have been incorporated to clarify the rationale, as it would encompass some aspects of the procedural developments. It may become a requirement for executives to establish an Internal complaints Committee at every managerial unit or workplace. It may also be essential for the company to allocate additional resources and efforts towards training persons from the Internal complaints Committee who are to be replaced periodically³⁴.

There is also a lack of clarity about the appointment of a director of the Internal complaints Committee in the absence of a senior-level female representative. Furthermore, in such instances, the composition of the panel members should ideally consist of an odd number to facilitate a majority decision by the council. The Internal complaints Committee must also incorporate a representative from "non-governmental organizations or associations dedicated to women's causes or possessing experience in social work or legal expertise." Employers may disapprove of an unconventional representation due to the sensitive nature of this problem and the necessity to maintain strict confidentiality.³⁵

The law raises concerns regarding the obligation of the business to address complaints of inappropriate behavior in the workplace within a specified timeframe, which may, in some instances, be impractical due to the potential lack of cooperation from involved employees or witnesses. The

³³Shelkar ram, "Law Relating to Dowry Deaths " publication -Lawmann, Edition: 2018, p.no. 94.

³⁴ Bhasin Alok, Sexual Harassment at Workplace 5 [1st ed 2007]

³⁵Kumar H.L, Kumar Gaurav Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 4th Edn. Law & Justice Publishing Co., p.no. 144.

law allows the firm to initiate legal action against the complainant in cases of fraudulent or malicious complaints. This structure was made to protect the business's interests, but victims are less likely to report incidents and file complaints because of it. This could defeat the purpose for which the law was made in the first place.³⁶

Conclusion

As a consequence of gender inequality and patriarchy, domestic violence has become increasingly prevalent in our society, particularly within our own households. It emphasizes the numerous emotional and physical maladies that the victim and other family members, particularly children, endure. These illnesses have the potential to have an enduring impact or even be passed down through generations. Domestic violence must be addressed in order to promote the well-being of society as a whole, as it has a detrimental effect on the well-being of not only the women who are the victims but also the entire family. Children who are raised in a violent household are more susceptible to developing violent behavior as adults. However, it is disheartening that violence persists within the household, despite the numerous measures implemented by the Indian government to safeguard women from domestic violence. Within the confines of the household, women are subjected to the most severe forms of abuse and violence. In cases of domestic abuse, such as dowry killings, physical and psychological harm, assaults, and other atrocities against offenders of violence, women, who are the exploited segment of society, require special care. Nevertheless, laws may not be effective unless they are adequately enforced by the judiciary and police.

Consequently, in order to reduce the risk of domestic violence and reduce the vulnerability of women, both state and non-state actors should implement concrete measures to empower them. In order to alleviate domestic violence against women in India, it is possible to implement specific measures. These include increasing public awareness of domestic violence as a violation of human rights, conducting legal literacy programs at the local level, establishing a separate special court in each district with a female judge to handle domestic violence cases exclusively, establishing a special wing in the police to address specific domestic violence issues, providing proper education to both boys and girls at a young age regarding domestic violence and women's rights, enacting more stringent laws to protect the rights and dignity of women, empowering women through schemes and policies, and implementing a multi-sectoral and holistic approach in partnership with governments, NGOs, and other institutions to reduce domestic violence against women in India. Society is ultimately empowered by the empowerment of women. Better women foster a more harmonious domestic environment, a more progressive society, and assist us as men in becoming more authentic versions of ourselves.

³⁶ Babel Dr. Rajeev, *Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace*, 1st edn., 2023, Bharat Law House Pvt. Ltd., p.no. 244.

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