

Domestic Violence and the Law: A Study of Criminal Remedies in Family Conflicts in India

Dr. Ipe Eshi

Assistant Professor,
Department of Law.
Himalayan University,
Itanagar, Arunachal Pradesh

¹*Date of Receiving: 28/06/2025*

Date of Acceptance: 24/08/2025

Date of Publication: 17/10/2025

Abstract

One of the most common and often overlooked human rights abuses in Indian households is domestic violence. It goes beyond gender inequality and patriarchal standards and crosses economic, cultural, and social lines. As time has progressed, the Indian legal system has begun to see domestic violence not as a personal family issue but as a grave criminal offence. This article delves into the specifics of domestic abuse legislation in India, including statutes like the Protection of Women from Domestic Abuse Act, 2005 (PWDVA), the Dowry Prohibition Act, and Section 498A of the Indian Penal Code (IPC), to determine the breadth and efficacy of these criminal remedies. Although these laws provide a solid foundation for victim protection, there are still many obstacles to overcome in order to put them into practice, such as accusations of abuse and bureaucratic inefficiencies. Both the evolution of domestic violence as a crime and the judicial system's reactions to cases of female battering are explored in this article. After that, it takes a look at how the criminal justice system has dealt with domestic abuse over the years, taking into account both societal and legal changes.

Keywords: *Domestic Violence; Woman; Family; India; Law*

1. Introduction

One kind of tyranny that has persisted inside the confines of the home for a long time is domestic violence. Many victims of abuse, particularly women, are silenced because of the traditional Indian society's veneration of the family as a private and sacred institution. Nevertheless, domestic violence is becoming a hot topic in legal and societal discussions due to the increasing acknowledgment of its role as a breach of gender justice and human rights. Over time, domestic violence in India has been reclassified as a crime that requires judicial involvement, rather than a private or familial issue. Section 498A, which criminalized mistreatment by husbands or their family, was added to the Indian Penal Code in 1983, marking a turning point. The Protection of Women from Domestic Violence Act, 2005 went a step further by prohibiting dowries and covering all forms of domestic violence, not just physical but also psychological, sexual, and economic. A complex system for punishing criminals and safeguarding victims has been established by these laws.

However, domestic abuse is still common even if these laws are in place. Because to economic dependency, societal shame, and ignorance of their rights, many women still suffer abuse. Victims are discouraged from pursuing justice due to the lengthy and burdensome legal apparatus and the complexity of the procedures. Furthermore, discussions

¹ *How to cite the article:* Eshi I (October 2025); Domestic Violence and the Law: A Study of Criminal Remedies in Family Conflicts in India; *International Journal of Law, Management and Social Science*, Vol 9, Issue 4, 23-31

on the balance between protection and justice have been ignited by accusations of abuse of certain laws, including Section 498A. Conciliating the need for criminal responsibility with the equally vital aim of family peace and rehabilitation is a more fundamental problem in India's legal reaction, and this conflict reflects that. Therefore, punishment is only one aspect of domestic abuse and the law. It entails investigating the interplay between institutional, social, and legal processes in the administration of justice. Domestic abuse laws should do more than just punish offenders; they should also provide victims the tools they need to start again. Building an effective and compassionate support system requires a concerted effort by community groups, family courts, protection officers, and criminal justice agencies.

- **Domestic violence**

In this setting, a definition of "violence against women" is crucial. The United Nations Commission on the Status of Women defines gender-based violence as any act that causes or is likely to cause physical, sexual, or mental harm to women. When discussing women's experiences with domestic violence, it is important to note that this kind of abuse may occur in any family, including that of the mother, father, brother, son, uncle, spouse, and in-laws. To torment someone physically, psychologically, verbally, or emotionally is to engage in domestic abuse. Nearly two-thirds of married Indian women experience some kind of domestic violence, with as many as 70% of married women in India experiencing rape, forced sexual relations, or physical abuse between the ages of fifteen and forty-nine. More than 55% of Indian women experience family violence, with the highest rates seen in northern areas, Uttar Pradesh, Bihar, and Madhya Pradesh. When males in a household physically or verbally abuse a female family member, this is known as domestic violence. Most of the time, when people talk about domestic violence, they're referring to attacks on women that happen inside the same family. Anyone living there with the obvious or covert power to do anything that hurts women emotionally or physically may be the husband, his parents, or brothers. Victimized women often deny experiencing the abuse, which happens behind closed doors.

2. Literature Review

Singh, Rakesh & Dhar, Souvik. (2023) The writers have made an effort to shed light on the many Indian statutes and court rulings that pertain to the safeguarding of children and women. The writers have covered the history of women in India, including their plight and the legislation enacted to protect them from the time of ancient times to the post-independence period. Gender equality and feminism have been explored from many angles by the writers. This book provides a comprehensive overview of international treaties pertaining to the rights of children and women. Included in this book are constitutional legislation and pertinent court rulings that safeguard the rights of women. This book provides a concise overview of women's rights under several personal laws. An in-depth analysis of women's rights is provided in the context of Hindu, Muslim, Christian, and Parsi law. To ensure the safety of children, the writers have included applicable legislation. We go over the latest court rulings and opinions, as well as laws such as the Juvenile Justice (Care and Protection of Children) Act, 2015, the Protection of Children from Sexual Offences Act, 2012, and the Child and Adolescent (Prohibition and Regulation) Act, 1986, in addition to the International Convention and Constitutional Rights.

Panchal, Trupti & Thusoo, Sumati & Inamdar, Vedika & Balaji, Akshaya. (2023) The complicated problem of violence against women is firmly ingrained in Indian culture. This paper examines the implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) using a mixed-methods approach, analyzing court records data (2005–2010) from two locations in Maharashtra, India, and conducting in-depth interviews with stakeholders. There was a dowry-related harassment complaint from 60.28 percent of the married women who used the PWDVA. While the social infrastructure in Maharashtra is sufficient to carry out legal proceedings, it must be optimized to guarantee the prompt administration of justice.

Samantha Bradley (2018) The prevalence of domestic and family violence (DFV) against children and women is disproportionately high in areas that have recently experienced war. There is a general consensus that domestic violence will increase if public violence is reduced. This study argues that communities recovering from war should prioritize public policy initiatives aimed at preventing domestic and family violence (DFV) against women and

children. State commitments under international human rights legislation also provide the necessary impetus for DFV to be included in post-conflict agenda items. A state may be in violation of the basic human rights to life, to freedom from inhuman and degrading treatment, to freedom from discrimination, and to health if it knows about domestic violence but does not take reasonable steps to protect victims and investigate complaints, according to jurisprudence. The foundation for post-conflict states to recognize the protection of women and children as an essential part of peace-building agendas should be laid by viewing DFV as a breach of states' responsibilities under international human rights law, rather than brushing it off as an issue pertaining to the private sphere.

Behera, Dilip. (2018) No matter where they go, women still face a lot of neglect, prejudice, and victimization. At the national and international levels, this bleak image persists. All women have experienced subhuman treatment and discrimination due to their gender, race, and religion. The position of women is negatively impacted by the prevalence of beliefs that were centered upon males throughout that time. Despite the common assumption that one's own house is the safest place to be, the high rate of domestic violence shows that this is not always the case. For generations, Indian women have been the targets of scorn, abuse, and exploitation. Atrocities perpetrated against women include female-foeticide, Satipratha, child marriage, dowry, societal boycott of widows, and many more.

Kethineni, Sesha. (2017) Domestic abuse in India is the topic of this chapter. This chapter argues, among other things, that a society's cultural views on women's status are crucial to the issue of ending domestic violence. There was complete equality between the sexes in India during the Vedic era (1500–500 BCE). The women of the Vedas were powerful figures who had access to education and who could pick their own partners. Women also made significant contributions to the fields of science and education, engaging in philosophical discussions and even penning hymns from the Vedas. Redefining women's position started during the Smriti era (after 500 BCE). Manu was the most influential legislator during the Smriti era. Manu maintains that women should never be given the freedom to choose for themselves. When girls are little, they are to live with their dads; when women are married, they are to live with their husbands; and when a woman dies without a husband, and her son is to live with her.

3. Domestic Violence and Criminal Justice System in India

The legal right of males to assault their spouses dates back generations. This fundamental human right has been codified in many legal, philosophical, and religious texts from throughout the globe. Assaults on spouses were considered necessary for the "well-being" of women. The proper way to scold and rebuke disobedient spouses was taught. In the latter half of the fifteenth century, a Christian scholar disseminated the Rules of Marriage. According to these guidelines, you shouldn't lash out at your wife with insults and physical punishment the moment you catch her in the act of breaking the law. Start by scolding her severely; next intimidate and threaten her; and last, get a stick and beat her until she gives in. True, since it's better to hurt the spirit while restraining the body than the other way around. Afterwards, easily vanquish her, not in a fit of wrath but out of compassion and concern for her spirit, so that you and she may both benefit from the physical and mental abuse. In other words, domestic violence was present in ancient Indian culture just as it is now, and women's status was identical to that of modern Indian society. Respect for women has always been an integral part of Indian culture. A common misunderstanding concerns the actual position of women in ancient Indian culture. The primary cause of this is the general lack of knowledge of the ancient manuscripts known as the Upanishads, Vedas, and Smriti. These works detail the rules, traditions, and practices that determine the actual position of women at that period. It is idealized in Indian culture that wives should sacrifice themselves completely for their husbands and spend their lives trying to break them. Polygamy, which has persisted for a long time, was another historical phenomenon that served to degrade women's position. Put another way, it was one of the discordant elements in women's marital lives. A wife's roles in ancient society extended much beyond that of a mere companion through life's ups and downs; she also served as mistress of her husband's home and an integral part of his religious sacrifices. Traditional societies had the view that women were born with inherent wickedness and that males should exert absolute dominion over them throughout their lives. The perfect woman is one who does not fight to escape these constraints. Virtue and chastity, especially in the roles of daughter, wife, and widow, are the foundations of women's redemption and joy. Such matters were reserved for the courts in ancient Sanskrit literature.

The human rights of women are grossly violated if they are the victims of violence. The psychological and physiological effects of violence against women are well-documented. They are unable to fully engage in society as a result. Emotional and bodily sufferings, both immediate and long-term, are among the many outcomes of domestic violence. The psychological toll is the worst a woman can endure, yet it is grossly underappreciated in India. Although everyone can see physical wounds, no one can see the invisible psychological scars that survivors endure. These scars are unbearably heavy to bear. Unfortunately, domestic violence is all too widespread in India. Domestic violence is a serious problem in India; the National Family Health Survey found that one-third of Indian women had been victims of it. One major component of the crime against women in India is domestic abuse.

Domestic violence affects everyone in India, regardless of their socioeconomic status or degree of education, contrary to what many people assume. It disproportionately affects rural, uneducated, poor, and other populations. The data supplied by the National Crime Record Bureau (NCRB) allows us to make predictions for the next hour. In India, sexual harassment happens once every 59 minutes, rape happens once every 34 minutes, and abuse by a husband or his connections happens once every 12 minutes, according to the NCRB. According to the data, in the next 24 hours, 186 women will have their human rights violated by NCRB, as 24 will be sexually assaulted, 42 will be raped, and 120 will be tortured by their husbands or husband's relatives. This is based on data from cases of domestic violence that have been reported to the police; nevertheless, many such occurrences go unreported. A lot of cases of domestic violence go unreported because victims are too ashamed to speak up.

3.1 Domestic Violence and its Legal Remedies in India

Domestic violence is one of the most destructive forms of human rights violations that have no bounds in terms of geography, culture, or economy. Traditional gender roles, patriarchal norms, and societal conditioning that uphold male superiority are the origins of this widespread social problem in India. It encompasses a wide range of forms of abuse, including sexual, emotional, psychological, physical, and financial attacks that occur inside intimate relationships or family structures. Not only does this kind of violence undermine victims' autonomy and dignity, especially women's, but it also disrupts the country's financial equilibrium. A prevalent issue in the private realm of families is marital violence, which over 29.3% of married Indian women report having experienced at some time in their lives, according to the National Family Health Survey (NFHS-5). Gender equality, human rights, and the morality of the constitution are all touched by the topic of domestic abuse in India. This goes beyond any one individual or family. Because of shame, familial pressure, or lack of knowledge, victims of domestic violence in India are often discouraged from seeking legal recourse due to the cultural norm that views such incidents as private matters. Nevertheless, domestic violence is increasingly being debated and examined in court as a result of the increasing activism of women's rights groups, progressive judicial interventions, and international conventions such as CEDAW.

These new innovations highlight the need of preventative and remedial mechanisms in ensuring victim justice and perpetrator responsibility. A significant step forward in the fight against domestic violence has been achieved by the Indian legal system with the passing of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). Victims of domestic abuse now have access to a comprehensive civil remedy in India, including protection, residence, maintenance, and custody rights, marking a significant departure from earlier criminal legislation that primarily focused on punishment. By enabling victims to reclaim their autonomy without having to break their marriage, the PWDVA differs from other legal remedies under the Indian Penal Code (IPC), such as Section 498A, which adopt a punitive approach.

Despite the progressive intentions of the PWDVA, its implementation has been hindered by a multitude of issues, including victims' lack of knowledge, an inadequate infrastructure (such as protection officers), and an absence of collaboration across the social welfare, police, and judicial sectors. It is difficult for victims to assert their rights or navigate the legal system because patriarchal ideals persist in society and minimize or justify domestic violence. To discover structural reforms that may bring the law closer to ordinary life, it is necessary to critically evaluate the operational efficacy and structure of the legal system. An additional layer of complexity arises from the fact that domestic violence disproportionately affects disadvantaged groups, such as Dalit women, tribal women, LGBT individuals, and persons with disabilities. These groups face additional societal hurdles, such as caste and class, which

make it even more difficult for them to receive justice. Thus, intersectionality is crucial for understanding the scope and impact of domestic violence in India. For real change to occur, legal solutions must be inclusive and sensitive to these many kinds of bias. There is still a long way to go before all survivors can be certain that they will achieve meaningful justice, even if court decisions have begun to recognize these nuances in recent years.

Judicial precedent, in conjunction with legislative initiatives like the PWDVA, has been critical in expanding women's rights protections. The right to life, dignity, and equality of women has been upheld by the Supreme Court and many High Courts via their interpretations of Articles 14, 15, and 21. *Vishaka v. State of Rajasthan* and *Shakti Vahini v. Union of India* are examples of instances where the court has shown its willingness to actively combat gender-based violence. Important decisions like *Hiral P. Harsora v. Kusum Narottamdas Harsora* have strengthened the gender justice principle by expanding the concept of "respondent" under the PWDVA in the context of domestic violence. Social transformation is still urgently required in tandem with judicial and legislative reform, notwithstanding significant advances in the law and courts. The quality of a society determines the efficacy of its laws, regardless of their quality of writing. Financial autonomy for women, community-based support networks, counseling services, public awareness campaigns, and gender sensitization are all essential components of any all-encompassing plan to combat domestic violence. Without addressing economic dependence, cultural norms, and illiteracy, legal remedies may fail to provide long-term empowerment and protection.

One of the most pervasive social issues in modern India, domestic abuse affects individuals of all ages, genders, financial backgrounds, and cultural traditions. Domestic violence is a multi-faceted problem that involves financial, sexual, emotional, physical, and mental abuse by an intimate partner or family member. Victims, who are mostly women, often find themselves in a terrifying and oppressive situation at home, despite the fact that it should be a safe haven where they may relax and heal. The Indian government and several legal groups have taken domestic violence very seriously, which is why they have enacted extensive regulatory frameworks to combat and prevent it. For a long time, people didn't want to talk about or do anything about domestic violence because they thought it was a private matter. More and more people now see domestic abuse for what it is: a societal ill that violates basic human rights and demands action from the government.

The introduction of targeted laws to safeguard victims and penalize perpetrators marks a turning point away from seeing domestic abuse as an individual issue and toward viewing it as a serious crime with legal remedies. Legal protections against domestic violence have not reduced the prevalence of this problem. The National Family Health Survey (NFHS-5) found that 30 percent of Indian women aged 18 to 49 have experienced domestic violence at some point in their lives, underscoring the urgent need for effective legal remedies and enforcement of existing laws. Patriarchal ideologies, gender inequality, economic reliance, social stigmas around reporting abuse, and other factors all contribute to the persistence of domestic violence. Victims are often discouraged from seeking legal action due to these factors; hence, finding appropriate legal remedies requires both legislative and social change. Justice, long-term protection, and immediate relief are the goals of India's legal remedies for domestic abuse. Victims of domestic violence have the right to file a complaint with the appropriate authorities, such as the Protection Officer or the Magistrate, who, in accordance with the PWDV Act, may issue several orders to prevent further abuse. Some examples of these orders include protection orders that forbid the respondent from engaging in further violent behavior, residency orders that ensure the victim's right to stay in the shared home and financial help to compensate for expenses caused by the abuse. The Act also streamlines the process by which authorized groups may aid victims with housing, counseling, and healthcare.

Legislation addressing domestic violence exists outside the PWDV Act. Spousal or familial cruelty is punishable by law in India (Section 498A of the IPC), and victims have recourse to the Criminal Procedure Code (CrPC) for redress and protection. Domestic violence often stems from dowry demands, which the 1961 Dowry Prohibition Act aims to prohibit along with the harassment and violence that often accompany them. The success of victims' rights advocacy and legal representation, however, is crucial to the efficacy of legal remedies. Many victims are reluctant to report crimes or seek legal recourse due to a combination of factors, including social shame, financial dependence, and lack of knowledge. Additionally, important issues such as the prompt participation of law enforcement and the execution

of protection orders persist. The collaboration of the court, law enforcement, and civil society groups is crucial to ensure that victims get the protection and justice they deserve via legal remedies.

There has been a recent uptick in efforts to educate the legal system and police on the importance of protecting victims of domestic violence. A more gender-sensitive approach in the judicial system and the empowerment of victims are the aims of awareness-raising efforts, support services, and legislative amendments. But there has to be a social, legal, and economic strategy to end domestic abuse in India. In order to create a society that is safer and more equitable, we must recognize domestic abuse as a breach of basic rights and find effective legal solutions to address it. The purpose of this research is to examine domestic violence in India from a legal perspective, with a focus on both preventative and restorative approaches. Important court decisions, challenges to execution, and the Indian Penal Code and PWDVA's legislative requirements will all be examined. The research will also look at comparative perspectives, particularly with respect to international human rights frameworks, to assess the extent to which domestic violence legislation in India adhere to international standards. Practical suggestions for institutional improvement, capacity development, and policy change are the goals of the research, which aim to provide justice for survivors and discourage offenders.

4. India's Domestic Violence Laws Legal Challenges and Prospects

The social structure of India is characterized by the prevalence of domestic violence. Abuse of women became a major societal issue in India while patriarchy was in power. Domestic violence may happen for many different causes. Feminist theory holds that patriarchy, gender stereotypes, and inequalities in power are the root causes of domestic violence. According to this ideology, males are inherently more powerful than women. Because they govern women and everything about their life, males are able to abuse their position and do damage to women without fear of retribution. Despite the cruel torture she has endured, the lady must accept her fate. Being both a domestic violence statute and the Protection of Women from DV Act, which was enacted in 2005, stands out for its commendable execution. The Act lays the groundwork for safeguarding women's home environments. The law has always upheld the problematic divide between the public and private spheres, but feminists have persistently questioned this division, and this legislation is the first major effort to remove it. According to historical records, women in the past were able to utilize the provisions of the Indian Penal Code to report instances of domestic violence. When it comes to acknowledging victims and protecting them from harmful situations, this Act goes further than the IPC. The inappropriate conduct was not deemed "domestic violence" according to the IPC. The Indian Penal Code (IPC) included cruelty against a married person as one of many similar crimes against women. It was necessary to respond to each case of domestic abuse that occurred in a person's house in accordance with the particular crimes outlined in the Indian Penal Code. The situation became more problematic when the victims were female or had children who relied on them for safety. S. 498A of the Indian Penal Code guarantees victims the ability to submit accusations regardless of whether they are married.

In order to protect herself from more attacks, she would likely have to leave her marital residence, as mandated by the IPC. There was no provision in those statutes that would allow the battered woman to remain in her marital home while she sought help for her abuse. Lawmakers passed these regulations in response to several instances when women encountered comparable circumstances in the house. They don't even have to hit, strangle, or bang your head against a wall for it to constitute domestic violence. Domestic abuse may take many forms, including demeaning comments, embarrassment, blaming, screaming, and financial withholding. Even though women are generally considered to be nice, in India they are usually treated badly, such as servants, undesired, and the object of many other stereotypes. That shed light on the challenges women faced in ancient Indian culture and the conditions under which they may have thrived.

4.1 Protection of Women from Domestic Violence Act 2005

Several elements, including as colonial dominance, post-independence changes, and ancient tradition, have influenced the centuries-long evolution of Indian law. Indian law is steeped in the countries illustrious past, drawing from Hindu and Islamic legal traditions as well as contemporary constitutional principles and legislation, as well as the laws

imposed by the British Empire. During the Vedic period, writings such as the Manusmriti and Arthashastra provided rules for social conduct, administration, and justice; these works formed the basis of the earliest Indian legal systems. The ancient regulations had a significant effect on early Indian culture. The rise of Islamic rule brought new systems of law and administration, such as Islamic jurisprudence. The most formative period for Indian law occurred during the era of British colonial rule. A codified legal system based on English common law superseded various local customs in certain areas when the British colonizers arrived. Central statutes, such as the Indian Penal Code (1860), the Indian Civil Code (1872), and the Indian Evidence Act (1872), laid the groundwork for an organized legal system. The formation of the High Courts and the Supreme Court in 1774 significantly centralized the judicial system.

The Constitution of India, which came into force on January 26, 1950, after India's 1947 declaration of independence, created a comprehensive legal structure. A democratic system of government, basic rights, and the supremacy of the law were all affirmed in the Constitution to guarantee that all people have the opportunity to experience justice, equality, and freedom. Court decisions, legislative changes, and global trends have all contributed to the evolution of India's legal system over the years, allowing it to adapt to the country's shifting socioeconomic and political climate. Modern developments in Indian law continue to address pressing global challenges such as human rights, technological advancements, economic regulation, and environmental protection, demonstrating the ever-evolving nature of Indian law. To ensure that women who are victims of domestic violence have access to justice and legal remedies, the Protection of Women from Domestic Abuse Act, 2005 (PWDVA) established a thorough statutory framework. Women in all types of domestic relationships are protected by this Act, which also offers quick aid in cases of domestic abuse, harassment, or mistreatment. One of the most important parts of the act is that it defines an aggrieved person as anybody who has endured abuse while living with their abuser, regardless of gender. This includes all women. As long as certain conditions are satisfied, the law covers women in a variety of partnerships, including wives, mothers, sisters, widows, and those in de facto relationships. The court has taken the lead in interpreting and extending the legislation of an injured person to include people who have cohabited as married persons, ensuring that women's rights are protected.

Court rulings have strengthened protections for women who suffer abuse at the hands of family members by expanding the term of "respondent" from adult males to include female spouses or partners, while the Act's original intent was to include only males. Some have voiced concerns about potential abuse of the Act, notwithstanding its importance. There has been a warning from the courts against baseless accusations that unfairly implicate everyone in the family without sufficient evidence. An important piece of legislation that continues to work toward its goals of empowering women and protecting them from domestic violence is the Domestic violence Act of 2005.

4.2 Present Status of Domestic Violence against Women in India

Finally, on October 26, 2006, the Protection of Women from Domestic Violence Act (PWDVA) that had been enacted in 2005 finally became law. Domestic abuse is a serious problem, and this civil legislation is an attempt to help victims right away. Contrast this with criminal law, the purpose of which is to punish violent offenders (those who commit acts of violence) by means of fines and jail time. Civil law has the benefit of being victim-centered; under it, a woman may seek civil reliefs including injunctions, compensation, and monetary relief without having to wait for the police to take action. In response to a complaint brought under this statute, no one may be arrested. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is an all-encompassing civil law that offers various remedies to a victimized woman who has been a victim of domestic violence. A primary relief is a Protection Order (Section 18), which prohibits the abuser from engaging in any act of domestic violence, going to the victim's workplace or any other designated place, communicating with her, or taking away her assets. This injunction is in place to protect the lady from further harm and to make sure she is secure right now. Section 17 of the Act guarantees the right to reside in the common family, and Section 19 makes it possible to enforce this right via a Residence Order.

The wronged woman may live in the "shared household" under this historic entitlement, even if she doesn't own the property or have any legal claim to it. In order to prevent the lady from being forced to leave her home or face homelessness, a Magistrate may issue an order prohibiting the respondent from evicting her, ordering the respondent to vacate the shared dwelling, or even finding her other housing.

Section 20 of the Act deals with Monetary Relief, and Section 22 deals with Compensation Orders, both of which are necessary for achieving financial independence and making amends compensation for medical bills, lost wages, and maintenance for the mother and her children are all examples of costs that may be covered by monetary relief for victims of domestic abuse. Just as in Section 125 of the Criminal Procedure Code, a Magistrate may order the payment of maintenance. Injuries, including psychological and emotional suffering, caused by domestic abuse may also be compensated for via a Compensation Order. Last but not least, Section 21 of the Act grants the aggrieved party interim custody of any children by allowing the court to issue a Custody Order.

5. Conclusion

We can conclude that in the complicated problem of domestic abuse in India calls for solutions beyond just enforcing the law. Although substantial, the criminal remedies afforded by Indian law are contingent upon their actual application. The effectiveness of the Protection of Women from Domestic abuse Act, 2005, hinges on the level of knowledge, institutional cooperation, and sensitivity shown by law enforcement personnel. The act has broadened the definition of family abuse and provided victims with more options for seeking remedy. Judgment rates and procedural requirements are insufficient to ensure victims of domestic abuse get true justice. Prompt action, safeguarding victims, healing, and reintegration into society are all essential components. Finding the right balance between keeping criminal laws robust enough to protect women and limiting their abuse and overreach is the real difficulty. More than punishing legislation is needed to end domestic violence; societal attitudes that condone or justify abuse must be changed. Education, empowerment, and empathy are necessary for the law to be a potent tool of change. Then, and only then, will India be able to build a culture where people feel comfortable enough to speak up in their homes without fear of reprisal.

REFERENCES

- Behera, D. (2018). *Domestic violence in India: Present legal provisions and future prospects*.
- Bradley, S. (2018). *Domestic and family violence in post-conflict communities: International human rights law and the state's obligation to protect women and children*. *Health and Human Rights Journal*, 20(2).
- CARE. (2016). *State facilitated support services under PWDV Act 2005: A review of status of implementation in Bihar*.
- Chaturvedi, R. (2023). *Legal awareness and access to justice among rural women facing domestic abuse*. *Indian Journal of Legal Studies*, 12(1), 77–92.*
- Kaur, S. (2020). *Domestic violence laws in India: An evaluation of judicial trends*. *Indian Bar Review*, 47(1), 88–105.*
- Kethineni, S. (2017). *The problem of domestic violence in India: Advances in law and the role of extra-legal institutions*. https://doi.org/10.1057/978-1-137-50750-1_12
- Law Commission of India. (2015). *258th report on Protection of Women from Domestic Violence Act, 2005*. Government of India.
- National Crime Records Bureau. (2022). *Crime in India 2021: Chapter on crimes against women*. Ministry of Home Affairs, Government of India.
- Panchal, T., Thusoo, S., Inamdar, V., & Balaji, A. (2023). *Domestic violence and the law: A study of complaints under the Protection of Women from Domestic Violence Act, 2005 in Maharashtra, India*. *Violence Against Women*, 29, 2617–2638. <https://doi.org/10.1177/10778012231188091>

Patel, T. (2005). *Domestic violence in India: Nature, causes and legal response*. *Economic and Political Weekly*, 40(47), 4865–4870.

Shekhar Sinha, A. M. P. (2016). *Domestic violence and effectiveness of law enforcement agencies: A panel data study*. *Economic and Political Weekly*.

Singh, P., & Pathak, A. (2022). *Domestic violence in India during COVID-19 lockdown: A legal and social crisis*. *International Journal of Law and Society*, 9(3), 114–128.*

Singh, R., & Dhar, S. (2023). *Women and criminal law*.

Sharma, N. (2021). *A socio-legal analysis of domestic violence against women in India*. *Journal of Gender Justice Studies*, 5(2), 45–61.*