

ARTICLE

THE ROAD TO GENDER EQUALITY: LEGAL SAFEGUARDS UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005



Richa Kaur* and Shikha Saharawat**

Abstract

The principle of gender equality constitutes an indispensable part of our Indian Constitution as it finds place in the Preamble, Fundamental Rights, and Directive Principles of State Policy. It seeks to ensure equality to women and empowers the states to formulate policies towards positive discrimination in favor of women. Despite these measures, women face significant cultural and social challenges that stagnate their advancement. Crimes including rape, dowry death, and cruelty by husband and relatives as well as domestic abuse continue to encompass their lives. The concept of gender quality and women empowerment seem redundant in the absence of protection of women from all forms of violence. Most of the cases of domestic violence go unreported due to social stigma and attitude of women who believe that they are subservient to their male counterparts. With the objective of curbing the most pervasive form of violence i.e. domestic violence, the legislature enacted the Protection of Women from Domestic Violence Act, 2005 for ensuring justice to women who face abuse and violence within the confines of their homes. The Act has been instrumental in advancing women's empowerment and has sought to create awareness among the women making them more conscious about their rights. However, legal reforms are meaningless unless they are preceded by social reforms. This paper seeks to explore the reasons for adopting such a legislation and whether it has sufficiently addressed the problem of domestic violence. It further highlights the impediments in the implementation of the law and suggests measures that would make this comprehensive piece of legislation a tool for empowering women.

Keywords – Domestic Violence; gender equality; women empowerment; marital abuse; societal pressure; constitutional rights.

I. INTRODUCTION

“To call woman the weaker sex is a libel; it is man's injustice to woman. If by strength is meant brute strength, then, indeed, woman is less brute than man. If by strength is meant moral power, then woman is immeasurably man's superior: Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her man could not be. If non-violence is the law of our being, the future is with woman. Who can make a more effective appeal to the heart than woman?” - Mahatma Gandhi

* Assistant professor, Amity University, Greater Noida.

** PhD Scholar, School of Law, Bennett University.

The social and cultural milieu of India is based on notions of patriarchy that determines the behavioral patterns of both male and female in general and has immense repercussions on other aspects of lives. Such notion has led to subordination of women depriving them of their right to live in dignity and freedom from fear and violence. When we empower women, we contribute to the development of the society because only an empowered woman can positively contribute towards the health and well-being of her family and the future generations.¹ The term empowerment can denote varied interpretations. In substance, it means the ability to make choices and take decisions for oneself. The question that assumes significance is whether women have actually been empowered through various measures undertaken by the government. It is an acknowledged fact that the plight of women in India has remained a serious concern cutting across all strata of society. Several women subjected to such violence live in perennial fear for their safety coupled with slackened self-worth. Violence perpetrated against women that remains largely underreported constitutes one of the most widespread human rights violations in the contemporary world.² Women continue to endure such violence due to a culture of impunity, deeply entrenched gender inequality and societal silence that pervades the Indian society. Historically, social norms that subordinate women in comparison to males within the family and society have formed an important constituent of the social milieu. Traditional and prescribed gender roles that position women as subservient and men tasked with protecting the women and heading the family³ in conjunction with financial dependence of women and disparity in power dynamics has played a significant role in perpetuation of domestic violence as a tool to maintain male dominance in domestic relationships. Another reason can be attributed to gender inequality that provides impetus to this violence adversely affecting the lives of victims as well as their families and impacting the socio-economic fabric of their communities.⁴

Even though gender equality has been included as one of the eight Millennium Development Goals, yet discrimination against women and girls - including gender-based violence, economic discrimination, reproductive health Inequities has continued unabated. Women in Vedic era enjoyed honorable position in the society enjoying basic rights of education and freedom to remain unmarried

¹ Dr. K. V. Sobha Rani, A Study on Women Empowerment in India 7(11) IJMTST 120, 121-23 (2021).

² Najma Anjum Mirchal & Tarun Joshi, Unmasking Injustice: A Comprehensive Review of Violence Against Women in India, 20(1) AJA 433, 434-37(2024).

³ Lata Satyen et al., A Global Study into Indian Women's Experiences of Domestic Violence and Control: The Role of Patriarchal Beliefs, 15 FRONT. PSYCHOL. 01, 01-09 (2024).

⁴ Ameeta Kalokhe et al., Domestic violence against women in India: A systematic review of a decade of quantitative studies, 12 (4) GLOB. PUBLIC HEALTH. 498, 500-10 (2017).

and spend their life in pursuit of knowledge. However, due to socio-political changes in the middle age, the status of women deteriorated which was sought to be overcome during the British rule. There were efforts made by the colonizers and various social reformers like Raja Ram Mohan Roy and Sarojini Naidu to uplift the status of women by bringing about certain social and political changes. This led to passage of various laws to abolish sati, dowry, polygamy and child marriage. There were also efforts to establish widow remarriage and secure women education thus providing a base for establishing gender equality and woman empowerment. Under the British rule, the husband accused of inflicting violence on his wife could be charged under general provisions of murder, or wrongful restraint or confinement or abetment to suicide. However, it was only in the early 1980s that the process of criminalizing domestic violence in India was initiated due to a staunch campaign propagated by feminist and women groups across the country especially in the aftermath of the critical judgment pronounced by the Supreme Court in Mathura rape case.⁵ There was an increased demand for criminalizing dowry death and domestic violence that resulted in passage of Section 498A of IPC in 1983⁶ and Section 304B IPC in 1986⁷. However, this remedy available to a victim of domestic violence that included either approaching a civil court (divorce) or criminal court under Section 498A IPC or 304B IPC was very limited. There was no provision for emergency relief, which resulted in women suppressing their voices and suffering in silence. To provide relief to victims of domestic abuse, the Parliament enacted the Protection of Women from Domestic Violence Act, 2005 to proscribe domestic abuse and extend its provisions to not only married relationships but also live-in relationships, granting emergency relief to the victims in addition to remedy available under the ordinary criminal law. The Act encompasses the definition of cruelty as characterized under Section 498A IPC. Prima facie, the law seems to be a blessing for women in India who are silent sufferers of domestic abuse or violent relationships.⁸ Despite great strides made by women in every field, gender-based violence continues unabated with greater frequency and magnitude. There is a certain orthodox mindset that is perpetuated in the Indian society requiring women to suffer in silence without raising their voices.⁹

⁵ Jayna Kothari, Criminal Law on Domestic Violence: Promises and Limits, 40(46) *ECO. AND POL. WEEKLY* 4843, 4843-49 (2005).

⁶ Ins. by Act 46 of 1983, s. 2.

⁷ Ins. by Act 43 of 1986, s. 10 (w.e.f. 19-11-1986).

⁸ Ritu Singh et al., Domestic Violence Act 'Shield or Weapon of an Indian Women': Two Sides of a Coin, 9(1) *IJPP* 164, 164-68 (2018).

⁹ Gulafroz Jan, India's 'Domestic Violence Act 2005': A Critical Analysis, 11(1) *BEJS* 18, 20-27 (2014).

II. INGREDIENTS OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

The Statement of Objects and Reasons of DV Act, 2005 clearly demonstrate that the Act was enacted keeping in mind the fundamental rights of Article 14, 15 and 21 of the Constitution. It seeks to advance the fundamental freedoms of women guaranteed under these provisions.¹⁰ Domestic violence includes ‘physical, sexual abuse, or emotional abuse and controlling behaviors such as enforced isolation, excessive jealousy, and limiting access to economic resources or support’.¹¹ As per the definition provided under Section 3 of the DV Act, domestic violence includes: “Any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it— (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”¹²

In addition to the physical, psychological, and social trauma that domestic violence causes, victims of domestic violence have reported higher rates of depression, anxiety disorders, post-traumatic stress disorder, cognitive impairment, substance abuse, as well as thoughts of attempted suicide.¹³ The objective of the Act is to protect women from abuse and equip them with necessary legal and social framework to live a dignified life. Empowerment of women is crucial to ensure that they are equipped with tools to defend their rights. This entails legal protection from violence, which is a sine qua non for that empowerment. The provisions of the DV Act have been enacted to meet this purpose. Any woman who has been a victim of domestic violence is entitled to approach either the 'Protection Officer' or the 'Service Provider' or the police or a Magistrate directly.¹⁴ Once the complaint has been lodged, there are different measures or orders that can be passed by the Magistrate to secure protection of the victim. The various orders include Protection order that entails ordering the offender to immediately cease all acts of violence towards the victim.¹⁵ Secondly,

¹⁰ Aniket Sancheti, Domestic Violence Against Women in India: A Socio-Legal Study, 11(2) IJRAR 807, 816-17 (2024).

¹¹ Dr. Jasdeep Kaur, Domestic Violence: Some Socio Legal Contours, IPJ, 150, 152-54 (2013).

¹² The protection of women from domestic violence act 2005, § 3.

¹³ Mary Ellsberg ET AL., Prevention of Violence against Women and Girls: What Does the Evidence Say? , 385 LACENT. 1555, 1555-66 (2014).

¹⁴ The protection of women from domestic violence act 2005, § 6.

¹⁵ The protection of women from domestic violence act 2005, § 18.

Residence order that entails that the magistrate passes an order that a woman cannot be evicted from the shared household in which she is residing with her husband during the pendency of the complaint, whereby the magistrate can order the accused not to sell their house. She is entitled to alternate accommodation if she wishes to and, in such circumstances, the accommodation and her maintenance must be paid for by her husband or partner.

Thirdly, monetary relief in which the offender is ordered by the magistrate to pay money keeping in mind violence inflicted upon the victim which includes physical or mental. Fourthly, custody order wherein the victim is entitled to the temporary custody of her children during the pendency of the proceedings. Lastly, compensation orders, in which the magistrate may direct the offender to pay compensation to the victim for physical and mental injuries that were inflicted upon the victim. In addition to remedies available under the Domestic Violence Act, 2005 the victim may seek civil remedies (divorce, judicial separation, maintenance and alimony) as well as criminal remedies (cruelty, dowry death). Punishment for violation of the above-mentioned rights attracts punishment of one year's imprisonment and/or a maximum fine of Rs 20,000.¹⁶

The beneficiaries under the law are women and children. Under Section 2(a) of the Act any woman who is or has been in a domestic relationship with the 'respondent' in the case may file a case against a person with whom she is having a 'domestic relationship' in a 'shared household', and who has subjected her to 'domestic violence'.¹⁷ Furthermore, children can also claim protection under the Act. They may file a case either themselves or someone may file on their behalf against a parent or parents who are tormenting or torturing them, physically, mentally, or economically.

Under Section 3 of the Act, "any act/conduct/omission/commission that harms or injures or has the potential to harm or injure will be considered domestic violence". Therefore, domestic abuse includes not only physical abuse but also sexual, verbal, emotional, psychological and economic abuse. Moreover, it is not necessary that the woman has to suffer a prolonged period of abuse before claiming relief under DV Act, 2005 because even a singular act of commission or omission may constitute domestic violence. A significant and robust provision under the Act is to ensure that the husband of the woman who files a complaint under the Act is not restricted during the pendency of the complaint continued access to resources/ facilities to which she is entitled by virtue of the domestic relationship, including access to the shared household with her husband. She is also entitled to file a simultaneous complaint under Section 498A of IPC, which has now been reproduced in

¹⁶ The protection of women from domestic violence act 2005, § 31.

¹⁷ The protection of women from domestic violence act 2005, § 2(a).

Section 85 and 86 of Bhartiya Nyaya Sanhita, 2023. Furthermore, the law affords protection to spouses in live in relationships thus expanding its scope and giving recognition to institutions that are like marriage.¹⁸ The components of the Act are a testament to the immense respite granted to a woman who is a victim of abuse and violence by providing recourse to the legal provisions.

III. STATISTICS SHOWING CRIME AGAINST WOMEN.

National Family Health Survey.

According to the National Family Health Survey-5 report, almost one-third of women in India have been subjected to physical or sexual violence.¹⁹ Furthermore, as per the report that was released by the Union Health Ministry, the cases of domestic violence against women has decreased from 31.2% to 29.3% in India, and 30% women between the age of 18 and 49 have been victims of physical violence from the age of 15 years, while 6% have encountered sexual violence in their lifetime.²⁰

National Crime Report Bureau 2022.

The NCRB compiles and publishes annual crime data as reported by individual states. There is a separate section on ‘Crimes against Women’ in the data. While examining this report, the number of reported crimes against women increased from 3.37 lakh in 2014 to 4.45 lakh in 2022 showcasing an increase of over 30%. The Crime rate (crimes per lakh women) also increased from 56.3 in 2014 to 66.4 by 2022 which underscores the urgent need for comprehensive strategies to counter this growing menace engulfing our country.²¹ Moreover, as per the National Crime Report Bureau (NCRB), the crime against women has seen a rise by 4 percent in the year 2022 and specifically “Cruelty by husband or his relatives” constituted majority of crimes against women inviting concerns relating to the safety of women in India. Our country has manifold laws to safeguard women but yet the cases of crime have shown an increasing trend. The NCRB data discloses an alarming number of 4,45,256 cases of crimes against women in 2022, which roughly accounts to 51 FIRs per hour, thereby revealing an exponential rise from 2021, which documented 428,278 cases,

¹⁸ Iqra Khan, Cruelty Law in India: Section 498A and Protection of Women from Domestic Violence Act (2005) NYAAYA (Jan. 28, 2025, 10:11 AM), <https://nyaaya.org/guest-blog/cruelty-law-in-india-section-498a-and-protection-of-women-from-domestic-violence-act-2005/>.

¹⁹ Esha Roy, 30% Women in India Subjected to Physical, Sexual Violence: NFHS, THE INDIAN EXPRESS (Jan. 28, 2025, 11 AM), <https://indianexpress.com/article/india/30-women-in-india-subjected-to-physical-sexual-violence-nfhs-7906029/>.

²⁰ *Ibid.*

²¹ Frontline News Desk, CRIME | Over 4.45 Lakh Crimes against Women in 2022; One Every 51 Minutes: NCRB, THE HINDU (Jan. 30, 2025, 11:30 AM), <https://frontline.thehindu.com/news/crime-in-india-2022-ncrb-report-over-445000-crimes-against-women-in-2022-one-every-51-minutes-murders-juvenile-crimes-uapa-offences-against-state-uttar-pradesh-delhi-kolkata-kerala/article67607146.ece>.

and 2020, which recorded 371,503 cases. Most of the crimes against women were strategically classified as cruelty by the husband or his relatives (31.4%), followed by kidnapping and abduction (19.2%), assault with intent to outrage modesty (18.7%), and rape (7.1%).²²

Perusing the reports of NCRB in the last few years, it can be averred that cruelty by husbands or their relatives is the predominant crime that is classified under offences against women. The report further reveals that most of the victims are located in the state of West Bengal followed by Uttar Pradesh. Violence against women is almost non-existent in the Northeastern States.²³ Despite the dismal statistics shown in the report, it is imperative to understand that the cases reported and documented do not reveal a complete picture. Several cases are not reported owing to social stigma and lack of trust in the law enforcement machinery. Moreover, mostly, the victims know the culprits, which deters them from reporting such crimes considering the enormity of social and economic costs of reporting such crime. They fear social boycott and deprivation of financial support. The NCRB data discloses that as many as 145,840 cases, the highest in this category, have been resolved by the police showcasing underreporting of violence against women. This has led to distortion of statistics demonstrating the enormity of this menace.²⁴

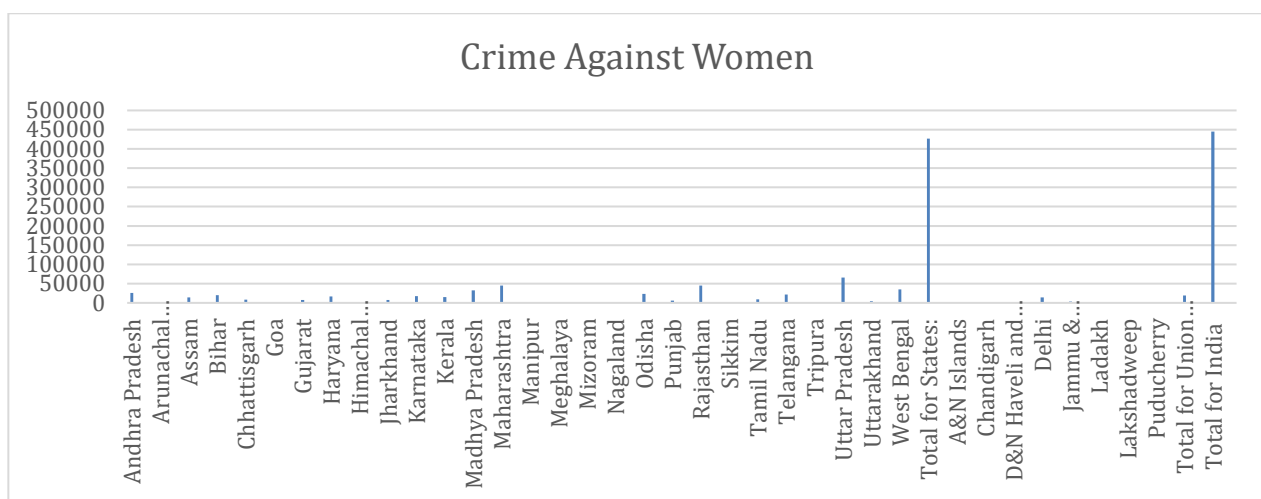


Figure 1.1 Crime against Women

²² Sonali Verma, India Records 51 Cases of Crime against Women Every Hour; over 4.4 Lakh Cases in 2022: NCRB Report, TOI (Feb. 02, 2025, 10 AM), <https://timesofindia.indiatimes.com/india/india-records-51-cases-of-crime-against-women-every-hour-over-4-4-lakh-cases-in-2022-ncrb-report/articleshow/105731269.cms>.

²³ Sreeparna Chakrabarty, Are Crimes against Women on the Rise? | Explained, THE HINDU (Feb. 03, 2025, 11 AM), <https://www.thehindu.com/news/national/are-crimes-against-women-on-the-rise-explained/article67622430.ece>.

²⁴ Geeta Pandey, Rising Crimes against Indian Women in Five Charts, BBC (Feb. 03, 2025, 11:30 AM), <https://www.bbc.com/news/world-asia-india-62830634>.

The above Chart indicates the data regarding crime against women shown in NCRB report 2022. Total cases registered on crime against women for states are 426433 and Union territories is 18823. Out of this number, Delhi has registered highest cases with a rate of 144.4 against women surpassing the national average, Uttar Pradesh with 65,743 followed by Maharashtra.

Despite several laws and measures enacted to afford legal protection to women, the rate of crime shows an increasing trend. Legislation will not be effective unless there is a change in mindset and societal ethics including respect and dignity towards women. Additionally, the legislation regulating crimes against women must be made more stringent and effectively implemented to act as a deterrent for those thinking of committing such crimes. It should not be forgotten that violence against women is a violation of human rights, which takes away the ability of a woman to enjoy her fundamental freedoms. It is further imperative that victims of violence raise their voices against such abuse and do not remain silent spectators of the crime inflicted upon them.

National Commission for Women Report 2024.

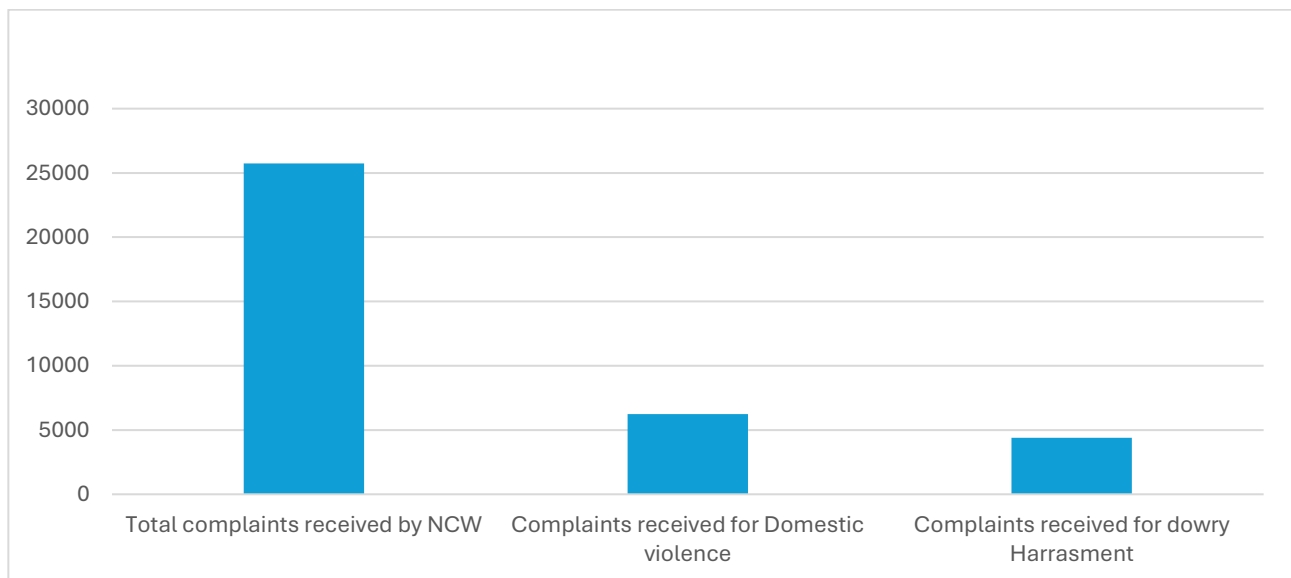


Figure 1.2 Total complaints received by NCW, 2024.

Latest Report of National Commission for Women 2024 Shows that violence within homes is still a serious concern with 24% (6237) out of total 25,743 complaints received was of Domestic Violence and 4383 which is 17% out of total complaints was received for dowry harassment against women.

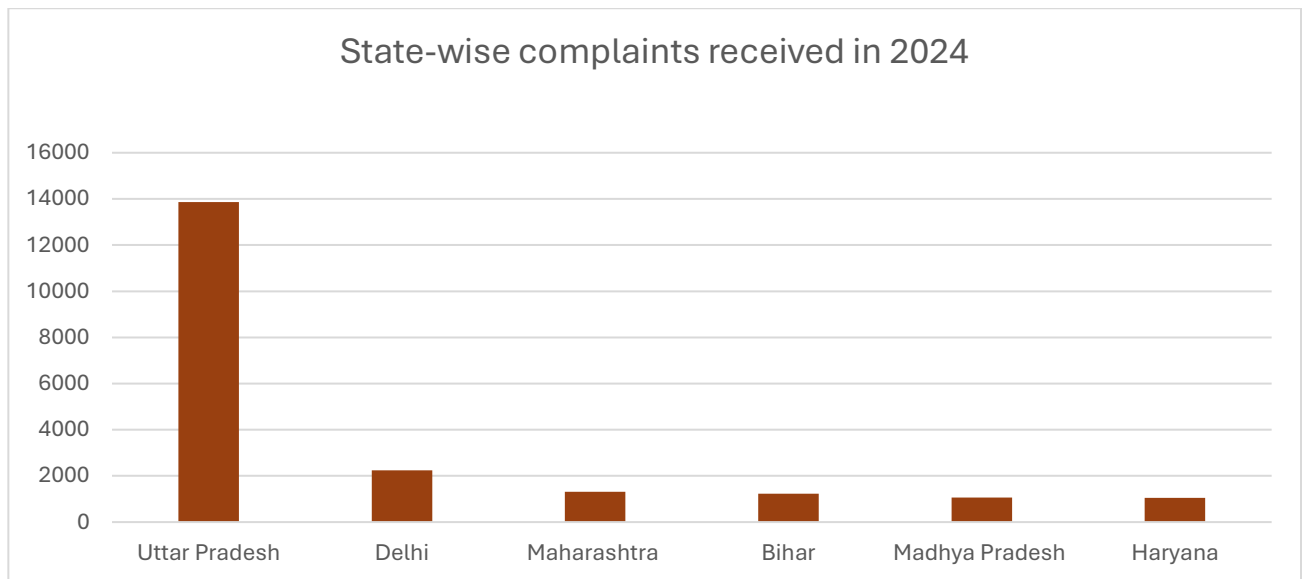


Figure 1.3 State-wise complaints received by NCW in 2024.

In 2024 Uttar Pradesh Received the Highest Number of Complaints 54% (13,868) followed by Delhi 9% (2245) With Maharashtra 5.1% (1317) , Bihar 4.8% (1233) , 4.2 % (1070) from Madhya Pradesh and 4.1% (1048) from Haryana.²⁵

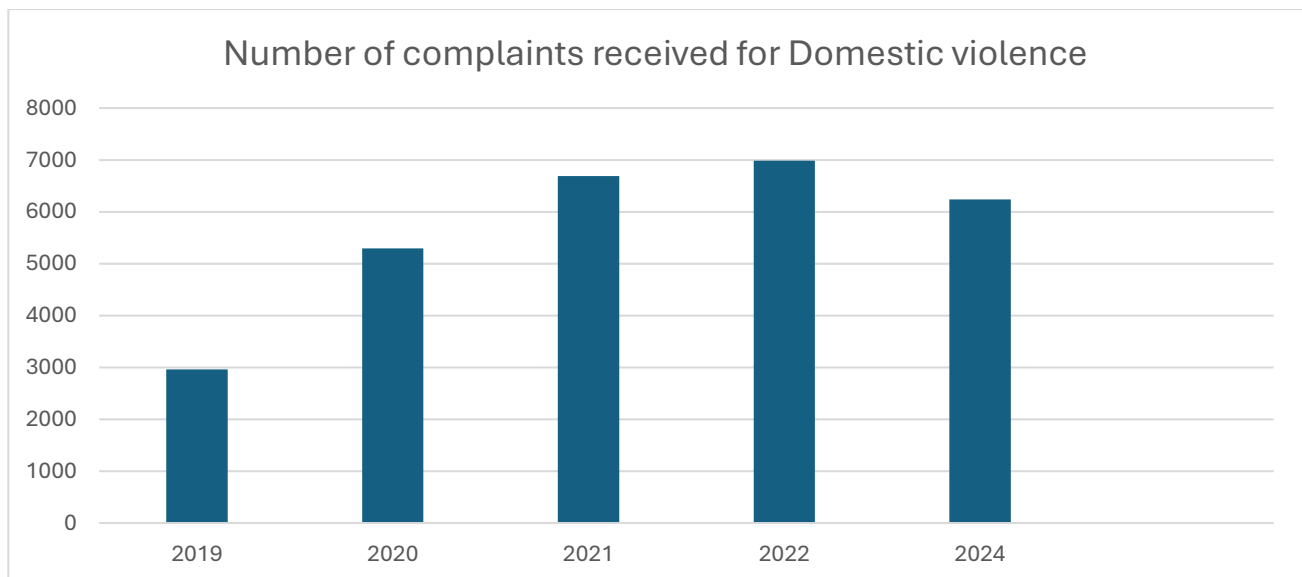


Figure 1.4 Number of complaints received by NCW from 2019 to 2024.

²⁵ Ambika Pandit, Dowry torture, domestic violence remains serious worry: NCW data, TOI (Feb. 06, 2025, 10AM), <https://timesofindia.indiatimes.com/india/dowry-torture-domestic-violence-remain-serious-worry-ncw-data/articleshow/116864914.cms>.

From the above data, it can be seen that there is decline in complaints of domestic violence in year 2024. In 2019, total complaints received by NCW was around 19,730 and in the year 2020 around 23,722 when the covid-19 pandemic struck in the country. In the year 2021 and 2022 the complaints received was more than 30,000. For the first time there was declined in the filing of complaints in 2023. During pandemic there was global outcry for the rise of domestic violence cases across the country. The highest number of complaints was received in 2022 i.e. 6986 out of total 30,957 complaints, followed by 6688 out of 30,865 in the year 2021.

IV. EVALUATING THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Gender discrimination is often described as one of the predominant causes of many crimes fostered by the belief that women are subordinate to men. Despite the presence of this law, rural and marginalized women encounter difficulties in accessing courts and services. Moreover, there is a delay in court proceedings and enforcement mechanism. Societal attitudes also perpetuate domestic violence.²⁶ There have been some instances where these legal provisions introduced for protecting women have been misused and used as a tool to seek revenge from men and their family. The focal point of the legislations introduced to curb domestic violence is responding to such violence after their occurrence rather than enforcing preventive mechanisms. Such a response strategy is not adequate to address the underlying causes of violence that are perpetuated against women. Despite these lacunas, the legislation has been a blessing to scores of women impacting their lives in a positive manner.²⁷ It has led to increased reporting as demonstrated by the National Crime Records Bureau data, which shows an increase of 33% in reported domestic violence cases between 2014 and 2018. Over 1.5 lakh Protection Orders were issued between 2015 and 2020. Several women have secured financial support as well as child custody. The law has empowered women economically through maintenance and property rights that can be granted to them under DV Act, 2005 in addition to Section 125 CrPC which has been reproduced as Section 144 The funding to shelter homes has increased providing refuge to many women and children who have been victims of violence.²⁸

²⁶ Violence against Women and Girls – What the Data Tell Us | World Bank Gender Data Portal, WORLD BANK GENDER DATA PORTAL (Feb. 08, 2025, 09 AM), <https://genderdata.worldbank.org/en/data-stories/overview-of-gender-based-violence>.

²⁷ An Overview of Protection of Women from Domestic Violence Act, 2005 - Legal Articles in India, LEGAL SERVICES INDIA (Feb. 07, 2025, 11 AM AM) <https://www.legalservicesindia.com/law/article/2781/4/An-Overview-of-Protection-of-Women-from-Domestic-Violence-Act-2005%3E>.

²⁸ Rakhi Dandona ET AL., Domestic Violence in Indian Women: Lessons from Nearly 20 Years of Surveillance, 22(128) BMC WOM. HEAL. 1, 2-12 (2022).

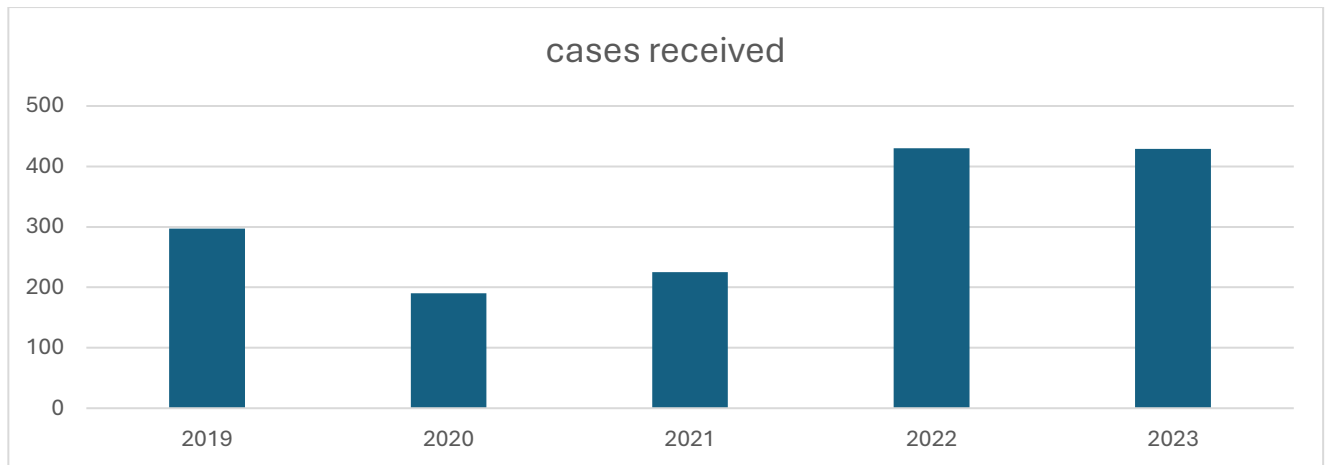


Figure 1.5 Trend in Reporting of Cases

Authors filed an RTI(Right to information) application in Department of Women and Child Development Authority through which they have received the above-mentioned data. The above chart indicates the number of cases received by Protection Officers in Government of NCT of Delhi, Department of Women and Child Development Under Protection of Women from Domestic Violence Act 2005 until 31.05.2024. The Data highlights the trends in reporting of cases in the last five years. As per the reply to the RTI, approximately 300 Cases have been received by Protection Officer in 2019 and if we analyse the data of 2020, it reveals a decline in the number of reported cases of Domestic Violence. The decline may be attributed to disruptions caused by Covid-19 Pandemic restrictions. The number of cases has risen from 2021, which indicates that there has been an increase in awareness among women or their willingness to report Domestic Violence abuse. As per the data, there has been an increase in filing of cases from around 250 to 450 revealing an increasing trend in reporting mechanisms. The above data highlights the importance of Protection Officers in Protecting Women and in implementation of PDWDV Act 2005.

V. WOMEN EMPOWERMENT AND DOMESTIC VIOLENCE ACT, 2005

There are several constraints that have been identified as barriers in achieving the desired level of empowerment. These include poverty, social norms, lack of morality and family structure as well as lack of awareness about legal rights. The harsh reality of women in India is that they are relatively

disempowered and enjoy a subservient status in comparison to their male counterparts.²⁹ Despite various measures undertaken by government and NGOs, there has not been a significant improvement in the status of women. Access to education and employment has acted as a catalyst in the process of empowerment but more needs to be done on this front in terms of changing the attitude and mindset of people. The unequal gender role needs to be shunned and disapproved by the society so that women can raise their voice and lead a dignified life free from bias. Until this attitude is changed, we cannot be in a position to say that women in India are empowered in the real sense of the term.³⁰ Furthermore, to strengthen Protection of Women from Domestic Violence Act, 2005 certain steps that include improving accessibility to increase rural outreach and simplify procedures is imperative. It is necessary to enhance training of Protection Officers, police and judges as well as address social stigma surrounding women who file complaints. Community engagement must be fostered and there should be promotion of women's economic independence through education and employment. Moreover, legal processes ought to be streamlined to expedite court proceedings and ensure effective implementation of the laws. The government should endeavor to create more counseling centers in rural and urban areas for catering to victims of domestic violence.³¹

VI. CONCLUSION AND SUGGESTION

Although the Constitution affirms and upholds equal rights for women, the existing societal attitude and patriarchal mindset foster ill treatment and disempowerment of women. This is further exacerbated by factors like economic dependency, illiteracy, unemployment and discriminatory practices. The law against Domestic Violence is undoubtedly a shield for protecting women subjected to abuse within the confines of their homes as it seeks to provide emergency relief to the aggrieved woman and has sought to empower women by providing a robust framework for their protection and support. But the law is not free from biases. There is a need for plugging the loopholes in the implementation and awareness of these laws that needs to be addressed in order to avert incidents of domestic violence as well as other forms of violence against women. Women need to be made more conscious about their rights and their right to autonomy over their bodies must be

²⁹ Anwarul Hoque, Women Empowerment in India: Current Issues, Challenges, And Future Directions, 11(9) IJM 1752, 1753-58 (2020).

³⁰ Prakash Chand Kandpal, India's Policy Response to the COVID-19 Pandemic: Lessons for a Post-COVID Society, 2(16) DISCOV. GLOB. SOC. (2024).

³¹ Renu Vihan, The Protection of Women from Domestic Violence in India: In Context of Domestic Violence Act 2005, 74(1) IJPS 49, 49-60 (2013).

acknowledged. Furthermore, cultural norms and patriarchal attitudes and societal stigma that discourage women to raise their voices or seek legal redress must be addressed effectively. The non-governmental organizations and institutions should play a proactive role in organizing seminars and workshops to create awareness among women. Moreover, the provisions contain a lot of potential for misuse because they give comprehensive legal powers to women without requiring them to be responsible which has resulted in some women filing frivolous complaints against their male relatives to seek revenge. Measures must be incorporated in the legislation that provide stringent punishment for frivolous petitions. It should be made gender-neutral giving protection to both men and women. Additionally, it should differentiate between various degrees of conflict and violence by defining domestic violence in an unambiguous manner. Despite the existence of legislative measures to curb violence against women, the enforcement mechanism is hampered due to paucity of resources, lack of training among law enforcement officials combined with corruption within the justice delivery system. Thus, it is pivotal to address these challenges comprehensively for securing the safety and empowerment of women in India. It is only when women have educational rights, political rights, occupational rights and the right to take decision for oneself that it can be acknowledged that women are truly equal to men. Therefore, legislation will not suffice in preventing gender-based violence but a multifaceted approach is cardinal for safeguarding and protecting women from all forms of abuse and violence to secure their empowerment in society.