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**THE HIDDEN FACES OF DOMESTIC VIOLENCE: AN  
INTERSECTIONAL ANALYSIS OF UNDERREPORTED ABUSE  
ACROSS GENDER AND AGE GROUPS**

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**Abstract:**

India suffers high rates of unacknowledged domestic violence, which exists strongly in cultural guardianship, even though institutional failures and inadequate legal responses make the problem worse. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) advanced the recognition of partner violence, but its gender-exclusive provisions block men and LGBTQ+ people and senior dependents, and children from receiving legal protections. The study performs an analytical investigation of how different societal affiliations between caste, class, and gender, alongside sexuality, age, and disability, influence victims' situations while making domestic abuse cases invisible to legal institutions. Besides fear of retaliation against punitive action and economic dependence, victims fail to report crimes because of social stigma, as well as insufficient legal literacy and too much time spent in legal procedures, and the lack of police and judicial response. Romantic connections among boys often receive invalidation from others, while members of the LGBTQ+ community detect discrimination through the law, and children who witness family violence develop prolonged psychological damage because existing protection tools are sparse and insufficient. Using doctrinal research combined with comparative analysis, this research assesses Indian domestic violence legislation through a gender-neutral perspective, which is based upon legislation frameworks across the United Kingdom and Canada, and Australia. The author argues for reformative measures to address PWDVA definitions and abuse types at the same time he calls for systems to become more accessible to disabled and queer survivor populations and trauma-sensitive practices across the entire justice chain. The paper demands platformed support services and institution-wide education alongside training for sensitivity

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and strong community involvement to establish effective communication between legal guidelines and personal experiences. The research calls for replacing previous uniform systems with a new framework that supports every domestic violence survivor regardless of their gender, background or age, or identity.

## 1. Introduction:

### 1.1 Definitions and Significance

This widespread domestic violence problem exists as a system-wide issue that crosses all socioeconomic groups without regard for cultural differences or geographic locations. The definition of domestic violence encompasses different types of mistreatment, including physical abuse along with sexual abuse and emotional abuse and psychological abuse, and economic abuse that occur between domestic partners or intimate lovers. The Protection of Women from Domestic Violence Act 2005 (PWDVA) defines abuse through section 3 to include a wide range of hostile conduct toward women. The PWDVA serves as a stand-alone civil remedy yet cooperates with section 498A of the Indian Penal Code (IPC) to facilitate criminal charges when needed.<sup>3</sup>

Human rights treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Council of Europe's Istanbul Convention consider domestic violence a violation of fundamental human rights and enforce state intervention.<sup>4</sup>

Indian law primarily deals with female victims being targeted by male perpetrators within heterosexual households, yet this standard model fails to protect LGBTQ+ persons and elderly citizens, and males from abuse. The PWDVA received partial expansion from *Hiral P. Harsora v. Kusum Narottamdas Harsora*, yet doctrinal and procedural restrictions continue.<sup>5</sup>

An inclusive legal framework requires an intersectional analytical method that addresses multiple overlapping identity backgrounds, including caste and gender, together with sexuality and disability, and class, to provide complete protection. According to CEDAW

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<sup>3</sup> *Protection of Women from Domestic Violence Act, 2005*, Act No. 43 of 2005; Indian Penal Code, 1860, Act No. 45 of 1860.

<sup>4</sup> *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, Dec. 18, 1979, 1249 U.N.T.S. 13; Istanbul Convention, Council of Europe, 2011

<sup>5</sup> *Hiral P. Harsora v. Kusum Narottamdas Harsora*, 2016 SCC OnLine SC 1114

General Recommendation No. 35, intersectionality stands as a fundamental component of state responses to gender-based violence.<sup>6</sup>

## **2. Understanding Unreported Domestic Violence**

Whereas residential viciousness has risen higher on the plan as a genuine human rights issue, there is still extreme under-reporting-be it coordinates or indeed frameworks that do not advocate for gender-based viciousness or violations against ladies and residential savagery as a entire\_ remains one of the most adamant obstructions to get to in lawful and social frameworks around the world, particularly in India.<sup>7</sup> Chapter two examines basic, lawful, social, social, and media components contributing to their invisibility in formal legitimate frameworks.

### **2.1 Structural and Legal Barriers to Reporting**

#### **Fear of Retaliation**

The casualties abstain from announcing household savagery due to genuine concerns about violent reprisal from their abuser indeed in although they stay beneath his coordinate control over finances, along with feelings and physical well-being. Because of prevailing joint family frameworks and patriarchal standards in India, the expanded family members' support in handling includes victims' mental fear. The need for open state assurance administrations, including secure shelters and provoke law enforcement response, reinforces victims' trepidation approximately going to court.<sup>5</sup>

#### **Lack of Legal Literacy and Trust in Law Enforcement**

Many victims are unaware of their legal rights or the procedures available under laws such as the Protection of Women from Domestic Violence Act, 2005 (PWDVA),<sup>8</sup> or they find the legal process intimidating and unapproachable. Further, a lack of trust in law enforcement is exacerbated by insensitive police behavior, procedural delays, and poor implementation of protective orders. In many cases, police officers attempt informal reconciliation rather than

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<sup>6</sup> *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, General Recommendation No. 35, U.N. Doc. CEDAW/C/GC/35 (2017).

<sup>7</sup> *National Family Health Survey (NFHS-5)*, India, Ministry of Health and Family Welfare, Government of India (2019–21).

<sup>8</sup> *Protection of Women from Domestic Violence Act, No. 43 of 2005*, INDIA CODE (2005).

pursue legal remedies, despite the statutory mandates<sup>9</sup>. This lack of institutional support discourages victims from engaging with the legal system<sup>5</sup>

### **Economic Disempowerment**

Society views domestic violence as a private, personal family matter, while victims who disclose abuse experience a sense of blame or shame. Social stigma affects women, together with LGBTQ+ persons, along with marginalized community members, in a disproportionately high manner. The process of disclosure is commonly perceived as bringing dishonor to families and communities, which leads victims to avoid seeking help. Cultural restrictions regarding female independence and divorce create additional stigma.<sup>10</sup>

### **Community Silence**

Victim-underreporting happens strongly because family members and neighbors, along with community leaders, purposefully overlook abuse situations.<sup>11</sup> This community's silence exists because patriarchal social systems force victims to remain silent to protect social cohesion<sup>8</sup>. Local dispute resolution bodies, including panchayats, combined with informal religious tribunals, usually dissuade legal action by encouraging solution-based compromises in serious cases of violence.<sup>9</sup>

### **Honor-Based Pressures**

Among traditional communities with conservative backgrounds that include minority groups, the idea of honor remains connected to how a woman behaves in obedience while maintaining her chastity and remaining in a marital relationship. The public perception of victims who report abuse frequently results in dishonoring their families, which subsequently leads to their total social isolation or honor-based violent acts. Such social barriers significantly limit access to justice through informal means.<sup>8</sup>

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<sup>9</sup> *Rajesh Sharma v. State of Uttar Pradesh*, (2017) 11 SCC 265.

<sup>10</sup> *National Family Health Survey (NFHS-5)*, India, Ministry of Health and Family Welfare, Government of India (2019–21)., supra note 7

<sup>11</sup> *Rajesh Sharma v. State of Uttar Pradesh*, (2017) 11 SCC 265., supra note 9



## 2.2 Social and Cultural Determinants

### Societal Stigma

Society sees residential savagery as a private individual family matter, whereas the casualties who disclose mishandling involvement, discussion of fault, or disgrace. Social shame disproportionately affects women, together with LGBTQ+ people, along marginalized community individuals, affecting them. The preparation of revelation is commonly seen as bringing dishonor to families and communities, which leads to casualties maintaining a strategic distance from seeking help. Social restrictions regarding female freedom and separation make extra stigma.<sup>12</sup>

### Community Silence

Victim-underreporting happens emphatically since family members and neighbors, along with community leaders, intentionally ignore or mishandle circumstances. This community exists quietly because patriarchal social frameworks drive casualties to stay quiet to secure social cohesion. Neighborhood debate determination bodies, including panchayats, combined with casual religious tribunals, more often than not prevent lawful activity by empowering solution-based compromises in serious cases of violence.<sup>13</sup>

### Honor-Based Pressures

Among conventional communities with preservationist foundations that incorporate minority groups, the thought of honor remains associated with how a lady carries on in submission while maintaining her chastity and remaining in a conjugal relationship. The open recognition of victims who report being manhandled habitually comes about in dishonoring their families, which subsequently leads to their add up to social isolation or honor-based violence. Such social barriers significantly restrain access to equity through causal implications.<sup>14</sup>

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<sup>12</sup> Aruna Goel, *Violence and Protective Measures for Women Development and Empowerment* 51–53 (Deep & Deep Publons 2004).

<sup>13</sup> Flavia Agnes, *Law, Justice and Gender: Family Law and Constitutional Provisions in India* 110–115 (Oxford Univ. Press 2011).

<sup>14</sup> UN Women, *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development* (2018),

<https://www.unwomen.org/en/digital-library/publications/2018/2/gender-equality-in-the-2030-agenda-for-sustainable-development>.

## 2.3 Media's Legal Influence on Reporting and Perceptions

### Judicial Impact of Media Narratives

The media system performs two interlinked operations that shape how domestic violence incidents are handled by judges and how people understand these events. When media reports about domestic violence, there are two noticeable results, which include revealing hidden abuse to social understanding and disrupting stereotypes that lead to extended community discussion. Media distortions in domestic abuse reporting generate gender-stereotypical prejudices along with economic misconceptions that cause severe damage to courtroom proceedings.<sup>15</sup>

Before evaluating section 498A IPC abuse matters in particular cases, the Supreme Court launched pre-suit investigation suggestions in *Rajesh Sharma v State of UP*<sup>14</sup> under media-fueled public pressure. Real claimants experience extensive bureaucracy in their legal journey because court-established rules do not satisfactorily account for this issue.<sup>16</sup>

### Trial by Media and Victim Portrayal

The persuasive power of the media damages judicial impartiality, leading to victims refusing to disclose abuse incidents. Media discussions of public figures following web leakages generate negative judgments towards victims compared to the defendant parties in these cases. The cruel treatment of victims by society compels them to stay silent about their abuse because certain countries enforce victim secrecy.<sup>13</sup>

When the media maintains its continuous coverage of victim stereotypes are reinforced as passive heterosexual women continue to be displayed, while diverse groups such as disabled people and LGBT+ individuals, and males remain invisible. Consequently, this repetitive reporting maintains stereotypes across theoretical and practical legal realms.<sup>1</sup>

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<sup>15</sup> *National Family Health Survey (NFHS-5), India*, Ministry of Health and Family Welfare, Government of India (2019–21).

<sup>16</sup> *Rajesh Sharma v. State of Uttar Pradesh*, (2017) 11 SCC 265., supra note 9

### 3. Domestic Violence Against Women: Legal and Social Challenges

Even as the law has evolved to recognize domestic violence as a multidimensional harm, undermining women's physical, emotional, and economic well-being, substantial barriers to accessing justice seem to remain. Besides discussing the different forms of abuse against women in the Indian legal system, this chapter identifies mainstream socio-legal hurdles in obtaining redress. It evaluates the effectiveness of women-specific protective mechanisms, particularly those under the Protection of Women from Domestic Violence Act, 2005 (PWDVA).<sup>17</sup>

#### 3.1 Legal Categorization of Abuses

##### Physical and Sexual Violence under BNS

The BNS criminalizes physical and sexual violence through several provisions, including Sections 112–117 (hurt and grievous hurt), Section 73 (assault or criminal force to woman with intent to outrage her modesty), and Section 63 (rape). Section 85 BNS, which criminalizes cruelty by a husband or his relatives, remains the primary provision used in the context of sustained abuse or harassment within domestic settings.<sup>18</sup>

##### Emotional Abuse and Digital Stalking

Enforcement of PWDVA definitions of domestic violence has become inconsistent because officers struggle to verify emotional abuse through legal evidence despite expanding the laws to include psychological abuse and coercive control.<sup>15</sup> Section 78 BNS overlooks the legal development of stalking convictions across existing marital and intimate relationships because digital stalking through technology has become a recent intimate partner abuse.<sup>16</sup>

##### Economic Abuse under PWDVA

According to section 3(iv) of PWDVA, economic abuse involves the deprivation of financial resources, the refusal to provide maintenance, and preventing access to property or shared homes.<sup>15</sup> Although legally acknowledged, this form of abuse experiences limited enforcement. Section 20 of the PWDVA, together with section 125 CrPC, leads to delayed maintenance orders, while their enforcement frequently remains insufficient due to judicial treatment of economic abuse as secondary to physical violence

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<sup>17</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 3, India Code (2005).

<sup>18</sup> *Bharatiya Nyaya Sanhita*, 2023, §§ 112–117, 63, 73, 85.

### 3.2 Barriers to Legal Remedies

#### Cultural and Religious Obligations Inhibiting Complaints

Communities permit enduring marriages via religious traditions, together with cultural expectations to silence women regarding their abuse experiences. The laws that form part of personal legal protections, including Islamic and Hindu traditions, pose considerable challenges for female victims who try to seek general legal protection. Such barriers are especially daunting in marital rape cases since Indian laws have not classified such conduct as illegal despite constitutional challenges.<sup>19</sup>

#### Child Custody Fears and Procedural Challenges

Protective administrations pose an obstacle for child victims against seeking legitimate offers of assistance since children fear that these specialists might separate them from their children. Beneath section 21 of the PWDVA, courts can allow brief child guardianship assurance, but drawn-out legal forms, along with disorganized mediations from different family courts, lessen this defending capability and avoid casualties from drawing closer the law due to legal delays and mental trouble.<sup>20</sup>

#### Economic Dependence and Maintenance Litigation Delays

Financial dependence acts as the leading reason why female victims of relationship abuse remain in unsafe environments. The legal rights to maintenance founder due to extensive legal delays that affect cases under section 125 CrPC and section 24 of the Hindu Marriage Act. The Supreme Court reacted to these delays in *Rajnish v Neha* through guidelines, although judicial jurisdiction coordination remains a challenge.<sup>21</sup>

### 3.3 Evaluation of Women-centric Protection Mechanisms

#### Shelter Homes under PWDVA

The PWDVA mandates shelters for aggrieved women under Section 6. However, many of

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<sup>19</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

<sup>20</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 21, India Code (2005).supra note 15

<sup>21</sup> *Rajnish v. Neha*, (2021) 2 SCC 324.



those places are underfunded, badly staffed, and lack psychological or legal counseling support. These women face stigma when seeking shelter and lack transitional housing after leaving a shelter, and as a result, many victims return home to stay with their abuser.<sup>22</sup>

### **Functioning of Counseling and Legal Aid Cells**

Protection Officers (POs) are appointed under section 8 to provide information and facilitate access to legal aid and counseling. In reality, these officers are sometimes overburdened, poorly trained, or not appointed at all in many districts. This gap is supplemented by the presence of NGOs and legal services authorities, but access is uneven and mostly urban-centric. Court-ordered counseling often follows a reconciliationist position, such that women are pressured to return to bed rather than to empower them and connect them to their legal rights.<sup>23</sup>

### **4. Domestic Violence Against Men: Legal Invisibility and Recognition**

Despite the continuous advancement of much-needed changes in Indian laws administering domestic violence, male victims of residential savagery continue to be, to a great extent, disregarded in both legitimate and societal spaces. The Assurance of Ladies from Residential Savagery Act, 2005 (PWDVA) expressly prohibits men from being victims by its terms and strengthens a gender-oriented systemic worldview that sees victimhood only in terms of ladies. In this chapter, we interrogate the lawful and auxiliary intangibility of male survivors, the sociocultural presumptions that underlie lawful elucidations, and rising reformist talks seeking broadly comprehensive securities.<sup>24</sup>

#### **4.1 Societal and Legal Denial of Male Victimhood**

##### **Gendered Stereotypes in Criminal Jurisprudence**

Indian criminal law throughout history upheld patriarchal standards that built up men as wrongdoers and women as the hurt party. Area 85 BNS and the PWDVA implement these gender-based generalizations by assuming that women endure manhandling from men, so

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<sup>22</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 6, India Code (2005).

<sup>23</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 8, India Code (2005).

<sup>24</sup> Aruna Goel, *Violence and Protective Measures for Women Development and Empowerment* 51–53 (Deep & Deep Publ'ns 2004).

courts cannot recognize male victimization in residential settings. Common arrangements such as segments 115(2) and 131 of BNS seldom recognize complaints from men due to their lack of dialect, so these cases habitually endure expulsions from legitimate specialists.<sup>25</sup>

### **Impact of Patriarchal Norms on Evidence Credibility**

Males can, once in a while, be managed as male casualties due to the societal weight to conform to manly standards. Male casualties of household mishandling confront three primary challenges in courts. Those include being made fun of or questioned by the court frameworks and confronting allegations about their inspiration for recording suits. Society's conviction that physical control breaks even to control ought not to avoid the distinguishing proof of passionate and mental male victimization since it obscures their enduring. This systemic oversight keeps up quietness and disgrace and leads to misleading insights.<sup>26</sup>

## **4.2 Challenges in Accessing Legal Relief**

### **Absence of Shelters**

The country of India does not give any state-sponsored or statutory cover to house male survivors of household violence. PWDVA section 6 requires residential manhandling to protect homes for female casualties, but does not build up proportionate help programs to give asylum to men forced out of their homes by violence or dangers. Courts ordinarily overlook the protective and defensive needs of battered male victims.<sup>27</sup>

### **Procedural Bias in Courts and Police**

The requirement of law illustrates critical prejudice towards female cases. Police officers commonly dismiss recording complaints or FIRs concerning male casualties, although men record them in response to complaints made by women. Judicial gatherings, moreover, appear predisposed toward female complainants since they tend to allow safeguards to them based on preferential proof evaluations.<sup>28</sup>

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<sup>25</sup> *Indian Penal Code*, No. 45 of 1860, § 85, India Code (1860).

<sup>26</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, India Code (2005).supra note 15

<sup>27</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, India Code (2005).supra note 15

<sup>28</sup> *Indian Penal Code*, No. 45 of 1860, § 85, India Code (1860).supra note 24

## Precedent Favouring Female Complainants

Indian courts show up to have a lopsidedness in supporting female survivors through their choices, essentially due to the existing laws. In *Sushil Kumar Sharma v Union of India*, the Supreme Court observed that section 85 BNS abusing, in any case, it declined to provide protective measures for male targets. The Indian legal system continues to expel male petitions shown underneath the Constitution Articles 14 and 21 by removing them or finding elective resolutions that discount male weakness in genuine benchmarks.<sup>29</sup>

## 4.3 Empirical and Judicial Developments

### Case Studies and NGO Statistics

Even though official wrongdoing measurements do not account for male casualties beneath residential savagery laws, a few NGOs, such as Save Indian Family Foundation (SIFF) and Men Welfare Trust (MWT), have collected information showing noteworthy unreported mishandle against men. According to SIFF's 2023 report, around 22% of their male helpline callers detailed being subjected to physical, financial, or emotional mishandle by their companions or in-laws. These accounts regularly include maintained verbal debasement, false criminal allegations, or constrained dispossession from the marital domestic.<sup>30</sup>

### Judicial Recognition and Gender-neutral Reforms

Despite recognizing the manhandle Karna confronted from his life partner, the essential choice of *Karna v State of Haryana* happened due to procedural things. The Law Commission has put forward talks almost making gender-neutral arrangements inside section 498A IPC and the PWDVA, but no alterations have been received to date.<sup>31</sup>

In *Hari Krishna Bhatt v Union of India* (2021, pending last hearing, the Delhi High Court has opened an intriguing case asking the government to present gender-neutral arrangements to PWDVA. The request attested that the disappointment to cover male casualties together with LGBTQ+ people inside defensive measures breaks the protected guarantee of break even

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<sup>29</sup> *Sushil Kumar Sharma v. Union of India*, (2005) 6 SCC 217.

<sup>30</sup> Save Indian Family Foundation, *SIFF Annual Report 2023* (2023).

<sup>31</sup> *Karna v. State of Haryana*, (2017) 8 SCC 450.

with treatment under Article 14 of the structure. The pending decision of this case has activated modern debates approximately extending the scope of residential savagery definitions.<sup>32</sup>

## 5. Domestic Violence in LGBTQ+ Relationships: Legal Exclusion and Reform

The legislative system in India has adopted progressive judicial decisions toward LGBTQ+ rights yet continues to ignore domestic violence affecting members of queer relationships at an alarming frequency. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) provides protection only to “women” who face abuse; thereby, these laws exclude LGBTQ+ couples and intersex and non-conforming gender people from protection under the statute. The essay examines abuse dynamics in LGBTQ+ relationships while analyzing structural barriers to justice and policy, and judicial shortcomings after the judgments of *Navtej Singh Johar v Union of India* and *NALSA v Union of India*.<sup>33</sup>

### 5.1 Legal Nature of Abuse in Queer Relationships

#### Identity-Based Coercion and Threat of Outing

Partners in LGBTQ+ relationships use abusive methods by threatening to reveal their sexual orientation to their relatives and colleagues, as well as their group of friends and support system. This abusive practice of identity-based coercion exists in legal grey areas due to a lack of legal protection for homosexual relationships.

The lives of LGBTQ+ person experience combined incidents of sexual violence and emotional mistreatment, and financial exploitation, but all these situations remain outside current PWDVA legal recognition. The recent interpretations of Section 63 BNS that expanded sexual autonomy boundaries did not change its dependance on heteronormative and binary constructs when defining rape in queer relationships.<sup>34</sup>

#### Lack of Legal Protection under PWDVA

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<sup>32</sup> *Hari Krishna Bhatt v. Union of India*, WP(C) No. 5120/2021 (Delhi High Court, pending).

<sup>33</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1; *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

<sup>34</sup> *Bharatiya Nyaya Sanhita, 2023*, § 63, available at [thebharatiyanayasanhita.in](http://thebharatiyanayasanhita.in)



The PWDVA operates officially with a narrow scope for sexual diversity because it requires clients to follow either masculine or feminine identities. Queer survivors must seek protection not provided by law because Section 2(a) restricts shelter access to women while Section 2(f) excludes non-heterosexual relationships from protection because it lacks explicit terms regarding "like marriage" definitions (Section 2(f)).<sup>35</sup>

Legalizing same-sex relationships through the *Navtej Singh Johar v Union of India* court decision led to minimal legal protection progress for LGBTQ+ domestic violence victims. The legislative branch has not followed the judicial acknowledgment of LGBTQ+ rights through essential reforms to provide necessary protection for survivors.<sup>36</sup>

## 5.2 Access to Justice and Legal Systemic Bias

### Discrimination in Reporting

Law enforcement agencies appear institutionalized separation toward LGBTQ+ victims reporting residential savagery due to their transgender and gay person foundations. Police officers debilitate the casualty by announcing through three essential strategies: complaints, refusals, ridiculing the victim's sexual orientation, personality, and forcing unhelpful remedial solutions. The Refusal influences transgender people the most, despite NALSA recognizing them as a third gender group.<sup>37</sup>

Normal legitimate systems that need sex nonpartisanship give grounds for claim misidentification, which triggers complaint refusal. Despite missing information almost gender diversity, the lawful workforce now and then either sees complaints inaccurately or does not comprehend

### Absence of Inclusive Institutional Mechanisms

The existing system of organization bolster which incorporates shield offices and legitimate counsel administrations and counseling works through heteronormative arrangements. Transgender people, together with their same-sex accomplices, confront avoidance or

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<sup>35</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 2(a), § 2(f), India Code (2005).

<sup>36</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1., supra note 31

<sup>37</sup> *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438, ¶ 55 (India).

threatening treatment at most One Stop Centres (OSCs) run by the Service of Ladies and Child Advancement since OSCs only give services to cisgender women. The nonappearance of affectability among staff at covers and legal help organizations contributes to the increased distance of LGBTQ+ victims.<sup>38</sup>

### 5.3 Advocacy and Legal Policy Gaps

#### Queer-Inclusive Hotlines and Shelter Networks

Different promotion groups near NGOs have begun setting up programs that address this crevice. The organizations Nazariya and The Humsafar Believe, and Sweekar - The Rainbow Guardians work helpline administrations and conduct legitimate proficiency workshops, whereas giving crisis shelter systems for manhandled LGBTQ+ people, however, their accessibility remains rare due to constrained assets and a need for formal connections with government agencies.<sup>39</sup>

Without state-recognized emergency backup services that incorporate people, most casualties are left dependent on individual and community systems to offer assistance. Official acknowledgment is vital to get the vital security orders through the current legal systems.<sup>36</sup>

#### Judicial Silence Post-Navtej Singh Johar and NALSA

The crucial rights of LGBTQ+ people have been acknowledged by the Supreme Court through Navtej Singh Johar and NALSA, but legal procedures have been brief in addressing household violence in eccentric connections. The Incomparable Court set up a rise to citizenship rights through Navtej in any case, but it rejected the extension of conjugal and familial securities as well as guardianship.<sup>40</sup>

During 2023, the Supreme Court illustrated hesitance to amplify LGBTQ+ relationship rights through its Supriyo v Union of India(same-sex marriage case). Although recognizing the

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<sup>38</sup> Nyaaya, *Complaining/Reporting Problems by LGBTQ+ Persons*, <https://nyaaya.org/legal-explainer/complaining-reporting-problems-by-lgbtq-persons/> (last visited Apr. 17, 2025)

<sup>39</sup> Nazariya, *The Humsafar Trust*, and Sweekar – The Rainbow Guardians (2023)

<sup>40</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1, supra note 31

discrimination against LGBTQ+ people in damaging circumstances, the Court refused to take action through enactment, leaving them unprotected by law.<sup>41</sup>

## **6. The Impact of Domestic Violence on Children: Legal and Psychological Dimensions**

Domestic violence can affect anyone in the family, but children are often silent victims of abuse in their homes. They might not be the primary focus of abuse, but the psychological, emotional, and developmental fallout is significant and will last a lifetime. There are several statutory mechanisms to protect children under Indian law, yet these remain underutilized or ineffectively utilized. This chapter goes over the two-fold perspective of legal recognition versus the psychological effects of domestic violence on children.

### **6.1 Children's Legal Status as Victims and Witnesses**

#### **Custodial Abuse and Guardianship Litigation**

Children who endure mishandling in their homes get to be maternal pawns amid care debate, which happens amid divorces or divisions. The best standard guides lawful activities in child things under the Guardians and Wards Act 1890 and the Hindu Minority and Guardianship Act 1956, but courts ignore enthusiastic mishandling unless there are unmistakable results or physical trauma.<sup>42</sup>

According to *Gaurav Nagpal v Sumedha Nagpal*, the Incomparable Court set up that children require passionate assurance and that their well-being surpasses parental custodial rights. Despite advertising authenticity to abusers, guardianship cases make boundaries that allow abusers to hold control over their targets at the same time.<sup>43</sup>

#### **Juvenile Justice Act Application**

According to the Juvenile Justice (Care and Protection of Children) Act, 2015, children who experience domestic violence fall into the category of "children in need of care and protection". Such classification ought to trigger intervention by Child Welfare Committees

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<sup>41</sup> *Supriyo v. Union of India*, (2023) 8 SCC 200

<sup>42</sup> *Guardians and Wards Act, 1890*, § 7, No. 8 of 1890 (India); *Hindu Minority and Guardianship Act, 1956*, § 6, No. 32 of 1956 (India).

<sup>43</sup> *Gaurav Nagpal v. Sumedha Nagpal*, (2009) 1 SCC 642.

(CWCs). Law enforcement agents practically never recognize psychological child abuse to initiate state intervention, despite the Juvenile Justice (Care and Protection of Children) Act offering proper classification possibilities.<sup>44</sup> The courts, together with police enforcement officials, generally view children as mere bystanders rather than independent victims when spousal violence occurs without physical harm affecting the child.<sup>42</sup>

## 6.2 Psychological and Developmental Repercussions

### Trauma Linked to Domestic Environments

Children exposed to residential violence in their homes exhibit side effects indistinguishable to Post-Traumatic Stress Disorder (PTSD) through mental ponders, which uncover serious anxiety and misery, nightmares, along with social detachment. The brain and neurological structure of these children are constantly harmed by poisonous stress during early development.<sup>45</sup>

The traumatic impacts influence children at all stages, from the earliest stages through toddlerhood. Thinks about demonstrating that kids who listen visit uproarious battling and see physical violence endure formative issues in their brains and cognitive confinements, and delayed communication and emotional maturity.<sup>46</sup>

### Behavioral Impact in Later Life and Criminality

Children who live in savage situations tend to exhibit forceful inclinations and perform ineffectively at school and begin utilizing substances as well, and develop criminal inclinations. The 2018 NCRB information investigation revealed that numerous adolescent wrongdoers had experienced violence or disregard at home.<sup>47</sup>

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<sup>44</sup> *juvenile Justice (Care and Protection of Children) Act, 2015*, § 2(d), No. 2 of 2016 (India).

<sup>45</sup> *World Health Organization, Violence Against Children: A Public Health Priority* (2006), [https://www.who.int/violence\\_injury\\_prevention/violence/child/en/](https://www.who.int/violence_injury_prevention/violence/child/en/).

<sup>46</sup> *Amritraj, K. & Srinivasan, R., The Developmental Impacts of Exposure to Domestic Violence on Children* (2019) 48 *Psychiatric Quarterly* 45

<sup>47</sup> *National Crime Records Bureau, Crime in India Report 2018* (Ministry of Home Affairs, India, 2018), <https://ncrb.gov.in/>.



Children who grow up in homes influenced by violence create a propensity to utilize violence as a way to resolve conflicts, which leads them to rehash this design as grown-ups or turn into abusers or victims of violence.<sup>45</sup>

### 6.3 Legal Safeguards and State Interventions

#### Role of Child Welfare Committees

The Child Welfare Committees, which work beneath the system of the JJ Act, get the specialist to recognize injurious circumstances where children live. The organization has the control to take kids absent from their homes and put them in care for some time, recently beginning recovery work. The imperfections in CWC operations stem from deficient assets and inadequate staff who tend to follow substandard documentation strategies displayed by police reports.<sup>48</sup>

The Supreme Court, through *In Re: Misuse of Children in Halfway houses in Tamil Nadu*, chose to upgrade the operational capability of CWCs, whereas relegating them to dynamic duties to discover young individuals under pressure, notwithstanding the status of police criminal reports.<sup>49</sup>

#### Challenges in Removing Children from Abusive Households

The laws that exist right now impose different deterrents when being executed. Court mediation for expulsion happens as it were when mishandling presents serious physical harm due to concerns approximately maintaining family ties. By protecting families despite the presence of mental savagery, these children confront an incomprehensible legal circumstance as they stay in destructive household settings despite the development-required environment being unsafe.<sup>50</sup>

State-run protection agencies give insufficient mental health services and child-oriented offices and need Incorporation approaches for LGBTQ+ individuals, which creates a lacking

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<sup>48</sup> Nandini, K., *Child Welfare Committees and the Enforcement of Children's Rights: A Critical Review* (2020) 11 *Journal of Social Welfare & Human Rights* 98.

<sup>49</sup> *In Re: Misuse of Children in Halfway Houses in Tamil Nadu*, 2019 SCC OnLine SC 572 (India)

<sup>50</sup> Yadav, R. & Singh, A., *The Challenges of Child Protection in Indian Law: A Review of the Juvenile Justice Act* (2021) 45 *Indian Law Journal* 77.

environment for delayed situations. Guardians secure their family structure by keeping children in homes that cause injury, driving them to no inappropriate situations for these children.<sup>48</sup>

## **7. The Role of Intersectionality in Domestic Violence Jurisprudence**

As coined by Kimberlè Crenshaw, Intersectionality is the interconnected nature of social categorisation as it applies to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. In terms of domestic violence, this framework is essential for understanding and responding to the exacerbated legal vulnerabilities that victims from marginalized communities experience. However, Indian jurisprudence has not embraced intersectionality as a tool for legal interpretation in a systematic manner, resulting in skewed or less than adequate results.<sup>51</sup>

### **7.1 Identity-based Compounding Legal Vulnerabilities**

#### **Intersection of Caste, Gender, Disability, and Religion**

The law fails to recognize the particular boundary avoidances confronted by casualties who are recognized as planned tribal, planned caste, devout minority, impaired, or LGBTQ+ individuals. When Dalit ladies look for assistance from police, almost residential manhandling, and they endure double segregation due to their gender-based viciousness and their caste status amid their conflict with law enforcement agencies.<sup>49</sup>

The Incomparable Court tended to refer to caste-based abominations in *State of Karnataka v Appa Balu Ingale*,<sup>52</sup> but residential savagery law proceeds without clear incorporation of caste-conscious thinking. Numerous impaired casualties' involvement challenges utilizing protected homes and legitimate education since these spaces come up short in providing the required physical and cognitive accommodations.

The combination of devout components with sexual orientation issues makes getting suitable arrangements more troublesome. Muslim ladies' involvement faces double obstructions when

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<sup>51</sup> Kimberlè Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique*, 1989 U. CHI. LEGAL F. 139.

<sup>52</sup> *State of Karnataka v. Appa Balu Ingale*, (1995) 2 SCC 354

getting to savagery assurance since both community desires and individual laws fail to ensure satisfactory protection.

### **Inaccessibility of Legal Protection for Marginalized Victims**

The Execution Protection of Women from Domestic Violence Act 2005 (PWDVA) does not extend beyond urban zones, as it fails to incorporate all social groups. Individuals living in provincial districts, together with tribal communities, confront challenges that come to both Security Officers and court services .

Survivors from tribal locales of Jharkhand and Odisha chose between new casual debate frameworks and add up to separation from equity forms since customary lawful assets were blocked off, according to the Centre for Law and Policy Research (CLPR) study.<sup>53</sup>

### **7.2 Compounded Barriers to Legal Access**

#### **Case Studies of Multidimensional Discrimination**

Shabnam (2020) outlined how a Muslim lady with a hearing impairment from an Uttar Pradesh family of low salary endured mistreatment from her companion. Neighborhood police rejected filings under PWDVA because of “family privacy.” An inability to the NGO to mediate for some time recently, specialists from that office took action. The delayed holding up period created extra hurt to the victims, along with financial difficulties.<sup>54</sup>

Meera (2021), a Madhya Pradesh Dalit lady, unveiled that her spouse physically ambushed and sexually manhandled her while living in a rural region. The police institution in the range associated with the abuser dismisses proof of spousal attacks despite seeing clear signs of injury. Her application for lawful help endured a delay due to both caste preference among authorities and the inaccessibility of local legal aid authorities.<sup>55</sup>

Multiple personality components create conditions that increment the chance of casualties encountering expulsion from the equity framework and out of line procedural treatment.

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<sup>53</sup> Centre for Law and Policy Research (CLPR) Report, 2021.

<sup>54</sup> Shabnam, *Intersecting Silences: Domestic Violence and Disability in Muslim Households*, 14 Indian J. Soc. Just. 55, 60 (2020).

<sup>55</sup> Meera, *Caste and Domestic Violence: Legal Inaccessibility in Rural Madhya Pradesh*, 9 Dalit Feminist Stud. Rev. 112, 118–19 (2021).

## Disproportionate Legal Outcomes Due to Intersecting Identities

Significant inquiry about illustrates that marginalized casualties' involvement in the following result patterns:

- Police officers, along with individuals in the legal profession, tend to distrust the explanations of these victims.
- Judicial officers examine their characters with expanded severity.
- Victims experience operational delays in expansion to accepting dissents of required transitory monetary help and access to shelter.

Judges in PWDVA cases, at times, address the financial status or individual foundation of the casualties to illustrate the total reality. Subsequently, judgments result in contract clarifications of these complex circumstances. The lost lawful system comes about in extra impedance of personalized alleviation dispersions.<sup>56</sup>

### 7.3 Need for Legal Recognition of Intersectionality

#### Policy Frameworks for Responsive Lawmaking

As Indian household violence law and statute need an intersectional approach, they create a formal balance framework that neglects the person's requirements. Concurring with Article 15(3) of the Structure, we must have legitimate structures that convey partitioned and favorable assurance to individuals who encounter orderly obstacles.<sup>57</sup>

A responsive legitimate system must:

- The laws require total information disclosure for cases including domestic violence among diverse groups based on caste, religion, and disability status.
- All legal individuals and law enforcement personnel must receive training about recognizing segregation focuses at intersections.

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<sup>56</sup> Anjali M. George, *Disabling Justice: Intersectionality and the PWDVA*, 23 Nat'l L. Sch. India Rev. 78, 82–83 (2022)

<sup>57</sup> INDIA CONST. art. 15(3)



- Legislation must create community-based, legitimate bolster systems that match language expressions along with social traditions of the particular population.
- Internationally, the Istanbul Tradition protects the acknowledgment of assorted protection needs of defenseless groups from different separation foundations; however, Indian household laws do not give this safeguard.<sup>58</sup>

### Critique of One-Size-Fits-All Legislative Schemes

PWDVA, even though dynamic, falls flat:

- Include same-sex or gender-diverse victims.
- The security measures ought to particularly address the prerequisites of the physically crippled, along with elderly victims.
- The enactment must build up methods to secure casualties who do not fit into the established conjugal systems of ladies as wives.

Section 2(a) of PWDVA employs the term “aggrieved person” to signify, as it were, ladies in its definition, while female victims and male casualties are missing from the securities available under this law. The prohibition has gotten impressive feedback from approach analysts.<sup>59</sup>

The examination through intersectionality requires law changes that must incorporate the following:

- Recognize different casualty identities.
- The law needs to determine how the different shapes of missiles are aimed against their targets.
- The framework should enable diverse groups to access equity.

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<sup>58</sup> Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), opened for signature May 11, 2011, C.E.T.S. No. 210.

<sup>59</sup> Saptarshi Mandal, *The (Im)possibility of Queering the PWDVA*, 48(18) Econ. & Pol. Wkly. 44 (2013); Shruti Pandey, *Revisiting the Protection of Women from Domestic Violence Act: Addressing Gaps in Legal Protection*, 25 Nat'l L. Sch. India Rev. 101, 104–06 (2016).

## 8. Gaps in Legal and Social Support Systems

There is considerable progress in terms of legislation for addressing domestic violence through the Protection of Women from Domestic Violence Act, 2005 (PWDVA), amongst. Others, however, serious gaps exist in both legislation and its supporting ecosystem. These Deficits in the response to victims of domestic violence are disproportionately harmful to individuals whose identity does not conform to the conventional “abused woman” model. This chapter demonstrates how India’s legal and institutional response is, simply put, inadequate, especially when approached through a comparative and intersectional lens.

### 8.1 Comparative Legal Analysis of Domestic Violence Laws

#### India's Position vs. Gender-Neutral Models (Canada, UK)

the Protection of Women from Domestic Violence Act, 2005 makes a gender-specific approach that gives legitimate shields as it were to ladies who dwell with their partners. This protection strategy recognizes residential savagery as a gendered issue, but falls short in providing support to men and transgender people as well as individuals of eccentric relationships.<sup>60</sup>

The residential viciousness enactment of Canada and the United Kingdom does not consider victims' sexual orientation in their laws since they center on sexual assault characteristics instead. Any individual in Canada, counting those autonomous of sex character, can utilize the Criminal Code and common laws to seek after assurance against insinuating accomplice viciousness or start criminal proceedings.<sup>61</sup>

Deciding mishandle beneath the UK Household Mishandle Act 2021 avoids sexual orientation specifications while it requests the scope of coercive control and mental manhandling, and economic mistreatment. Furthermore, this law highlights arrangements for children who encounter family violence, which Indian law has not advanced sufficiently to address.<sup>62</sup>

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<sup>60</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, INDIA CODE (2005), supranote 15

<sup>61</sup> *Law Commission of India*, Report No. 243, 2018.

<sup>62</sup> *UK Domestic Abuse Act 2021*, c. 17 (U.K.).

Generally composed criminal laws (BNS) are the essential legitimate response for male victims and members of the LGBTQ+ community in India since the nation has not established gender-neutral legislation that ensures them with PWDVA-specific measures.

### **Effectiveness of Restraining Orders in Diverse Jurisdictions**

The principal reason for security orders and controlling orders lies in offering emergency assistance to the victims. Locales uphold such orders with distinctive degrees of legal effectiveness.

Indian courts give security as well as private and financial remedies to victims through Sections 18 to 23 of PWDVA.<sup>63</sup> The authorization of PWDVA assurance measures remains powerless since both police strengths appear small, intrigued, and culprits come up short to comply with orders.

The criminal nature of limiting arrange infringement in UK Law produces major consequences that advance the seriousness of compliance among offenders.

Protection orders in Australia ended up open as they were prepared prerequisites for risk assessments and security planning, concurring with the Family Violence Protection Act 2008, making the activities victim-focused.<sup>64</sup>

## **8.2 Systemic Issues in Law Enforcement and the Judiciary**

### **Police Insensitivity and Investigation Biases**

The fundamental impediment to getting equity stems from the police's unwillingness to record cases quickly. Thousands of casualties persevere cross cross-examinations that hold them mindful or make them feel responsible, particularly when they have a place of groups such as marginalized castes, religions, and sex identities.<sup>65</sup>

The execution of section 31 for breach of security orders remains inconsistent because specialists come up short to record FIRs expeditiously. Police specialists consider family

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<sup>63</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, §§ 18–23, INDIA CODE (2005)

<sup>64</sup> *Family Violence Protection Act 2008* (VIC) (Australia).

<sup>65</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, INDIA CODE (2005)., superanote 15

violence to be a hint family issue, and they advance determination or maybe than indictment, according to studies.<sup>66</sup>

### **Lack of Training and Misapplication of Laws**

Various cases of mishandling of section 85 BNS and PWDVA have led to negative behavioral changes among both law enforcement authorities and judges who presently question veritable reports of abuse.<sup>67</sup>

Family court judges, some of the time ignore victim-sensitive norms by utilizing intervention as their essential strategy, indeed in serious cases, concurring with the Law Commission of India (2018). Besides, the legal and law enforcement workforce receive negligible training about:

- Handling trauma-informed interviews
- Recognizing non-physical shapes of abuse
- Ensuring privacy and security planning

The nonappearance of affectability preparation in residential savagery enactment prevents It's the defensive objective of achieving its craved affect.<sup>68</sup>

### **8.3 Institutional Support and Programmatic Shortcomings**

#### **Limited Availability of Shelters for Men, LGBTQ+**

Most state-run offices, including the Swadhar Greh shelter home, domestic, and concession for it were female victims. Existing covers and back centers do not acknowledge male or LGBTQ+ casualties, which means they must select between vagrancy and private charity services.<sup>69</sup>

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<sup>66</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, § 31, INDIA CODE (2005).

<sup>67</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, INDIA CODE (2005). *Bharatiya Nyaya Sanhita*, No. 45 of 2023, § 85.

<sup>68</sup> *Law Commission of India*, Report No. 243, 2018.

<sup>69</sup> Ministry of Women & Child Development, *Swadhar Greh Scheme Guidelines*, <https://wcd.nic.in/schemes/swadhar-greh-scheme-women-distress>



The need to get to administrations drives minimal casualties to remain in damaging circumstances or discourages them from reaching specialists since they require help.

- Transgender individuals face mishandling in their homes; however, the policies that separate individuals by gender do not give them accommodations.<sup>70</sup>
- Currently, there exist no authorized frameworks to offer assistance to male victims when they encounter incredulity and jokes from others.

### **Integration of Mental Health and Recovery Services**

The fundamental handling of injury recuperation for casualties requires appropriate mental wellbeing assistance, but these administrations for the most part work independently from protective and legitimate help systems. The majority of areas need psycho-social counseling administrations that provide injury care for domestic violence beyond their basic training.<sup>71</sup>

New Zealand, together with Sweden, works as a bound-together framework through which their police officers and mental wellbeing experts, and social welfare suppliers work together with a single community-based reaction structure.<sup>72</sup>

A national arrangement requiring coordinated care between offices has not been set up in India, even though the arrangements under the 2017 Mental Healthcare Act require state-funded mental health services.<sup>73</sup>

### **9. Strategies for Increasing Awareness and Legal Reporting**

Domestic violence underreporting is a legal and social problem. Where laws exist, victims remain unaware and fear challenges that obstruct access to justice. This chapter recommends proactive legal, policy, and social interventions to enhance awareness and reporting, minimize stigma, and improve legal reporting globally across all gender and age demographics.

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<sup>70</sup> Centre for Law and Policy Research, *Transgender Persons and the Law in India* (2020), <https://clpr.org.in>.

<sup>71</sup> World Health Organization, *Responding to Intimate Partner Violence and Sexual Violence Against Women: WHO Clinical and Policy Guidelines* 40–43 (2013)

<sup>72</sup> Ministry of Social Development, New Zealand, *Integrated Safety Response Pilot* (2018), <https://msd.govt.nz>

<sup>73</sup> Mental Healthcare Act, No. 10 of 2017, § 18, INDIA CODE (2017).

## 9.1 Public Legal Education and Preventive Approaches

### Inclusion of Domestic Violence Awareness in School Curricula

Society needs to alter its views over a long time as a preventive activity against residential savagery. The integration of household violence instruction with assessment and sexual orientation desire, and legitimate criminalization lessons inside educational programs will create a better-informed population.<sup>74</sup>

- The Structure of India emphasizes through Article 51A(e) that all citizens must respect and honor that disregard female nobility.<sup>75</sup> Schools ought to coordinate this content to avoid community recognition of interpersonal violence.
- The National Education Policy 2020 underpins value-based instruction without setting up required components around household violence awareness, coupled with individual legal literacy.<sup>76</sup>

Example: Sweden executes household savagery law instruction near sound relationship and real independence educating beneath its sexual orientation balance activity, which covers the whole country.<sup>77</sup>

The proposed instruction ought to direct revisions to the Right of Children to Free and Obligatory Education Act 2009 that will present household violence legal instruction as a basic subject for all students from upper essential to secondary grades.<sup>78</sup>

### Role of Media Campaigns in Shifting Legal Consciousness

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<sup>74</sup> UNICEF, *A Familiar Face: Violence in the Lives of Children and Adolescents* 30–32 (2017), <https://www.unicef.org/publications>

<sup>75</sup> INDIA CONST. art. 51A(e)

<sup>76</sup> Ministry of Education, *National Education Policy 2020* § 4.4, <https://www.education.gov.in>.

<sup>77</sup> Swedish Gender Equality Agency, *Gender Equality in Education*, <https://www.jamstalldhetsmyndigheten.se>.

<sup>78</sup> *Right of Children to Free and Compulsory Education Act*, No. 35 of 2009, INDIA CODE (2009)

The mass media play a basic role in shaping public awareness concerning laws. The effective strategy of focusing on open mindfulness with instructive data around legitimate offer assistance and cures through media campaigns has been demonstrated elsewhere.<sup>79</sup>

- India utilized its Chime Bajao campaign to enable men who turned against household violence, since community inclusion mattered.<sup>80</sup>
- Most media campaigns work freely through NGOs since there are no particular controls in the Cable TV Systems (Control) Act 1995 or open broadcasting arrangements that require government media partnerships.<sup>81</sup>

A lawful necessity for national broadcasting organizations to broadcast household violence data around laws and protective support channels, and administrations would reflect the United States' PSA (Public Service Announcement) show.<sup>82</sup>

## 9.2 Legal Reforms Toward Inclusive Support

### Amendments for Gender-Neutrality

The larger part of judges and law researchers presently back household violence laws that do not make sex distinctions.

- The 2005 PWDVA gives present-day gracious arrangements, but falls short in allowing complainant status to male and transgender individuals.<sup>83</sup>
- In *Hiral P. Harsora v. Lawful*, choices confirmed by *Kusum Narottamdas Harsora* (2016) dispensed with the portion of section 2 (q) from PWDVA through the High Court choices. The law failed to allow non-women casualties the right to record complaints.<sup>84</sup>

<sup>79</sup> Public Legal Education and Information Service of New Brunswick, *Public Legal Education: Its Role in Domestic Violence Prevention*, <https://www.legal-info-legale.nb.ca>.

<sup>80</sup> Breakthrough India, *Bell Bajao Campaign*, <https://inbreakthrough.org>.

<sup>81</sup> cable Television Networks (Regulation) Act, No. 7 of 1995, INDIA CODE (1995).

<sup>82</sup> Federal Communications Commission (FCC), *Public Service Announcements and Public Access Obligations*, <https://www.fcc.gov>.

<sup>83</sup> *Protection of Women from Domestic Violence Act*, No. 43 of 2005, INDIA CODE (2005).supra note 15

<sup>84</sup> *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165 (India).

Developed residential savagery laws in Australia and South Africa utilize gender-neutral and relationship-neutral definitions for mishandling, which illustrate how wide enactment keeps full assurance for ladies, whereas including security measures for all.<sup>85</sup>

Authoritative changes must present non-discriminatory arrangements to PWDVA to guarantee that all residential savagery victims of any sexual assault or sexual character may utilize gracious strategies.

### **Policy inclusion of Queer and Debilitated Victims**

The official dissent of eccentric and crippled people from One Stop Centre and Swadhar Greh and Ujjawala programs produces genuine confinements beneath the law.<sup>86</sup>

- Despite NALSA v., the acknowledgment of transgender persons' break-even with treatment rights in NALSA v. Union of India (2014) has not driven most shelter homes and benefit centers to alter their parallel gender-based operations.<sup>87</sup>
- The complaint forms for casualties with incapacities keep up blocked off boundaries since India has ineffectively executed the Rights of People with Disabilities Act, 2016, and fails to provide accessible housing and lawful capabilities in accessing services.<sup>88</sup>

### **Legal change must include:**

- Guidelines for LGBTQ+ and incapacity consideration in all protection services.<sup>85</sup>
- Dedicated queer-affirmative emergency centers and legal help units.<sup>85</sup>
- The arrangements beneath section 12(3) of PWDVA must be enforceable so that debilitated casualties can get access to officer procedures.<sup>89</sup>

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<sup>85</sup> Domestic and Family Violence Protection Act 2012 (Qld) (Austl.); Domestic Violence Act 116 of 1998 (S. Afr.).

<sup>86</sup> Ministry of Women and Child Development, *One Stop Centre Scheme Guidelines*, Government of India (2017).

<sup>87</sup> *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India).

<sup>88</sup> The Rights of Persons with Disabilities Act, No. 49 of 2016, INDIA CODE (2016).

<sup>89</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005, § 12(3), INDIA CODE (2005)



### 9.3 Reinforcing Community and Organization Accountability

#### Community Lawful Workshops:

The conveyance of fundamental legal education at the grassroots level depends on workshops on legal education that are organized by law colleges near NGOs or under the Legal Administrations Specialists Act, 1987.<sup>90</sup>

- District Legal Services Authority(DLSAs) ought to cooperate with local panchayats, women's collectives, and trans systems to deliver portable legal clinics and conduct multilingual workshops.<sup>91</sup>
- Under the NALSA (Legitimate Administrations to Casualties of Residential Savagery) scheme, 2015, there ought to be better-coordinated usage all through territorial, tribal, and inaccessible locations.<sup>92</sup>

The workshops should:

- People must learn almost all their rights through the consideration of IPC, CrPC, PWDVA, and other authoritative documents, including the JJ Act.<sup>93</sup>
- All individuals ought to get it that residential savagery checks as a legitimate infringement or maybe than individual family issues it appears to be.

#### Bystander Intervention Through Lawful Empowerment

Making bystanders learn is a basic approach that numerous individuals tend to ignore as a lawful tool.

- Present legitimate education does not give assurance or rules concerning third-party detailing methods for residential savagery incidents.

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<sup>90</sup> Legal Services Authorities Act, No. 39 of 1987, §§ 6–11B, INDIA CODE (1987).

<sup>91</sup> National Legal Services Authority, *Standard Operating Procedures for Legal Aid Clinics* (2011), <https://nalsa.gov.in>.

<sup>92</sup> NALSA Scheme for Legal Services to Victims of Domestic Violence, 2015, <https://nalsa.gov.in/schemes>

<sup>93</sup> Protection of Women from Domestic Violence Act, No. 43 of 2005; Indian Penal Code, 1860; Code of Criminal Procedure, 1973; Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE.

- The arrangements of CrPC sections 154 and 190 allow residential savagery reports through third parties, even though police officers require the individual association of the casualty during genuine enforcement.<sup>94</sup>

Legal change might include:

- Statutory support and assurance for good-faith detailing, associated with the Good Samaritan law.
- Community individuals ought to be prepared to perform intentional para-legal capacities of casualty back during documentation strategies, local complaint entries, and legitimate court procedures.

Community strengthening activities can get reserves from Corporate Social Responsibility under Plan VII of the Companies Act 2013 for both open wellbeing and legal awareness programs.<sup>95</sup>

## 10. Conclusion and Recommendations

Household savagery can no longer both be reduced to a basic parallel system of gendered hurt whereas at the same time requiring those it forces on to reproduce the structure through which they look for equity; or maybe, household viciousness needs to be reframed as layered legitimate problematics grounded in social imbalance, regulation crevices, and standardizing quieting as laid out underneath. This chapter abridges the discoveries of this investigation and offers a set of solid, noteworthy suggestions to address the intersectional intangibilities in household violence law and home.

### 10.1 Synthesized Legal and Social Insights

#### Underreporting as a Multidimensional Failure

The assessment strategy illustrates announcing disappointments beneath authoritative factual rules over populations, including sex characteristics and age extend, as well as sexual orientation categories and caste and inability status groups. Auxiliary quiet develops from the

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<sup>94</sup> Code of Criminal Procedure, §§ 154, 190, No. 2 of 1974, INDIA CODE (1974).

<sup>95</sup> Companies Act, No. 18 of 2013, § 135 & Schedule VII, INDIA CODE (2013).

combined impacts of lawful parameters and culturally-bound components, ts, and bureaucratic strategies, hence making casualties abstain from talking out.

Key experiences include:

- Under Indian law particularly PWDVA 2005 heteronormative definitions of victimhood make boundaries to recognize lawful rights for male and strange casualties and more seasoned victims.
- The display legitimate strategy chain, starting with the To begin with Data Report, at that point moving through authoritative procedures, faces challenges with getting to nearby being misshapen, and requires too much time for handling.
- Judicial elucidation illustrates both caution and moo intersectionality since it fails to recognize different casualty vulnerabilities, such as devout foundation and incapacity status, near caste divisions.

The equity framework needs a whole change since organizations and society confront parallel troubles from non-reporting episodes.

## 10.2 Proposed Legal Reforms and Policy Initiatives

### The Definition of Domestic Violence Needs Expansion

Even though the *Protection of Women from Domestic Violence Act, 2005* employs a gracious code point of view, it remains dynamic. It requires alteration due to its gender-biased terminology.

Recommendations:

- Sections 2(a) and 2(q) of PWDVA ought to revise their definitions of “aggrieved person” to be gender-neutral to incorporate casualties from LGBTQIA+ communities and male individuals.
- The lawful definition of residential savagery ought to incorporate identity-based mistreatment, including dangers to uncover (in eccentric connections), caste-based persecution, and dependency-related mishandle against elderly persons.
- The law ought to build up financial exploitation as an interesting sort of savagery that needs clear cures focused on dependents and debilitated persons.

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Similar enactment from the UK Household Mishandle Act 2021 bolsters non-discriminatory definitions of mishandle that incorporate coercive control strategies and computerized assaults, and these components would advantage Indian anti-abuse enactment.

### **Inclusive Procedural and Infrastructural Reforms**

- The government needs to execute Assurance Officers nearby covers that particularly cater to eccentric, male, impaired, and elderly mishandle casualties since the current state-run programs at Swadhar Greh and One Halt Centres appear to be basic impediments to their services.
- All police and restorative faculty, together with legal officers, must get fortified preparing almost intersectional sensitivity and trauma-informed practices as required.
- The government must embrace availability prerequisites based on the Rights of People with Disabilities Act, 2016 benchmarks at each residential violence back framework, from legal records to helplines and courts, and security centers.

Further, procedural rules must ensure:

- Ease of third-party detailing with assurances against harassment
- People kept inside controlled situations will have superior access to record household violence complaints through virtual accommodation systems.
- Fast-track courts and dedicated benches should address the backlog of domestic violence cases.

### **10.3 Future Directions for Legal Research and Advocacy**

#### **Empirical Legal Studies Across Marginalized Populations**

The non-availability of disaggregated information is a critical gap in residential violence law.

Key priorities for future research:

- Speculative Developments Observational hands on work on underreported mishandle between eccentric couples, elderly people, crippled dependents, and men.
- Tracking from an intersectional focal point inside family courts and judge courts to examine procedural disparity

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- Quantitative study on contact with an attorney and announcing behavior

Law change based on these ponders ought to stem from evidence-based policy-making, which is what the Commission is commanded to do under Article 39A.

### **Longitudinal Impact Assessments of Reforms**

Authorizations of lawful change ought not to happen as single occasions since their impacts require evaluation through time-stretched investigative methods.

- A standardized arrangement of household savagery detailing systems must be built up by states to track indictment results, together with survivor satisfaction, particularly looking at contrasts between sexual orientation and personality groups.
- The outcome of yearly reviews done on household savagery covers and Security Officers ought to undergo audit some time recently, both the State Governments and Parliament.
- Law colleges, through collaborations with NALSA/DLSA units, ought to assess how well their legitimate education and outreach activities maintain sustainability and effectiveness.

A culminating case of change assessment through longitudinal information investigation can be found at the Unused Zealand Family Violence and Abuse Audit Committee (FVDRC).