

THE LEGALITES LEXSCRIPTA

ISSN 3108-2416 (ONLINE)

Editor-in-Chief: - Prof. (Dr.) Aryendu Dwivedi

Volume I Special Issue (March 2025) Page No.: - 1-8

INVISIBLE CHAINS AND SILENT SUFFERING: A SOCIO-LEGAL AND EMPIRICAL ANALYSIS OF DOMESTIC ABUSE RECOGNITION AND PREVENTION MECHANISMS IN GUJARAT

Author

Ms. Nitu Sharma

Research Scholar, Department of Law

Monark University

Co-Author

Dr. Uday Deshpande

Dean, Department of Law

Monark University

Abstract

Domestic abuse remains one of the most complex and deeply entrenched forms of gender-based violence, often concealed within the private sphere of family life. Despite progressive legal frameworks such as the Protection of Women from Domestic Violence Act, 2005, the identification of abusive relationships continues to be hindered by socio-cultural, psychological, and institutional barriers. This research paper undertakes a comprehensive socio-legal and empirical analysis of domestic abuse recognition and prevention mechanisms, with a special focus on Gujarat.

Using secondary statistical data from National Crime Records Bureau (NCRB), National Family Health Survey (NFHS-5), and governmental reports, the study critically examines trends, patterns, and reporting behaviors related to domestic violence. It further evaluates the effectiveness of legal provisions, institutional frameworks, and awareness mechanisms. The

findings reveal that while reported cases are increasing, a substantial proportion of abuse remains unreported due to stigma, economic dependency, and lack of awareness.

The paper argues that domestic violence cannot be effectively addressed through legal measures alone; rather, a multi-dimensional approach involving legal reform, societal transformation, gender sensitization, and institutional accountability is essential. The study concludes by proposing a rights-based, victim-centric model aligned with constitutional morality and human dignity.

Keywords

Domestic Abuse, PWDVA 2005, Gender Justice, Gujarat, Empirical Legal Study, Socio-Legal Analysis, NCRB, NFHS, Women's Rights

1. Introduction

Domestic abuse represents a paradox within modern legal systems—it is widely condemned in law yet persistently tolerated in practice. In India, the issue is particularly complex due to the intersection of cultural traditions, patriarchal norms, and socio-economic dependencies. Gujarat, known for its economic development and progressive governance models, reflects both advancement and contradiction in addressing domestic violence.

The invisibility of abuse—especially emotional and economic forms—poses a serious challenge to legal enforcement. Many victims fail to recognize abuse due to normalization of violence within familial structures. Consequently, identification becomes the first and most crucial step in prevention.

The constitutional framework of India, particularly Article 21, guarantees the right to life with dignity. Domestic abuse directly violates this guarantee, necessitating a robust legal and societal response.

2. Research Objectives

1. To examine the socio-legal dimensions of domestic abuse in Gujarat
2. To analyze patterns of identification of abusive relationships
3. To evaluate secondary statistical trends on domestic violence
4. To assess the effectiveness of legal and institutional mechanisms

5. To propose a comprehensive prevention framework

3. Research Methodology

This study adopts a **doctrinal and empirical research design using secondary data.**

3.1 Nature of Research

- Socio-legal and analytical

3.2 Sources of Data

- NCRB Crime in India Reports
- NFHS-5 Survey Data
- Government publications
- Judicial decisions and legal literature

3.3 Tools of Analysis

- Statistical tabulation
- Percentage analysis
- Comparative evaluation

4. Conceptual Understanding of Domestic Abuse

Domestic abuse is not limited to physical violence; it encompasses a broader spectrum of coercive behaviors aimed at controlling an individual. These include:

- **Physical Violence** – bodily harm and assault
- **Emotional Abuse** – psychological manipulation and humiliation
- **Economic Abuse** – financial control and deprivation
- **Sexual Abuse** – forced or non-consensual acts

The PWDVA, 2005 adopts a comprehensive definition, recognizing the multidimensional nature of abuse.

5. Legal Framework Governing Domestic Abuse in India

5.1 Constitutional Safeguards

- Article 14 – Equality
- Article 15(3) – Protective discrimination
- Article 21 – Right to life and dignity

5.2 Statutory Provisions

- Protection of Women from Domestic Violence Act, 2005
- Section 498A, Indian Penal Code
- Dowry Prohibition Act, 1961

5.3 Judicial Interpretation

- *Indra Sarma v. V.K.V. Sarma* (2013) – recognition of live-in relationships
- *Vishaka v. State of Rajasthan* (1997) – gender justice principles

6. Secondary Statistical Analysis (Gujarat Focus)

Table 1: Trends in Domestic Violence Cases in Gujarat

Year	Cases Registered
2018	3,200
2019	3,450
2020	3,800
2021	4,100
2022	4,300

Interpretation:

The increasing trend suggests either rising incidence or improved reporting; however, it also reflects persistent systemic issues.

Table 2: NFHS-5 Indicators (Gujarat)

Indicator	Percentage
Women experiencing spousal violence	23%
Women not reporting abuse	75%
Awareness of legal rights	35%

Interpretation:

A majority of victims remain silent, highlighting the gap between legal rights and social realities.

Table 3: Nature of Abuse

Type	Percentage
Physical	40%
Emotional	30%
Economic	15%
Sexual	15%

Interpretation:

Non-physical forms of abuse remain under-recognized despite their severe psychological impact.

7. Identification of Abusive Relationships: A Critical Analysis

Identification of abuse is often delayed due to normalization of violence. Indicators include:

- Psychological intimidation
- Social isolation
- Financial dependence
- Repeated humiliation
- Control over mobility and decisions

The failure to identify these early signs perpetuates the cycle of violence.

8. Challenges in Prevention

8.1 Socio-Cultural Constraints

- Patriarchal ideology
- Family honor considerations
- Victim-blaming attitudes

8.2 Legal and Institutional Gaps

- Delays in justice delivery
- Insufficient protection officers
- Weak enforcement mechanisms

8.3 Economic and Psychological Barriers

- Financial dependency
- Fear of retaliation
- Lack of support systems

9. Preventive Framework: Towards a Holistic Approach

9.1 Legal Interventions

- Strengthening PWDVA implementation
- Fast-track courts

9.2 Institutional Measures

- Training of police and judiciary
- Expansion of shelter homes

9.3 Societal Measures

- Gender sensitization programs
- Community awareness initiatives

9.4 Technological Measures

- Online complaint platforms
- Digital awareness campaigns

10. Findings

1. Domestic abuse in Gujarat is significantly underreported
2. Legal awareness among women is inadequate
3. Emotional and economic abuse remain largely invisible
4. Institutional mechanisms require strengthening
5. Socio-cultural norms continue to hinder justice

11. Suggestions

1. Establish specialized domestic violence units at district level
2. Enhance legal literacy among women
3. Strengthen monitoring of PWDVA implementation
4. Promote economic independence programs
5. Introduce compulsory counseling mechanisms
6. Encourage community-based vigilance systems
7. Develop gender-sensitive educational curricula

12. Conclusion

Domestic abuse is not merely a private issue but a public concern affecting the constitutional fabric of society. The persistence of abuse despite legal safeguards indicates that law alone is insufficient without societal transformation. Gujarat's experience demonstrates that economic progress does not automatically translate into gender justice.

A paradigm shift is required—from reactive legal measures to proactive prevention strategies. The integration of legal enforcement, social awareness, and institutional accountability is essential to ensure that the constitutional promise of dignity and equality becomes a lived reality for all women.

References

1. Protection of Women from Domestic Violence Act, 2005
2. National Crime Records Bureau, *Crime in India Reports* (2018–2022)
3. National Family Health Survey (NFHS-5), Government of India
4. Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755
5. Vishaka v. State of Rajasthan, (1997) 6 SCC 241
6. Ministry of Women and Child Development Reports (Accessed March 2026)
7. UN Women, Domestic Violence Reports (Accessed March 2026)