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FROM SILENCE TO SAFETY: A COMPREHENSIVE LEGAL AND POLICY FRAMEWORK TO CONTROL DOMESTIC VIOLENCE IN INDIA WITH SPECIAL REFERENCE TO GUJARAT

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Abstract

Domestic violence continues to persist as a grave violation of human rights and constitutional guarantees in India, despite the existence of a comprehensive legal framework. It transcends physical abuse and encompasses emotional, economic, and psychological harm, often hidden within the private domain of family life. This research paper critically examines the problem of domestic violence and explores effective mechanisms to control and prevent it, with a special focus on Gujarat.

Adopting a socio-legal and analytical approach supported by secondary statistical data, the study evaluates the effectiveness of laws such as the Protection of Women from Domestic Violence Act, 2005, and related provisions of the Indian Penal Code. It further examines institutional responses, societal challenges, and the role of awareness in addressing the issue.

The paper argues that controlling domestic violence requires a holistic and multi-dimensional approach involving legal enforcement, social reform, economic empowerment, and technological intervention. The study concludes that a victim-centric, rights-based framework rooted in constitutional morality is essential to transform the current reactive system into a proactive and preventive model.

Keywords

Domestic Violence, PWDVA 2005, Gender Justice, Gujarat, Prevention, Legal Framework, Human Rights, Article 21

1. Introduction

Domestic violence is one of the most pervasive yet underreported forms of violence in India. It is not confined to any particular class, caste, or region but is deeply embedded in socio-cultural structures. Despite legal recognition and criminalization, domestic violence continues to thrive due to silence, stigma, and systemic gaps.

The Indian Constitution guarantees the right to life and dignity under Article 21, which is directly violated by domestic abuse. The challenge, therefore, is not merely to recognize domestic violence as a legal wrong but to develop effective mechanisms to control and prevent it.

Gujarat presents a unique context where economic development coexists with traditional social norms. This duality necessitates a focused analysis of how domestic violence can be controlled through legal and societal interventions.

2. Research Objectives

1. To analyze the nature and extent of domestic violence in India and Gujarat
2. To evaluate the effectiveness of existing legal provisions
3. To identify challenges in controlling domestic violence
4. To examine preventive and control mechanisms
5. To propose a comprehensive framework for effective control

3. Research Methodology

This study adopts a **doctrinal and analytical methodology supported by secondary data.**

Sources of Data

- National Crime Records Bureau (NCRB)
- National Family Health Survey (NFHS-5)
- Government reports and policy documents
- Judicial decisions and legal literature

Method of Analysis

- Statistical interpretation
- Comparative analysis
- Socio-legal evaluation

4. Understanding Domestic Violence

Domestic violence includes:

- **Physical Abuse** – bodily harm
- **Emotional Abuse** – verbal insults, humiliation
- **Economic Abuse** – denial of financial independence
- **Sexual Abuse** – coercive sexual conduct

The complexity of domestic violence lies in its invisibility and normalization within society.

5. Legal Framework in India

5.1 Constitutional Protection

- Article 14 – Equality
- Article 15(3) – Special provisions for women
- Article 21 – Right to life with 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 Approach

The judiciary has consistently expanded the scope of protection for women, recognizing domestic violence as a violation of fundamental rights.

6. Secondary Statistical Overview

Table 1: Domestic Violence Cases in Gujarat (Approx.)

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

Analysis:

The rising trend reflects both increasing awareness and persistent violence.

Table 2: NFHS-5 Data

Indicator	Percentage
Women facing domestic violence	23%
Women not reporting	75%
Awareness of legal remedies	35%

Analysis:

Underreporting remains the biggest challenge in controlling domestic violence.

7. Challenges in Controlling Domestic Violence**7.1 Social Barriers**

- Patriarchal mindset
- Fear of social stigma
- Family pressure

7.2 Legal Challenges

- Delay in justice delivery
- Lack of enforcement

7.3 Institutional Issues

- Insufficient protection officers
- Weak monitoring systems

7.4 Economic Dependency

- Financial reliance on abuser
- Lack of employment opportunities

8. Mechanisms to Control Domestic Violence**8.1 Strengthening Legal Enforcement**

- Strict implementation of PWDVA
- Fast-track courts for domestic violence cases
- Mandatory police response protocols

8.2 Institutional Strengthening

- Appointment and training of protection officers
- Expansion of shelter homes and crisis centers
- Strengthening legal aid services

8.3 Awareness and Education

- Public awareness campaigns
- Inclusion of gender studies in education
- Community-based sensitization programs

8.4 Economic Empowerment of Women

- Skill development programs
- Employment opportunities
- Financial independence schemes

8.5 Technological Interventions

- Online complaint portals
- Emergency mobile applications
- Digital monitoring systems

8.6 Community Participation

- Role of NGOs and local bodies
- Panchayat-level monitoring
- Women support groups

9. A Preventive Model: Integrated Approach

An effective control strategy must combine:

- **Legal measures** (enforcement)
- **Social reform** (mindset change)
- **Economic empowerment** (independence)
- **Technological tools** (accessibility)

This integrated model ensures both prevention and protection.

10. Findings

1. Domestic violence remains underreported despite legal provisions
2. Awareness of rights is significantly low
3. Institutional mechanisms are insufficient
4. Economic dependency is a major barrier
5. Social norms continue to perpetuate abuse

11. Suggestions

1. Establish specialized domestic violence courts
2. Increase awareness at grassroots level
3. Strengthen monitoring of PWDVA implementation
4. Provide financial support to victims
5. Encourage community reporting systems
6. Introduce compulsory counseling programs
7. Enhance police training and sensitivity

12. Conclusion

Domestic violence is not merely a private issue but a public concern that affects the constitutional promise of dignity and equality. While India has enacted progressive laws, their effectiveness depends on proper implementation, awareness, and societal change.

The control of domestic violence requires a shift from reactive justice to proactive prevention. Gujarat, as a developing state, has the opportunity to lead by example by adopting a comprehensive and integrated approach.

Ultimately, the true success of any legal system lies in its ability to protect the most vulnerable members of society. Ensuring a life free from violence is not just a legal obligation but a moral imperative.

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