

**DOMESTIC VIOLENCE AND CRIMINAL JUSTICE SYSTEM IN INDIA**

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**ABSTRACT**

*Domestic violence has only recently been declared criminal offence. Domestic violence is a drain on many aspects of the social system, and it has a subtle but significant impact on a country's growth. In terms of law enforcement, health care, lost work, and general development, domestic violence damages nations a lot. These consequences do not simply harm the current generation; what starts as an act of violence against another individual recurs through the family and community for generations. Domestic abuse is a worldwide problem that cuts beyond national borders, as well as socioeconomic, cultural, ethnic, and class divides. This issue is not only common globally, but it also occurs frequently, making it a common and recognized practice. Domestic abuse is widespread, deeply established, and has substantial health and well-being consequences for women. It's morally indefensible to keep it going. Individuals, health-care systems, and society all pay a high price for it. No other important public health issue, on the other hand, has been so largely disregarded and misunderstood. Although men have long battered, abused, and mistreated their wives or intimate partners, wife or partner abuse has historically been viewed as a normal part of marriage or intimate relationships. Domestic violence was not defined as a crime until the 1970s, at the end of the twentieth century, justifying intervention by the criminal justice system. This article examines the history of domestic violence as a criminal offence, as well as the response of the justice system to incidents of woman battering. It then examines the legal and social changes that have influenced the criminal justice system's approach to domestic violence over time. Following that, it discusses police responses and the prosecution of domestic violence. The article also discusses research findings about domestic violence and the criminal justice system, as well as current controversies about the justice approach to domestic violence, its law enforcement, and related developments.*

**Key Words:** Domestic violence, criminal justice, prosecution, law enforcement.

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## **INTRODUCTION**

For centuries, men have had the legal right to abuse their wives. This human right has been enshrined in religious, philosophical, and legal doctrines around the world. Women's "well-being" necessitated physical aggression against their wives. It was taught how to reprimand rebellious wives and how to chastise them. The Rules of Marriage were spread by a Medieval Christian scholar in the late 15th century. If you notice your wife committing an offence, these rules suggest that you should not rush at her with insults and harsh strikes. First, scold her harshly, then bully and frighten her, and if that doesn't work, pick up a stick and beat her. Soundly, for it is preferable to punish the body while correcting the soul than to harm the soul while sparing the body. After which handily defeat her, not out of fury but out of charity and care for her soul, so that you and she both gain from the thrashing. The position of women in old Indian society was also the same as it is today, or in other words, domestic violence existed in the past. Womanhood is respected in Indian society from its inception. There is a widespread misconception about women's true status in ancient Indian society. It is primarily due to widespread ignorance of the texts of the Upanishads, Vedas, and Smriti, which contain the laws, customs, and traditions that define the true status of women in ancient times. In Indian society, the ideal picture is that women should give up everything for their husbands and devote their entire lives to severing them. Polygamy was another thing that existed in history to lower the status of women, or in other words, one of the discordant factors in the married life of women was the existence of Polygamy, which has been prevailing for a long time. In ancient times, a wife was not only her husband's lifelong companion in good and bad times, but also mistress of his household and a true partner in all his activities, including religious sacrifices. Women were thought to have evil inclinations in traditional times, and because of these evil inclinations and birth, they should be kept under the control of men at all stages of their lives. The ideal women are those who do not strive to break free from these shackles. Women's salvation and happiness, on the other hand, are centered on their virtue and chastity as daughters, wives, and widows. In ancient Sanskrit writings, these were some of the topics that were reserved to laws<sup>1</sup>.

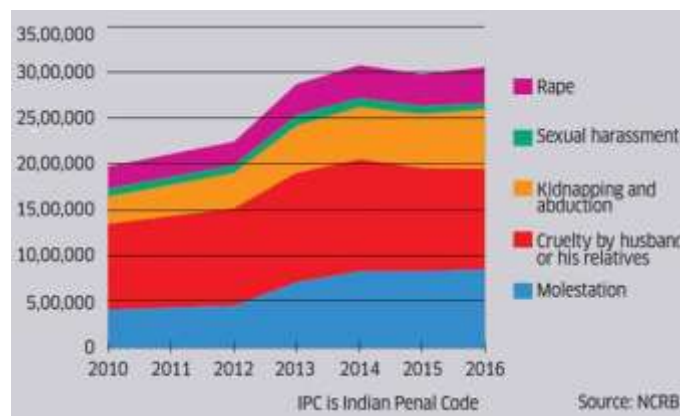
Any sort of violence against women is a serious violation of their human rights. Women are harmed both physically and emotionally when they are subjected to violence. It makes it

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<sup>1</sup><http://dspace.hmlibrary.ac.in:8080/jspui/bitstream/123456789/1548/10/CHAPTER>.

impossible for them to fully participate in society. Domestic violence has a wide range of consequences, including both near and long emotional and physical harm. Mental impact is undervalued in India, yet it is the deadliest thing that can happen to a woman. Bodily effect wounds can be seen by everyone, but psychological scars cannot be seen by anyone, and mental scars are extremely difficult for anyone to carry for a long time.

In India, domestic violence is commonly present. According to the National Family Health Survey, every third woman in India experiences domestic abuse at some point in her life, which is a major issue in our country. Domestic violence is a prominent factor in India's crime against women.



Crime Rate against Women in India

As shown in the graph above, cruelty by a husband or his relatives has a significant role in crime against women in India. Many people in India believe that domestic violence exclusively affects rural, illiterate, impoverished, and other communities, however this is a falsehood; domestic violence affects anybody, regardless of their social standing or level of education. We can forecast what will happen in the following hour based on statistics provided by the National Crime Record Bureau (NCRB). According to the NCRB, in India, one incident of sexual harassment occurs every 59 minutes, one act of rape occurs every 34 minutes, and one act of abuse by a spouse or his relations occurs every 12 minutes. If we quantify the statistics for the next 24 hours, we can predict that 24 women will be sexually abused, 42 women will be raped, and 120 women will be tortured by their married men or husband's relatives, resulting in 186 women's human rights being violated in the next 24 hours. It is based on the statistics of domestic violence incidents reported to the police, but many incidents of domestic violence are not reported to the police or other authorities. Because of personal and social embarrassment, many incidents of domestic abuse go undetected.

Unreported incidents are unnoticeable to those who surround the victim, such as relatives, friends, and parents, and even if someone recognizes the indicators of abuse, it is still not disclosed<sup>2</sup>.

## **DOMESTIC VIOLENCE AND ITS ROOT CAUSES**

Women's violence is a result of traditionally imbalance of power relations between men and women, which have resulted in men's dominance and discrimination against women, as well as the denial of women's full advancement<sup>3</sup>. Bodily, sexually, or emotional abuse directed at a spouse, partner, or other family member residing in the same residence is referred to as domestic violence. When one member of a family, partner, or ex-partner attempts to physically or psychologically dominate or hurt the other, this is known as domestic violence. Domestic abuse can occur in every society, and offenders can be of any race, ethnicity, or religion. Violence against women, especially spousal abuse and sexual violence against women are significant public health issues and abuses of women's human rights<sup>4</sup>.

## **MEANING OF DOMESTIC VIOLENCE**

It is critical to define the term violence against women in this context. Every incident of gender-based ill-treatment that leads in or is likely to lead in corporal, sexual, or cerebral injury or desolation to women, according to the United Nations Commission on the Status of Women. Domestic violence in the context of women refers to a variety of acts of violence perpetrated against women by their fathers, brothers, sons, uncles, husbands, and in-laws in both their maternity and spousal households. Bodily, mental, verbal, and emotional torture is all forms of domestic violence.

According to a UN Population Fund research, about two-thirds of wedded Indian women suffer from domestic violence, and up to 70% of wedded women in India between the ages of 15 and 49 are victims of rape, coerced sex, or beatings. Family violence affects more than 55 percent of

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<sup>2</sup>[https://www.researchgate.net/publication/339054944\\_Domestic\\_Violence\\_in\\_India](https://www.researchgate.net/publication/339054944_Domestic_Violence_in_India) (April, 2022).

<sup>3</sup>UNICEF (2000), Domestic Violence against Women and Girls, Innocent Digest NO. 6, available at <http://www.unicef-irc.org/publications/pdf/digest6e.pdf> (Visited on 15 March, 2019).

<sup>4</sup>Narwadkar, Dr. Pooja P., Law Relating to Domestic Violence in India 9, (Hind Law House Publication, 2014).

Indian women, particularly in the states of Bihar, Uttar Pradesh, Madhya Pradesh, and the northern regions<sup>5</sup>.

Domestic violence is defined as the violent persecution of women within the family, which is typically inflicted by men. Domestic violence, in the majority of cases, refers to violence against women by members of the household in which she resides. It might be the hubby, his parents, siblings, or any other resident with the overt or hidden authority to act in ways that harm women physically or mentally. It occurs behind closed doors and is frequently denied by the women who have been victims of violence<sup>6</sup>.

Within the meaning of the Protection of Women from Domestic Violence Act, 2005, the accuser's conduct, inactivity, accomplishment, or attitude is considered domestic violence if it—

- (a) Causes violent assault, sex assault, verbal and psychological manipulation, or financial abuse to the affected person's health, safety, life, limb, or welfare, either mental or physical, or threatens to do so; or
- (b) Mistreats, damages, hurt, or puts the aggrieved person in danger in order to force her or any other family member to comply with any illegal demand for dowry, other assets, or valuable security; or
- (c) Any conduct listed in paragraphs (a) or (b) having the effect of intimidating the injured person or any person linked to her; or
- (d) Somehow injures or harms the injured person, whether physically or mentally<sup>7</sup>.

## **CATEGORIES OF DOMESTIC VIOLENCE**<sup>8</sup>

Domestic violence is typically thought of as a scenario in which an abused partner bodily abuses the victim. Physical abuse is simply one sort of abuse; domestic violence can take many forms, including physical, emotional, sexual, financial, and psychological abuse. Being a victim of domestic violence can leave you feeling helpless and even doubtful of yourself, therefore it's vital

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<sup>5</sup><http://rnkwc.ac.in/pdf/anudhyan/volume1/Domestic-Violence-against-Women-in-India-Debjani-Mukherjee> (April, 2022).

<sup>6</sup>Jaising Indira, law of Domestic Violence, 9-10, (Universal Law Pub. Co. Pvt. Ltd. Delhi, 2001).

<sup>7</sup>Section 3 of Protection of Women from Domestic Violence Act, 2005.

<sup>8</sup><https://www.findlaw.com/family/domestic-violence/types-of-domestic-violence.html> (February, 2022).

that you recognize the indicators of abuse so that we can identify the situation and get treatment. The following are the several kinds of domestic violence:

**A. Violence in Physical Form:**

Physical abuse is the most obvious type of domestic violence. This involves the use of aggression against the victim, which results in severe injury (a punch or a kick, stabbing, shooting, choking, slapping, forcing you to use drugs, etc.). The injury, on the other hand, does not have to be severe. Your abuser, for example, smacks you a few times, causing small injuries that do not require hospitalization. The slapping would be deemed domestic abuse, notwithstanding the little injuries.

**B. Emotional Abuse:**

Mental abuse is described as the continuous insult, ridicule, or condemnation of a victim's self-worth. On the surface, emotional abuse appears to be extremely widespread in unstable relationships, making it a difficult sort of domestic violence for many people to comprehend. In most states, emotional abuse is insufficient to warrant a domestic violence case unless the abuse is so severe and pervasive that the relationship may be classified as highly oppressive. To bring a domestic violence action, evidence of emotional abuse is typically combined with other forms of abuse (physical, financial, sexual, or psychological).

**C. Violence Sexual in Nature:**

Sexual assault is a common form of abuse. Sexual violence and rape are included, as well as intimidation such as unwelcome groping and other degrading acts. Many people are ignorant of how broad the term sexual abuse is. You may have been sexually assaulted if you've ever been forced to use contraceptives (the pill, a condom, an IUD, etc.) or have an abortion. This is referred to as reproductive coercion.

**D. Financial abuse:**

Financial abuse is one of the less obvious forms of domestic violence. Financial abuse can manifest itself in a variety of ways, For example, a husband who forbids his wife from getting an education or employment outside the house. Financial abuse is very widespread, especially in households where money is pooled into joint accounts (with one partner dominating) and there is little or no

family support structure to help. Financial exploitation is just another type of oppression, albeit one that is less visible than physical or sexual exploitation. For financial assistance, the victim is frequently fully reliant on their lover. The victim is fully at the mercy of the abusive relationship because there is no other way to earn money but through the abusive partner. Food, clothing, and other basics may be withheld by the abusive partner. When kids are involved, this can be construed as child abuse.

### **E. Psychological Abuse:**

Any frightening, frightening, or fear-instilling behavior is referred to as psychological abuse. This behavioral pattern has to be consistent and significant. A single occurrence, in most situations, is insufficient to justify a domestic violence action. Psychological abuse, like emotional abuse, may not be enough to justify filing a domestic violence complaint unless it is very severe. Psychological torture can include a range of behaviors, such as:

- i. Injured party is banned from talking to people unless they have consent;
- ii. Victim is not allowed to move outside;
- iii. Intimidating the injured party with hostility or
- iv. Psychological inducement to the abusive partner for doing something that is not agreed upon with are some common examples.

### **REASONS RESPONSIBLE FOR THE GROWTH OF DOMESTIC VIOLENCE IN INDIA**

Domestic abuse is caused by a variety of factors. There is no one-size-fits-all solution. Domestic violence against women is caused by a complex interplay of sociological, behavioral, historic, religious, and cultural causes. Domestic abuse is caused by a variety of factors. There is no one-size-fits-all solution. Domestic violence against women is caused by a complex interplay of sociological, behavioral, historic, religious, and cultural causes:

**A. Sociological or Behavioral Factors:**

Anger management issues approach, welfare dependency hardship, disparity in position, influencing character, drug dependency, parenting, and psychological fragility (bipolarize, depression, stress, etc.) are among the sociological, behavioral, and cultural aspects. Domestic violence is exacerbated by the neglect of conjugal responsibilities as a result of adulterous encounters or a lack of trust.

**B. Historical Factors:**

The intrinsic evil of patriarchal and the supremacy attitude that has persisted among males for generations can be linked related to past events.

**C. Religious Factor:**

Religious sanctifications indicate a subtle type of female dominance, if not outright dominance. Domestic violence against women is also increased as a result of this.

**D. Cultural Factor:**

The urge for a male kid is one of the socio-cultural factors that leads to domestic violence. Domestic violence against women is perpetrated as a consequence of this fixation, which stems from a lack of knowledge and innate masculine dominance. This is not an exhaustive list of characteristics, and family violence motivations or catalysts may vary.

**E. Dowry:**



Dowry is a sociological element. However, because of the high number of domestic violence instances originating from dowry demand that is illegal, it is necessary to highlight it individually. This was also accepted by Parliament, since dowry-related domestic violence has been designated as a distinct category within the Domestic Violence Act's scope of maltreatment culminating in domestic violence<sup>9</sup>.

## **DOMESTIC VIOLENCE AND THE LAW IN INDIA**<sup>10</sup>

There are different provisions in India that directly concern married women's safety from their spouses and their husbands' families, including:

### **A. Protection of Women against Domestic Violence Act, 2005:**

The Domestic Violence Act of 2005 is a piece of law aimed at providing more adequate safeguards to women who are victims of domestic violence of any form, as promised by the constitution. The Act's name implies that it does not apply only to abuse perpetrated against women by her spouse or in-laws. Every woman living in a domestic relationship as a family member with a person who engages in violence is within its protective shield. As a result, women who are victims of abuse in the home or in a domestic relationship are protected by the law. Furthermore, the Act is intended to establish some civil rights, some of which are symbolic and others of which are substantial. However, the law basically tumbles under criminal jurisprudence, not only because it is imposed by magistrates under Cr.PC 1973, but also and primarily because the repercussions of violating certain orders issued by a criminal court for providing due safeguards to aggrieved women have been built a fresh punitive offence.

The popular perception following the implementation of the Domestic Violence Act appears to be that domestic violence is a crime, but the truth is that domestic violence is not a crime under the Domestic Violence Act. The male perpetrator's acts toward women in the family have been ruled illegal, as they constitute a violation of a protective order secured by the ladies from the Magistrate. To grasp the actual implications of this, it's crucial to know how and what kind of protection order

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<sup>9</sup> <https://www.myadvo.in/blog/domestic-violence-against-women> (April, 2022).

<sup>10</sup> <https://www.findlaw.com/family/domestic-violence/domestic-violence-laws.html> (February, 2022).

can be acquired by a woman whose actions constitute a violation of the Domestic Violence Act. According to Section 18 of the Domestic Violence Act, a magistrate has the authority to issue a protection order if he or she has reasonable grounds to believe that domestic violence has occurred or is likely to occur, i.e., a woman can approach a magistrate not only when she has been subjected to violence, but also when she is anticipating such violence. This protection order is basically an injunction requiring the respondent to refrain from specified actions against the complainant.

The magistrate's authority to issue these forbidding orders goes against the legal rules that apply to injunction law, such as the rule that an injunction cannot be granted if equally effective relief may be obtained through other means. Since all of the activities that are illegal under the Domestic Violence Act have become part of the country's criminal code, everyone is obliged to refrain from harming or injuring women's mental or physical health, even if they do not have a prohibition order. The question arises: is a spouse who has not been served with a protective order permitted to injure his wife? If the response is clearly no, it is difficult to see how the issuing of a protection order would increase her protection against future acts of violence. As a result, it is argued that the remedy known as a protection order is a ruse.

To protect the indignant women from possible domestic violence, the magistrate may impose an injunction forbidding the opponent from being in the neighborhood of any site frequented by aggrieved persons or from running a bank account shared by parties, even if held only by the opponent. By ordering the male respondent to leave, the magistrate would effectively be evicting him from his home; similarly, by ordering the male respondent to refrain from operating a bank account held solely by him because he had shared its borrowing investments with the aggrieved woman at some point, the magistrate would effectively be depleting the opposite of his daily bread in the name of safeguarding the woman.

Additionally, Section 23 of the Domestic Violence Act allows the magistrate to issue a temporary restraining order during any proceedings before him, including those under Section 18. He may award ex parte protection order based on prima facie satisfied (on the basis of affidavit), inter alia, that the application exposes the likelihood of domestic violence being perpetrated. There is no indication in the statute as to how long an ex parte order would remain in effect. In this case, the interpretation of Section 25 that a protective order issued under Section 18 remains in effect until the "aggrieved person requests for discharge" would apply equally to an interim order. The normal principle under the CPC that if an ex parte injunction is issued, the petition for the injunction must

be considered within thirty days cannot apply to these procedures under the Domestic Violence Act because Section 28 makes it subservient to the CrPC. Even if remedy under Sec. 18 is sought in civil court pursuant to Sec. 26, this will be the case despite the provisions of Sec. 28.

Given the foregoing legal provisions, it is not impossible that a woman might raise some hesitations about the behavior of the male respondent with whom she has shared a household for some time and, in an attempt to bind him, file an application under Sec. 18 coupled with Sec. 23 seeks an ex parte interim injunction based on an affidavit alleging that the latter is likely to subject her to psychological abuse. When these provisions are combined with the penal clause in Section 31, the result is, which makes any infraction of an interim order a cognizable offence subject to a substantive punishment, the inconsistency of the impact becomes apparent. In this case, the concerned male respondent is likely to be denied any opportunity to convey his side of the story because nothing prevents an unscrupulous woman from acting on the award of an ex parte interim order as soon as an application for such order is filed.

The Indian Parliament passed this law to protect women from domestic violence. It makes it unlawful to abuse women in a variety of ways, including physical, sexual, emotional, and financial abuse, all of which are broadly defined by the Act. It safeguards a family's female members from male members. The Act protects not just married women, but also women in live-in relationships, as well as household members such as grandmothers, mothers, and others. A woman has the right to be free of all types of violence under this Act. Women can seek protection from domestic violence, monetary compensation, the right to live in their shared house, and maintenance from their perpetrator under this statute.

This rule was created to guarantee that women who have been mistreated are not removed from their houses and that they are able to sustain themselves. It also guarantees that women are safe from those who would harm them.

#### **B. Section 498A of the IPC (Indian Penal Code):**

This is a criminal law that applies to husbands or husband's family members who are cruel to women. Harassment for Dowry by family members of the husband or by the husband is a crime under Section 498A of the IPC. Harassment can take many forms, both physical and mental. Although Marital Rape is not a crime in India, forced sex with one's wife can be considered Cruelty under this Section. Section 498A covers a wide range of topics. It also includes any and all

intentional behavior against a woman that forces her to attempt suicide or puts her life, limb, or overall health at risk. Health is related to a woman's bodily and emotional well-being in this context.

### **C. Dowry Prohibition Act, 1961:**

This is a state statute that punishes dowry offering and receiving. The Dowry Prohibition Act of 1961 renders practice of dowry illegal. If someone gives, accepts, or even asks dowry, they can be imprisoned for up to six months or fined up to 5,000 rupees. However, giving or taking of gifts by the parties to the marriage or their parents or relatives either at the time or before or after the marriage is not dowry within the meaning of this Act.

### **D. Abetment of Suicide to married Women for the purpose of Dowry<sup>11</sup>:**

Section 114B of the Indian Evidence Act addresses the principles of presumption in relation to the abetment of suicide by married women for the purpose of dowry. This Section allows the court to presume that the husband and his relative were complicit in the suicide and that the wife was subjected to cruelty or torture in connection with the dowry demand. The court explains certain essentials that must be met in order to raise any presumption related to dowry death while explaining the concept of Section 113B. The essentials of Section 113B are identical to the essentials of Section 113A of the Indian Evidence Act.

However, there is a fine line between Sections 113A and 114B in that the presumption of Section 114B only applies if the prosecution has certain proofs that the cause of death was cruelty, maltreatment, or harassment for dowry demand. As a result, the presumption is carried only when the prosecution proves the case under this Section.

## **DOMESTIC VIOLENCE AND THE CRIMINAL JUSTICE IN INDIA<sup>12</sup>**

Furthermore, a victim of domestic violence may seek redress under both civil and criminal law by utilizing constitutional provisions or remedies provided under personal laws. In fact, in 1985, the Family Courts Act was adopted to address marital wrongdoings within a unified legal framework.

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<sup>11</sup><https://blog.ipleaders.in/presumption-of-law/> (February, 2022).

<sup>12</sup><https://www.cwds.ac.in/wp-content/uploads/2016/09/UnderstandingJustice> (February, 2022).

The major purpose of the Act is to "promote conciliation in, and ensure prompt settlement of the dispute relating to marriage and family issues, and purposes relating therewith. This Act, however, has not been implemented in all states. Furthermore, wherever it is made applicable, those who have worked with it have pointed out several flaws. Critics have pointed out that one of the fundamental flaws is the object, which usually focuses on the patriarchy maintenance of family. The Act disregards the existing power structure that dominates conjugal relationships and ignores women's vulnerable position within the family and society. It overlooks the fact that in the vast majority of situations of marital strife, women seek legal recourse after all other efforts at resolution have faltered. Putting too much emphasis on reconciliation has proven to be counterproductive. The Act fails to admit irrevocable marriage breakdown and adds to the burden on women by postponing the granting of support while the reconciliation procedure is restarted. Injunctions, divorce, child custody, and other common law allow a woman to receive relief depending on her requirements. However, obtaining civil remedy is a complicated, time-consuming, and costly process. Criminal justice system, on the other hand, is primarily founded on deterrent and punishing concepts. Complaints against violent perpetrators may be used to bring action under this law. It only includes a restricted spectrum of behaviour, and once a complaint is filed, women may have no voice. A victim or complainant is thus compelled to employ other legal procedures outside of criminal justice, even if they are linked, for the same objective. In contrast to using other Provisions of the IPC, a victim of domestic violence may file a cruelty complaint against her violent husband and or in-laws under Section 498-A. (for hurt, grievous hurt, etc). She may be able to recover streedhan if she invokes Section 406 of the IPC for criminal breach of trust. A woman may file an appeal for maintenance under Section 125 of the Civil Procedure Code. Despite the fact that criminal law is considered gender-neutral, there are provisions that, when implemented, harm women's interests. The operation of the law is based on family ideology. The op-rationalization of law in a masculine social structure is another aspect that interprets women's inferior status in a married relationship. Women's secondary social and legal standing often obstructs their capacity to exercise their rights as citizens of a free democracy. The method in which Section 498-A of the IPC is applied within the specific socio-legal environment exemplifies this point.

## **CONCLUSION AND SUGGESTIONS**

Domestic violence is virtually unprotected by the legal system because it is designed to protect marriage rather than victims. Section 498-A is also difficult to administer since law enforcement authorities are hesitant to apply it. Because the law often entails the breakup of the marital tie, police, the judiciary, lawyers, and others are unwilling to prosecute cases under it. The legal and social systems both reinforce the tradition of tolerating women's abuse. Domestic violence norms that perpetuate silence and stigma in families and communities pervade the formal institutional response as well. Furthermore, procedural flaws frequently serve to re-victimize the complainant. When a person enters the formal legal system, he or she loses power and is forced to submit to the authority of the law. The state determines the kind and amount of claims, while the adjudicator specifies the contending parties' rights and obligations, maintaining the male-female power dynamic. As they define the techno-legal course of action, state agents' subjectivity determines the implementation of law. Women's agency is obscured in the process. The institutional lens of what is socially and legally permissible filters violence against women. The system provides for punishment but not for meaningful answers to women's issues. Nonetheless, the state provides important avenues for a woman to seek redress for unjust marital ties.

Furthermore, recommendations were made to weaken Section 498-A's provisions.

Women are being accused of misusing and abusing the law, but there is no evidence to support this assertion. However, it has been discovered in this research that the law is frequently underutilized. Many obstacles obstruct women's access to the legal system in such a way that they significantly restrict their capacity and de-motivate them from using it – let alone misusing or abusing it.

As a consequence, it's necessary to review the scenario from the victim's perspective, as well as numerous parts of law, from background to procedural aspects, in order to discover the law's strength and limitations. The law's content, as well as the process by which it is implemented, may be reconsidered. It largely implies that reducing victimization will necessitate fundamental structural change. To put it another way, it is critical to develop a victim-friendly mechanism in order to resist victimization. In the subject of domestic abuse, there has been a request to employ experience language on the reality of domestic violence instead of the pseudo-science of legal technicalities. To achieve gender equality, a woman-friendly system is required.