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## Domestic Violence: A Human Rights Perspective

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*Domestic violence is a grave societal problem that disturbs people across all genders, beliefs and social or economic experiences. From a human perception, it drives beyond bodily abuse and embraces mental, emotional, sensual and monetary harm. This research paper examines the causes of domestic violence, its impact on sufferers, how domestic violence is prevalent in India and globally, the outlook towards recognition of human rights, a critical assessment of domestic violence, as well as suggestions stressing the prerequisites for awareness, lawful guard and support structures for sufferers. The Protection of Women from Domestic Violence Act (PWDVA), 2005, is a revolutionary law in India intended to protect women from exploitation in domestic relations. This highlights how the legislation recognises self-esteem, equality and shielding from violence as fundamental human rights, while also analysing its limits and real-world challenges.*

**Keywords:** *domestic violence, human rights, exploitation, domestic relations, self-esteem, equality.*

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### INTRODUCTION

The issue of domestic violence and all its effects is an appallingly morose, disturbing and possibly disparaging portion of our nationwide lifespan and individuality. Domestic violence not only poses bodily threats but also takes a dreadful toll on families and the

significant relationships of our lives.<sup>1</sup> This concept denotes offensive behaviour in a domestic background, characteristically including close partners or family members. It is a comprehensive notion demonstrating a general marvel in the house indoors, including violence against children and parents and also abusive acts between family relations. Though both males and females can be ill-treated, womenfolk also commit ferocity either against other women or against men and mostly, the victims are women. So, my research paper would deal with the query of violence by males against their female associates as the prime form of gender-based domestic exploitation. It is a manipulation of elementary human rights and self-esteem. Notwithstanding lawful developments and rising awareness, domestic violence remains prevalent across the world. From a human viewpoint, it is not only a legal question but also an ethical and emotional catastrophe that intensely affects persons and societies. Among women who are married, aged 18 to 49 years and have faced sexual violence, 83% of them reported their existing husbands as offenders, and 13% of them reported ex-husbands as culprits. For women who were never married and have been sufferers of sexual violence, the most common perpetrators were relatives, counting to 42%, along with their existing or ex-boyfriend, which is 13% and a family friend, which is 10%, as per the report of the National Family Health Survey-5 (NFHS-5).<sup>2</sup> Conventionally treated as private domestic stuff, it is now documented as a grave legal and public alarm. The Protection of Women from Domestic Violence Act 2005, scripts a move from inspecting women as dependents to recognising them as persons with protections and rights. The position of humans under this Act is deep-rooted in the canons of equality, justice and dignity. The violence against females permits solidier attention than ever as the disease of coronavirus 2019 (COVID-19) epidemic has led to an upsurge in cases of domestic violence in diverse regions. Forceful cohabitation with their offenders during lockdowns and monetary strain from the epidemic are some causes linked with augmented violence.<sup>3</sup> The former studies are reflective of evidence that family violence is not only gender-specific but

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<sup>1</sup>Arnold Robbins, 'Newer Perspectives on Domestic Violence' (*Psychiatric Times*, 01 April 2010) <<https://www.psychiatrictimes.com/view/newer-perspectives-domestic-violence>> accessed 06 February 2026

<sup>2</sup>Ambika Pandit, '77% of women stay mum about domestic violence' *The Times of India* (08 May 2022) <<https://timesofindia.indiatimes.com/india/77-of-women-stay-mum-about-domestic-violence/articleshow/91408159.cms>> accessed 06 February 2026

<sup>3</sup>Shafaly Shorey et al., 'Women living with domestic violence: Ecological framework-guided qualitative systematic review' (2023) 71 *Aggression and Violent Behavior* <<https://doi.org/10.1016/j.avb.2023.101835>> accessed 06 February 2026

also clearly shows that it is not a single, massive structure with a single cause; relatively, domestic violence occurs in an array of circumstances with multifocal causation.

## **METHODS OF DOMESTIC VIOLENCE**

### **Domestic Violence can take Numerous Forms:**

**Bodily Exploitation:** Women are often exploited physically in many ways such as slapping, hitting, or causing any other bodily harm.

**Emotional Manipulation:** Abusive behaviour with women by insulting, humiliating, or by giving threats of killing makes her emotionally weak.

**Mental Abuse:** The thinking capacity of women is hampered by isolation, manipulation and the controlling nature of men.

**Sensual Abuse:** Doing sexual acts forcefully with women without their consent also took the shape of violence within the family.

**Financial Abuse:** Controlling and acquiring the economic resources of women, such as by stopping them from doing any job, is a violent behaviour.

Depression has already been recognised as a risk factor for cases of family violence. In addition to this, those with substantial untreated temperament dysregulation and condensed impulse control under certain circumstances of strong situational stress might be extra prone to commit violence. Therefore, such kinds often overlay that forms a round of misery for sufferers.

## **REASONS OF DOMESTIC VIOLENCE**

### **Innumerable issues contribute towards domestic violence, which are described as follows:**

**Male-controlled Culture:** Gender disparity and male supremacy prevailing from ancient times are among the causes of violence occurring within the household.

**Absence of Education:** Incomplete awareness and enlightenment among the masses about human rights and self-esteem are also grounds for domestic violence.

**Material Abuse:** Consuming substances such as liquor and preparations upsurge violence by males upon the females. Having a spouse who is severely addicted to drugs, the trade of drugs often had a history of commission of violence toward others, a record of arrest, or was not employed due to which he was pointedly related to the commission of family violence.<sup>4</sup>

**Social Customs:** Acceptance of ferocity as discipline is often considered a gregarious culture. Gender-based violence often occurs due to social-cultural causes. The lack of enlightenment about unfair power relations for men and women in societies, which in reality is so intensely rooted in our consciousness and self-identity that we are persuaded to contemplate what is, in its place, on a social basis as untrue. The effect of culture on the behaviour of humans is often underrated indeed because it is so authoritative, recurring and ingrained.

**Monetary Pressure:** Financial glitches in the family leading to frustration, anger and violence.

Besides these, sufferers are prohibited from broadcasting their attacks due to other key issues such as financial dependence, blaming attitude of the victim, feebleness, breakdown of unity in the family, distress of being exposed in public, privacy and humiliation, lack of trust in the legal structure and the police forces and even fear of revenge.<sup>5</sup> Hence, considering these grounds aids in addressing the origin of the problem.

## EFFECT ON SUFFERERS

**Domestic violence has severe consequences, which are listed as follows:**

**Bodily Impact:** The repercussions of domestic violence that occurred on the victim, who is generally the woman, have been seen in the form of wounds, incapacity and occasionally death.

**Mental Impact:** Even the one instance of domestic violence badly affects the psychology of women and results in misery, nervousness, shock and lowers her self-respect.

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<sup>4</sup> Robbins (n 1)

<sup>5</sup> Maria Rita Bartolomei, 'DOMESTIC VIOLENCE AND HUMAN RIGHTS. AN ANTHROPOLOGICAL VIEW' (2015) 31 EX AEQUO 98-99 <[https://exaequo.apem-estudos.org/files/2016-07/7\\_A\\_violencia\\_domestica\\_e\\_direitos\\_humanos.pdf](https://exaequo.apem-estudos.org/files/2016-07/7_A_violencia_domestica_e_direitos_humanos.pdf).> accessed 06 February 2026

**Communal Impact:** The incidence of domestic violence leads to her separation from family and society. The United States Department of Justice stated in its report in 2017 that domestic violence (DV) has a substantial effect not only on those who are abused, but also upon their friends, family members and on the persons within the communal networks of both the victim and abuser.<sup>6</sup>

**Impact on Offspring:** Children are likely to be affected by family atmosphere, especially with instances of domestic occurrences within the family, which results in emotional uproar, violent behaviour and meagre academic presentation. Abuse of children that occurs within the family results in emotional shock as well as mental and physical consequences that can depressingly impact their learning opportunities.

Therefore, most of the victims often agonise silently owing to disgrace, fear, or the absence of a supportive system.

## DOMESTIC VIOLENCE IN INDIA AND GLOBALLY

In Indian country, domestic violence remains a chief concern despite laws like the Protection of Women from Domestic Violence Act 2005. However, PWDVA, 2005 describes 'domestic violence' under Section 3 as any kind of abuse triggering damage or grievance to the mental and physical health of the woman or even compromising the safety and life of the woman, any form of harassment to meet any unlawful demand for dowry, peril to cause harm or injury, etc. Moreover, violence can be emotional, physical, verbal, sexual or economic. As per PWDVA, a complaint can be filed by a woman who is married or a woman who is living in a relationship like marriage against the male spouse or his relatives. She has the right to get protection from the perpetrator, the right to live in the shared household and the right to have an order of residence passed against the culprit. According to PWDVA, a domestic relationship refers to a relationship between two persons who live or have at any point in time lived together in a shared household where they are related to each other by marriage, consanguinity, or through a relationship like marriage, adoption, or are family members living together as a joint family. The Act also guards any woman who is or has been in a

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<sup>6</sup> Luca Rolle et al., 'Editorial: New Perspectives on Domestic Violence: From Research to Intervention' (2019) 10 *Frontiers in Psychology* <<https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2019.00641/full>> accessed 06 February 2026

domestic relationship with the abusers, such as widows, sisters, single women, mothers, daughters, sisters-in-law, or women in a relationship of cohabitation who have been exposed to acts of domestic violence. Under the PWDVA, a woman is allowed to follow remedies such as a protection order, a residence order or not be evicted from the shared household, provisional custody of the child, a maintenance order for day-to-day and medical expenditures, compensation order for mental and physical harm. The woman who is aggrieved can also make a complaint before the protection officer as designated under the above-said Act, the police or gain help from the one-stop centre in her local area. In *M/S Nidhi Kaushik v UOI*<sup>7</sup>, it was observed by the Hon'ble Delhi High Court that domestic abuse per se is not an offence provided under the Act. The only offence enlisted under the Act is the breach of the order of protection or the offence committed by a protection officer by committing a breach of his responsibilities. The cognisance of an offence under Bhartiya Nyaya Sanhita (BNS), 2023 cannot be taken by the court that is dealing with a section 12 application under the DV Act, as proceedings under said section are of a civil nature triable by a civil court, criminal court, or family court. In case breach of protection order fresh criminal case will be initiated against an accused either FIR or complaint and in that criminal case, at the stage of framing the charge said court is in power to frame the charge under Indian Penal Code (IPC), 1860 erstwhile Bhartiya Nyaya Sanhita (BNS), 2023 or any other law if facts disclose about the offence has been committed. Fresh complaint under section 31 of the Domestic Violence (DV) Act would be a criminal case as the respondent is an accused and as per section 31(2). It should preferably be tried by the Magistrate who has passed the order. This is clear from the reading of Section 31(2) and sub-section (3) of the DV Act, read with Section 5(e), which imposes a duty on the Magistrate to inform the complainant to file an FIR for any offence committed under the Indian Penal Code 1860, erstwhile Bhartiya Nyaya Sanhita 2023. Further, Section 31(2) of DV provides that upon breach of a protection order, a separate criminal case has to be initiated, which should preferably be tried by the same court and in a fresh criminal case under Section 31 of the DV, the Magistrate is vested with the power to frame charges under IPC, 1860 or BNS, 2023. Domestic violence violates personal freedom and human dignity. Hence, domestic violence is a defilement of human rights repudiating women's equality, safety, self-esteem and their right to relish fundamental liberties.

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<sup>7</sup> *Ms. Nidhi Kaushik v Union of India & Ors* LPA 736/2013 & CM 15769/2013

Additionally, in 1979, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which was adopted by the United Nations (UN) General Assembly, has been working towards reducing discrimination against women in all arenas of life.<sup>8</sup> In 1993, the United Nations Declaration on the Elimination of Violence against Women (DEVAW), being the first international instrument dealing with abuse against women, provides a set-up for international and national action.<sup>9</sup> Moreover, an initiative called ‘Safe Cities and Safe Public Spaces’ was taken by the United Nations (UN) Women to prevent sexual harassment and other kinds of violence against women and girls in public spaces. The Beijing Platform for Action on Women, Development and Peace, which was taken in 1995, provides for the steps which are required to be taken by governments to prevent violence against women and girls. The Maputo Protocol in 2003 assured wide-ranging rights to women involving the right to take part in the party-political procedure, to social and political equality with males and a culmination of women venereal defacement, which was formally accepted by the African Union. Thus, the civil society and governments have increasingly recognised that violence against women is a human rights and public health concern. In this context, the vital role played by non-governmental organisations (NGOs), particularly Amnesty International, in the societal construction of domestic abuse against women as a threat to human dignity and health is worth stating. The effort in this zone has led to the creation of intercontinental standards, but the chore of authenticating the extent of violence against women and of producing steadfast and reliable data to guide plan and screen enforcement has been remarkably enigmatic. In 2005, the World Health Organisation’s Multi-Country Study on domestic violence against women and women’s health was intended to be a retort to this strain. Globally, 1 in 3 women face sexual or physical violence in their lifetime by their intimate partners. More than 51,000 women and girls were killed by members of their family or their partners, approximately 140 deaths occurred per day.<sup>10</sup> Such data indicate that domestic abuse is still underreported due to stigma and fear.

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<sup>8</sup> ‘Protection of Women from Domestic Violence’ (*Drishti IAS*, 17 April 2024)

<<https://www.drishtias.com/daily-updates/daily-news-analysis/protection-of-women-from-domestic-violence>> accessed 07 February 2026

<sup>9</sup> *Ibid*

<sup>10</sup> ‘Domestic Violence Act: 20 Years of Power and Protection’ (*Next IAS*, 20 September 2025)

<<https://www.nextias.com/ca/current-affairs/20-09-2025/domestic-violence-act>> accessed 07 February 2026

## OUTLOOK TOWARDS HUMAN RIGHTS RECOGNITION

**Domestic violence encroaches upon the following fundamental rights of human beings, such as:**

**Right to Life and Safety:** Article 21<sup>11</sup> outlays that everyone has the right to life and personal liberty.

**Right to Living a Life with Dignity:** Protecting humans from psychological and physical abuse is necessary so that women can live a dignified life, as enshrined under Article 21 of the Indian Constitution.

**Right to Treatment with Equality:** It has been provided under Article 14<sup>12</sup> of the Indian Constitution that all are equal before the court of law and ought to be given equal protection under the law. In India, women are entitled to equal protection with the introduction of the Protection of Women from Domestic Violence Act (PWDVA), 2005.

**Right to have a Shelter:** It is the right of women to reside in a shared household free from any kind of abuse domestically.

**Right to get Protection:** A woman can file an application before a Magistrate and receive an order of protection in her favour against perpetrators.

In this context, it can be worth stating that in numerous nations, women still do not relish fundamental rights such as health, education, nutrition, passive and active vote, inheritance, property and land ownership. It is also to be noted that when a state law prevails which openly recognises the above-said rights to them on a theoretical basis, but in a practical scenario, they are methodically denied. Additionally, as compared to other more grave major difficulties such as poverty, lack of health care or drinking water, war, epidemics and so forth, the matter of domestic abuse is often overlooked and kept aside.<sup>13</sup> Hence, this demonstrates that the law chairs dignity of humans at the midpoint of justice.

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<sup>11</sup> Constitution of India 1950, art 21

<sup>12</sup> Constitution of India 1950, art 14

<sup>13</sup> Bartolome (n 5)

## CRITICAL ASSESSMENT

Though laws exist, implementation is frequently feeble. Civilisation still inclines to blame sufferers, which disheartens reporting. A move-in mentality is crucial. Domestic violence ought to be seen not as a secluded matter but as a civic and human rights problem. Though the legislation, The Protection of Women from Domestic Violence Act (PWDVA), is broad-minded and has a human-centric approach, it mainly defends womenfolk, parting debates regarding gender impartiality. Lack of implementation of gaps in laws diminishes efficacy. Even then, communal arrogance treats sufferers as substandard. Therefore, it remains an authoritative weapon for the protection and empowerment of the dignity of human beings, particularly women. Such issues result in various challenges, including non-reporting of cases, non-awareness, social stigma and weak enforcement of laws. Therefore, as per feminist academics and legal anthropologists, though the existence of apt legislation is an affirmative step, the laws do not offer real assurance.<sup>14</sup>

## CONCLUSION

The problem of domestic violence is a severe abuse of the rights and self-esteem of humans. Addressing this issue needs a joint effort from people, civilisation, and the administration. A human standpoint highlights compassion, support and justice for victims. Only through education, consciousness and robust action can this issue be efficiently abridged. The legislation that is the Protection of Women from Domestic Violence Act (PWDVA), 2005, pointedly expands women's position by acknowledging their right to live a life that is free from any kind of abuse. It alters the insight of domestic exploitation from a personal problem to a violation of rights. The legal mechanisms must be reinforced by social enlightenment and organisational strength for accurate efficacy. Indeed, when the cause of domestic violence threatens or affects a woman's mental, physical and emotional integrity, these days this is taken into account by western culture as an entire and undisputable violation of human rights that is the right to live a life and also mental and physical integrity. No one gender, race, or age group is solely responsible or solely victimised. Hence, domestic violence is a multifaceted problem which might take place within diverse societal situations.

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<sup>14</sup> Robbins (n 1)

## RECOMMENDATIONS

There is a necessity for strict enforcement of legislation so as to prevent its misuse. Awareness programmes ought to be launched in schools, colleges and universities, imparting education regarding gender equality and information about human rights and dignity. Fast-track courts ought to be set up to resolve the cases in a speedy and cheap manner. Victims must have access to support systems such as helpline numbers 112, counselling sessions, shelter homes, protection houses, maintenance, etc. The community should encourage the reporting of cases in a timely manner without any delay. Voice for truth instead of keeping silent about abuse. A woman can seek justice through the court of law by filing a complaint before the Magistrate exercising local jurisdiction in that area. The woman can seek an order of protection to prevent violence in future, a residence order that is the right of the woman to stay in the household, monetary remedy in the form of compensation and maintenance, custody for the protection of the child, and an order of compensation for any kind of physical and mental injury. With this tactic, women and men could unite in an effort to expose the root causes of domestic violence, educating the public about them and eliminating these grounds through personalised treatment, enquiry, safety and concern. No one approach will work in all conditions, since the step to which a communal authorisation is made will naturally affect the kind of approach needed. Besides, seeing the interconnectedness between the reasons accountable for domestic violence, gender subtleties of culture, power and economics, the interventions and strategies ought to be intended within a complete and combined framework.