



# Women's Access To Justice In Cases Of Domestic Violence Under Indian Legislations: Barriers And Solutions

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## ABSTRACT

While married women hardly ever see justice today, much less because they are left without proper support, domestic violence has continued to be such a widespread element of India's backdrop as BNS 2023 aspires to bring forth an updated legal framework aimed at addressing many forms and dimensions of violence against women, covering domestic abuse also. While BNS 2023's provisions are an important attempt at streamlining and strengthening legal protection, many obstacles remain ahead-most notably when considering the lives of married women. This article examines the key legal provisions aimed at domestic violence under BNS 2023 and critically considers the impediments that now precede married women's access to justice. The discussion primarily divides into three main categories of barriers: social, legal, and institutional. Social barriers entitle cultural stigma, economic dependence, and societal pressures, which tend to dissuade women from reporting the abuse. Legal barriers refer to the unawareness of a woman regarding her legal rights, the high cost of legal proceedings, and evidentiary hurdles. Institutional barriers focus on the shortcomings of the police and other support systems like police non-responsiveness and poor shelter services. To address these challenges, the paper presents some solution set as follows: legal literacy of awareness, economic empowerment of women, education of police forces on gender issues, fast-track courts dedicated exclusively to dealing with domestic violence, and strengthening services for victims. Addressing these barriers holistically can make the implementation of BNS 2023 effective in helping protect married women from domestic violence and ensuring their access to justice.

**KEYWORDS:** Domestic Violence, Bharat Nyaya Sanhita 2023, Married Women, access to justice, legal barriers

Sent on: October 2024, Published March 2025

## INTRODUCTION:

Women continue to face domestic violence, which is predominantly marital, in India. NFHS-5 reports that in India, 30% of the married women have faced physical, sexual, or emotional violence by their husbands<sup>1</sup>. This is a reported case, which might be much higher since the societal stigma, economic dependence, and cultural demand prevents some women from coming out. The effects of this violence do not only affect the physical destruction in the immediate sense but also mental, psychological, and material destruction of the victim. Women who are abused often experience long-term mental effects including depression, anxiety, and PTSD.<sup>2</sup>

Not only this, but domestic violence also makes families unstable, and children suffer a lot from this as well, which forms a cycle of violence and is passed down from generation to generation. This has been going on even after passage of several legislative measures, including PWDVA, 2005, and criminal provisions of the Indian Penal Code, IPC. Still, there are certain barriers that stand in the way of justice for a woman. Lack of legal awareness, societal pressures within which a victim remains trapped by an abuser, and inadequate support systems like shelter homes and counseling services are some other barriers to addressing this question. On the other hand, when the Bharat Nyaya Sanhita 2023 strives to create a more streamlined legal avenue in dealing with domestic violence, the challenges become multifold.

Realistic solutions toward the eradication of domestic violence will include understanding and addressing social, legal, and institutional barriers that hinder women's quest for justice. Empowerment through greater access to legal literacy, stronger support services, and the reforming of practices in law enforcement are the way forward toward eradicating domestic violence and making the necessary resources available to women who want out of these abusive relationships to seek justice. Legal frameworks against domestic violence, since years, mainly had been in the name of the Protection of Women from Domestic Violence Act, 2005

<sup>1</sup> Esha Roy, "30% women in India subjected to physical, sexual violence: NFHS" INDIAN EXPRESS (10 May 2022) available at: <https://indianexpress.com/article/india/30-women-in-india-subjected-to-physical-sexual-violence-nfhs-7906029/> (last visited 15 October 2024).

<sup>2</sup> Michael G. Wessells and Kathleen Kostelny, *The Psychosocial Impacts of Intimate Partner Violence Against Women in LMIC Contexts: Toward a Holistic Approach*, 19, Int. J. Environ. Res. Public Health, 14488 (2022)  
Cuest.fisioter.2025.54(4):6959-6965



(PWDVA) and provisions provided under the Indian Penal Code (IPC). The BNS 2023, however, introduces such a significant shift in legal lines that it aggregates and redefines many of these protections. Even as BNS 2023 promises to offer the women victims of domestic violence with more pragmatic remedies through having sterner penal provisions against the erring offenders as well as smoother lineaments in the dispensation of legal process, married women continue to be confronted with a maze of dilemmas in seeking redress.

This paper discusses the legal remedies in the BNS 2023 on domestic violence, the difficulties of married women in obtaining redress, and possible recommendations for effective implementation of the law.

## LANDMARK CASES OF DOMESTIC VIOLENCE

### S.R. Batra v. Taruna Batra<sup>3</sup>

#### Introduction

The case of S.R. Batra v. Taruna Batra (2007) 3 SCC 169 is the landmark judgment of the Supreme Court of India concerning the interpretation of rights for women based on the Protection of Women from Domestic Violence Act, 2005 (PWDVA), in particular the meaning of "shared household" under Section 17 of the Act. This case was significant because it cleared in the air whether a woman has a right to reside in a matrimonial home, especially if that house belongs to her parents-in-law. The judgment had set precedence on this very issue that limited the scope of what constituted "shared household," which affected women's rights to reside in their in-laws' properties.

#### Facts of the Case

In the year 2000, Taruna Batra got married to Amit Batra. The couples saw eye-to-eye on a few issues and consequently, Taruna Batra lived separately from the husband, who later moved to his parental house in Ashok Vihar, Delhi. The house belonged to Amit's mother, the respondent. Taruna Batra claimed her right to reside in the matrimonial home under Section 17 of the PWDVA that entitles women to the right to residence in the "shared household" with even no ownership interest in the property.

Taruna Batra prayed for an injunction restraining her in-laws from dispossessing her or interfering with the possession of the property located at Ashok Vihar belonging to her mother-in-law. The injunction was granted by the trial court for her to reside in the house. This was assailed before the High Court, which had vacated the injunction. Taruna Batra appealed to the Supreme Court of India. Judgment of the Supreme Court

The Supreme Court, while delivering its judgment, held the appeals in favor of the respondents and dismissed the appeal filed by Taruna Batra. The Court delivered an elaborately very long interpretation of what "shared household" could mean under Section 17 of the PWDVA.<sup>4</sup>

#### Some Important Observations and Findings:

##### Interpretation of "Shared Household"

The Court held that a "shared household" under Section 2(s) of the PWDVA refers to a household where the woman has lived with her husband. However, the Court clarified that the household must either be:

- Jointly owned or rented by the husband and the wife, or
- A household that the husband has a legal right to reside in.
- The Court rejected the argument that a house owned by the husband's parents (in-laws) could be construed as a "shared household" unless the husband had some ownership interest in the property.
- An argument that a house owned by the husband's parents-in-law would be deemed to be a "shared household" only if the husband had some interest in the property was dismissed by the Court.

#### Ownership and Right to Residence

Under such circumstances, a woman has no right to reside in property owned solely by her in-laws unless her husband enjoys a legal right in the property is reiterated by the Supreme Court. As the Ashok Vihar property was in the sole name of Amit Batra's mother, Taruna Batra could not claim any right of residence over that property. The Court held that such rights would infringe on the property rights of third parties - the in-laws in this case - which was exactly what PWDVA did not want.

#### Restriction on the Right to Reside

For this purpose, the Court construed the term "shared household" in a manner that stripped a woman from having the right to inhabit any house under the PWDVA. It clarified that rights go only as far as properties

<sup>3</sup> S.R. Batra v. Taruna Batra, (2007) 3 SCC 169.

<sup>4</sup> Jus Corpus, *S.R. Batra v. Taruna Batra*, Jus Corpus (2021), available at: <https://www.juscorpus.com/sr-batra-v-taruna-batra/> (last visited Oct. 22, 2024)



belonging to a husband whose legal right derives from either ownership or tenancy and thereby failed to extend it over properties belonging to relatives, such as the in-laws.

### The Judgment

The Supreme Court dismissed the appeal of Taruna Batra and held that she could not assert any right to reside in her mother-in-law's house since that was not a shared household in the meaning of the PWDVA.<sup>5</sup>

### Conclusion

The case of *S.R. Batra v. Taruna Batra* is a significant judgment that clarified the scope of women's rights to residence under the PWDVA. By narrowing the definition of "shared household," the Supreme Court protected the property rights of in-laws but at the cost of limiting the protection available to women under the domestic violence law. While the judgment provided clarity on the legal interpretation of the PWDVA, it also highlighted the tension between protecting women's rights and safeguarding third-party property rights.

The *S.R. Batra* judgment continues to be a reference point in domestic violence jurisprudence, and its implications for women's access to justice remain a topic of debate among legal scholars and practitioners. The case underscores the need for a more nuanced understanding of domestic violence, residence rights, and the realities faced by women in India, particularly in joint family setups.<sup>6</sup>

### Indra Sarma v. V.K.V. Sarma<sup>7</sup>

#### Facts of the Case

Indra Sarma and V.K.V. Sarma were in a live-in relationship for about 18 years. Indra Sarma approached the court seeking relief under the *Protection of Women from Domestic Violence Act, 2005* (PWDVA), after the relationship ended and she was abandoned by V.K.V. Sarma. Indra Sarma contended that her live-in relationship should be treated as akin to a marital relationship and sought protection and maintenance under the PWDVA. She argued that although they were not legally married, she had been in a long-term relationship with the respondent and, thus, should be entitled to the remedies available to a wife under the Act.

V.K.V. Sarma, on the other hand, contended that Indra Sarma was fully aware of his existing marriage during the entire course of their relationship and that they had voluntarily chosen to live together without the bond of marriage. He argued that their relationship, therefore, could not be treated as a "relationship in the nature of marriage" as envisaged by the PWDVA, making her ineligible for relief under the Act.<sup>8</sup>

#### Legal Issues

1. Whether a woman in a live-in relationship, where one party is already married, can claim relief under the PWDVA.
2. What constitutes a "relationship in the nature of marriage" under the PWDVA, and whether Indra Sarma's relationship with V.K.V. Sarma fits within that definition.

#### Judgment

The Supreme Court ruled against Indra Sarma, holding that she was not entitled to relief under the PWDVA. The Court elaborated on the concept of a "relationship in the nature of marriage" and set out specific criteria to distinguish live-in relationships that could qualify for protection under the PWDVA.

#### Key observations made by the Court:

1. **Definition of "relationship in the nature of marriage":** The Court held that not all live-in relationships are covered under the PWDVA. A relationship akin to marriage must satisfy certain criteria, such as:
  - The couple should present themselves to society as akin to spouses.
  - There must be cohabitation or a shared household over a significant period of time.
  - The parties must have entered into the relationship voluntarily and be legally eligible to marry (i.e., neither party should have a subsisting marriage).

<sup>5</sup> Lexpeeps, *S.R. Batra and Anr. v. Smt. Taruna Batra*, Lexpeeps (2021), available at: <https://lexpeeps.in/s-r-batra-and-anr-vs-smt-taruna-batra/> (last visited Oct. 22, 2024)

<sup>6</sup> Bar & Bench, *Was there a better way to set right the error of Batra v. Batra?*, Bar & Bench (2023), available at: <https://www.barandbench.com/columns/was-there-a-better-way-to-set-right-the-error-of-batra-v-batra> (last visited Oct. 22, 2024)

<sup>7</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

<sup>8</sup> Legal Service India, *Landmark Supreme Court Judgment: Indra Sharma vs V.K.V. Sharma - Live-in Relationships and Women's Rights under the Protection of Women from Domestic Violence Act, 2005*, Legal Service India (2023), available at: <https://www.legalserviceindia.com/legal/article-14840-landmark-supreme-court-judgment-indra-sharma-vs-v-k-v-sharma-live-in-relationships-and-women-s-rights-under-the-protection-of-women-from-domestic-violence-act-2005.html> (last visited Oct. 22, 2024)



Since V.K.V. Sarma was already married, the relationship did not meet the criterion of legal eligibility to marry, which disqualified it from being a "relationship in the nature of marriage."

**2. Application of PWDVA:** The Court clarified that the PWDVA provides protection to women in relationships that are substantively similar to marriage, but not in cases where one of the parties is already married. The Court reasoned that to provide relief to Indra Sarma would result in giving legal recognition to bigamy, which is prohibited under Indian law.

**3. Right to Maintenance and Protection:** The Court acknowledged the difficulties faced by women in long-term relationships but maintained that extending the protections of the PWDVA to such cases would require legislative intervention. The Court left it to Parliament to expand the scope of the PWDVA if necessary.<sup>9</sup>

### Conclusion

The Supreme Court's decision in *Indra Sarma v. V.K.V. Sarma* set an important precedent for defining the limits of live-in relationships under Indian law. While the judgment upheld the sanctity of marriage, it raised concerns about the vulnerability of women in long-term relationships where one party is already married. The Court acknowledged these challenges but held that any change in the law would require legislative action rather than judicial intervention.<sup>10</sup>

## Arnesh Kumar v. State of Bihar<sup>11</sup>

### Introduction

The Supreme Court of India's judgment in *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273 is a landmark decision that addresses the issue of arrests under Section 498A of the Indian Penal Code (IPC), which deals with cruelty towards women by their husbands or relatives. The judgment highlighted concerns about the misuse of Section 498A and laid down stringent guidelines to prevent unnecessary arrests and detention in such cases. The case has had a profound impact on the application of Section 498A, balancing the protection of women against cruelty while preventing harassment of accused individuals through misuse of the law.

### Facts of the case

The case began with allegations of dowry harassment. The appellant, who is the husband of respondent no. 2 (Swetha Kiran), faced accusations from his wife, with whom he married on July 1, 2007. According to the wife, her in-laws demanded a Maruti car, an air conditioner, a TV set, and ₹8 lakh as dowry. When she informed her husband about these demands, he allegedly threatened to marry another woman if the demands were not met. Furthermore, she claimed that she was forced out of their home because she could not fulfill these dowry requirements.

As a result, the appellant was charged under Section 498A of the Indian Penal Code (IPC) for cruelty and Section 4 of the Dowry Prohibition Act, 1961. Upon learning of the charges against him, the appellant sought anticipatory bail under Section 438 of the Code of Criminal Procedure (CrPC), which is now Section 482 under the BNSS. However, his request for bail was denied by both the Sessions Judge of Bihar and the Patna High Court.

After facing these rejections, the appellant filed a criminal appeal and approached the Supreme Court to challenge the denial of his anticipatory bail.<sup>12</sup>

### Observations by the Apex Court

The Supreme Court noted a significant rise in the number of matrimonial disputes in the country and commented on the sacred nature of marriage in Indian society. The Court emphasized that Section 498A of the Indian Penal Code was introduced with the specific purpose of addressing the harassment of wives by their husbands and in-laws. However, while the intention behind Section 498A was commendable, the Court pointed out that the provision had become increasingly vulnerable to misuse.

Because Section 498A is a cognizable and non-bailable offense, the Court observed that it was often used as a tool by disgruntled wives to seek revenge or harass their husbands and in-laws, leading to unwarranted

<sup>9</sup> Cornell Law School, *Indra Sarma v. VKV Sarma*, Cornell Law School (2023), available at: [https://www.law.cornell.edu/women-and-justice/resource/indra\\_sarma\\_v\\_vkv\\_sarma](https://www.law.cornell.edu/women-and-justice/resource/indra_sarma_v_vkv_sarma) (last visited Oct. 22, 2024)

<sup>10</sup> Vidhinama, *Case Analysis: Indra Sarma v. VKV Sarma AIR 2014 SC 309*, Vidhinama (2023), available at: <https://vidhinama.com/case-analysis-indra-sarma-v-vkv-sarma-air-2014-sc-309/> (last visited Oct. 15, 2024)

<sup>11</sup> *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

<sup>12</sup> iPleaders, *Arnesh Kumar vs State of Bihar (2014)*, iPleaders (2023), available at: [https://blog.iplayers.in/arnesh-kumar-vs-state-of-bihar-2014/#Issues\\_raised\\_before\\_the\\_Supreme\\_Court](https://blog.iplayers.in/arnesh-kumar-vs-state-of-bihar-2014/#Issues_raised_before_the_Supreme_Court) (last visited Oct. 15, 2024)





arrests. The Court highlighted instances where even bedridden grandparents and sisters living abroad had been arrested under this provision, further illustrating the extent of its misuse.

In its judgment, the Court referred to the *Crime in India* report of 2012, published by the National Crime Records Bureau (NCRB), Ministry of Home Affairs. The report indicated that 1,97,762 people had been arrested under Section 498A, which represented a 9.4% increase from the previous year (2011). These arrests accounted for 6.5% of the total arrests made in 2012.

Despite the high rate of charge sheets being filed (93.6%), the conviction rate under Section 498A was strikingly low, at only 15%. Additionally, the report noted that 3,72,706 cases were still pending trial, with an estimated 3,17,000 of these cases likely to end in acquittal. These figures underscored the vulnerability of Section 498A to misuse and raised concerns about the overreach of the provision.<sup>13</sup>

The Supreme Court issued several important directives to prevent the misuse of Section 498A of the IPC and ensure that arrests are made judiciously:

1. All state governments were instructed to direct their police officers not to automatically arrest individuals when a case under Section 498A is registered. Instead, the police must first ensure that the necessity for arrest is justified, following the guidelines provided under Section 41 of the Criminal Procedure Code (CrPC).
2. Police officers must be given a checklist outlining the specific sub-clauses under Section 41(1)(b)(ii) of the CrPC. This checklist should guide them in determining whether an arrest is necessary.
3. When the police decide to arrest, they must complete the checklist, detailing the reasons and evidence that support the arrest. This report must be submitted to the Magistrate when the accused is produced for further detention.
4. Before authorizing the detention of the accused, the Magistrate must carefully review the police officer's report. The Magistrate should only approve detention after recording their satisfaction with the necessity of the arrest.
5. If the police choose not to arrest the accused, this decision must be communicated to the Magistrate within two weeks from the case's institution, with a possible extension granted by the Superintendent of Police if justified in writing.
6. A notice to appear, under Section 41A of the CrPC, must be served to the accused within two weeks of the case being filed. This deadline may also be extended by the Superintendent of Police, provided valid reasons are documented.
7. Any failure to follow these directives could lead to departmental action against the police officers involved, and they could also face contempt of court proceedings initiated in the relevant High Court.
8. If a Judicial Magistrate authorizes detention without properly recording the necessary reasons, they could face departmental action initiated by the appropriate High Court.<sup>14</sup>

## BARRIERS TO ACCESSING JUSTICE FOR MARRIED WOMEN

### 1. Social Obstacles:

- Cultural Stigma and Patriarchy:

Indian society is generally vastly controlled by traditional gender roles and patriarchal systems in most regions of the country. Domestic violence is not something that's a public issue and women are discouraged to make complaints about domestic violence complaints to the relevant authorities. Social pressure to sustain the family unit and to guard "family honor" compels many women to keep quiet about abuse they are facing. Reporting domestic violence leads to ostracization, especially in rural areas due to the local community's general norm of discouraging women from leaving abusive husbands.

- Economic Dependence:

Major proportion of Indian married women are economically dependent on their husbands. Economic insecurity bars them from leaving an abusive husband or for legal redress. Mostly housewives and the weaker economic sections of women like not to approach courts even if they are wronged because a move to seek justice might fetch them financial disaster, especially if they have husbands who earn for the family. Economic insecurity might then deny them the right to the legal system.

### 2. Legal Barriers

- Lack of Awareness about Legal Rights:

The rights under BNS 2023 or other legal framework are not known to most of the married women, especially those residing in rural or semiurban areas. Though legal redress is available-for instance, through a First Information Report; seeking a protection order; and receiving compensation-this vast number of victims do

<sup>13</sup> Id.

<sup>14</sup>Drishiti Judiciary, *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273, Drishiti Judiciary (2023), available at: <https://www.drishitijudiciary.com/landmark-judgement/code-of-criminal-procedure/arnesh-kumar-v-state-of-bihar-2014-8-scc-273> (last visited Oct. 21, 2024).



not know how to utilize these provisions. However, there is also little scope for effective policing for the sheer numbers engaged in these practices. This lack of information significantly defeats their access to justice and further lines them up in reliance on extrajudicial modes of dispute resolution, for instance, mediation in the community, that are not always sure to guarantee them safety.

- **Expensive and Time-Consuming Litigation:**

Although BNS 2023 promises to make the process easier in courts, whereas cases of domestic violence have been pending for a long time. Litigation cost, lawyer fees, travel, and other expenses associated with courts make it impossible for poorly off women approach courts seeking redress. Delays combined with the expense of litigating deter women who may otherwise seek legal recourse.

### 3. Institutional Barriers

- **Police Attitudes and Gender Bias:**

The police perform very crucial preliminary processes in domestic violence cases, but the latter, while acting to preserve such complaints, are also men and often portray gender bias while attending to such grievances. In many cases, policemen try to reconcile the victim with the abuser rather than taking legal action. This "reconciliation" approach is proof of profound societal sentiments that focus on preserving family unit rather than women's security, and it often dissuades the victim from presenting formal complaints.

- **Inadequate Support Services:**

In addition, substantial support services, like shelters, counseling, and legal aid, are also necessary to ensure effective access to justice. However most of these services are either deficient or completely non-existent, especially in rural areas. The unsafe shelters and professional counseling make it impossible for women to escape abusive environments or pursue legal remedies.

## PROPOSED SOLUTIONS

### 1. Legal Literacy and Awareness Programs:

The government and civil society organizations should initiate mass legal literacy programs countrywide and in rural areas. These should enlighten the women about their rights under the law of BNS 2023, including filing of complaints, applications for protection orders, and compensation.

### 2. Economic Empowerment Initiatives:

Easing economic dependency in married women is an important factor in reducing dependence on violent spouses. Thus, programs initiated by the government for employment opportunities, financial benefits, and skill development among women will better their chances of being financially independent, hence independent in seeking justice without fear of losing economic stability.

### 3. Police and Institutional Reforms:

Such training is a necessity on police response to cases of domestic violence. The focus of the training should therefore be attitude change towards domestic violence, getting the officer to take immediate legal action upon complaint, and proper recording of complaints.

### 4. Fast-Track Courts:

Implementing fast-track courts that concentrate on domestic violence cases will reduce judicial process delays. A fast-track court may provide for speedy disposition of cases and ensure that the victims are accorded justice and protection in good time.

### 5. Services to Victims:

Such urgent needs include expansion of shelter, legal aid, and counseling services for the survivors of domestic violence. Such governmental investment in the support services can provide the resources women need to get out of abusing relationships and further leads through the legal process.

## CONCLUSION

Access to justice by women with domestic violence in India is more of a social requirement than any legal as such, which demands urgent attention and multi-dimensional solutions right now. While the legislation that has been enacted in India, specifically, Protection of Women from Domestic Violence Act, 2005, offers a specific domestic violence framework to constitute legal recognition, the real fact scenario remains difficult and hard even to attain justice and support for many. The patriarchal nature deeply ingrained in Indian society highly affects the participatory delivery of justice to women. Many women are conditioned to tolerate violence, mainly because of pressures from their peers and fear of stigma resulting from giving complaints over abuse. The cultural atmosphere promotes silence that encourages domestic violence. This can only be broken if society acts collaboratively to challenge and change the culture. Community awareness programs can prove to be a great tool in the dialogue to change what society believes about domestic violence, making it clear that it is unacceptable and that victims are not to be shamed but empowered. Domestic violence, therefore, faces another challenge in the judicial system. Inefficiencies in the judicial process lead to long suits, bureaucratic red tape, and delays, which discourage women from seeking redress. Judicial reforms, therefore, require these judicial processes to be streamlined. Such reforms would ensure that cases



of domestic violence are accorded higher priority in the judicial process, thereby reducing delays in receiving redress. A radical approach towards accessing justice will be the empowerment of women through education and resources. Women must be enlightened on their rights under law and the resource services available to them, such as legal aid services, shelters, etc. The education programs should not be rights and participation alone but also expand into economic empowerment, making women self-sufficient in the economy. The power of the women has been a deterrent to house violence, as they are more likely to leave relationships and seek justice because they are more financially independent. It is essential for establishing a foundation of support structures. Centers must be available, and counseling as well as legal aid clinics must be made available in centers. Local authority collaborations with NGOs will have to ensure that there are safe destinations provided for the victim and competent systems that help guide the victims through the process. Community-based organizations can be an important bridge between victims and points to access in the legal system, establishing relief for women in the time of need. Training programs by the law enforcement and judicial officers are also necessary for empathizing on the matter of domestic violence. The officer would then be well-equipped to handle the victims with compassion, realizing that indeed domestic violence is something complex in nature. The judiciary should realize the plight of women and make sure justice is better delivered. Judgments and decisions must now take into account all the ordeal of a woman facing this cruel circumstance.

In a nutshell, the legal framework actually does not protect women against domestic violence in India; however, the barriers to its effectiveness are located at cultural, legal, and systemic points. A holistic approach that takes into consideration awareness, legal reform, education, and support services is essential to ameliorate the access of women to justice. India can ensure a safer environment for women if it tackles such barriers-by affirming their rights and dignity. Access to justice is a basic legal obligation but, more importantly, a moral imperative for a just and equitable society to ensure women get access to justice in cases of domestic violence.