

NOTES AND COMMENTS

Protection of Women from Domestic Violence: Legal Challenges and Issues

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“It is not the bruises on the body that hurt. It is the wounds of the heart and the scars on the mind.”- Aisha Mirza

Abstract

Domestic Violence against the women is an age-old reality which is being inflicted upon women irrespective of age, caste and religion. Domestic violence can take the form of physical, sexual, emotional or psychological abuse by an intimate partner or former partner. Many women till date faces intimate partner violence behind the closed doors in our Indian society. Domestic Violence is a universal issue and it is a direct violation of women’s basic human rights. The feminist movement have played a major role in demands for legislative actions, changes in laws and criminal procedures and the sensitization of police and judiciary for the protection of women from domestic violence. Existence of domestic violence is morally unjustifiable and has a far deeper impact than the immediate harm caused on women. India implemented its first law i.e., The Protection of Women from Domestic Violence, 2005 to curb domestic violence.

Keywords: Domestic Violence, Types of Abuse, Victim, Aggrieved Person, Respondent, Provision.

I. Introduction

The main objective of the Protection of Women from Domestic Violence Act, 2005 is to safeguard the wife or female live-in partner from abuse by her husband,

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male live-in partner, or members of his family. Domestic violence, as defined by the law, includes actual or threatened abuse of any kind, including verbal, emotional, financial, sexual and physical. This description would also include harassing a woman or her family members by making illegitimate dowry demands. Regardless of their age, religion, caste, or class, it greatly impacts women.

The Indian Penal Code's Section 498-A, which prohibits "husband or relative of husband of a woman subjecting her to cruelty,"³ allowed the victim to seek redress in court before the Act was enacted.⁴ However, this provision only applied to a specific set of crimes that specifically dealt with cruelty.

The Act was enacted for a number of reasons, including the fact that, despite Section 498-A of the I.P.C. which deals with cruelty to women, there is no civil law that covers domestic violence in its entirety. In light of the aforementioned circumstances, a law was recommended to be passed bearing in mind the rights given by Articles 14, 15, 21 of the Indian Constitution in order to protect women from being victims of domestic violence.⁵

The Act's primary objective is to provide several remedies to a woman who is or has been in a relationship with the abuser. The Legislature included sub-section (2) of Section 28, to allow the Court to establish its own procedure for handling an application under Section 12 of the Act because many of the reliefs envisioned by the Act are of a civil nature and can typically only be guaranteed by a Civil Court.⁶

³ Indian Kanoon (last visited on October 8, 2022), <https://indiankanoon.org/doc/538436/>.

⁴ The Protection of Women from Domestic Violence Act, 2005,

⁵ SUSHIL DWIVEDI & VIKAS DWIVEDI, COMMENTARY ON THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (Dwivedi & Company, Allahabad, Edn, 2020)

⁶ *Ibid.*

II. Main Features of the Protection of Women from Domestic Violence Act, 2005

In order to safeguard women from domestic violence, the Indian Parliament passed the Protection of Women from Domestic Violence Act, 2005.⁷ The following are the Act's primary characteristics:⁸

1. Whether or not she is his legal wife, a woman who is a man's sexual partner is considered a "aggrieved person" for the purposes of Section 2(a), which has an equally inclusive definition. The Act also applies to any woman living in the home who is related to the respondent in any way, including the daughter, mother, sister, child (male or female), widowed family, and any woman who is a mother.
2. The respondent under Section 2(q) given in the Act means any "adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act."⁹
3. The aggrieved party is not required to report a domestic violence act or acts and anyone can act on behalf of the victim, including neighbours, social workers, family members and others.¹⁰
4. Many women become silent sufferers due to their dread of being ejected from the house. By virtue of this new Act, the Court may now order that she not only continue to live there but also be given a portion of it for her own use,

⁷ The Indian Government and Ministry of Women and Child Development implemented it on October, 2006.

⁸ The Protection of Women from Domestic Violence Act, 2005, (last visited on October 9, 2022), https://www.legalserviceindia.com/articles/dv_era.htm.

⁹ The Protection of Women from Domestic Violence Act, 2005 (last visited on Oct. 9, 2022), https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf.

¹⁰ Section 4(1) of the Protection of Women from Domestic Violence Act, 2005 (last visited on Oct. 9, 2022), https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf.

even if she has no legal right to the property or any interest in it under Section 4(17).

5. In accordance with Section 18, the Magistrate may order the respondent to stop interfering with the woman's possessions, committing acts of violence against the aggrieved person, or entering the victim's home, workplace, or school if the victim is a child. The Magistrate may also order the respondent to stop any acts of violence against the victim that are likely to occur in the future.
6. The respondent may also be prohibited from contacting the aggrieved person in any way, including verbally, in writing, electronically, or by telephone.
7. The Act enables the Magistrate to order financial assistance and recurring maintenance payments under Section 20. The aggrieved person and any of their children may also suffer losses and expenses as a result of domestic violence, and the respondent may also be required to pay for lost wages, medical costs, property losses, or damage to property.
8. For harms like mental anguish and emotional distress brought on by acts of domestic abuse, the Magistrate may compel the respondent to pay compensation and damages under Section 22.
9. A violation of a protection order or an interim protection order carries a punishment of up to one year in prison and or a fine of up to Rs.20,000. Additionally, the offence is regarded as cognizable and non-bailable.
10. Even further, Section 32(2) states that the court may determine that the accused has committed an offence based only on the testimony of the party who was wronged.
11. The Act also guarantees prompt justice because the court must begin proceedings and hold the initial hearing no later than three days after the complaint is submitted.
12. It outlines how the State is to fund Protection Officers and the entire apparatus for putting the Act into effect.
13. If the Magistrate deems it essential, the Act also permits the assistance of welfare professionals.
14. The punishment for failing to carry out the responsibilities of the Protection Officer as described in Section 33 of the Act are also laid out in the Act.

III. Types of Domestic Violence

Intimate Partner violence can occur in many different forms. Some of the different types of domestic violence are discussed below:

A. Physical Abuse

Physical abuse is slightly easier to recognize because it is one of the first forms of violence people think when they hear the words domestic violence. It involves the use of force against the victim, causing injury (punching, kicking, slapping, pushing, spitting or throwing objects at or near partner, abuse those results in lacerations, broken bones, internal injuries or miscarriage etc.). Physical abuse occurs when behaviours are deliberate to render the victim powerless and gain control in the relationship.¹¹

B. Sexual Abuse

Any sexual activity that is coerced or attempted to be coerced without the victim's agreement, such as intimate partner rape, acquaintance rape, forced sex after physical violence, attacks on the victim's privates, coerced prostitution, fondling sodomy, and extramarital sex. Additionally, it entails making an effort to discredit the victim's sexuality by using negative sexual language, criticising the victim's desire and performance during sexual acts, and making untrue sex allegations.¹²

C. Emotional Abuse

All abusive relationships involve some level of emotional abuse, which is caused by constant insults, humiliations or criticism. Unless the abuse is continuous and so severe that the relationship may be described as highly and immensely coercive, emotional abuse often isn't adequate to launch a domestic violence lawsuit. Constant criticism, name-calling, acting superior, threatening behaviour, isolating oneself from family and friends, excessive jealousy, accusing one of having extramarital affairs, etc are all examples of this type of abuse.¹³

¹¹ Types of Domestic Violence, (last visited Oct. 10, 2022), <https://www.doorwaysva.org/our-work/education-advocay/the-facts-about-domestic-violence/types-of-domestic-violence/>.

¹² What is abuse? 5 forms of domestic violence, (last visited Oct. 10, 2022), <https://woodbridgedvrt.org/five-forms-of-domestic-violence/>

¹³last visited Oct. 10, 2022, Forms of Abuse, available at <https://nnedv.org/content/forms-of-abuse/>.

D. Psychological Abuse

Psychological abuse actually happens when one partner, through a series of actions or words deteriorates other's sense of mental wellbeing and health. It involves regular and deliberate use of a range of words and involves non-physical actions which are used with the purpose of creating fear, such as driving dangerously, possessing weapons, creating angry looks, destroying property or valued possessions, hurting or killing pets in front of family members, making threats regarding custody of any children, saying that the police and the courts will not help, support or believe the victim and threatening to 'out' the person.¹⁴

E. Economic Abuse

When the victim's money and other financial resources are completely under the abuser's control, this is known as economic abuse. This may appear in the form of limiting or denying the victim access to funds. Some examples of financial abuse are: having all bank accounts in the abuser's name, controlling how, when, and where money is spent, assigning an allowance, denying a partner the right to work outside the home or make any financial contribution to the family, controlling all or most of the finances, misusing a partner's name for financial reasons, forcing partner to sign documents against their will, such as taxes, immigration papers or other important documents.¹⁵

IV. Legal Issues in Domestic Violence Act, 2005

The Domestic Violence Act, 2005 has not been implemented properly although it guarantees justice to women who suffers from domestic violence. Many women in rural areas are still not aware of their legal rights and the provisions relating to the Act.¹⁶

¹⁴ Types of abuse in domestic and family violence, (last visited on Oct. 10, 2022), <https://www.facs.nsw.gov.au/domestic-violence/about/types-of-abuse-in-dv>.

¹⁵ The Protection of Women from Domestic Violence Act, 2005 (last visited on October 9, 2022), https://www.legalserviceindia.com/articles/dv_era.htm.

¹⁶ Laws relating to domestic violence in India: Legal issues and challenges (last visited on 11 October, 2022), <https://www.legalbites.in/laws-relating-domestic-violence-india-legal-issues-challenges/>.

The Act was considered to be a novel solution but there are many instances where the States are failing to implement it properly as many victims have to wait for months before their needs are addressed.¹⁷

Some dishonest women have utilised the Act inappropriately against defenceless men, resulting in blatant injustice in the eyes of the law. In this Act, man has no rights and only women may submit complaints against men.¹⁸

There are mainly two legal approaches for women who had suffered domestic violence. The one is filing for divorce in Family Court, and the other is filing an application to the Magistrate according to the provisions of Domestic Violence which might go through Criminal Legal System. The legal proceeding sometimes become more complex because of the dual system. The social impression of each approach sometimes create stress on the victims.¹⁹

False complaints may be filed by a woman due to certain grudge or revenge where a guilt-free man is left with no remedy. The clause in Section 32(2) of the Domestic Violence Act of 2005 states that no supporting evidence is required to establish an offence has been committed because the court finds the victim's (a woman) testimony to be always true.²⁰

It has also been observed that though the Act provides for State legal aid, the quality of services in such cases is really poor. The State has passed on all the responsibility to the service provider, where they have to provide medical aid to abused women, arrange for short stay homes and arrange for compensation. It becomes a burden on these providers who do not have the wherewithal.²¹

Anyone who has cause to believe that domestic abuse has taken place or is being committed may report an act of domestic violence, under Section 4(1) of the Act.

¹⁷ Strong Laws, Weak Implementation: Dissection of Protection of Women (last visited on 11 October, 2022),

<https://aif.org/strong-laws-weak-implentation-dissection-of-protection-of-women-against-domestic-violence-act-2005/>.

¹⁸ *Supra* note 14.

¹⁹ Critical eye analysis of domestic violence act, 2005 (protection of women against domestic violence act) (last visited on 11 October, 2022), <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=1840628>.

²⁰ *Supra* note 14.

²¹ *Supra* note 17.

This means that the victim of the alleged act of domestic violence is not required to report the incident, and anyone can file a complaint on the woman's behalf without providing any real proof or evidence, this situation is blatantly unfair.²²

V. Legal Challenges in Domestic Violence Act, 2005

There are also positive aspects relating to Domestic Violence Act, 2005 in India, despite the limitations of the laws given in the Act. The domestic abuse laws have increased awareness among women and society, and the victim is no longer required to remain in the abusive environment. A collection of some leading judgements related to Domestic Violence Cases are given below:

Vandhana v. T. Srikanth (2007)

In this case, the Court held that since the rival contention revolve around the provisions of the recently enacted Domestic Violence Act, 2005, it is necessary to examine the historical background of the said Act, the objects and reasons for the said enactment and the provisions contained therein.²³ Article 16 of the said Convention,²⁴ which deals with measures to eliminate discrimination against women in matters relating marriage and family read as follows:²⁵

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into a marriage
- (b) The same right freely to choose spouse and to enter into marriage only with their free and full consent
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital

²² *Supra* note 14.

²³ The Act enacted with a view to implement the General Recommendation of The United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)

²⁴ *Id.*

²⁵ JITENDER KR. DHINGRA, DIGEST ON PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE, 210 (L.R.C. Publications, New Delhi, 3rd edn, 2019).

status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choosing a family name.

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

The domestic violence legislation acknowledges a woman's legal entitlement to live in a joint family. After getting a court order, a woman who has been expelled from her shared home may be allowed to return. A woman in this circumstance must prove two things in order to exercise her entitlement to the protection of "shared household": (a) that her relationship with the opposing party is one of "domestic relationship," and (b) that the residence for which she is attempting to exercise the right is a "shared household"²⁶ in order to enforce her legal rights.²⁷

²⁶ According to Section 2(s) of DV Act 2005, a "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.

²⁷ Law on Domestic Violence [Protection of Women from Domestic Violence Act, 2005] (last visited on 10 Oct. 2022), <https://www.scconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/>.

Sandhya Wankhede v. Manoj Bhimrao Wankhede, (2011)

Following nearly a year of living with Respondents 1, 2, and 3, the Appellant's marriage started to have issues. She reported her spouse to the police for assaulting her under Section 498-A of the IPC. The First-Class Judicial Magistrate approved an additional application the appellant filed against each respondent ordering Respondent 1 to pay support on a monthly basis. Additionally, the Court prohibited all respondents from evicting the appellant from her matrimonial home.²⁸

However, in Sessions Court, the appeal of the appellant was dismissed based on the finding that "females" are not considered "respondents." Similar to the lower court, the high court mandated that the appellant leave the marital residence home.²⁹

This case has been considered and finally decided by the Hon'ble Apex Court wherein it is categorically answered by the Court as under:

"Having carefully considered the submissions made on behalf of the respective parties, we are unable to sustain the decisions, both of the learned Sessions Judge as also the High Court, in relation to the interpretation of the expression "respondent" in Section 2(q) of the Domestic Violence Act, 2005."

According to the court's ruling in this case, while it is true that the word "female" is not used in the proviso to Section 2(q) as well, if the Legislature had wanted to exclude women from the scope of the complaint that an aggrieved wife could file, women would have been mentioned specifically in the proviso rather than the statement that a complaint could also be filed against a relative of the husband or the male partner. The term "relative" has not been given a restrictive definition, nor has it been used in the Domestic Violence Act of 2005 to limit it to male

²⁸ DV Act S.2(q)- Case Law- Females can be respondents in, (last visited on 11 Oct. 2022), <https://www.lawyersclubindia.com/judiciary/dv-act-s-2-q-case-law-females-can-be-respondents-in-dv-complaints-sandhya-wankhede-vs-manoj-bhimrao-wankhede-and-others-2011-3-scc-650-4216.asp>.

²⁹ *Ibid.*

perpetrators alone. Therefore, complaints may also be directed towards the adult male's female relatives in addition to the adult male.³⁰

Ishpal Singh Kahai v. Ramanjeet Kahai (2011)

In this decision, the court reaffirmed that the goal of the Domestic Violence Act was to provide legislative protection to victims of domestic violence who lacked property rights. Its goals are to safeguard the wife from abuse and prevent violent crimes from happening again.³¹

V.D. Bhanot v. Savita Bhanot (2012)

The High Court and the Apex Court both argued in this case that even if a woman had previously shared a household but was not doing so at the time the Act took effect, she would still be entitled to protection under the provisions of the Act.³²

Indra Sarma V. VKV Sarma (2013)

The Supreme Court's decision in this case is significant in determining the Act which applies to live-in relationships also. Some guidelines are laid for testing under what circumstances, a live-in relationship will fall within the expression "relationship in the nature of marriage" under section 2(f) of the Act.³³

1) Duration of period of relationship

Section 2(f) of the DV Act has used the expression "at any point of time", which means a reasonable period of time to maintain and continue a relationship which may vary from case to case, depending upon the fact situation.

2) Shared household

³⁰ Sou. Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade & Ors. (Last visited on 11 Oct. 2022), <https://indiankanoon.org/doc/134989405/>.

³¹ Law on Domestic Violence [Protection of Women from Domestic Violence Act, 2005] (last visited on 11 Oct. 2022), <https://www.scconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/>.

³² VD Bhanot v. Savita Bhanot: Woman Can Seek Relief under Pwd Act Regardless. (last visited on 11 Oct. 2022), <https://www.lawyersclubindia.com/judiciary/dv-landmark-judgement-6-v-d-bhanot-vs-savita-bhanot-woman-can-seek-relief-under-pwd-act-regardless-of-whether-she-lived-independently-or-was-subjected-to-domestic-violence-prior-to-the-enactment-of-theact-5830.asp>.

³³ JITENDER KR. DHINGRA, DIGEST ON PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE, 243 (L.R.C. Publications, New Delhi, 3rd edn, 2019).

The expression has been defined under Section 2(s) of the DV Act, 2005.

3) Coordination of financial and resource arrangements

To maintain a long-term relationship, supporting each other financially or any of them, sharing bank accounts, buying real estate in joint names or in the name of the woman, making long-term business investments, and holding shares in separate and joint names may all be deciding factors.

4) Domestic Arrangements

Entrusting the responsibility, especially on the woman to run the home, do the household activities like cleaning, cooking, maintaining or upkeeping the house, etc. is an indication of a relationship in the nature of marriage.

5) Sexual Relationship

A sexual relationship described as being “marriage-like” is one that involves more than just sexual gratification; it also involves emotional intimacy and the goal of having children in order to provide companionship, support, and other benefits such as material affection and care.

6) Children

Having children is a strong indication of a relationship in the nature of marriage. Sharing the responsibility for bringing up and supporting them is also a strong indication.

7) Public Socialising

It is in the nature of marriage to maintain the relationship when one person holds out to the public and the other by acting like they are husband and wife and associating with friends, family, and others as though they are.

8) Goals and intentions of the parties

The character of marriage is essentially determined by the couples’ shared expectations of what their relationship will be, what it will entail, and what their respective duties and obligations will be.

This case is significant because it created a precedent for such an exception and urges lawmakers to take protective measures for women like Indra Sarma, whose contributions to a shared home are frequently disregarded.³⁴

Hiral Harsora v. Kusum Harsora (2016)

In a recent landmark verdict, the judgement given by the Hon'ble Supreme Court in this case was that it set aside the impugned judgement given by The Bombay High Court and the declaration was made that the words "adult male" given in the definition of "Respondent" in the Section 2(q) of the Act shall be struck down and would be deleted from henceforth. The Ratio behind the same was that the words were in violation of Article 14 of "The Constitution of India." It was also made clear that the Section 2(q) shall not be rendered invalid, and only the said words i.e., "Adult male" are being struck down, the rest of the sub section remains as it is and is valid.³⁵

Lalita Toppo v. the State of Jharkhand (2018)

In this instance, the Appellant and the Respondent, with whom she shared a child, were living together. The Appellant went to the Gumla Family Court after the Couple got separated to ask for support from her partner. Her compensation of Rs. 2000 per month and Rs. 1000 for her child was approved by the Family Court. The Family Court's decision was determined to be wrong by the High Court, which then decided in favour of the Partner when the Appellant filed an appeal. The Appellant subsequently went to the Supreme Court, where a three-judge bench consisting of Justices K.M. Joseph, U.U. Lalit, and then CJI Ranjan Gogoi issued the ruling.³⁶

The Court determined that the victim in this case, an estranged wife or live-in partner, would be entitled to more remedy under the terms of the DV Act, 2005 than what is provided for in Section 125 of the Code of Criminal Procedure, 1973,

³⁴ Indra Sarma v. V.K.V. Sarma: Case Facts, Issues, Judgement & Analysis <https://www.simplekanoon.com/family-law/indra-sarma-vs-v-k-v-sarma-1512/> (last visited on 10 Oct. 2022)

³⁵ Hiralal P. Harsora & Ors. v. Kusum Narottamdas Harsora & Ors., (last visited on 11 Oct. 2022), <https://blog.ipleaders.in/hiralal-p-harasora-ors-v-kusum-narottamdas-harsora-ors/?amp=1>

³⁶ Top 10 domestic violence cases (last visited on 11 Oct. 2022), <https://blog.ipleaders.in/top-10-domestic-violence-cases/?amp=1>.

specifically, to a shared household as well.³⁷ The Domestic Violence Act's provisions, according to the Court, include economic abuse as a form of domestic violence.

However, it has been noted that the primary obstacle to domestic violence laws is that in recent years, there have been numerous instances of women abusing the provisions made for their benefit to bring false charges against their husband and in-laws. This Section is being abused more frequently, and the educated women who commit these crimes are aware that they are both cognizable and non-bailable. For instance, the Court ruled unequivocally in the case of **Savitri Devi v. Ramesh Chandra & Ors (2003)**, that the laws had been abused and exploited to the point where they were undermining marriage itself and had shown to be detrimental to the society as a whole. The Court held that in order to stop these types of situations from happening, politicians and the relevant authorities needed to reassess the situation and applicable laws.³⁸

VI. Conclusion

John Stuart Mill, in 1869 in his thesis on the Subjection of Women, while questioning women's subordinate status within marriage, argued that man as a master not only wants a woman's labor but also her sentiments, and he conspires to exploit in order to accomplish this desire for a submissive docile slave over whom he could have an absolute control. Mill rejected the 'cult of domesticity' and wrote that marriage is a form of slavery that confers power to men and not "only to good men or decently respectable men, but to all men, including the most brutal and most criminal" are benefitted by it.³⁹

The Act no doubt has played a major role in our Indian Society, where women could actually fight for their rights. Domestic Violence is a crime which not only affects the victim alone but also her children and has wider implications on society. It damages a Person's physical, mental and social well-being and sometimes requires assistance to come out of the plight. But on the other hand, many women have misused this Act against innocent men. As a result, it would

³⁷ Lalita Toppo v. The State of Jharkhand on 30 Oct. 2018 (last visited on 11 Oct. 2022), <https://indiankanoon.org/doc/63547>.

³⁸ *Supra* note 14.

³⁹ SHALU NIGAM, WOMEN AND DOMESTIC VIOLENCE LAW IN INDIA: A QUEST FOR JUSTICE, 211 (Taylor & Francis, London and New York, First South Asia Edition, 2020).

be extremely helpful if the Act could elaborate on its definitions and prohibitions, as well as expand its scope to include men who are victims of domestic violence. Domestic violence is still a significant problem in our culture, and for a variety of reasons, many occurrences continue to go undetected.