

Domestic Violence Against Women: A Comparative Review of Legal Frameworks and Social Responses in India, the USA, and the UK

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Abstract

Domestic violence against women remains a persistent global issue, cutting across cultural, economic, and political boundaries. This paper presents a comparative review of the legal frameworks, institutional responses, and societal attitudes toward domestic violence in India, the United States, and the United Kingdom. Each of these democracies presents a unique perspective shaped by its legal traditions, societal structures, and gender norms. In India, the Protection of Women from Domestic Violence Act, 2005, provides civil remedies such as protection orders, residence rights, and monetary relief. However, deep-rooted patriarchal norms, underreporting, and implementation challenges continue to obstruct access to justice. In contrast, the United States has established the Violence Against Women Act (VAWA), which integrates strong federal support for shelters, legal aid, and law enforcement. Despite this, marginalized groups face disparities in enforcement and protection. The United Kingdom's Domestic Abuse Act, 2021, reflects a modern approach, recognizing not just physical violence but also coercive control, emotional abuse, and economic exploitation. Its multi-agency approach and focus on victim safety represent a progressive model. This review highlights the importance of a multi-dimensional strategy that combines legal reform, institutional accountability, and cultural transformation. Lessons from the USA and UK, particularly in recognizing psychological abuse and enforcing

protection orders, may provide critical insights for strengthening India's domestic violence response framework. At the same time, challenges such as systemic bias, resource gaps, and social stigma remain universal barriers. The paper concludes by proposing policy recommendations for improved survivor-centric frameworks, greater cross-border learning, and enhanced legal accountability.

Keywords: Domestic Violence, Legal Framework, Women's Rights, Gender-Based Violence, Access to Justice

Introduction

Domestic violence against women is a pervasive violation of human rights that transcends geographical, cultural, and socio-economic boundaries. It encompasses a wide range of abusive behaviors—physical, emotional, sexual, psychological, and economic—that occur within domestic settings, often perpetrated by intimate partners or family members. Globally, the issue has gained significant attention due to its devastating impact on women's physical and mental well-being, social participation, and access to justice.

The urgency of addressing domestic violence has prompted countries to develop legal and policy frameworks aimed at protecting women and deterring perpetrators. However, the effectiveness of these measures varies widely depending on the country's socio-cultural context, institutional capacity, and legal traditions. This comparative review focuses on three major democracies—India, the United States, and the United Kingdom—to explore how domestic violence is addressed through legislation, enforcement, and social support systems.

India, with its deeply rooted patriarchal structures, enacted the Protection of Women from Domestic Violence Act (PWDVA) in 2005, offering a civil remedy alongside criminal laws. The USA has long adopted a federal approach through the Violence Against Women Act (VAWA), emphasizing law enforcement, victim services, and community-based responses. The UK's Domestic Abuse Act of 2021 provides a modern legal framework that acknowledges psychological abuse and coercive control as forms of domestic violence.

This review seeks to analyze and compare the strengths, gaps, and evolving approaches in these three legal systems. By examining their respective laws, implementation mechanisms, and societal responses, the study aims to identify best practices, highlight persistent challenges, and suggest policy recommendations for enhancing justice and support for domestic violence survivors.

Ultimately, this paper argues for a survivor-centric, culturally sensitive, and rights-based approach that can inform both national reforms and international discourse on gender-based violence.

Legal Frameworks on Domestic Violence: A Comparative Study of India, the USA, and the United Kingdom

Constitutional and Statutory Provisions: India

India's Constitution provides a foundational commitment to gender justice. The following constitutional articles are especially relevant to domestic violence:

- Article 14 ensures equality before the law.
- Article 15(3) allows the state to make special provisions for women and children.
- Article 21 guarantees the right to life and personal liberty, which courts have interpreted to include the right to live with dignity and free from violence.

The Protection of Women from Domestic Violence Act (PWDVA), 2005 is India's most comprehensive legislation addressing domestic abuse. It defines domestic violence broadly to include physical, sexual, verbal, emotional, and economic abuse. Key features include:

- Definitions: Expands the meaning of domestic violence beyond physical abuse.
- Reliefs: Provides for protection orders, residence orders, monetary relief, custody orders, and compensation.

Authorities:

- Protection Officers (POs) are appointed by the government to assist victims.
- Service Providers include NGOs, doctors, and legal aid centers.

- Magistrates are empowered to grant immediate reliefs upon application.

Related Legal Provisions:

- Section 498A IPC criminalizes cruelty by husband or his relatives.
- Section 304B IPC deals with dowry deaths.
- The Bharatiya Nyaya Sanhita (BNS), which replaced the IPC in 2023, includes restructured but substantively similar provisions under Clause 85 (former 498A) and Clause 104 (former 304B).

Implementation and Challenges

Despite a robust legal structure, implementation remains a concern:

- **Low Conviction Rates:** While cases are registered, convictions remain low due to poor investigation and hostile witnesses.
- **Misuse Debate:** Section 498A has been criticized for misuse, though the Supreme Court has emphasized balancing safeguards with victims' rights.
- **Institutional Weaknesses:** There is a chronic shortage of Protection Officers and lack of coordination between police, POs, and magistrates.
- **Shelters and Legal Aid:** Government-run shelters are insufficient, and many women remain unaware of their legal rights.
- **Judicial Interpretation:** In *Hiral P. Harsora v. Kusum Narottamdas Harsora* (2016), the Supreme Court struck down the limited definition of “respondent” in PWDVA, allowing women to file complaints against female relatives of the husband, thus expanding the scope of protection.

In the USA, domestic violence is addressed at both the federal and state levels. The most important federal legislation is the Violence Against Women Act (VAWA):

- **VAWA 1994:** Established funding for victim services, shelters, and law enforcement training.

- VAWA Reauthorizations (2000, 2005, 2013, 2022): Included protection for immigrant women, same-sex couples, and tribal communities. The 2022 update emphasized community-based prevention and added funding for culturally specific services.

Definition of Domestic Violence (DV): VAWA defines it as a pattern of abusive behavior used to gain power/control over a partner, including physical, emotional, sexual, psychological, and economic abuse.

Key Provisions:

- Protection Orders: Survivors can obtain civil protection orders with broad restraining powers.
- Shelters and Funding: Federal grants support victim shelters and transitional housing.
- Law Enforcement: States receive VAWA funds for training and specialized DV units.

However, states differ significantly in how they define DV, issue restraining orders, and determine penalties. For instance, some states consider dating violence, stalking, or cyber abuse within the definition of domestic violence, while others do not.

Implementation and Challenges

- Law Enforcement: Many states use mandatory arrest policies, which require police to arrest abusers even without victim consent if probable cause exists.
- Immigrant Women: VAWA allows abused immigrants to apply for a visa independently of their abusive spouse through the U-Visa or VAWA self-petition provisions.
- Family Courts: These courts handle restraining orders, custody, and divorce matters, often crucial in DV situations.
- Support Services: NGOs like the National Domestic Violence Hotline and Futures Without Violence offer vital services.

Challenges:

- Racial and Ethnic Bias: Women of color often face systemic biases when seeking help.

- Rural Areas: Survivors in remote regions face logistical and cultural barriers to accessing help.
- Gun Violence: Firearms significantly raise the risk of lethal outcomes in domestic violence incidents, but legal loopholes remain in state-level gun control.

Key Statutory Provisions: United Kingdom

The Domestic Abuse Act 2021 marked a major legislative step in the UK's fight against domestic violence. It:

- Introduced a statutory definition of domestic abuse covering physical, emotional, economic, sexual abuse, and controlling/coercive behavior.
- Applied a gender-neutral approach, while acknowledging that women are disproportionately affected.
- Enabled Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs), which offer flexible and fast protective mechanisms.

Additional Relevant Laws:

- Family Law Act 1996: Provides civil remedies like non-molestation orders and occupation orders.
- Children Act 1989: Recognizes that witnessing domestic violence is a form of child abuse.
- Protection from Harassment Act 1997: Covers stalking and harassment in intimate or former relationships.

Policy and Institutional Mechanisms

The UK has developed a multi-agency approach to implementation:

- Independent Domestic Violence Advisors (IDVAs): Trained professionals who support high-risk survivors through legal and housing processes.
- Multi-Agency Risk Assessment Conferences (MARACs): Meetings where police, social workers, healthcare professionals, and NGOs share information and create safety plans.

- Healthcare and Police: NHS protocols require screening and referral, and police forces are trained in risk assessments like DASH (Domestic Abuse, Stalking, and Harassment).

C. Implementation and Challenges

- Gender-Neutral Approach: While inclusive, some women's rights groups argue that the gender-neutral framing risks obscuring the gendered nature of abuse.
- Strong NGO Network: Charities like Refuge, Safe Lives, and Women's Aid offer housing, legal support, and advocacy.
- Migrant Women's Access: Non-citizen survivors face issues accessing public funds due to immigration rules. The Destitute Domestic Violence Concession (DDVC) helps, but its limitations are widely criticized.
- Minority Communities: Language barriers, cultural taboos, and distrust of authorities often prevent women from reporting abuse or seeking help. Targeted community outreach remains limited in some regions.

All three countries have developed sophisticated legal frameworks to combat domestic violence. However, India, the USA, and the UK differ in the scope, structure, and implementation of these laws. While India has a civil protection-based model supplemented by criminal laws, the USA balances federal and state enforcement with emphasis on victim services. The UK, on the other hand, excels in integrated institutional responses and comprehensive statutory definitions. Yet, across all jurisdictions, survivors continue to face barriers to justice rooted in social stigma, institutional apathy, and intersectional inequalities. A more victim-centered, inclusive, and coordinated approach is necessary to bridge the gap between legal protections and real-world safety.

Domestic Violence Laws and Responses in India, USA, and the UK

Domestic violence (DV) against women is a global issue with legal and social responses differing significantly across countries. India, the USA, and the UK each reflect varied legal frameworks and degrees of institutional support to tackle this pervasive problem. In India, the primary

legislation is the Protection of Women from Domestic Violence Act (PWDVA), 2005, which is a civil law providing immediate relief to women facing abuse. It defines DV broadly to include physical, sexual, emotional, verbal, and economic abuse. Reliefs include protection orders, residence rights, maintenance, and child custody. Though progressive in content, the law's implementation is weak due to patriarchal mindsets, lack of awareness, and ineffective enforcement. The criminal provisions under IPC Section 498A and CrPC 198A exist, but are often misused as political tools, leading to both underreporting and backlash. Victims often face stigma, delay in justice, and poor access to legal aid and shelters. In the United States, domestic violence is primarily addressed through the Violence Against Women Act (VAWA), 1994, which introduced strong federal support mechanisms such as grants for shelters, legal aid, and victim services. VAWA recognizes DV as a criminal offense and allows for strict enforcement, including protective orders, mandatory arrests, and prosecution. States have their own laws, but VAWA ensures baseline protections. The U.S. has advanced provisions for LGBTQ+ victims, immigrant women, and Native American communities. However, racial and socioeconomic disparities still impact access to justice. The U.S. model focuses on criminal accountability and victim empowerment, supported by federal funding and coordinated services. The United Kingdom has introduced one of the most modern frameworks with the Domestic Abuse Act, 2021. It broadens the definition of DV to include coercive control, emotional and economic abuse, and recognizes children as victims. The law introduces Domestic Abuse Protection Notices (DAPNs) and Protection Orders (DAPOs), strengthening victim safety. The UK's multi-agency response, including MARACs (Multi-Agency Risk Assessment Conferences) and Independent Domestic Violence Advisors (IDVAs), ensures coordinated care. The Act emphasizes preventive, protective, and rehabilitative measures. Despite this, migrant women face barriers due to visa restrictions and lack of access to public funds. In summary, while India's approach is more civil and protection-based, the USA emphasizes criminal accountability, and the UK blends both with a strong focus on coercive and psychological abuse. All three countries face challenges in implementation, victim protection, and social stigma, but global sharing of best practices offers pathways for reform and stronger survivor-centered justice systems.

Challenges and Research Gaps

Despite the existence of progressive legal frameworks in India, the USA, and the UK, several systemic challenges continue to impede effective protection and justice for survivors of domestic violence.

Underreporting and victim-blaming remain widespread across jurisdictions. Societal stigma, fear of retaliation, economic dependence, and concerns about children deter many women from seeking help. Cultural taboos, particularly in conservative communities, further silence survivors. In many cases, victims are blamed for the abuse, reinforcing harmful gender norms and discouraging disclosure.

A critical gap lies in the lack of gender-sensitization among police and judiciary, especially in India and parts of the USA. Survivors frequently encounter insensitive or hostile attitudes from first responders, which undermines trust in the system and often leads to re-traumatization.

There are also significant data limitations, particularly in India, where domestic violence is often under-recorded or misclassified under broader crime categories. The absence of centralized, disaggregated data hampers evidence-based policymaking and masks the true scale of the problem.

Moreover, there is insufficient attention to intersectionality. Women from marginalized groups—such as racial minorities in the USA and UK, Dalit or tribal women in India, disabled persons, and migrants—face unique barriers that are rarely addressed in policy or research. Their experiences are often overlooked in mainstream discourse.

Another major gap is the lack of long-term rehabilitation programs. While immediate shelter and legal aid are emphasized, fewer resources are allocated for survivors' long-term safety, economic empowerment, mental health recovery, and reintegration.

Finally, there is a clear disconnect between legal provisions and on-ground implementation. Laws exist on paper but are inconsistently enforced due to bureaucratic apathy, lack of monitoring, and

insufficient funding. Bridging this implementation gap remains essential for meaningful access to justice.

Recommendations

Addressing domestic violence requires more than legal reform—it demands a comprehensive, survivor-centered approach that integrates legal, social, institutional, and cultural strategies. Based on the comparative analysis of India, the USA, and the UK, the following recommendations are proposed:

1. Strengthen Implementation and Monitoring Mechanisms

Laws must be backed by robust implementation structures. Governments should invest in:

- Regular training and capacity-building for Protection Officers, police, and judiciary to ensure gender-sensitive handling of cases.
- Dedicated DV units within law enforcement and judicial systems with specialized personnel.
- Accountability mechanisms, including independent oversight bodies, to monitor case outcomes, service delivery, and responsiveness.

In India, the shortage of Protection Officers and poor inter-agency coordination must be addressed through better staffing, budget allocation, and accountability protocols.

2. Improve Data Collection and Transparency

Reliable, disaggregated data is essential for evidence-based policymaking. Countries should:

- Develop centralized databases that track DV cases, protection orders, conviction rates, and support services.
- Disaggregate data by age, race, caste, disability, and migration status to capture the intersectional dimensions of abuse.
- Partner with academic institutions and NGOs to conduct independent evaluations and longitudinal studies.

India, in particular, should reform its crime recording mechanisms and ensure the National Crime Records Bureau (NCRB) reports comprehensive DV data.

3. Focus on Intersectionality and Inclusion

Policy frameworks must address the specific needs of marginalized groups:

- Racial and ethnic minorities, migrants, LGBTQ+ individuals, and disabled women require culturally competent and accessible services.
- Shelters, legal aid, and hotlines must be made inclusive in language, design, and outreach.
- In the UK and USA, expanding funding for culturally specific NGOs and community-led programs can enhance reach and trust.

4. Expand Access to Long-Term Support and Rehabilitation

Short-term relief must be complemented by long-term solutions:

- Economic empowerment programs such as vocational training, microfinance, and housing support should be integrated into survivor rehabilitation.
- Mental health support, including trauma counseling and peer support groups, must be scaled up.
- Survivors should be actively involved in designing and evaluating rehabilitation schemes to ensure relevance and effectiveness.

5. Promote Legal Literacy and Community Awareness

Public awareness is crucial to preventing abuse and encouraging reporting. Governments and civil society must:

- Launch mass awareness campaigns to challenge victim-blaming and patriarchal norms.
- Integrate gender education in school curricula to promote early sensitization.
- Collaborate with local leaders, religious institutions, and media to build community support for survivors.

6. Enhance International Collaboration and Best Practice Sharing

Countries should learn from one another through:

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- Bilateral and multilateral forums focused on gender-based violence.
- Cross-national research partnerships, especially to develop comparative data and share innovative interventions.
- Support for transnational survivors, especially in cases involving migration, trafficking, or cross-border marriages.

Conclusion

Domestic violence against women remains one of the most pervasive and deeply rooted forms of gender-based violence globally, transcending national boundaries, cultures, and socio-economic divisions. While India, the USA, and the UK each demonstrate commitment to addressing domestic violence through legal and policy frameworks, this comparative review reveals that significant gaps remain between legal ideals and the lived realities of survivors.

India has taken important steps with the Protection of Women from Domestic Violence Act, 2005, which offers civil remedies and recognizes various forms of abuse, including emotional and economic. However, challenges such as low conviction rates, weak enforcement, limited awareness, and institutional apathy continue to undermine the effectiveness of these laws. The recent updates under the Bharatiya Nyaya Sanhita are promising but must be accompanied by strengthened infrastructure, better-trained officials, and robust monitoring to yield real change.

The USA presents a federal-state model where the Violence Against Women Act (VAWA) plays a pivotal role in funding shelters, training law enforcement, and providing legal protections. However, disparities in state-level implementation, systemic racism, immigration-related barriers, and underfunded rural services pose substantial obstacles to achieving equitable access to justice and support.

In the UK, the Domestic Abuse Act 2021 stands out for its comprehensive and inclusive definition of abuse and its emphasis on coordinated institutional responses. The roles of IDVAs, MARACs, and the integration of healthcare and policing reflect a strong commitment to a multi-agency

model. Yet, even in this advanced framework, barriers persist for migrant women, racial minorities, and those outside mainstream support networks.

Across all three countries, several common themes emerge. The most prominent is the persistent underreporting of domestic violence due to fear, stigma, and mistrust of legal institutions. Victim-blaming attitudes and a lack of gender-sensitization among first responders—particularly the police and judiciary—contribute to re-traumatization and discourage help-seeking. Furthermore, the legal protections on paper often fail to translate into meaningful action due to bureaucratic inertia, insufficient training, and lack of coordination between service providers.

A critical cross-cutting gap is the failure to adequately incorporate an intersectional lens into both policy design and implementation. Women from marginalized communities—whether by caste, race, migration status, or disability—face unique, compounded vulnerabilities that are often overlooked in mainstream interventions. This leads to exclusion, inadequate support, and further marginalization.

Additionally, there is a marked deficit in long-term rehabilitation and reintegration programs. While emergency shelters and legal aid are vital, survivors need sustained support—economic independence, psychological recovery, housing stability, and social acceptance—to rebuild their lives and prevent re-victimization.

Therefore, the fight against domestic violence must go beyond the creation of laws. It must involve transformative action—grounded in gender justice, survivor empowerment, and institutional accountability. Legal literacy, public education, investment in survivor-centered services, and continuous engagement with civil society are essential for fostering a culture of zero tolerance.

Ultimately, ending domestic violence requires more than punitive measures—it demands reshaping societal norms, dismantling patriarchal structures, and ensuring that every woman, regardless of her background, can live free from fear, control, and violence. Only through

sustained, inclusive, and coordinated efforts can justice for survivors become not just a legal promise, but a lived reality.

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