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Critical Appraisal of Domestic Violence Act 2005 with Special Reference to Women Rights

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ABSTRACT

The paper aims at appraising the understanding of the concept of domestic violence linking it with the rights intrinsically attached with women. The researcher will divide the research paper into three sections. The first section would be the development and understanding of the concept of “Domestic Violence”. The section would highlight the various types of abuse: Physical, mental, sexual, verbal and emotional as well as economic abuse. Further the second section would focus on the Domestic Violence Act, 2005 of India and the critical analysis of the same keeping in view the current 20th century societal standards. The third and final section would focus on the development of the concept with the help of various judgements given by the highest court and an attempt to present a world opinion on the same. The paper is an attempt to analyse the varied situations and problems that women face in their household, which is generally considered as a protected place for every person whereas on the contrary the women have to face the highest level of abuse in the secured place which makes home a vulnerable place for them. The researcher aims to provide a clear picture on how women empowerment should first began with women being treated as a fellow human.

Keywords: Domestic Violence, Types of abuse, societal standards, abuse of women, Indian scenario, vulnerable women.

I. CONCEPT OF DOMESTIC VIOLENCE

The Indian history can give us many scripts which provide for utmost respect and high status being provided to the womanhood.³ But the widespread misconceptions spread through the generation have changed the interpretation of the scripts. It is mainly because of deplorable ignorance of texts of Upanishads, Vedas and Smriti in which are to be found the laws, customs and traditions which define the true status of women in early times. In Hindu Puranas women power was also treated as a very important form of “Shakti” which also

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³ Ravneet Kaur & Saheela Garg, *Addressing Domestic Violence Against Women: An Unfinished Agenda*, INDIAN JOURNAL OF COMMUNITY MEDICINE. 73-76 (2008).

destroyed the invincible “Mahisasura” who was “Demon”. Manu the Hindu law-giver also suggested that where women are honored there gods are pleased where they are not all, work becomes worthless and fruitless. In ancient India women were respected like for example in Upadhyayas.⁴

The Indian society set-up has always asked the women to sacrifice at each and every step when it comes to the essential requirements, career, dreams, aspirations, adjustments for life and almost every aspect of life. This is taught to the young girls since the very beginning which makes most of them accept this as universal truth and very few are there who voice their opinion and claim equality.⁵ Since the time we can think there have been one or the other way in which women have been subjected to a form of abuse. It is not a phenomenon of a particular country which can be highlighted but it is spread world over. The authorities that are there to protect humanity, the knowledgeable stalwarts of the world have one common advice for women that the four walls of their house can protect them from the atrocities of the world.⁶

The stringent patriarchal structure of Indian set-up can be considered as one of the factors for the dominance of male counterparts on the female. This continues in many forms in different parts of the country.⁷ This rigidity makes it difficult to surpass the patriarchal norms and let women empower themselves. Family violence or domestic violence is not a new concept or phenomenon which is emerging with more modernization, westernization and globalization. It is something which is there in all the periods. For women family is very important in her life or in other words marriage is the gate to family. Marriage is more essential for a woman than a man because if a man is unmarried then no stigmas are attached to it but when a woman is not married then lots of stigmas are attached to her not being married.⁸

Domestic violence (DV), defined by the Protection of Women from Domestic Violence Act 2005 as physical, sexual, verbal, emotional, and economic abuse against women by a partner or family member residing in a joint family, plagues the lives of many women in India.⁹ Women are also required to have the same set of human rights as available with men but

⁴ Kaamila Patherya, *Domestic Violence and the Indian Women's Movement: A Short History* Vol. 9 INQUIRIES JOURNAL: SOCIAL SCIENCES, ARTS & HUMANITIES. (2017).

⁵ H Sahoo, *Domestic Violence in India: An Empirical Analysis*, ISICAL, (2015).

⁶ Domestic Violence in Indian Society, http://dspace.hmlibrary.ac.in:8080/jspui/bitstream/123456789/1548/10/C_HAPTER%204_Pdf.pdf (last visited December 10, 2020).

⁷ Indira Sharma, *Violence against women: Where are the solutions?*, Vol 57(2) INDIAN JOURNAL PSYCHIATRY. 131-139 (2015).

⁸ Pami Vyaas, *Reconceptualising Domestic Violence in India*, Vol. 13 MICHIGAN JOURNAL OF GENDER & LAW. 177 (2006).

⁹ Ameeta Kalokhe, Carlos Del Rio, *Domestic Violence against women in India: A systematic review of a decade of quantitative studies*, Vol. 12 (4) GLOBAL PUBLIC HEALTH. 498-513 (2016).

looking at the real picture often instances can be seen where women are denied the basic individuality and rights. Women find themselves fighting for the rights which should be granted to them automatically. This creates an atmosphere of unrest and despire which makes women face a status other than of a human being.¹⁰

For decades women have accepted the cruelty and abuse as a part of their daily routine there had been voices against the same every time but maybe not strong enough to bring about the changes in the mindset and attitude of the masses.¹¹ In the recent past women have strongly voiced their concern about the limits of dominance being reached. No more women are ready to accept the patriarchal norms and traditions that undermine the individuality of women. The abuses have been manifold and it cannot be removed with just a swish of wand. It required consistent efforts of each and every individual of the society that is in favour of an equal world for men and women.¹²

Domestic violence is given various terminologies across the world like, “spouse abuse”, “partner abuse”, “marital dispute”, “marital discord”, “women abuse”, “intimate partner violence” etc. Intimate partner violence (IPV) is defined as any behaviour within an intimate relationship (married, unmarried, and live-in) that causes physical, psychological, or sexual harm to those in that relationship. This definition encompasses physical, sexual, and psychological aggression/abuse or controlling behaviour of any kind.¹³

If we break the words into, “Domestic” and “violence”, we can get a more clear definition regarding the kind of abuse. “Domestic” is personal realm, space or the household, home that a person uses for residing or as dwelling alone or with the family. As per the Indian traditions very less houses have the nuclear family setups and mostly the homes are the family homes where not only the spouse but the close relatives of the spouse also reside together in the same house.¹⁴ “Violence” is defined in different kinds like the emotional, physical, mental, financial etc. that in short means inflicting any form of harm on the women that causes any mentioned form of harassment or disturbs the balance of life of that particular woman. It can

¹⁰ Vignesh Radhakrishnan, Sumant Sen & Naresh Singaravelu, *Domestic Violence complaints at a 10-year high during COVID-19 lockdown*, <https://www.thehindu.com/data/data-domestic-violence-complaints-at-a-10-year-high-during-covid-19-lockdown/article31885001.ece> (last visited Dec. 1, 2020).

¹¹ SHALU NIGAM, *WOMEN AND DOMESTIC VIOLENCE IN INDIA: A QUEST FOR JUSTICE*, 25-27 (Taylor & Francis 2019).

¹² P.K. Das, *PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE* 10-12 (Universal Law Publishing 2011).

¹³ SRIMATI BASU, *THE TROUBLE WITH MARRIAGE: FEMINISTS CONFRONT LAW AND VIOLENCE IN INDIA* 29-30 (University of California Press 2014).

¹⁴ PREETI MISRA, *DOMESTIC VIOLENCE AGAINST WOMEN: LEGAL CONTROL AND JUDICIAL RESPONSE* 43-45 (Deep & Deep Publications 2007).

be done alone by the spouse/partner or it can be by the close relatives of the spouse as well.¹⁵

It is the use of the coercive power over the woman that creates a marital discord between the two sharing such intimate relationship. To explain a little the various forms of abuse it is divided into 5 heads:-

- 1) Verbal abuse – like name calling, threatening, intimidating,
- 2) Emotional abuse- criticizing constantly, displaying extreme jealousy, publicly humiliating, isolating the partner, domination
- 3) Financial abuse- controlling the money, concealing joint assets, keeping the other impoverished, using partner's money without consent. These abuses though may be witnessed in an infant form in the initial stages but in later stages they might take an inhumane form as listed below.
- 4) Physical abuse- pushing, slap-ping, hitting, kicking, choking, pulling hair, biting, using weapons, tying the partner up, locking the partner in a room with denial of food.
- 5) Sexual abuse- raping, physically attacking sexual parts, forcing the partner to perform sexual acts.¹⁶

The DV Act is applicable to all women, irrespective of their marital status, age or religious beliefs. The broad definition of “domestic violence” under the DV Act protects the rights of women guaranteed to them under the Indian Constitutional, to achieve a violence free home.¹⁷ Women who are not strong enough to handle and manage such abuses end up facing various bad consequences of the same like depression, loss of confidence, speech disorders, various forms of fear, anxiety attacks etc. Domestic violence is not simply an argument. It is a pattern of coercive control that one person exercises over another. Abusers use physical and sexual violence, threats, emotional insults and economic deprivation as a way to dominate their victims and get their way.¹⁸

In India, more than 30% of women have been subjected to domestic violence at some point in their lives, per the National Family Health Survey (NFHS) data. Yet, nearly 75% of those who reported being subjected to domestic violence did not seek help from anyone. For those who do, by confiding in close family members, the crime often gets brushed off as a private

¹⁵ EVE BUZAWA & CARL BUZAWA, GLOBAL RESPONSES TO DOMESTIC VIOLENCE 41-42 (Springer International Publishing 2017).

¹⁶ T. Balaji, *Domestic Violence Act 2005: A critical analysis*, Vol. 5 (9) IJSR (2016).

¹⁷ R Singh, *Domestic Violence Act: Shield or Weapon* 2018.

¹⁸ Ravneet Kaur & Saheela Garg, *Addressing Domestic Violence Against Women: An Unfinished Agenda*, INDIAN JOURNAL OF COMMUNITY MEDICINE. 73-76 (2008).

or family matter that doesn't require outside, legal intervention.¹⁹

Home is where a person irrespective of its gender and designated gender roles of society should feel safe and secure. Women you have been subjected to any form of domestic violence may not believe the same and for them their home their comfort zone their house becomes the most vulnerable place as they are subjected to widespread violence. Stress, anxiety and the pain of not fulfilling the needs of family or the desires set for oneself can be common for both the genders but men are given the privilege to release this pressure by transferring the same in the form of violence to ones wife, spouse or partner and society accepts the same, will they ever be normal with the vice versa as well. Women most of the time stuck within the boundaries of socio-economic problems and norms choose not to leave their spouse and continue to dwell in the same household forgetting the each incident and living in the dilemma of unsecured future.²⁰

A United Nation Population Fund report also revealed that around two-thirds of married women in India were victims of domestic violence. Violence in India kills and disables as many women between the ages of 15 and 44 years as cancer and its toll on women's health surpasses that of traffic accidents and malaria combined.²¹

II. THE DOMESTIC VIOLENCE ACT 2005

The particular Act provided for certain essential rights of women like residing in the shared household, custody of children, maintenance, compensation even when filed for a case related to domestic violence. It defines the term domestic violence comprehensively and broadens the scope to cover varied domestic relationships. Under this law civil remedies could be sought in criminal courts and the respondent could be penalised for the breach of orders. An aggrieved woman may approach the police station, protection officer, service provider directly to obtain relief and may file a complaint against the accused under Section 498A, IPC.²²

The introduction of the present Act was aimed at fulfilling the goal of decreasing the number of cases of domestic violence and becoming a tool of defence and protection in the hands of women to end this abuse of violence. But the reality is quite different where we see women

¹⁹ Anubhuti Matta, *Know your rights: navigating domestic violence laws in India*, <https://theswaddle.com/know-your-rights-domestic-violence-laws-in-india/> (last visited Nov. 2020).

²⁰ T. Balaji, *Domestic Violence Act 2005: A critical analysis*, Vol. 5 (9) IJSR (2016).

²¹ Ravneet Kaur & Saheela Garg, *Addressing Domestic Violence Against Women: An Unfinished Agenda*, INDIAN JOURNAL OF COMMUNITY MEDICINE. 73-76 (2008).

²² SHALU NIGAM, *WOMEN AND DOMESTIC VIOLENCE IN INDIA: A QUEST FOR JUSTICE*, 25-27 (Taylor & Francis 2019).

being subjected to increasing number of violences and abuses even in the present era. There has never been a time period where we would observe the decline in the number of cases against women. Men have for ages shown their dominance and continues to do the same over and over again, few women have now learnt the art of reverting back and breaking the barriers of dominance and living a life of equality but then the number is very low in percentage.²³

The violence women face in homes frequently remains hidden behind the veils of family privacy and is shielded in secrecy. Females within the household are aborted; killed as infants; discriminated against in terms of food, education, health and other resources; neglected; forcefully married off at an early age; denied sexual and reproductive autonomy; denied choices to select one's partner or to decide when to marry; coerced to uphold patriarchal traditions, tortured; raped; forces to undergo abortions; sold; trafficked; killed for honour; hunted as witches; thrown out of the house; denied property rights; burned alive; murdered; and abused in numerous ways. Violation may also involve economic subordination, coercion, intimidation, isolation and other control tactics. However, not all kinds of brutalities are acknowledged, recognised and highlighted. Much of these varied forms of violence remain outside the purview of law.²⁴

The landmark legislation seeks to deter domestic violence in all forms against women. The need for the present legislation arose as the civil law does not address the phenomenon of domestic violence in its entirety. Domestic violence knows no age, socio-economic, religious, racial, gender or educational barriers. It is a myth that only the poor or uneducated are the victims of domestic abuse. Although a poor victim has the terrible problem of not having resources available, the more affluent spouse may also be in an equally desperate trap due to social stigma, greater economic pressures and the increased societal position and the power that the partner may have at his or her disposal.²⁵

The Act also tries to enhance accessibility of authorities and law for women in need of the same. It also introduced a new set of actors and mechanism by way of creating of Protection Officers as an interface between the women and the courts. Various intermediate reliefs are also granted like, compensation, child custody, residing in the same household, protection,

²³ *Id.*

²⁴ SHALU NIGAM, *WOMEN AND DOMESTIC VIOLENCE IN INDIA: A QUEST FOR JUSTICE*, 25-27 (Taylor & Francis 2019).

²⁵ PREETI MISRA, *DOMESTIC VIOLENCE AGAINST WOMEN: LEGAL CONTROL AND JUDICIAL RESPONSE* 43-45 (Deep & Deep Publications 2007).

maintenance etc so that the basic rights of women are intact.²⁶

The implementation of the Act is the responsibility of respective state governments which acts as a nodal agency between key stakeholders. The important actors under this system are: A Protection Officer (PO) who is a government appointee is responsible for the safety and security of the women who have complained about a domestic violence issue. A Service Provider is mostly any nongovernmental organisation or a corporate providing service benefits to the needy like medical care, legal aid, counselling or any other support that the victim requires.²⁷

There remains a problem with not many states taking the Act seriously and appointing very less or no Protection Officer for the protection and safety of women at large. Out of the 28 states and 7 UT that India has not all have appointed the PO for the same. This leads to the women deprived of the rights that law has provided to them but the state machineries create a problem for them by creating infrastructure and technical barriers. The same goes for the Service Providers and the listing, there are many SP listed in various States but the actual help provided by them varies and their capabilities and workable positions and help providing capacities are also not consistent.²⁸

A study conducted by Tata Institute of Social Sciences (TISS) in 2014 reveal that out of 2,466 cases covered in the study, only one third of cases had been disposed, and out of these, only 6.2 per cent were based on facts emerging during the case. Among the remainder, about 27 per cent cases were either rejected, or withdrawn, or defaulted or were successfully mediated. Average time for serving notices after filing DIRs was 34 days as against 3 days stipulated in the Act. Only in 2 per cent of cases was interim relief granted within one month and any relief was granted only in 26.12 percent cases.²⁹

Different studies also reveal that women who come from a better social structure and have financial assistance and backing are more in numbers for getting the legal protection and assistance and consequently women from the socially weaker strata face grave difficulties in managing legal assistance for themselves and taking the legal route is not an easily viable option for them and thus end up suffering more. Also one problem faced is that providing for monetary assistance has a very strange legal trend. When the cases are filed against the

²⁶ PAMELA SINGLA, *THE INDIAN WOMEN'S JOURNEY: THE LAST FIVE DECADES* (Har Anand Publications 2020).

²⁷ *Id.*

²⁸ PAMELA SINGLA, *THE INDIAN WOMEN'S JOURNEY: THE LAST FIVE DECADES* (Har Anand Publications 2020).

²⁹ *Id.*

husband the maintenance interim orders are generally in favor of the women with few exceptions but when cases are filed against the in-laws or other relatives of a joint family and women being a widow many times the relief is denied making the plight of the women more miserable.³⁰

III. THE DEVELOPMENT THROUGH JUDGMENTS

The actual benefits and analysis of any form of Act can be possible in the best manner through the study of judicial trends in relation to that particular Act. In this section the researcher is trying to analyse few important case laws that helps understanding the practical viability of the Act.

- **S.R. Batra and Anr. vs. Smt. Taruna Batra**³¹

Interpreting the definition of “Shared Household”: with respect to definition of shared household u/s 2(s) of the Domestic Violence Act, the court stated that definition is not very happily worded and appears to be result of clumsy drafting and requires to be interpreted in a sensible manner. A ‘shared household’ would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member. In the case, the property in question neither belonged to the husband nor was it taken on rent by him nor was it a joint family property of which the husband was a member. It was the exclusive property of mother of husband and not a shared household. (2007)

Thus we see in this case the the interpretation of a particular definition was highlighted so that in future the proper outcome of the cases can be granted on that basis.

- **D. Veluswamy v. D. Patchaiammal**³²

In this Supreme Court verdict, a wider meaning to an “aggrieved person” under Section 2(a) of the Domestic Violence Act was conferred by the Supreme Court, wherein the Court enumerated five ingredients of a live in relationship as follows:

1. Both the parties must behave as husband and wife and are recognized as husband and wife in front of society
2. They must be of a valid legal age of marriage
3. They should qualify to enter into marriage eg. None of the partner should have a souse living at the time of entering into relationship.

³⁰ Ravneet Kaur & Saheela Garg, *Addressing Domestic Violence Against Women: An Unfinished Agenda*, INDIAN JOURNAL OF COMMUNITY MEDICINE. 73-76 (2008).

³¹ 2007 (1) RCR (CrI) 403

³² 2010 10 SCC 469

4. They must have voluntarily cohabited for a significant period of time
5. They must have lived together in a shared household

The Supreme Court also observed that not all live-in-relationships will amount to a relationship in the nature of marriage to get the benefit of Domestic Violence Act. To get such benefit the conditions mentioned above shall be fulfilled and this has to be proved by evidence. Therefore we see the courts accepting the changing societal patterns and understand that women would be left without justice if these societal patterns are not accepted. Live-in relationships can be considered as a wave of westernization of our culture and values but women are subjected to violence even in these modern relations and if the judiciary does not accept the trends of the changing society they would be providing justice in a complete sense.

- **Indira Sarma v VKV Sarma**³³

The court stated, "Live-in or marriage-like relationship is neither a crime nor a sin though socially unacceptable in this country. The decision to marry or not to marry or to have a heterosexual relationship is intensely personal". There is no legal definition for a live-in relationship. It is understood to be a domestic relationship between two people in a romantic relationship. Sexual intimacy is popularly accepted, although not mandatory. A bench of Justice MY Eqbal and Justice Amitava Roy said continuous cohabitation of a couple would raise the presumption of valid marriage and the burden of proof would fall on the opposite party to prove that they were not legally married. These rights include protection from domestic violence, the right to inherit property, the legitimacy of her children and the maintenance of woman after split.

- **Lalita Toppo v. State of Jharkhand & anr**³⁴

In this recent case, the Supreme Court has categorically held that maintenance can be claimed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (Domestic Violence Act) even if the claimant is not a legally wedded wife and therefore not entitled to claim of maintenance under Section 125 of Code of Criminal Procedure. The Bench explained that the provisions contained in Section 3(a) of the Domestic Violence Act, 2005 which defines the term "domestic violence" also constitutes "economic abuse" as domestic violence. The Court further opined that under the provisions of the Domestic Violence Act, the victim i.e. estranged wife or live-in-partner would be entitled to more relief

³³ 2013 15 SCC 755

³⁴ SLP (CrI.) No. 9080 2013

than what is contemplated under Section 125 of the CrPC i.e. to a shared household also.

The court also has to understand sometimes the need that is immediate for the protection of women and thus the interpretations take that angle while delivering the judgements. It can be seen in this case if a woman is not having a legal wedlock then claiming maintenance would become a difficult task and thus the interim orders under the domestic violence Act states for the remedies irrespective of the legal status of the relationship that is persisting between the couple. If there is any form of abuse that the women is facing in that particular relationship she should be allowed to have a proper remedy and only a status or marital proof should not become a basis for providing her the basic rights guaranteed in the Constitution of the country.

- **Sandhya Wankhede vs. Manoj Bhimrao Wankhede**³⁵

The Supreme Court in the aforementioned case put to rest the issue by holding that the proviso to Section 2(q) does not exclude female relatives of the husband or male partner from the ambit of a complaint that can be made under the provisions of the Domestic Violence Act. Therefore, complaints are not just maintainable against the adult male person but also the female relative of such adult male.

There are many questions in law which sometimes are only answered through the judgments and interpretations made in the court of law, the clarity cannot be achieved by bare reading of the text and thus the need is to have the wider interpretation by the courts to meet the ends of justice. The matrimonial home in most of Indian cases would have the close relatives of the husband also sharing the same household and having common income as well. In these situations there are all chances of any abuse being caused by not only the husband but also other male and female members of the shared household and thus if the complaint can only be filed against the husband or against only the male members the main culprits of the victimising the women would be set free and thus this clarity from the courts would help in making a deterrent effect in the minds of all the close relatives, where they could also be made responsible in situations of any domestic abuse being charged by the woman.

- **V.D. Bhanot Vs. Savita Bhanot**³⁶

In the case, the Apex Court upheld the Delhi High Court's view that "even a wife who had shared a household before the Domestic Violence Act came into force would be entitled to the protection of the Domestic Violence Act". Hence, the Domestic

³⁵ (2011) 3 SCC 650

³⁶ 2012 3 SCC 183

Violence Act entitles the aggrieved person to file an Application under the Act even for the acts which have been committed prior to the commencement of the Domestic Violence Act.

This clarifies that the Act is primarily made to provide justice, support and protection to the women who have been facing various forms of abuse in the household. This Act makes a provision for interim measures in various forms and thus if a woman who falls in the ambit of the structure of the Act should be provided with the relief even if some retrospective concerns are required. Therefore the courts to provide protection and meet the ends of justice interpret the provisions with the widest possible interpretation.

- **Binita Dass v Uttam Kumar**³⁷

In the present case the court relied on the earlier Supreme Court decision in *Shailja & Anr. Vs. Khobbanna* (2018) 12 SCC 199 in which it was held that whether the wife is capable of earning or whether she is actually earning are two different requirements. Thus in the current situation of the case the court finally held that Qualification of the wife and the capacity to earn cannot be a ground to deny interim maintenance to a wife who is dependant and does not have any source of income.

A woman makes many compromises in the patriarchal setup of families that are prevalent in our society and thus most of the time gives up on her career and financial independence for the want to a better family life which is the demand of the patriarchal setup. This makes her financially dependent on the spouse and the other earning family members. No matter how qualified the woman is, any form of abuse would make her mentally weak and vulnerable to again restart her career and gain financial independence. In this scenario if the husband cannot deny her maintenance stating that she is qualified because it would definitely take time for her to gain the confidence back to face the world and compete in this male dominated world.

- **Santosh Bakshi v. State of Punjab and others**³⁸

If complaint of domestic violence made by women against a member of family, the police without proper verification and investigation cannot submit report that no case is made out. Investigating agency is required to make proper inquiry not only from the members of the family but also from neighbours, friends and others. After such inquiry, the investigating agency may form a definite opinion and file report. It is for the Court to decide finally whether to take cognizance of offence under any provisions of the D.V. Act.

³⁷ 2019 SCC OnLine Del 9666

³⁸ AIR 2014 SC 2966.

- **Krishna Bhattacharjee v. Sarathi Choudhary**³⁹

In this particular case the victim woman had filed a case under the DV Act for getting back her streedhan. The concept of “continuing offence” and demands made by the wife, application made by appellant wife under section 12 of the Act after about 2 years of judicial separation, was declared as not barred by limitation. Another point that the court noted in respect to the alleged harassment was that the courts below made prima facie observations about the same. Since the order passed by Magistrate directed the petitioner to pay interim maintenance is an Interim Order, and elaborate reasons were not given for the domestic violence as the proceedings were still pending.

IV. CONCLUSION

Domestic Violence subjected on women is an offence which not only damages the physical corpse of women but depicts a picture on the mental and social well being that stays for lifetime and sometimes require assistance to come out of the plight. This article was an attempt to critically evaluate the Act that has been made to help women fight the domestic abuses and to see whether it has been successful or not.

³⁹ 2016 (2) SCC 705