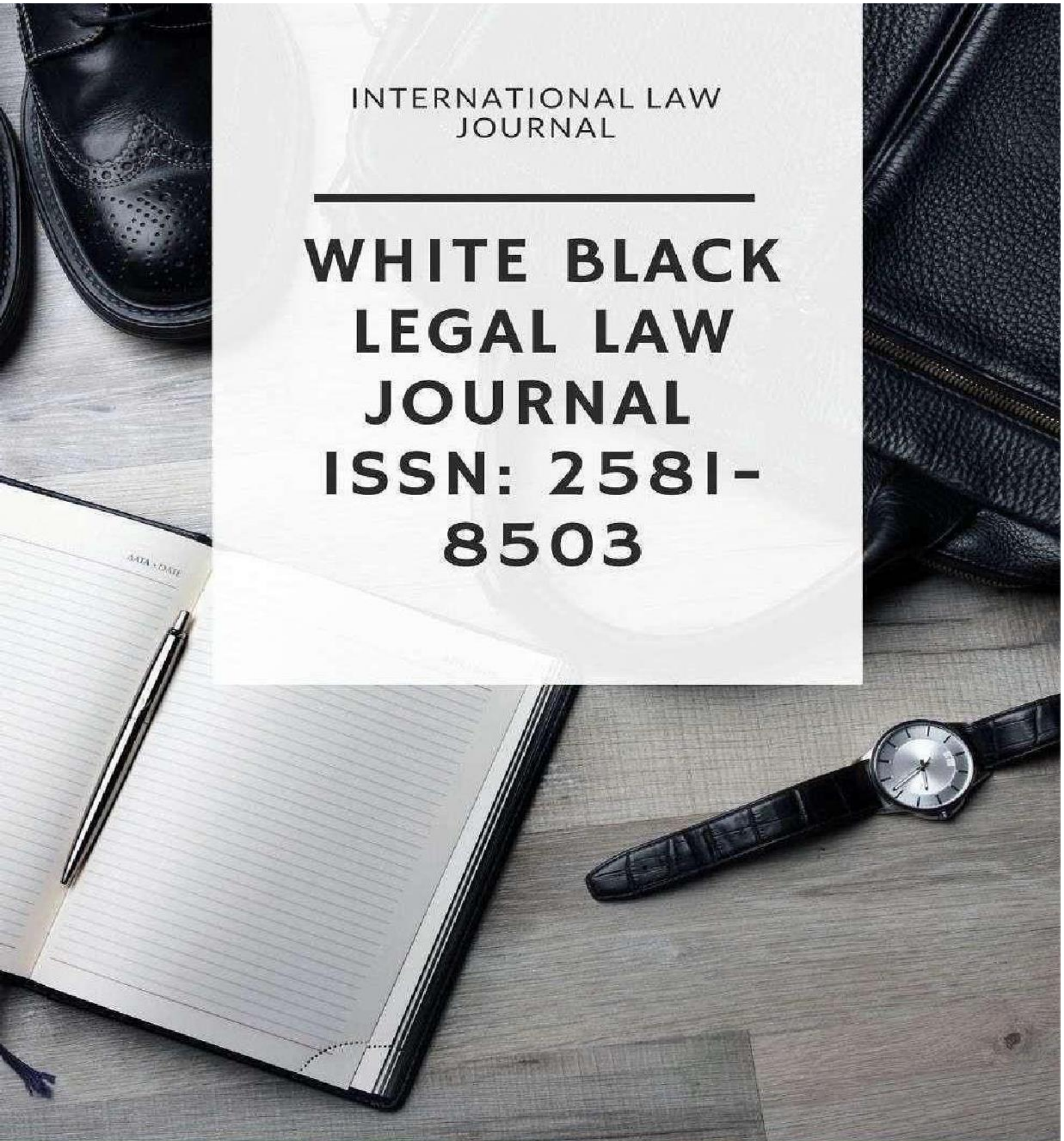




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ECONOMIC ABUSE AS DOMESTIC VIOLENCE: A MULTIDISCIPLINARY LEGAL ANALYSIS

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Abstract

Economic abuse is fast becoming a serious issue of domestic violence that compromises financial autonomy of women, their dignity and freedom. In contrast to physical or emotional abuse, economic abuse has the tendency to go unnoticed even though in the long term, it can have lasting effects on the lives of survivors. It involves determining the access that a woman is supposed to have to money, the limits she is supposed to have on her employment option, denying her property or financial means, economic dependence and denying her the right to make financial decisions. Such practices do not only entrench gender inequality “but also make women incapable of getting out of the abusive relationships to repair their lives.

To explore this issue, the paper will take a multi-disciplinary approach in studying the problem of economic abuse as a type of domestic violence by incorporating the legal, economic, sociological, psychological and public policy perspectives. It examines critically the legalization of economic abuse by the Protection of Women of Domestic Violence Act, 2005, the applicability of the act and applicable constitutional and judicial interpretation. The paper also examines the socio-economic and psychological effects of economic abuse on women on the effects of financial control as a factor that leads to sustained dependency, social stigmatization and lack of access to justice.

Through an application of a doctrinal research methodology buttressed by interdisciplinary analysis, the paper contends that economic abuse should not only be a financial problem but also the abuse of human rights of women and gender equality. Despite the legal framework in place offering considerable safeguards, there are still significant obstacles in terms of the awareness, perceptions and enforcement loopholes of economic abuse. The paper concludes by suggesting that legal implementation should be beefed, there should be financial literacy programmers, economic rehabilitation actions, institutional support and even higher public

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awareness so that the survivors will have something substantial aiding them. Economic abuse as a form of domestic violence must be recognised as a serious total situation to empower women economically, have substantive equality and access to justice in India.

Keywords: Economic Abuse, Domestic Violence, Women's Rights, Financial Empowerment, Gender Justice, Protection of Women from Domestic Violence Act, 2005.

1. Introduction

Domestic violence is a grave abuse of human rights that cuts across all spheres of the society, among women. Although physical, sexual, and emotional abuse have been widely discussed, economic abuse is another important type of domestic violence but is inadequately talked about. It takes away the control of income, property, employment, or other economic resources rendered women financially dependent to abusive partners and prevents women to break out of abusive relationships.²

Some economic abuse types involve restricting access to money, employment, bank account management, seizing income, disposed property against will and limiting financial decision-making. These acts not only bring about financial strain, but also have an impact on the mental well-being, self-esteem, and overall, wellbeing of women.

Over in India, economic abuse has been specifically identified in the Protection of Women from Domestic Violence Act, 2005, which offers such remedies as monetary relief, maintenance, residence orders and compensation.³ Article 14, Article 15(3) and Article 21 of the Constitution of India support these protections and entitle people to equality, special protection of women and right to live with dignity.⁴ Even with these measures, economic abuse has been underreported because of patriarchal expectations, economic reliance, a lack of knowledge and a poor enforcement of laws.

It is essential to take a multidisciplinary approach to have a comprehension of the issue. The statutory framework is explained through legal analysis, financial dependence is characteristic of economics, gender inequality is studied within sociology, emotional involvement in the

² World Health Organization, *Violence Against Women: Intimate Partner and Sexual Violence Against Women*, WHO (2021).

³ Protection of Women from Domestic Violence Act, 2005, Section 3 Explanation I(iv), Sections 20–22.

⁴ INDIA CONST. Articles 14, 15(3), 21.

matter is illuminated by psychology, and assesses institutional responses in the field of public policy. This paper discusses economic abuse in this light and stipulates that legal enforcement and policy change is necessary in an attempt to guarantee financial autonomy, gender equality as well as access to the justice system among women.

2. Concept of Economic Abuse and Domestic Violence

Domestic violence such as economic abuse involves an individual dominating the financial resources of another individual to make them dependent on them and inhibit their autonomy. It entails money withholding, denying employment, exercising control over bank accounts, depriving ownership of property, imposing debts, denying one financial decision-making. Contrary to physical abuse, economic abuse is mostly concealed yet the long-term effects can have a much far-reaching impact on the lives of women.⁵

Domestic violence entails physical, sexual, verbal, emotional as well as economic harassment in a domestic relationship. Economic abuse can be listed as a type of domestic violence and is specifically identified as a form of domestic violence in the Protection of Women from Domestic Violence Act, 2005 because it has been shown that financial means of control can be as damaging as physical abuse.⁶

Sometimes economic abuse goes hand in hand with other forms of abuse and women are not able to break free out of abusive relationships because of the dependence they have. Poverty, mental health challenges, lack of employment opportunities, inadequate access to healthcare and education may be experienced by the survivors. It also impacts the children adversely, by lowering access to critical resources.

It is important to realise the economic abuse as domestic violence protection of female rights and encouragement of economic empowerment. Financial coercion has to be eliminated through effective legal solutions, financial empowerment and institutional factors to bring about substantive gender equality.⁷

⁵ UN Women, *Handbook for Legislation on Violence Against Women*, United Nations Entity for Gender Equality and the Empowerment of Women (2012).

⁶ Protection of Women from Domestic Violence Act, 2005, Section 3 Explanation I(iv).

⁷ World Health Organization, *Violence Against Women: Intimate Partner and Sexual Violence Against Women*, WHO (2021).

3. Constitutional and Legal Framework Governing Economic Abuse in India

The Indian Constitution offers a good legal platform to curtail economic abuse of women. Articles 14, 15(3) and 21 provide equality and special protection to women and the right to live with dignity. The Articles 38, 39(a), 39(d), and 41 of the Directive Principles extend the idea of social justice, equal livelihood opportunity, equal pay scrutiny to equal work and state assistance to persons in destitute positions, respectively.⁸

The Protection of Women against Domestic Violence Act, 2005 (PWDVA) is the mainstream law on the issues of economic abuse. Section 3 clearly acknowledges economic abuse as a domestic violence such as depriving of access to financial resources, disposing of property, limiting access over shared assets and denying access to child support. Other remedies in the Act include residence orders (Section 19), monetary relief (Section 20) and compensation (Section 22) to guarantee financial sustainability among survivors.⁹

The right of the women to the maintenance and financial support is also secured by other laws such as the Bharatiya Nagarik Suraksha Sanhita, 2023, Section 144, Hindu Adoptions and Maintenance Act, 1956, the Hindu Marriage Act, 1955, other personal laws, etc. Combined, these statutory and constitutional provisions acknowledge economic abuse, as a form of violating the rights of women and aim to enhance financial security and gender justice.¹⁰

4. Economic Abuse from a Multidisciplinary Perspective

Economic abuse is not just a legal matter but a multidimensional problem that involves economic, social, psychological and policy concern.

Lawsally, the PWDVA acknowledges economic abuse as a type of domestic violence and offers conditions like maintenance, monetary compensations, residence orders and compensations. Even courts have conceived financial security to be a vital component to the rights of a woman to dignity.¹¹

⁸ INDIA CONST. Articles 14, 15(3), 21, 38, 39(a), 39(d), 41.

⁹ Protection of Women from Domestic Violence Act, 2005, Section 3, Section 19, Section 20, Section 22.

¹⁰ Bharatiya Nagarik Suraksha Sanhita, 2023, Section 144; Hindu Adoptions and Maintenance Act, 1956; Hindu Marriage Act, 1955.

¹¹ Protection of Women from Domestic Violence Act, 2005, Sections 3, 20, 22; *Rajnish v. Neha*, (2021) 2 SCC 324.

With regard to the economic standpoint, the financial control leaves women deprived of income, employment, and property, thereby becoming more reliant, and the threat of poverty, prevails. Cases of economic insecurity usually do not allow the victims to leave abusive relationships.

Patriarchal families, inequality of property allocation and low valuation of non-paid household duties are sociological frames that perpetuate the economic reliance of women. Conventionally defined gender roles still play a role in economic maltreatment.

Psychologically, economic abuse results in stress, anxiety, depression, low self-esteem, and lack of confidence. Tireless financial management may also result in the survivors being helpless and socially isolated.¹²

As a public policy, economic abuse needs to be prevented by the effective enforcement of laws, legal assistance, financial literacy, job opportunities, digital financial inclusion, and have coordinated institutional supports. The importance of economic abuse, the need to address it to bridge the gaps in gender equality, women empowerment and social justice, is thus evident in a multidisciplinary approach.¹³

5. Judicial Trends and Landmark Decisions

By giving modern interpretation of the maintenance and domestic violence laws, the Indian judiciary has greatly enhanced legal safeguarding of economic abuse. The courts have always believed in the assertion that financial security: This is a vital ingredient in the right of residing with dignity of a woman.

The Supreme Court of *V.D. Bhanot v. Savita Bhanot* (2012) decided that the Protection of Women against Domestic Violence Act, 2005 must be liberally interpreted to guard women against any type of domestic violence including economic abuse.¹⁴

In *Krishna Bhattacharjee v. Sarathi Choudhury* (2016) the Court held that the taking away of a

¹² World Health Organization, *Violence Against Women: Intimate Partner and Sexual Violence Against Women*, WHO (2021).

¹³ *Ibid.*

¹⁴ *V.D. Bhanot v. Savita Bhanot*, (2012) 3 SCC 183.

woman of her stridhan was a wrong which persisted and she had a right to reclaim her possession of property although the matrimonial relationship was not in existence any longer.¹⁵

The Supreme Court in *Rajnish v. Neha* (2020) provided in-depth instructions on how to compute maintenance, with a mandatory disclosure of income and assets and the same principles should be applied to grant maintenance. These guidelines have enhanced maintenance proceedings transparency and fairness.¹⁶

Equally, the Supreme Court in *Bhuvan Mohan Singh v. Meena* (2015) noted that maintenance is both a social, but not charitable, factor and pointed out the importance of prompt decisions when dealing with maintenance cases.

These rulings show that the judiciary cares about the protection of the financial rights of women and the economic abuse is one of the most acute manifestations of a lack of dignity, equality, and access to justice.

6. Challenges in Addressing Economic Abuse

Economic abuse persists in being poorly addressed, although legally, it is allowed under the Protection of Women in Domestic Violence Act, 2005, because of a number of barriers in law, social and institutional. Economic abuse, as compared to physical violence, can be undetected, as it may not create much evidence; hence, making it hard to detect, report, and prove in the court of law. This invisibility the unseen nature often leads to reporting and inefficiency in law enforcement.¹⁷

One of the major challenges is that women are not legal savvy. Several survivors are unaware of the fact that refusal to maintain, seizure of income, limitation of access to economic resources or deprivation of property is economic abuse against the law. Therefore, many women do not pursue the early use of legal services or even the using of the institutions.¹⁸

The other notable challenge is to demonstrate economic abuse. The abuser tends to dominate

¹⁵ *Krishna Bhattacharjee v. Sarathi Choudhury*, (2016) 2 SCC 705.

¹⁶ *Rajnish v. Neha*, (2021) 2 SCC 324.

¹⁷ World Health Organization, *Violence Against Women: Intimate Partner and Sexual Violence Against Women*, WHO (2021).

¹⁸ National Legal Services Authority, *Legal Awareness and Assistance Programmes for Women*, NALSA.

such aspects of finance as records, bank accounts, property documents and income records. The respondent can hide their income, organize finances or misrepresent financial data to avoid having to pay taxes thus courts find it hard to know the proper remedy to be taken. These tendencies can slow down and undermine the efficiency of judicial redress.

Social norms that are patriarchal and the traditional gender roles also make the situation worse. In most families just as the economies of the household are under the control of men, women whose work in the home and taking care of others is not paid is undermined. Many women are afraid of poverty, becoming homeless, getting unemployed and being unable to provide care to their children, thus economic dependence prevents them to leave these abusive relationships.¹⁹

In the legal protection, delays in the disposal of domestic violence and maintenance cases also decrease the efficiency of these protections. Prolonged court battles, adjournments and ineffective implementation of court orders usually reduce women to lack of instant financial support. Inaccessibility to legal assistance, counselling services as well as rehabilitation programme also discourages the survivors to seek justice.

Women in the economically disadvantaged groups, rural, marginalized women, and informal workers are further disadvantaged by poverty, illiteracy, and low financial inclusion, and a lack of institutional support. To overcome these difficulties there is need to implement existing laws more strongly, faster justice, stricter enforcement of maintenance and protection orders, financial transparency, campaigns raising awareness of laws, financial literacy programmes, and associated institutional support. Reform like this is needed in order that economic abuse is cured and that women can exercise their legal as well as the economic rights in a dignified manner.²⁰

7. Comparative Perspective

Economic abuse is a form of domestic violence recognised by several countries, which have elaborated on the legal instruments to support victims. Their experiences can be of great help in improving the Indian legal system.²¹

¹⁹ UN Women, *Progress of the World's Women: Families in a Changing World*, United Nations Entity for Gender Equality and the Empowerment of Women (2019).

²⁰ *Rajnish v. Neha*, (2021) 2 SCC 324.

²¹ United Nations, *Handbook for Legislation on Violence Against Women*, United Nations Entity for Gender Equality and the Empowerment of Women (2012).

The Domestic Abuse Act, 2021 in the United Kingdom presents controlling or coercive behaviour such as economic abuse, as a type of domestic abuse. The victims have the right to protection orders, financial aid, housing services and specialised victim services, due to the realization that controlling finances amounts to greatly limiting personal autonomy and freedom.²²

Financial abuse is a type of family violence that is recognised as such by the Family Law Act, 1975 as well as the Commonwealth state statutes of domestic violence in Australia. Evidence of abuse (economic type) is taken into account by courts when deciding protection orders, parenting agreements, and settlements, when determining parenting arrangements and financial settlements. Legal Aid and Financial Counselling Programmes are also supported by government to help the survivors to rebuild their lives.²³

The Divorce Act and provincial legislations on family violence in Canada offer legal solutions in cases of economic abuse as they go hand in hand with domestic violence. The financial exploitation, deprivation of property and financial control are the factors that Canadian courts are becoming more inclined to consider during the process of setting spousal support and other financial relief. Support services funded publicly also help in encouraging economic recovery of survivors.²⁴

In comparison with these jurisdictions, India has come a long way as it has expressly identified economic abuse in the framework of the Protection of Women from Domestic Violence Act, 2005. But some realities like slow delivery of justice, low levels of legal literacy, low levels of enforcement and little rehabilitation services still make the legal framework less effective. In contrast to part of the developed jurisdictions, there are no specialised institutional tools committed towards transient remedial and enduring rehabilitation of the survivors in India.

The comparative experience has shown that simple legal recognition is not enough, but needs to be followed by a well-functioning implementation process, readily available legal advice, financial rehabilitation and counselling services, and popular education. Through following international practices and institutional backing, India can develop a more efficient framework

²² Domestic Abuse Act, 2021 (United Kingdom), Sections 1 and 76.

²³ Family Law Act, 1975 (Australia); Australian Government, *National Plan to End Violence against Women and Children 2022–2032*.

²⁴ Divorce Act, RSC 1985, c 3 (2nd Supp.) (Canada).

in safeguarding women against the economic abuse and promoting gender equality, financial stability, and social justice.

8. Recommendations

The economic abuse needs a holistic approach of legal reforms, institutional backing, economic empowerment as well as public awareness. Despite the significant protection mechanisms offered by the current legal framework, effective application of law, institutional collaboration, and a gender-sensitive strategy of all stakeholders is required to ensure success.

To begin with, the court must do so by providing swift resolution of domestic violence and maintenance cases by ensuring that they have time bound processes and that they manage their cases effectively. Early response in the form of financial support is necessary so that the survivors can have the chance to endure economic effects and thus not rely on abusive family members.

Second, protection orders, maintenance orders and monetary relief that are granted under the Protection of Women from Domestic Violence Act, 2005 should be firmly enforced. There should also be compulsory reporting of income, assets and liabilities in courts to discourage hiding of the financial funds and to help in the justification of monetary compensation.

Third, Government ought to enhance legal assistance services, financial counselling, shelter accommodation and rehabilitation initiatives to the victims of economic abuse. Through free legal help, temporary financial aid, vocational training, skills development, and getting jobs, women can be empowered to gain long-lasting economic independence and minimized the risk of being abused.

Fourth, awareness campaigns, learning and community outreach activities should be conducted to promote financial literacy and digital financial inclusion. To advance economic independence, women are supposed to keep their own bank accounts, avail themselves to formal banking services, knowledge of their rights in the law, and to master financial management activities.

Fifth, more focus needs to be on property rights, inheritance rights as well as ownership of productive assets among women. Owning and control of property equally will be a great way

to minimize economic dependence, and strengthen the bargaining power of women in the family.

Lastly, all these should be combined with efforts of the judiciary, police, Protection officers, Legal Services Authorities, financial institutions, social welfare department and the non-governmental organisations to offer comprehensive support to the survivor. Judicial officers, the police force as well as Protection Officers should also undergo regular capacity-building and sensitisation programs to enhance identification and proper management of cases that involves economic abuse.

All these recommendations will be helpful in enhancing the legal response towards economic abuse, enhancing access to justice, and ensuring that women have financial autonomy, and finally, they would help in realizing the constitutional aspirations of equality, dignity, gender justice, and inclusive social development.

9. Conclusion

Economic abuse is a severe but not a widely discussed issue of domestic violence that robs women of their freedom of money, dignity and their rightful place in the society. Economic abuse is silent as opposed to physical violence because it comes by way of financial control, denial of resources, denial of employment, deprivation of property rights, and economic manipulation, which equals women losing complete control of their money thus rendering them financially reliant on their abusers. This abuse is not only damaging to the financial stability of women” but also has extended psychological, social and economic impacts on women that negatively influence their overall health and deny them the chance to live an independent life.

India has come a long way by acknowledging the economic abuse in the Protection of Women against Domestic Violence Act, 2005 and reinforcing maintenance and monetary relief, available to other acts that provide family laws. The legal provisions that prevent women as victims of financial exploitation are further strengthened by constitutional provisions of equality, dignity and social justice. Another direction has been a progressive and rights-based approach to judicial decisions, where maintenance and financial security are considered a part of fundamental rights of women, as well as their access to justice. Such legal changes indicate the increased awareness that economic abuse should be viewed as the form of human rights violation, but not as the domestic family issue.

Nonetheless, there are still myriad threats that still hamper the performance of the legal framework. The phenomenon of insufficient legal knowledge, patriarchal societal spaces, delays of judicial procedures, anonymity of financial resources, ineffective implementation of court decisions, and the lack of institutional assistance is the barrier to timely and significant relief to the victims in most cases. The women in the economically disadvantaged groups, the rural populace and informal workers continue to be especially vulnerable due to financial dependence, poor property rights, lack of access to legal services, and poor financial literacy. These material constraints will have to be overcome unless the goal of providing real financial security to women will be achieved completely.

Much more than just a legal problem, an interdisciplinary examination shows that economic abuse is an economic, psychological, sociological, and policy problem too. Reducing economic abuse needs concerted action that will include; changes in the law, financial inclusion, protection of property rights, economic rehabilitation, legal assistance, counselling, educational programs, awareness campaigns and well-supported institutions. Empowering these will help women have more financial freedom and independence, better their decision making ability, more economic participation and lower the risk of domestic violence.

To sum up, economic abuse should be tackled in order to realize the real gender justice, female empowerment and sustainable social development. A well-developed system of laws, backed by proper enforcement, accountability of the institutions, judicial sensitivity, and multidisciplinary interventions would be able to change the lives of survivors by providing them with financial security, restoring their dignity, and giving them equal chances. This will not only safeguard the essential rights of women but also work towards the constitutional aim of equality, social justice, all-inclusive development, as well as the establishment of a society where women can live without any form of violence, discrimination, coercion and even economical exploitation. Identifying and eradicating economic abuse is thus the way forward to creating a better, more inclusive society that is gendered.