



## **BATTERED WOMAN DEFENCE AND THE INDIAN PENAL CODE:** **AN ANALYSIS**

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### **ABSTRACT**

*In countries such as India, where conversations around mental health, let alone family issues and instances of violence are hushed up and victims are discouraged, often by their own family members, from speaking out and pursuing legal action, the lack of psychological and physical support to victims of long-term domestic violence has severe complications to the mental stability of the victims. It also becomes difficult to gauge the position of a woman who has committed severely violent acts, thus complicating not only determination of mens rea, but also the application of general exceptions under the Indian Penal code and accommodating for nuances in sentencing and punishment. Often critiqued as weakening the social and public image and understanding of women in society as well as attempting to weaken robust criminal laws that seek to accurately and justly determine responsibility and culpability in criminal acts, not to mention murder, Battered Woman Syndrome may be analysed in light of penal provisions of exceptions and defences to crimes, particularly that of provocation and private defence in the Indian context. This paper seeks to address those exceptions that represent the intersection of grey areas of mens rea and diminished mental faculty of battered women and victims of abuse alike. It also becomes necessary for courts to consider the exceptional circumstances of cases of BWS in redefining the age-old standards and principles of proportionality and reasonableness of behavior in line with the “prudent man” standards as well, not only to posit BWS within the Indian legal system but to also address similar mental disorders that culminate in criminal acts and offer general defences that may achieve the fair and just delivery of justice.*

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*The uptick in domestic violence during the coronavirus has joined the myriad of reasons for the updating of criminal law concepts of fault.*

**Keywords-** *Battered Woman Syndrome, provocation, right of private defence, PTSD, mental disorder*

## **INTRODUCTION**

What first arose as a psychological theory attempting to explain what society has repeatedly asked of its domestic violence victims – “Well, why did you stay in an abusive relationship?”, Battered Woman Syndrome, hereinafter referred to as BWS has transformed into a theory that has led to discussions in psychological circles on violence and its consequences, as well as a legal defence in crimes such as murder, assault, arson, committed by female partners in abusive, violent relationships; *women*, who display a very specific set of characteristics as a result of prolonged violence and mental abuse at the hands of their partners <sup>94</sup>.

Domestic violence is one particular err in man’s ways that cuts across continents and oceans, races and ethnicities, and one which has disastrous consequences on the parties involved, most devastating being the psychological and physical effects on children that bear witness <sup>95</sup>. First used in the late 70s as a result of a psychological study on victims of intimate partner violence, BWS was characterized as a sub-category of Post-Traumatic Stress Disorder (PTSD) <sup>96</sup> in specific incidents of “criminal acts committed by victims of victims of abuse under duress against their abusive partners”<sup>97</sup>. As a legal defence, it came to be used by defense attorneys in the West to argue that the pronounced and prolonged effects of domestic violence have the ability to greatly affect a battered woman’s mental composure, including resorting to acts of homicide against “non-confrontational” victims <sup>98</sup>. The most unique characteristics of BWS are perhaps those that shape the attitude of the battered woman towards her abuser, wherein

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<sup>94</sup> Aman Deep Borthakur, *The Case For Inclusion Of ‘Battered Woman Defence’ In Indian Law*, 11 NUJS L. REV. 1 (2018).

<sup>95</sup> Kurz, Demie. *Women, Welfare, and Domestic Violence*, 25 SOC. J. 105 (1998).

<sup>96</sup> LENORE E. A. WALKER, *THE BATTERED WOMAN SYNDROME* 43 (3<sup>rd</sup> ed. 2009).

<sup>97</sup> Lenore E. A. Walker, *Battered Women Syndrome and Self-Defense*, 6 NOTRE DAME J. OF L., ETHICS AND PUB. POL. 321 (2012).

Non-confrontational victims include the men in state of sleep, rest, non-violent drunken rambling.

<sup>98</sup> *Id.* at 322.

she not only believes and completely owns and admits responsibility over her actions, showcases an “inability to place the responsibility for the violence elsewhere”, continues to fear for her own life and safety despite the committing of the act and displays an irrational, almost manic fear of her abuser being “omnipresent and omniscient”<sup>99</sup>.

The Madras High Court in a breakthrough finding in *Suyambukkani v. State of Tamil Nadu*<sup>100</sup>, first propounded the Indian equivalent of BWS in the Nallathangal Syndrome, by acknowledging that abused women resort to violent acts, including homicide and suicide to “escape the misery of the violence they are subjected (to)”<sup>101</sup>. The name stems from an 18<sup>th</sup> century Tamil folk legend, part of the epic poem *Kannagi*, which describes a woman so deep in the miseries of poverty and social stigma that she not only commits suicide but also drives her children to commit suicide with her, to escape misery<sup>102</sup>. It can be argued that the understanding of BWS seems to be faulty in the application of Nallathangal Syndrome to Indian cases of battered women, in that although it is true that battered women find themselves in “misery”, as described by the ballad Nallathangal, the violence at the hands of the male partner that causes misery in battered women is completely ignored in the concept of Nallathangal, thereby creating space for doubt whether courts using the name have been able to adequately understand the impact of abuse. In light of the above, it is also necessary to consider the factors that have heightened the occurrence of such case. The coronavirus pandemic brought with it a surge in domestic violence, exacerbated by unprecedented financial struggles due to failing business and mounting medical bills faced by families across the world<sup>103</sup>.

This paper will undertake an analysis of BWS as not only a mental disorder but also as legal defence, specifically addressing some of the general exceptions contained by the Indian Penal Code, and trace the close relationship of mens rea, operation of general exceptions relating to mens rea component and cases of BWS.

PTSD and other mental disorders: Positing mental health in BWS:

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<sup>99</sup> LENORE E. WALKER, *THE BATTERED WOMAN* 95 (1979).

<sup>100</sup> *Suyambukkani v. State of Tamil Nadu*, 1989 LW (CrL.) 86.

<sup>101</sup> *Id.* ¶ 25.

<sup>102</sup> C. S. Lakshmi, *Bodies Called Women: Some Thoughts on Gender, Ethnicity and Nation*, 32 ECON. & POL. WEEKLY 2953 (1997).

<sup>103</sup> Anuradha Kapoor, *An Ongoing Pandemic*, 56 ECON. & POL. WEEKLY 73 (2021).

The Battered Woman Syndrome as formulated by Dr. Lenore Walker constitutes two primary facets: “learned helplessness” and “cycle of violence”<sup>104</sup>. Learned helplessness has been described as an extension of the “learning theory” wherein the battered woman loses the will and motivation to combat the abuser’s actions (usually, in physical manner) and “learning” to succumb and become subservient to abuse. Factors that culminated in learned helplessness have been detailed by Walker to include frequency and regularity of violent incidents, frequency and regularity of forced sex, incidence of fear of death at the hands of abuser, number of injuries sustained during an incident of violence and so on <sup>105</sup>. Most notably, indirect threats, threats to kill and futility of numerous attempts by the battered woman to “put an end to the abuse” contributed to the learned helplessness in the battered women<sup>106</sup>. Contrary to public opinion, it is not true or necessary that the battering occurs constantly. Cycle of violence has been described as a “definite battering cycle, involving a tension-building phase, an acute battering incident, and a contrition phase”<sup>107</sup>. Here, the tension building phase consists of a “gradual escalation of tension which the batterer displays hostility and dissatisfaction and the woman attempts to placate him” followed by the acute violence incident wherein the act of violence by the abuser occurs, leading to the contrition phase wherein the abuser repeatedly apologises and expresses remorse towards the battered woman, including public displays of love and remorse and gifting.

In order to analyse the psychological effects of long-term domestic violence, it is necessary to discuss the nature of the “battering” and the effects and symptoms of the same. The “battering” has been described to include “being slapped, punched, kicked, thrown, scalded, cut, choked, smothered or bitten, attacks with guns, knives, razors, broken bottles, iron bars and beatings with belts, chains, clubs, lamps, chairs, wrenches” etc, often readily available household items<sup>108</sup> resulting in physical and visible signs and symptoms in the form of bruises, black-eyes, broken jaws and bones, including miscarriages. However, in order to accurately diagnose BWS, it is necessary to establish a pattern in the abuse, through analyses of both physical and psychological symptoms. The most commonly listed psychological symptoms include depression, low self-esteem, denial of violence among other behaviours that manifest

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<sup>104</sup> LENORE E. A. WALKER, *THE BATTERED WOMAN SYNDROME* (4<sup>th</sup> ed. 2017).

<sup>105</sup> *Id.* at 129.

<sup>106</sup> *Supra* note 7 at 133.

<sup>107</sup> *Supra* note 7 at 146.

<sup>108</sup> Debby L. Roth & E. M. Coles, *Battered Woman Syndrome: A Conceptual Analysis of Its Status Vis-a-Vis DSM IV Mental Disorders*, 14 MED. & L. 641, 642 (1995).

in social isolation and lack of contact with “outsiders” due to fear of assault by the partner <sup>109</sup>.

In an authoritative piece on the need for criminal justice systems to adequately and accurately consider mental health implication of abuse in women, A. Kaiser, C. Strike and L. Ferris discuss BWS and similarly defined mental health diagnoses in light of use as defence before courts<sup>110</sup>. Most notable was the categorization of BWS as a form of Post-Traumatic Stress Disorder (PTSD), under which “exposure to a traumatic event, persistent re-experiencing of that traumatic event; persistent avoidance of stimuli associated with the traumatic event; and persistent symptoms of increased arousal” form four stages of PTSD, in accordance with the Diagnostic and Statistical Manual of Mental Disorders (DSM) V norms<sup>111</sup>, closely followed in pattern by BWS occurrence. Considering PTSD as a “diagnosis with implied causality”, the authors reiterate that the “ongoing and intermittent”, continuous and cyclical nature of domestic violence creates a “constellation of symptoms frequently exhibited by victims”<sup>112</sup>. Battered women have thus described to suffer from an “impaired mental capacity”<sup>113</sup>. It is pertinent to note that DSM V has made several updates to the manual in relation with repeated sexual assault under the PTSD standards, in addition to enshrining certain aspects of BWS as well by including “behavioral symptoms that accompany PTSD... (such) as re-experiencing, avoidance, negative cognitions and mood, and arousal” and most importantly includes a “fight response” exhibited by those afflicted as opposed to only a “flight response” previously included under the DSM IV <sup>114</sup>. Redefining the “reasonable”: BWS, the provocation exception and right of private defence:

## **PROVOCATION:**

Section 300 of the Indian Penal Code under Exception 1, lays out the requisites for a defence of “grave and sudden provocation”, under which “....if the offender whilst deprived of the power of self-control by grave and sudden provocation, causes death...”<sup>115</sup>, then such an instance would serve as a mitigating factor for an offence of murder. In order to construe the

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<sup>109</sup> *Id.* at 644.

<sup>110</sup> Amy Kaiser et al., *What the Courts Need to Know about Mental Health Diagnoses of Abused Women*, 19 MED. & L. 737 (2000).

<sup>111</sup> AMERICAN PSYCHIATRIC ASSOCIATION, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (5<sup>th</sup> ed. 2013).

<sup>112</sup> Amy Kaiser et al., *What the Courts Need to Know about Mental Health Diagnoses of Abused Women*, 19 MED. & L. 737, 743-745 (2000).

<sup>113</sup> Jimmie E. Tinsley, *Criminal Law: The Battered Woman Defense*, 34 AM. JUR. PROOF OF FACTS (1983).

<sup>114</sup> *Supra* note 15.

<sup>115</sup> PEN. CODE, § 300, No. 45 of 1860, INDIA CODE.

traditional meaning and operation of the provocation exception, the case of *R. v. Duffy*<sup>116</sup> is relevant, wherein the exception was described as “some act, or series of acts, done by the dead man to the accused which would cause in any reasonable person, and actually causes in the accused, a sudden and temporary loss of self-control, rendering the accused so subject to passion as to make him or her for the moment not master of his [or her] mind.”<sup>117</sup>. The quintessential concept of “reasonable man” thus figures in determining acceptance of the provocation defence by courts.

In the infamous case of *Nanavati v. State of Maharashtra*<sup>118</sup> discussed the factors that constitute grave and sudden provocation, namely that the act resulting in the death must be “an act of passion and not occur after a lapse of time”. At the face of it, such definition of the provocation exception seems inapplicable to deaths as a result of BWS. However, courts have admitted, to an extent, the need for a subjective outlook within the provocation exception under Exception 1 of Section 300, most particularly in the case of *Budhi Singh v. State of HP*<sup>119</sup>, wherein the Supreme Court categorically stated that “the doctrine of grave and sudden provocation is incapable of rigid construction leading to any principle of universal application”. Courts have indeed adopted an attitude of subjective analysis in cases of murder upon anger and jealousy, for instance in cases such as that of *Gnanagunaseeli v. State*<sup>120</sup>, wherein a woman, constantly berated and insulted by her husband, and who had murdered her husband upon catching him with another woman, was allowed the “partial defence of ‘grave’ and ‘sudden’ provocation” and subsequently having scaled down the offence from that of murder to culpable homicide not amounting to murder. Similarly, courts have also acknowledged the nuances of the human mind in light of provocation and forwarded the concept of “sustained provocation”, under which a wider ambit is laid out. This widening of the provocation exception has occurred in manner of *ejusdem generis* to the pre-existing exceptions under Exception 1 of Section 300 in a number of cases including *Boya Munigadu v. Queen*<sup>121</sup>, *Murugian, In re.*,<sup>122</sup> *Chervirala Narayan In re*<sup>123</sup>, mirroring the English understanding of cumulative provocation in the landmark case of *R. v. Davies*, as sustained

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<sup>116</sup> *R. v. Duffy*, (1949) 1 All ER 932, 935.

<sup>117</sup> *Id.*

<sup>118</sup> *Nanavati v. State of Maharashtra*, 1962 AIR 605.

<sup>119</sup> *Budhi Singh v. State of HP*, (2012) 13 SCC 663.

<sup>120</sup> *Gnanagunaseeli v. State*, 1995 (II) CTC 610.

<sup>121</sup> *Boya Munigadu v. Queen*, ILR 3 Mad 33.

<sup>122</sup> *In Re: Murugian Alias Murugesan vs Unknown*, (1957) 2 MLJ 9.

<sup>123</sup> *In Re: Chervirala Narayan vs Unknown*, (1957) SCC OnLine AP 242.

provocation in India, since, simply put, “a series of acts over a period of time could also cause grave and sudden provocation”<sup>124</sup>.

Ultimately, it was the case of *Suyambukkani v. State of Tamil Nadu* that laid down in clarity, the meaning, ambit and scope of application of sustained provocation. In this case, the court laid down the “cardinal difference” between sustained provocation and provocation otherwise provided under Exception 1 to Section 300 and stated that a series of seemingly less grave, insignificant acts that occur over a period of time have the potential and the ability to vest as a violent act, with the last of the series of acts serving as “the last straw”. Such an observation is invaluable to the scholarship surrounding BWS since it recognises that prolonged physical violence and mental insult, beratement and abuse can result in a provoked act of violence resulting in death. In fact the court’s comments in *Suyambukkani* gain heightened importance in light of Dr. Walker’s study of BWS wherein the series of acts not in the least “insignificant” but are very significantly violent in nature and can reveal themselves in both physical and psychological long-term effects in battered women as discussed above in this paper. However, despite having been introduced in India prior, the sustained concept finds a much more frequent and wider application in the United Kingdom (known as “cumulative provocation”) and Australia<sup>125</sup>.

## **PRIVATE DEFENCE**

The general exception of private defence has been enshrined in Section 96-106 of the Indian Penal Code, whereby the right of private defence is said to extend to “causing of death” as well<sup>126</sup>. The requisite conditions under Section 100 are such that “a reasonable apprehension of danger” must exist in order to justify an act resulting in death. More importantly, the act of private defence is justified so long as the “reasonable apprehension of danger persists”<sup>127</sup> thereby jeopardising the application of such right to cases of BWS. Further, as has been held in case of *Yogendra Morarji v. State of Gujarat*<sup>128</sup>, private defence can be resorted to when there seems to exist no other “safe or reasonable mode of escape by retreat for the person confronted with an impending peril to life or grave bodily harm except by inflicting death on

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<sup>124</sup> *R. v. Davies*, 1975 QB 691.

<sup>125</sup> *Supra* note 1.

<sup>126</sup> PEN. CODE, § 100, No. 45 of 1860, INDIA CODE.

<sup>127</sup> *Vishwanath v. State of Uttar Pradesh*, 1960 SCR (1) 646, 649.

<sup>128</sup> *Yogendra Morarji v. State of Gujarat*, (1980) 2 SCC 218, 226.

the assailant”<sup>129</sup>.

The cases of *R. v. Ahluwalia*<sup>130</sup> and *R. v. Thornton*<sup>131</sup> are valuable in discussing the need to incorporate a wider understanding of “apprehension of danger” in applying in private defence provisions. In *Ahluwalia*, the abusive partner was asleep when the battered woman, Kiranjit Ahluwalia, set her husband’s room on fire by pouring petrol and lighting a candle.<sup>132</sup> In *Thornton*, the abusive partner had been tied up and stabbed by a freshly sharpened knife, yet, English courts have accepted the provision of self-defence offering valuable precedent to courts across the world. The following aspects of the abovementioned cases shall outline justifications of applying and accepting pleas of self-defence in cases of BWS deaths. Firstly, the battered women were under constant fear and apprehension of danger, due to the prolonged and cyclical nature of domestic abuse. Secondly, the apprehension was reasonable owing to a variety of repeated physically abusive and gruesome acts, including scarring the face of the battered woman with a hot iron, dropping heavy utensils and articles on their bodies, and marital rape among others. Thirdly, the danger as well as the apprehension of danger by the battered women was continuous in nature; extending to perpetual in nature as well since the battered women had already found themselves in and suffered through multiple cycles of violence. Further, the danger and apprehension of such danger by the battered women also is of “renewed violence” wherein the battered women are faced with danger to physical self on a renewing and repetitive basis. These above factors clarify that the right of private defence is one such defence for women with BWS since it is best suited to be widened in order to adequately consider the exceptional circumstances in BWS cases.

An analysis of the Indian understanding of self defence<sup>133</sup> is that only when deemed “immediate”, acts of self defence have been validated. Similar to discussions around provocation, in light of Dr. Walker’s theoretical framework surrounding BWS - the cycle of violence and learned helplessness, BWS presents a scenario wherein self-defence provisions would be deemed *prima facie* inapplicable. The cycle of violence discussed in this paper by itself dismantles the need for immediacy as setup by Indian courts since battered women are

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<sup>129</sup> *Id.*

<sup>130</sup> *R. v. Ahluwalia*, (1993) 96 Cr App R 133.

<sup>131</sup> *R. v. Thornton*, (1993) 96 Cr. A R. 112.

<sup>132</sup> Julie Bindel, ‘I wanted him to stop hurting me’, THE GUARDIAN (Apr. 4, 2007), <https://www.theguardian.com/world/2007/apr/04/gender.ukcrime>.

<sup>133</sup> Aishwarya Deb, Battered Woman Syndrome: Prospect Of Situating It Within Criminal Law In India (May 30, 2018) (unpublished L.L.M. dissertation, NALSAR University of Law) (on file with author).



observed to commit violent acts resulting in death only at non-confrontational periods of the cycle, as opposed to the provision under the Indian scheme of private defence wherein a “reasonable apprehension of danger” that is immediate in nature is a requisite. It would be an obvious assertion that although BWS does not seem to fit within the legal framework of private defence, battered women act in furtherance of the need for self-preservation as well as the fear of danger to her children, in an abusive home.

Instances of gendering of criminal law concepts finds no dearth in the Indian criminal law system, including the “reasonable man” principle which conceptualises a test for provocation and/or private defence is one that fails to account for subjective and unique experiences of women, let alone battered women.<sup>134</sup> Although not an issue unique to the Indian context, courts have acknowledged the need to account for gender differences in analysing, subjectively, whether there has been provocation according to the “reasonable man” principle. In the case of *Director of Public Prosecutions v. Camplin*,<sup>135</sup> The English Court of Appeals, as well as the House of Lords observed that gender as part of the “reasonable man” standard is to be construed as an “abstract notion”, thereby sparking a change, in that, “reasonable man” came to increasingly consider a female perpetrator as part of a newer, “reasonable woman” standard.<sup>136</sup> However, this is not to assert that such a standard would then automatically consider the exceptional circumstances of that of BWS cases<sup>137</sup> since the “reasonableness” of a battered woman’s actions are to be, ideally, judged within a narrower context of the pattern of violence exerted by their abusive partner.<sup>138</sup>

## **RECOMMENDATIONS AND CONCLUSION**

It thus becomes clear that cases involving the Battered Woman Syndrome are those that are characterized by pronounced and exceptional circumstances that not only differ across households but also across victims and abusers, their intentions and nature of actions. This paper therefore *recommends the following* in light of the research and analysis undertaken.

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<sup>134</sup> R.V. Kelkar, *Provocation as a defence in the Indian Penal Code*, 5 J. OF THE INDIAN L. INST. 319, 329 (1963).

<sup>135</sup> *Director of Public Prosecutions v. Camplin*, 1978 AC 705.

<sup>136</sup> J. Smith, *Commentary on R. v. Thornton*, CRIM. L. REV. 54, 55 (1992).

<sup>137</sup> ALISON YOUNG, FEMINITY AS MARGINALIA: TWO CASES OF CONJUGAL HOMICIDE, in CRIMINAL LEGAL DOCTRINE (P. Rush et al. eds., 1997).

<sup>138</sup> Lee Leonard, *Celeste Commutes Sentences of 25 ‘Battered’ Women*, UPI (Dec. 21, 1990), <http://www.upi.com/Archives/1990/12/21/Celeste-commutes-sentences-of-25-battered-women/3383661755600>.

*Firstly*, Section 300 of the Indian Penal Code with Exception 1, encapsulating the grave and sudden provocation defence may be amended to be inclusive of the following factors:

1. Long-term physical abuse
2. Long-term psychological abuse
3. Cyclical physical and psychological abuse (as opposed to merely continuous)

The amended provision may henceforth convey the words of Exception 1, followed by: “For purposes of Exception 1, a ‘period of provocation’ may constitute the entire period of abuse where there is long-term physical abuse and long-term psychological abuse suffered by the accused.” The purpose behind recommending such an amendment is to enshrine the concept of “sustained provocation” in the statutory framework, having already been applied and adapted by courts as discussed in this paper.

*Secondly*, similar to the UK model, to further strengthen the use of the provocation exception, it is recommended that the Indian statutory framework adopt an amendment in furtherance of enshrining those instances that, when occurred, would constitute justified usage of the provocation exception. The UK model identified through the Coroners and Justice Act of 2009<sup>139</sup> that there exist certain “triggers” that provoke victims of abuse. The Indian scenario could hence incorporate “qualifying triggers/ exceptional circumstances/ mitigating factors” as part of the Exception 1 to Section 300 to include a “fear of violence” as a trigger or provocation. It is opined that “fear of violence” is wide enough in meaning to be applied to the cycle of violence that exists in cases of BWS.

*Thirdly*, it is recommended that Section 100 of the Indian Penal Code be amended to include the following factors:

1. Recurrent and cyclical nature of acts causing reasonable apprehension of danger to life and personal property.
2. Proportionality must be construed in light of the repeated and cyclically occurring acts causing reasonable apprehension of danger to life and personal property and not in isolation of the latest act that is usually understood to have provoked the offence.

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<sup>139</sup> Coroners and Justice Act 2009, c. 25 (Eng.), <https://www.legislation.gov.uk/ukpga/2009/25/section/55>.

The amended provision may henceforth read as additions to the six pre-existing clauses under Section 100 : “(Seventhly) – An assault with an intention to end the recurrent and cyclical occurrence of acts causing apprehension of danger to life and personal property may be deemed ‘reasonable’, (Eighthly) – An assault in furtherance of that described in (7) must be proportional to the recurrent and cyclical occurrence of acts causing apprehension of danger to life and personal property so deemed reasonable”.

*Lastly*, the author also wishes to recommend a three-pronged test, in light of Dr. Walker’s scholarship on BWS, to determine the true incidence of BWS for courts to consider in adjudicating cases where BWS has been alleged. Firstly, the *length of the abuse* must serve as a primary factor. Although deciding from a third-person perspective, that abuse has occurred long enough, would be difficult, empirical evidence involving cases of BWS can be sourced to arrive at an average time period deemed either necessary or upto the discretion of the court to consider a valid plea of BWS. Secondly, the severity of abuse, must serve as a factor, wherein acts that are minor in nature, are to be distinguished by severe acts of violence. It is necessary that a “reasonable woman” standard is adopted in this stage of adapting BWS as a legal defence. Thirdly and lastly, the opportunities to flee must be analysed in light of the special context of the alleged battered woman wherein the opportunities can be considered to include, for instance the adequate setup of women’s shelter providing mental and physical rehabilitation and separate wings part of the local police force that tends to domestic violence complaints i.e., facilities that could adequately protect the alleged battered woman.

To summarise, the present paper has traced the background of the Battered Woman Syndrome and its reception in Indian courts, examining the mental health aspect of the syndrome and its likeliness to PTSD, the exceptional factors that heighten and distinguish BWS from that of one-off instances of domestic violence, in addition to assessing the adequacy of provisions of the IPC such as provocation and private defence in bringing cases of BWS within the exceptions. The paper has also attempted to offer recommendations in the form of amendments to the IPC to enshrine the nuances of BWS discussed in the paper, as well as offer an approach for courts to adopt in deciding whether or not to accept pleas of Battered Woman Syndrome.

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