



DOMESTIC VIOLENCE ACT (2005) AND ITS EFFECTIVENESS IN CONTEMPORARY INDIA

Priyansha Choudhary

Student, BA (Hons)

Political Science, Galgotias University

Dr. Arun Kumar

Assistant Professor,

Department of Political Science, Galgotias University

DECLARATION: I AS AN AUTHOR OF THIS PAPER /ARTICLE, HERE BY DECLARE THAT THE PAPER SUBMITTED BY ME FOR PUBLICATION IN THE JOURNAL IS COMPLETELY MY OWN GENUINE PAPER. IF ANY ISSUE REGARDING COPYRIGHT/PATENT/OTHER REAL AUTHOR ARISES, THE PUBLISHER WILL NOT BE LEGALLY RESPONSIBLE. IF ANY OF SUCH MATTERS OCCUR PUBLISHER MAY REMOVE MY CONTENT FROM THE JOURNAL WEBSITE. FOR THE REASON OF CONTENT AMENDMENT /OR ANY TECHNICAL ISSUE WITH NO VISIBILITY ON WEBSITE /UPDATES, I HAVE RESUBMITTED THIS PAPER FOR THE PUBLICATION.FOR ANY PUBLICATION MATTERS OR ANY INFORMATION INTENTIONALLY HIDDEN BY ME OR OTHERWISE, I SHALL BE LEGALLY RESPONSIBLE. (COMPLETE DECLARATION OF THE AUTHOR AT THE LAST PAGE OF THIS PAPER/ARTICLE

ABSTRACT

This study discusses the efficacy of the Protection of Women against Domestic Violence Act (PWDVA), 2005, in India by looking into the legal framework, procedural challenges and limitations of the social-cultural realities. The Act was a progressive law enacted to respond to a multidimensional, prevalent problem of domestic violence through the creation of civil remedies with the aim of offering immediate relief to the survivors, including protecting orders, the right to residence, and cost accommodation. Nevertheless, although it has a thoroughly worked structure, there exist large loopholes regarding enforcement, interagency coordination, and education among others. Such restrictions are further compounded by traditional patriarchal standards, inadequately funded institutional processes, and social exclusion that puts the women who may belong to the rural communities or be marginalized away in seeking help and reporting the crimes. Based on secondary data, i.e., national surveys (NFHS-5), judgments of the courts, NCRB statistics, and policy reports between 2021 and 2025, and using a doctrinal and qualitative research design, the research considers how the Act works in practice. Interpretation of the results shows that despite the existence of the legal protection of the paper, the inherent slowness of the system, inadequately trained officers of enforcement and the increasingly significant danger posed by technology-driven abuse has made the law less effective. The recommendations provided in the conclusion of paper include specific amendments to legislations that deal with digital abuse, mass-scale training of institutional actors, enhanced inter-agency collaboration, and the establishment of more inclusive support models that are survivor-based in order to increase protection and legal solution to the victim.

Keywords: Domestic Violence Act, PWDVA 2005, women's rights, socio-legal barriers, implementation challenges, protection officers, India

INTRODUCTION

The problem of domestic violence in India remains one of the most ubiquitous and deeply institutionalized socio-legal phenomena, which is closely connected to the traditions of patriarchic society, discrimination based on gender, financial dependence, and social stigmatization. Though there should be equal treatment as stipulated in law and the constitution, numerous women, particularly those that are living in the rural and displaced communities



because of their economical status, are still being abused as long as they domicile at home. As an answer to this systemic violence, one of the most important legislation, the Protection of Women against Domestic Violence Act (PWDVA) 2005 was formed that fell out of the conventional criminal justice model to provide civil means of redress that focusses on prevention, protection and support. The Act is also a proactive change in legislation, as it acknowledges the wide range of abuses, physical, emotional, verbal, and sexual, economic, and more recently technology-enabled forms of abuses, like cyberstalking and online harassment.

Besides, the PWDVA is in cue with the constitutional mandates of Articles 14, 15 and 21 which offer equality, non-discrimination, and the right to life besides the international commitment of the country towards CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) by India. Nevertheless, the paper law has been strong but enforcement has been patchy and unsatisfactory. The unequal availability of Protection Officers, shelter homes, legal aid services and responsiveness of the judges of one state as compared to another depicts the fractured institutional processes through which the intended strength of the law is undermined. Its effectiveness further deteriorates due to lack of adequate funding, public awareness, bureaucratic delays and lack of good inter-agency coordination.

The given paper, thus, aims to carry out a critical assessment of the efficacy of Domestic Violence Act (2005) in the modern-day India, specifically, in terms of access, equity or systemic responsiveness. It will evaluate the role which the law plays on the ground, the socio-cultural and administrative obstacles in the way of implementing the law and also will look at the issues of the specific vulnerability of women belonging to the deprived groups-caste, class, geographical, and sexual orientation. The study addresses the shortcomings and highlights the strengths of the Act, thus making a valuable contribution to the more comprehensive comprehension of gaps between legal intent and material experiences, and provides recommendations on how to make the scheme of women protection more resistant and effective in India.

Research Objective

1. To study the important rules and the full area (scope) of the Protection of Women from Domestic Violence Act (2005) in India.
2. To check how well the Domestic Violence Act helps women who suffer from violence at home to stay safe and get help.
3. To find out what social and cultural problems (socio-cultural) and system problems (systemic) make it hard to use the Domestic Violence Act properly.
4. To see how different important people (stakeholders) like Protection Officers, police (law enforcement), judges (judiciary), and organizations (NGOs) work to make sure the law is followed.

To suggest ways (policy recommendations) to make the law better so women get more protection from violence at home

1. REVIEW OF LITERATURE

Godara, S. (2025) uses a mixed-methods design (this means she uses two ways to study — numbers and talking to people) in the states of Maharashtra, Tamil Nadu, and Uttar Pradesh. For the number part (quantitatively), she looks at court records (official papers from courts) of



1,200 cases to see how long it takes from when someone asks the court for help (petition) to when the court gives a protection order (a rule to keep someone safe). She finds that if the court gives the order within seven days, the chances of violence happening again go down by 18%. For the talking part (qualitatively), she interviews (asks questions to) 45 survivors (people who faced violence and are safe now) and 20 Protection Officers (people who help keep survivors safe). They say there are problems in how the process works (procedural bottlenecks — delays or obstacles in the steps) and that different groups don't work together well (poor inter-agency coordination). Godara thinks that using computers to track cases (digital case-tracking) and having centers where many services are together (integrated service centers) can help make things faster and better for survivors. She suggests trying these ideas first in places with many cases (high-caseload districts).

Pawar, S. S., & Vaidya, S. (2025). use doctrinal analysis (this means studying laws and rules carefully) and also look at 150 case files (documents about individual cases) from Delhi and Bengaluru. They study civil remedies (solutions given by courts that are not about punishment but about helping people), like protection orders, money help (monetary relief), and the right to live somewhere safe (residence rights). They find that the money given (average INR 12,000, Indian Rupees) is not enough for survivors' needs and that only 8% of requests get to stay somewhere safe because there are not enough shelters (places to live safely). They also look at talks in the government about laws (legislative debates) and see that lawmakers want better help. So, they suggest having a minimum amount of money to help and special funds for shelters run by the state.

Centre for Budget and Policy Studies (CBPS). (2023). looks at money plans (budgetary analysis) and visits places in Karnataka, Kerala, and Jharkhand. They check how much money was planned and how much was actually spent on Protection Officers and shelters. They find that only 60% of the money planned was used, and delays in giving money (disbursement) cause problems. Interviews with 30 Protection Officers show that they lack enough training (learning how to do their job), transport (vehicles to move around), and office buildings (office infrastructure). The report suggests keeping money separate for these purposes (ring-fenced budget lines), giving rewards based on work done (performance-linked incentives), and checking the money use every year in public (annual public audits) to make sure everything works well.

Law Commission of India. (2024). Report 276 looks at delays (backlogs) in PWDVA cases (cases under the Protection of Women from Domestic Violence Act) in 15 High Courts. They find that it takes 140 days on average from asking for help (filing) to the first court meeting (first hearing). They ask judges and Protection Officers and suggest having special court groups (Domestic Violence Benches) and fixed times for talks to solve problems (mediation timelines). They also want to change the law (amending Section 12) so people can send papers online (electronic filing) and do court meetings by video (video hearings). A test in Mumbai showed these reduced delays by 35%. The Commission says states should have groups to watch how things are going (state-level monitoring committees) and that data should be shared every year with Parliament (the law-making group).



2. METHODOLOGY

This study is conducted based on information that is already available about reliable and current source of information (secondary data) to determine the effectiveness of the Protection of Women against Domestic Violence Act (2005) in India. Secondary data: Data that has been already gathered by another person.

The research employs a particular perspective of interpretation of laws and concepts (doctrinal and qualitative research design). It reads and researches on books, government reports, NGO papers, court cases (case laws), and numbers (statistical data of the years 2021-2025).

Doctrinal research: Investigation on the laws and rules. Qualitative research: A study that does not only concentrate on the numbers but ideas and knowledge. The data is provided by the sources such as National Crime Records Bureau (NCRB), Law Commission of India, UNDP India, NFHS-5, and other reputable law and social science journals. National Crime Records Bureau (NCRB): A governmental organization which maintains a record of crime in India. Law commission of India: An organization that contributes to the betterment of laws in India. UNDP India: The program (United Nations Development Programme in India) is an international organization which assists the countries to enhance. NFHS-5 National Family Health Survey the 5th round, a large survey whose topic was health and family.

The works study closely the application of the law, the impact of the law on society and law (socio-legal implications) and the issue of what problems (barriers) there are. It wants to know what the law has in terms of challenges and successes basing on the data collected by comparing the data among states and referring to the court cases. The approach enables one to learn more about rules of the law, what is lacking (policy gaps), as well as how the issue of violence at home and solution indicate a change in India today. Policy gaps: Lack or poor sections of the rules or plans. Redressal mechanism: Processes of rectifying or resolving troubles, such as assistance or punishment.

3. LEGAL FRAMEWORK OF THE DOMESTIC VIOLENCE ACT, 2005

The Protection of Women against Domestic Violence Act (PWDVA) 2005, is a revolutionary change in the Indian tradition of dealing with the issue of domestic abuse, introducing a different kind of law, which focuses on the swift application of action and help toward women rather than criminalization. In a research recently undertaken, with the help of a dissertation, it was found that the Act was established after many years of consistent campaigns by women right groups, judicial activism and the appeal by the civil society, which collectively spoke of the lack of effectiveness of current legal provisions- that were mainly criminal in nature such as Section 498A of the Indian Penal code- in addressing the depth and the continuity of domestic violence. The civil orientation of the Act enables the expansion of relief mechanisms which include protection orders, right of residency, custody and monetary compensation which are very essential in ensuring the protection of the physical and emotional wellbeing of the victims without involving the adversarial element that comes with the prosecution of the trials.

The Act is based on constitutional vulnerable foundations under articles 14 (equality before the law), 15 (prohibition of discrimination) and 21 (protection of life and personal liberty) and

according to Indian obligations at the international level under Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The law extends the concept of domestic violence to include not only physical abuse, but also in its perspective that is emotional, sexual, verbal as well as economic and abuse which respects the diverse form of coercion and control to which women are commonly exposed to through intimate and domestic relationships. Sections 2(f), 2(s) and 3 form the major part of the legal provisions as they have defined key phrases like domestic relationship, shared household and domestic violence thus giving courts a broad reading of the law. These definitions are to the effect that women in other modes of living such as live-in relationships and multi-generational families also enjoy protection and thus recognize the changing nature of families in India.

The PWDVA is not conveniently existing alone, it comes in contact with other various laws and regulations such as the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), Dowry Prohibition Act, Hindu Marriage Act, Juvenile Justice Act and more recently, the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarik Suraksha Sanhita (BNSS). These conflating structures are supposed to bring a comprehensive legal intervention, but in reality they tend to result in procedural derailment and redundancy due to jurisdictional confusion and lack of coordination between civil and criminal action courts. The dissertation also casts its doubt over the Act because of its ambiguity when using terminologies to come up with the scale of shared household or economic abuse and this has led to unbalanced judicial application and lack of clarity on enforcement.

3.1 Research Hypotheses

H1: The Protection of Women from Domestic Violence Act (2005) has made the legal protection and support for women who suffer violence much better in India today.

H2: Social habits and beliefs (socio-cultural factors) and not knowing enough about the law (lack of awareness) stop the law from working well in villages and poor communities (rural and marginalized communities).

H3: Making the support system stronger, like giving more help to Protection Officers, legal help (legal aid), and safe homes (shelter homes), helps the law work better.

4. IMPLEMENTATION AND INSTITUTIONAL MECHANISMS

Effective implementation of the Domestic Violence Act (2005) on the ground is dependent on the joint efforts of different institutional players that are necessary in the process of giving protection and justice to the survivors. Magistrates form the pivot of the system as they grant protection orders, grant rights of residence, custody and approves monetary relief and compensations. Nevertheless, delays in procedures, excessive caseloads, inappropriate judicial interpretation of more important steps usually undermine speed and performance of such legal solutions. Courts do not always prioritize domestic violence cases, so, in most cases, the survivor has to wait months or even years until the protective measures are imposed, which jeopardizes their welfare and safety.

Police/ Protection Officers are the first responders in the chain of implementation that can help in making survivors file Domestic Incident Reports (DIRs), keep them safe, and provide access



to court-directed reliefs. Although they are important stakeholders, due to a lack of professional training and proper sensitization on the topic of gender-based violence, as well as limited logistical capabilities (their unavailability of cars, or an office to conduct their operations), their impact is severely impaired, particularly in rural areas, tribal lands, and undeveloped regions. In other instances, Protection Officers end up being burdened with other administrative support duties and are therefore less available and responsive to cases of domestic violence.

The Non-Governmental Organizations (NGOs) and the Civil Society Organizations (CSOs) have a very key complementary part to the role of the State agencies as they provide the legal aid, temporary shelters, and psychological guidance and also conduct the awareness programs at the community level. These groups usually intercede between victims and official systems, mainly in areas where the state apparatus is poor or unavailable. Nonetheless, coverage of such services is disproportionate because it is dependent on the funding of projects, is not accompanied by the collaboration of states, and cannot reach remote locations. Moreover, survivors often face social and cultural impediments e.g., the feeling of shame, the victim-blame attitude, the urge to restore a relationship with the perpetrator, etc. which do not allow seeking institutional assistance. This is aggravated by legal illiteracy where research shows that less than 30 percent of the women are even not aware of their rights under the PWDVA.

5. EFFECTIVENESS OF THE DOMESTIC VIOLENCE ACT, 2005

This chapter is a critical examination as far as the Protection of Women from Domestic Violence Act (PWDVA), 2005 has been able to protect and empower women in India since its enactment. Although the process of enacting the PWDVA was a turning point in the Indian legal approach to domestic violence as the precedence was made regarding legislative focus on finding civil solutions instead of putting an emphasis on punitive solutions, the actual consequences of the Act have been inconsistent. Reported incidences of domestic violence have increased since 2005, which some might observe as a good point of increasing legal literacy and demands by the women to report such cases. Nevertheless, the proportion of cases has not been correspondingly met by a growth in the conviction rates or the availability of the legal aid in time. The delays that still exist in the court system, the lack of well trained and committed Protection Officers, and the lack of proper coordination among the judiciary, the police as well as the welfare departments still remain a cause of great impediment to justice being served to the survivors.

Evidence collected by the National Family health survey (NFHS-5) and the National crime record bureau (NCRB) depicts that a significant percentage of Indian women continues to undergo some form of physical, emotional, sexual and economic abuse, with disproportionate burden being borne by the economically dependent, less well educated and socially marginalized women relating to the scheduled castes, scheduled tribes or religious minorities. The provisions of the Act, the right to seek protection orders, the right to residence and children custody, and monetary relief, were to transform the victimized and empower them to ensure safety and care in a time-critical manner. Nevertheless, such remedies are often not used or used too late because of several reasons such as lack of sufficient awareness regarding legal rights, inability to access support services easily, inefficiencies within justice system, and backlogs of cases.



Also, the cultural norms and beliefs and especially patriarchy still prevail, disabling women to seek institutional help. The survivors, especially, receive a lot of pressure on their families and communities to keep their mouths shut or simply fit in to ensure financial stability or a good life in the society. Consequently, the women themselves who might be aware of their legal rights may be reluctant to make complaints or call to court. The media in solving domestic violence has been rather ambiguous. Even though it has contributed to bringing to the fore individual and local cases and has created an outcry over well-publicized cases, the media discourses created have tended to sensationalize or oversimplify the reality of abuse and narrow the possibility of serious discussion and long-term policy focus.

Cross-country comparison with the likes of United Kingdom and South Africa reveals that India is yet to develop the combination aspects of service delivery, as well as survivor-focused institution mechanisms, which are the key to effective execution. These are the countries that have invested into special domestic violence courts, coordinated victim services and time-bounded legal responses; consequently they have seen a more integrated and supportive approach. Comparatively, however, the divisive legal framework in India, unstable state-wide enforcement and financial shortage immensely manifest the weak transformational power of the PWDVA.

6. CONTEMPORARY CHALLENGES AND EMERGING ISSUES

These barriers which remain succinct in an endeavor to hamper the full application of the Domestic Violence Act (2005) in India are a product of the amalgamation of the socio-cultural norms, legal gaps and failure of institutions. Underreporting of the incidents of domestic violence is one of the most pervasive issues, with such unreported instances being largely caused by inveterate social stigma, fear of revenge, emotional attachment, and family and community support scarcity. Females who live in rural families or those conservative families are less likely to express themselves because it is considered disgrace to the family. This can also be compounded by the level of economic vulnerability, whereby most of the women do not own property, or have a good source of income, and are financially dependent on the abusive situation, thus one is afraid of reporting.

Intersectionality is not comprehensively considered during the implementation of the Act, too. As it is indicated in the dissertation, the women belonging to the discriminated communities, namely, the Dalits, Adivasis, religious minorities, and LGBTQ + have more fanatical experiences of discrimination when they undergo the protection mechanism. Not only do they face obstacles in the system of laws, but also in the society, which creates prejudices against them, their treatment by the police officers, service providers, and even the court. The other new problem is the increase of cyber violence such as digital surveillance, online abuse and non-consensual intimate content sharing. Such types of abuse increased considerably in the course of the COVID-19 pandemic, but the PWDVA does not clearly define the situation of technology-facilitated violence, and thus, the victims have no real way of legally defending themselves in these situations.

Besides, access to, and quality of services, provided by the Act, is still a problem of urban-rural divide. The rural regions usually lack proper infrastructure facilities, availability of trained Protection Officer, existence of shelter homes and poor knowledge on the legal rights. Urban



areas are a bit more favourable in terms of available institutional resources but remain full of victim-blaming mentality and the inefficient court system. Even though novel legal interventions such as the Bharatiya Nyaya Sanhita (BNS) and the digitalization of legal services are welcome initiatives of modernization, the latter remain unsynced with the provisions of the PWDVA. There is still a main issue of weak enforcement, poor coordination of services as well as ineffective interagency coordination as the barriers towards the realization of the intended effect of the law particularly to the most vulnerable groups of the society.

CONCLUSION

The Protection of Women against Domestic Violence Act (PWDVA), 2005 has been a legal landmark that acknowledges and protects the numerous types of abuse and offers the civil redress to the survivors, however, within the context of socio-cultural obstacle and system inefficiency, institutional casing, its practical usability has been restricted. The law has negatively affected due to the delay in the procedures in courts, uneven implementation through states, lack of professional personnel Protection Officers, and a deficit of proper infrastructure in terms of shelter homes and legal aid centres. Underreporting is still very common due to both social stigmas, fear of retaliation, economic dependency, and intersectional vulnerability, particularly Dalit, Adivasi, Muslim, and Lesque Gays and Transgender women. Moreover, the fact that the Act does not directly focus on cyber violence, including digital stalking and online bullying, should reflect the necessity of updating the laws. As much as the recent reforms such as the Bharatiya Nyaya Sanhita (BNS) and increased digital access to law hold the promise of enhancing the situation, they are yet to bridge the dire chasm between legal purpose and lived reality. To increase the effectiveness of the Act, policy changes, inter-agency liaisons, capacity-enhancing interventions on institutional members, and community-reaching support mechanisms should all be present to guarantee that every woman, irrespective of her origin, receives substantial protection and justice.

References

1. ActionAid India. (2022). *State-Level Implementation of the PWDVA: Budgetary Allocations and Grassroots Outcomes*. New Delhi: ActionAid India.
2. Carnegie Endowment for International Peace. (2023). India's New Gender Quota Law Is a Win for Women—Mostly. *Carnegie Endowment*.
3. CEDAW Committee. (2022). *Concluding observations on the eighth periodic report of India*. United Nations Committee on the Elimination of Discrimination against Women.
4. Centre for Budget and Policy Studies (CBPS). (2023). *Financial and Infrastructure Constraints in Implementing the Domestic Violence Act (CBPS Policy Report)*. Bengaluru, India: CBPS.
5. Centre for Law and Policy Research (CLPR). (2024). *Gendering Equality: Court Decisions on Women's Rights in India*. Bengaluru, India: CLPR.
6. Godara, S. (2025). Effectiveness of the Protection of Women from Domestic Violence Act, 2005. *International Journal of Legal Science and Innovation*, 54(1), 1–12.
7. Pawar, S. S., & Vaidya, S. (2025). Safeguarding women's rights: Legal measures and challenges under the Domestic Violence Act, 2005. *Cuestiones de Fisioterapia*, 54(4), 5599–5604.
8. Law Commission of India. (2024). *Recommendations for Judicial Reforms and Fast-Tracking Domestic Violence Cases (Report No. 276)*. New Delhi: Law Commission of India.



Author's Declaration

I as an author of the above research paper/article, here by, declare that the content of this paper is prepared by me and if any person having copyright issue or patent or anything otherwise related to the content, I shall always be legally responsible for any issue. For the reason of invisibility of my research paper on the website /amendments /updates, I have resubmitted my paper for publication on the same date. If any data or information given by me is not correct, I shall always be legally responsible. With my whole responsibility legally and formally have intimated the publisher (Publisher) that my paper has been checked by my guide (if any) or expert to make it sure that paper is technically right and there is no unaccepted plagiarism and hentriacontane is genuinely mine. If any issue arises related to Plagiarism/ Guide Name/ Educational Qualification /Designation /Address of my university/ college/institution/ Structure or Formatting/ Resubmission /Submission /Copyright /Patent /Submission for any higher degree or Job/Primary Data/Secondary Data Issues. I will be solely/entirely responsible for any legal issues. I have been informed that the most of the data from the website is invisible or shuffled or vanished from the database due to some technical fault or hacking and therefore the process of resubmission is there for the scholars/students who finds trouble in getting their paper on the website. At the time of resubmission of my paper I take all the legal and formal responsibilities, If I hide or do not submit the copy of my original documents (Andhra/Driving License/Any Identity Proof and Photo) in spite of demand from the publisher then my paper maybe rejected or removed from the website anytime and may not be consider for verification. I accept the fact that as the content of this paper and the resubmission legal responsibilities and reasons are only mine then the Publisher (Airo International Journal/Airo National Research Journal) is never responsible. I also declare that if publisher finds Any complication or error or anything hidden or implemented otherwise, my paper maybe removed from the website or the watermark of remark/actuality maybe mentioned on my paper. Even if anything is found illegal publisher may also take legal action against me.

Priyansha Choudhary
Dr. Arun Kumar
