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FROM LEGISLATIVE PROMISE TO GROUND REALITY: A CRITICAL SOCIO-LEGAL STUDY OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

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I. ABSTRACT

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is an important piece of legislation designed to combat the problem of domestic violence prevalent in India owing to its patriarchal social structure. The aim of this paper is to conduct a socio-legal analysis of the PWDVA focusing on its legislative background, constitutional basis, and judicial interpretations over time. It examines how this legislation differs from other existing legislations on the same subject as it does not adopt a criminal but a civil and rights-based approach, and thus, grants immediate remedies like protection order, residence order, and financial compensation. Additionally, this research paper will examine the broad definition of domestic violence as defined under the PWDVA along with judicial decisions made regarding the scope of the legislation like its applicability to shared household, live-in relationships, and inclusion of respondents in certain cases. But the paper emphasizes that although the act has a liberal and supportive legal framework, there exists a gap between what the legislative framework promises and what is happening in reality. Issues like unawareness among women, stigma associated with the issue, institutional inefficiency, judicial delays, and poor enforcement mechanisms have made it difficult for the act to fulfil its goals effectively. In conclusion, it should be noted that although the Protection of Women from Domestic Violence Act (PWDVA) represents a paradigm shift in the recognition and response to domestic violence as a social and legal problem, its impact will depend on narrowing the gap between the law and practice.

II. KEYWORDS

PWDVA, Domestic Violence, Abuse, Shared Household, Laws

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III. INTRODUCTION

The widespread prevalence of domestic violence in the society of India is a result of the well-established patriarchy in the society, which has institutionalized the practice of violence against women. Such practices emerge from the combination of a number of socio-cultural variables in the society, including the rigidly defined role of genders in the society and the differential distribution of power in favour of males. The feminist discourse has long pointed out the mechanism of patriarchy, whereby the domination of males is regarded as natural and that of females as inevitable. In such an ideology, it is justified for men to dominate women and exercise control over their lives with impunity. The passage of the PWDVA Act, 2005² was thus a major landmark in this regard. The PWDVA law is indeed a pioneering one, designed to consciously address and remove the artificial divide created between public and private spaces that has often been challenged by feminist legal scholars as a means used to shield acts of domestic violence from legal intervention.

Before the PWDVA came into force, victims of domestic violence had to depend upon the existing provisions of the Indian Penal Code, which did not recognize domestic violence as a separate and independent crime. Under the Indian Penal Code, legal action could be taken only if the woman was married and subjected to cruelty. Any acts of domestic violence perpetrated against any other member of the family would have to be covered by various other laws.

There were specific difficulties inherent in the existing law which especially confronted vulnerable groups of victims, particularly minor victims and economically dependent women. In cases where married women could have recourse to Section 498A³ of the Indian Penal Code. (Section 85 B.N. S.)⁴, the harsh realities of the litigation process often posed an untenable predicament. The victim was faced with the

² Anamika Das and C M Lakshmana, *The Implementation of Domestic Violence Act in India: A State-Level*

Analysis, Institute for Social and Economic Change, available at <https://www.isec.ac.in/wp-content/uploads/2023/07/WP-499-Anamika-Das-and-C-M-Lakshmana-Final.pdf>, (last visited 2 Mach 2026).

³ The Indian Penal Code, 1860, (Act 45 of 1860), s.498A.

⁴ The Bharatiya Nyaya Sanhita, 2023, (Act No.45 of 2023), s. 85.

impossible decision of either ensuring her own personal safety by vacating her marital home or securing her right to continue residing at her place of residence even at the cost of provoking further violence on her part. This legal quandary was brought about by the fact that the law failed to institute any provisional remedies that would enable the victim to be protected throughout the duration of her case. It should be noted that the absence of legal provisions whereby women would be able to live safely in their homes while pursuing legal action against their abusers constituted an essential void in the administration of justice.

A. Research Problems

Despite being an exemplary and all-encompassing legislation, the Protection of Women from Domestic Violence Act, 2005, suffers from a number of difficulties in its practical application. The most prominent challenge with regard to this legislation pertains to the discrepancy between the law and its implementation. Although the Act offers instantaneous civil protection remedies against various kinds of domestic violence, many women do not have access to these measures owing to some reason.

Secondly, there is a lack of knowledge amongst women regarding their rights as per this legislation, particularly amongst rural and poorer segments. The lack of efficiency in implementing the provisions of this legislation is further aggravated by a lack of proper training and communication problems amongst various institutions associated with this law. Moreover, delays in the judicial process pose yet another hindrance in the effective functioning of this legislation.

Thirdly, owing to social stigma and patriarchal mindset in society, women refrain from seeking legal assistance.

B. Research Questions

1. In what way has the PWDVA, 2005 been successful in dealing with domestic violence in India?
2. In what ways is the civil rights approach taken by the Act different from that taken in criminal laws?
3. How has the judiciary contributed to enlarging the scope of the Act?

4. What are the major challenges that come in its enforcement?
5. How do social and cultural influences impact the application of remedies under the Act?

C. Research Objectives

1. To study the legislative structure and salient features of the PWDVA, 2005.
2. To explore the constitutional and international foundations of the Act.
3. To conduct an analysis of judicial interpretations and its contribution to the broadening of the Act's coverage.
4. To assess the impact and efficacy of the Act.
5. To highlight the obstacles encountered during implementation and make recommendations for future changes.

D. Hypothesis Of the Research

The study is conducted under the assumption that despite the provisions made by the Protection of Women from Domestic Violence Act, 2005, there are considerable problems related to its implementation and effectiveness due to various barriers.

E. Research Methodology

For conducting this research, doctrinal and analytical methodologies have been used. The research will be conducted mainly with the help of secondary data sources like statutes, case laws, journal articles, books, and reports.

A critical examination has been carried out of the provisions of the Protection of Women from Domestic Violence Act, 2005 and some significant judicial pronouncements in order to analyze its interpretation. Additionally, a socio-legal methodology has been adopted to highlight the difficulties in the implementation of the law with the help of some relevant literature and reports.

F. Literature Review

Many researchers have looked into the ambit and success of the PWDVA, 2005 in their respective ways. It is pointed out that the PWDVA, 2005 is an important landmark act that is an improvement on previous legislation since the scope and objective of the legislation have shifted from punishment to protection.

Literature highlights the fact that the definition of domestic violence in the Act is more progressive because along with physical domestic violence, it considers psychological, sexual, and economical abuse of victims as domestic violence. The inclusion of live-in relationship concept and shared household have also made it comprehensive. But there has been a vast amount of literature on the shortcomings faced during the enforcement of the law. Awareness, lack of necessary infrastructure, delays in justice, and social stigma are some problems that have been mentioned as hurdles in implementing the Act effectively.

Literature also refers to problems like work burden on the Protection Officers and lack of shelter homes. Thus, although this legislation is an important step forward, there are still problems being encountered.

IV. LEGISLATIVE EVOLUTION AND DEFINING CHARACTERISTICS

Before the advent of the PWDVA, the legal system had extremely inadequate measures to address instances of domestic violence. A woman could approach civil courts to file for divorce or seek a criminal case be filed against her husband under Section 498A of the I.P.C (Section 85 B.N.S) in both situations the limitation was the lack of immediate measures to protect the victim as well as not addressing the issue of non-marital relationships. The result was that numerous cases of domestic violence went unreported out of compulsion rather than volition. PWDVA was a revolutionary step towards addressing the inadequacies and gaps in the law and provided for the very first time in the history of laws in India a statutory definition of domestic violence.⁵

A. The Constitution and Its Relationship with International Law

The constitutionality of the PWDVA is based on Article 253 of the Indian Constitution, which grants the power to make laws for giving effect to international agreements and conventions entered into by India. The Act serves as an implementation tool for the

⁵ Dafeng Xu, "Understanding Gender and Law: Domestic Violence Act – Legal Reform for Women," Gender Study, available at: <https://gender.study/understanding-gender-and-law/domestic-violence-act-legal-reform-women> (last accessed on 5 March 2026)

CEDAW (CEDAW), especially by adopting the principles contained in General Recommendation No. 19 (1992) concerning violence against women. The Act's modern interpretation of domestic relations, which not only includes marriage but also live-in relationships and other familial relations, is informed by the international legal framework. Furthermore, the Act recognizes the complexity of abuse victims, who may suffer at the hands of female as well as male abusers, highlighting the advanced nature of the Act in handling India's complicated situation of domestic violence.

B. Constitutional Rights Analysis

The act being referred to is an act that was enacted through the Parliament using Article 253⁶ of the Constitution. This particular article gives the power to the Parliament to enact laws following the treaties, conventions, etc. The Domestic Violence Act was enacted in line with the recommendation made by the UN Committee on the CEDAW⁷. It includes all the aspects of the Specific Recommendations, which are part of the General Recommendation No. 19, 1992.⁸

V. THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005: A SOCIO-LEGAL ANALYSIS OF EFFECTIVENESS AND JUDICIAL EVOLUTION

A. The Legislative Intent

The Protection of Women from Domestic Violence Act (PWDVA), 2005, was enacted as a progressive civil law to provide a "remedy in civil law for the protection of women who are victims of violence of any kind occurring within the family." Unlike Section 498A of the IPC, which is punitive, the PWDVA is remedial, focusing on protection, residence, and financial maintenance.

1. Satish Chander Ahuja v. Sneha Ahuja 15 October 2020

⁶ The Constitution of India, art 253.

⁷ Convention on the Elimination of All Forms of Discrimination against Women New York, 1979.

⁸ The General Recommendation No. 19, 1992.

- **Facts:** After marrying, Sneha Ahuja⁹, along with her husband, was residing in a property which was owned by her father-in-law. On account of disputes between the parties, she filed a suit seeking her rights as per the Protection of Women from Domestic Violence Act, 2005. The father-in-law alleged that it was a self-acquired property and sought her eviction from the property.¹⁰ The Trial Court upheld the claim of the father-in-law while the Delhi High Court held the order to be invalid. After an appeal against this decision, the matter reached the Supreme Court.
- **Issues:**
 - Does the Act of 2005 give a woman any right to live in the property of her in-laws?
 - The scope of “Shared Household” under Section 2(s).
 - Whether S.R. Batra v. Taruna Batra¹¹ case was rightly decided?
- **Judgment:** The Supreme Court observed that the concept of ‘shared household’ should be given its widest meaning possible. She can stay in the property even if it belonged to her in-laws provided it was her matrimonial home. The Court also overruled S.R. Batra v. Taruna Batra stating the purpose behind the Act as protection of women from domestic violence.

2. Hiral P. Harsora v. Kusum Narottamdas Harsora

- **Facts:** The complainant Kusum Narottamdas Harsora¹² and her mother Pushpa Narottamdas Harsora filed a complaint against their son/brother Pradeep, along with his wife and two sisters/daughters, under the Protection of Women from Domestic Violence Act, 2005, on allegations of domestic violence.

⁹ Satish Chander Ahuja v. Sneha Ahuja, AIR ONLINE 2020 SC 784.

¹⁰ Sudhir Sitaram Pawar and Sharvari Vaidya, The Protection of Women from Domestic Violence Act, 2005: Evaluating Legal and Social Impact in India, Vol. 14 No.7, Journal of Neonatal Surgery, (2025).

¹¹ S.R. Batra v. Taruna Batra, 2007 (3) SCC 169.

¹² Kusum Narottamdas Harsora vs Mrs. Hiral P. Harsora, 2016(10) ADJ293

In response to this complaint, the respondents made an application for discharge of the female members as they cannot be respondents under Section 2(q) as only “adult male person” can be respondent. The order was rejected by Metropolitan Magistrate, but High Court granted it and discharged female respondents.

Feeling aggrieved with the above decision, they filed an appeal in the Supreme Court as to whether the term “adult male” used in Section 2(q) is constitutional.

- **Issue:**
 - The question here is that whether the term “adult male” is unconstitutional or not.
 - Can there be any complaint against females and non-adult males under this Act?
- **Judgment:** The Supreme Court quashed the phrase “adult male” from Section 2(q)¹³, as it was unconstitutional as per Article 14¹⁴. It was argued by the Court that restricting respondents to adult males alone is discriminatory and does not comply with the objective of the statute. In addition, the Court clarified that deletion of this phrase would not impact the legality of the provision. Therefore, “respondent,” under this section, can be anyone irrespective of their gender or age.

3. Indra Sarma vs. V.K.V. Sarma (2013)

- **Facts:**
 - **The Relationship:** The appellant (Indra Sarma) and the respondent (V.K.V. Sarma¹⁵) were colleagues. They entered into a live-in relationship in 1992 which continued till almost 18 years thereafter within the same household.
 - **Marital Status:** When the relationship was initiated, the appellant was an unmarried lady while the respondent was already married with two children.

¹³ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), sec.2(q).

¹⁴ The Constitution of India, art 14.

¹⁵ Indra Sarma vs. V.K.V. Sarma, (2013) 11 SC CK 0091.

- **Opposition to the relationship:** There was opposition to the relationship from the family of both the appellant and respondent, including the legal wife of the respondent.
- **Cohabitation:** During their stay together, the appellant contended that they cohabited as a husband and wife even resulting in pregnancies (abortions).
- **Conflict:** In 2007, the respondent left the appellant and joined his legal wife and family. Hence, the appellant approached the court for seeking maintenance and protection under Section 12¹⁶ of the DV Act.
- **Procedural History:** Orders granting maintenance had been passed by the Magistrate and Session Courts but were quashed by the High Court as the court held that the relationship does not fall within the ambit of 'domestic relationship'.
- **The Relationship:** The appellant (Indra Sarma) and the respondent (V.K.V. Sarma) were colleagues. In 1992, they began a live-in relationship that lasted for approximately 18 years in a shared household.
- **Marital Status:** At the commencement of the relationship, the appellant was unmarried, while the respondent was already married and had two children. This fact was known to the appellant.
- **Opposition:** The relationship was opposed by the families of both parties, including the respondent's legal wife.
- **Nature of Cohabitation:** During their time together, the appellant alleged that they lived as husband and wife, including instances of pregnancy (which resulted in abortions).
- **The Conflict:** In 2007, the respondent left the appellant and returned to his legal wife and family. The appellant then filed for maintenance and protection under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (DV Act).

¹⁶ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), sec.12.

- **Procedural History:** The Magistrate and the Sessions Court initially granted maintenance. However, the High Court set aside these orders, ruling that the relationship did not qualify as a "domestic relationship" under the law.
- **Issues**
 - Whether a live-in relationship involving an unmarried female and a married male with an ongoing marriage qualifies as a "relationship in the nature of marriage" according to Section 2(f) of the DV Act.
 - Whether the non-maintenance of the appellant by the respondent following the dissolution of such a relationship can be classified as "domestic violence" under Section 3¹⁷ of the DV Act.
 - Whether an individual who opts for a live-in relationship knowing fully well that the person has an ongoing marriage can claim similar rights as a legally married wife.
- **Judgment**
 - **Final Judgment:** The Supreme Court disposed of the appeal, affirming the decision of the High Court. The Court stated that the appellant did not have any right to maintenance under the DV Act.
 - **Elements to Prove "Nature of Marriage":** The Court pointed out that although every marriage is a domestic relationship, not every domestic relationship qualifies as a relationship "in the nature of marriage." In order to fall within the definition, a relationship needs to fulfill the Velusamy Test criteria as follows:
 - Both partners should present themselves before society in a manner suggestive of a marital relationship.
 - They should be competent to marry.
 - They should be legally capable of entering into such a marriage (that is, neither of the two is married).

¹⁷ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), sec.3.

- There should be voluntary living together as man and wife along with presentation as such for a considerable period of time.
- **Concluding Point About Adultery:** As the marriage of the respondent was in existence, there was no competence of marriage between the two. Hence, their relationship qualified as concubinage or mistress position.
- **Protection of the Sacrament of Marriage:** The emphasis was laid by the Court on the unjust treatment of the wife through whom marriage is legalized by providing coverage under the DV Act to such live-in relationships.
- **Advice to the Legislature:** In view of the fact that such exploitation occurs in these "live-in" relationships that fall short of legal marriage, it is the duty of the Legislature to pass laws giving such women some sort of "safety net."

VI. ANALYSIS

There is a definite discrepancy between the interpretation and implementation of the law against domestic violence. Although the law has been interpreted in a liberal and broad way by courts in order to protect the rights of women, its implementation on the ground level is far from being consistent and efficient. Practical impediments such as insufficient awareness, bureaucracy, and societal stigma often obstruct women from fully enjoying their rights under the law.

Therefore, regardless of the positive intentions of judges and courts, legal interpretation fails to produce tangible results for its beneficiaries.

A. Analysis of Key Statutory Provisions

PWDVA is undoubtedly a groundbreaking development from the perspective of jurisprudence in its definition of domestic violence contained in Section 3 of the Act. Such a provision is a paradigm shift for it brings about an extensive interpretation of domestic violence, beyond the traditional concept of violence. Section 3 of the Protection of Women from Domestic Violence Act, 2005 defines domestic violence

broadly across four enumerated forms of abuse under Explanation I: physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse. The section additionally covers conduct related to unlawful dowry demands under Section 3(b) and threatening behaviour toward the aggrieved person or persons related to her under Section 3(c).

The scheme of compensation under the Act also shows a sophisticated approach, building on but significantly broadening the provisions for maintenance contained in Section 144, *Bharatiya Nagarik Suraksha Sanhita, 2023* (formerly Section 125 Cr.P.C., 1973). The statutory requirement that the amount of compensation take into account the victim's usual way of life is an important socio-economic factor.

More progressive still, the provision of emotional and psychological abuse, especially in light of the clause outlawing any form of humiliation based on one's fertility, is indicative of current knowledge regarding gender violence as a phenomenon that includes coercion in non-physical ways. It combats traditional cultural biases while ensuring that there is legal liability for any psychological damage that might be caused. The inclusiveness of such definitions is indicative of the legislature's desire to craft an omnibus solution to the varied forms of domestic oppression.

B. Understanding the Act's Protection Framework

However, the PWDVA is considered a landmark case for redefining domestic violence within the Indian legal system, thanks to the groundbreaking definition of 'domestic violence' given in Section 3.

This legislative milestone brought about an advanced concept of abuse that goes beyond a simplistic definition of domestic violence confined only to instances of physical abuse. The statutory framework under Section 3 recognizes four principal categories of abuse physical, sexual, verbal and emotional and economic while also extending the scope of domestic violence to include dowry-related harassment and threats to the aggrieved person or her relatives through specific operative clauses.

Significant from the perspective of jurisprudence is the inclusion of marital rape as a civil wrong in the Act, which provides an innovative legal recourse despite remaining

excluded from the I.P.C.'s criminal sections. The social consciousness shown by including such sexual misconduct against women within the legal purview of the Act despite cultural considerations is commendable. Similarly, the scheme of compensation prescribed by the Act is a pioneering one that builds on Section 144, Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 125 Cr.P.C., 1973)¹⁸. but goes well beyond it. The requirement that compensation should be proportionate to the standard of living enjoyed by the woman prior to the abuse adds a socio-economic dimension to the process of determining relief.

The fact that the Act includes emotional abuse and psychological injury by proscribing acts of humiliating the other party on the basis of fertility highlights modern perceptions of domestic violence that include non-physical forms of coercive control. This is because this part of the Act not only questions established cultural assumptions about gender roles but also sets out provisions making perpetrators liable for psychological injuries. Additionally, the fact that the Act includes threats made to any person besides the victim in relation to her adds another dimension to the complexity of the law, highlighting its sophisticated understanding of the complex power relationships within the family unit that make domestic violence possible.

C. Constitutional Basis of Gender Protection in Domestic Violence Laws

PWDVA is considered a landmark in the history of constitutional law in India and is carefully drafted with the aim to make functional the fundamental rights provided under Articles 14, 15, and 21¹⁹ of the Constitution. The legislation has been drafted using an intricate combination of both positive and negative rights, making the constitutional promises of rights practical for women in their homes. The rights to life and personal liberty as envisaged in Article 21 and interpreted in the case of Francis Coralie Mullin v. Union Territory Delhi obligates the state to take measures to ensure that any violation of the right to life or bodily harm in the private sphere does not occur.

¹⁸ Code of Criminal Procedure, 1973 (Act 2 of 1973), s. 125.

¹⁹ The Constitution of India, art 14, 15, 21.

The principle of dignity, enshrined in the judgment of Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan to be part of the essence of Article 21, is one that gives insight into the progressive nature of the Act in the recognition of violence that goes beyond physical harm. The fact that sexual abuse and emotional abuse have been included in the legal definition of acts amounting to cruelty is revolutionary, especially since there remains no provision for either in criminal law. Such a development shows the legislative understanding of violation of the concept of dignity via the process of mental torture and sexual intimidation, including that concerning issues of fertility. The right to shelter, as defined under the Constitution in Chameli Singh v. State of Uttar Pradesh²⁰, finds expression in Sections 6 and 17²¹ of the Act.

This classification based on gender stands the constitutional test of strict scrutiny under Articles 14 and 15 due to the presence of a robust normative construct. The Act adheres to the principles of intelligible differentia and rational nexus because the classification is made in light of well-substantiated instances of gender-based violence. Cases like E.P. Royappa v. State of Tamil Nadu²² have laid down judicial precedence which supports the legitimacy of reasonable classifications under the equality clause in order to secure substantive equality. Under Article 15(3), there exists explicit constitutional sanction in support of special provisions for women. In doing so, the Act emerges as a constitutional measure, backed by empirical evidence, aimed at converting the rights guaranteed in the Constitution from abstract promises to tangible protections against the tyrants of domesticity.

D. How Domestic Violence Is Defined Under the PWDVA, 2005

The PWDVA sets out an intricate legal definition of domestic violence that goes beyond traditional interpretations of violence within personal relationships. Section 3 of the Act provides for a complex definition involving both positive actions and deliberate neglect that fosters a sense of coercive power. The legal definition acknowledges domestic violence as a repetitive act, and the conduct must be

²⁰ Chameli Singh and Ors. Vs. State of U.P, AIR1996SC1051.

²¹ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), ss 6 and 17.

²² E.P. Royappa v. State of Tamil Nadu, 1974 AIR 555.

continuous in nature, which continuously violates the freedom and well-being of the victim. It involves more than just violent attacks on the victim but psychological subjugation as well, leading to deterioration of the victim's standard of living, despite each individual action not being a crime.

E. Legislative Intent and Protective Framework

The enactment of the Act came as an answer to several key inadequacies in India's legal framework regarding the complicated issue of gender-based violence in the private space. Some of the main goals of the Act can be summarized as follows:

1. Providing a solution for abusive acts that take place in various family-like arrangements aside from marriage;
2. Instituting protective measures right away without the need for the woman to file for divorce or criminal charges; and
3. Offering economic and housing protections because of the intersectionality of vulnerabilities suffered by women.

F. Forms of abuse under the Domestic Violence Act

The Gujrat H.C. in a recent case of *Bhartiben Bipinbhai Tamboli vs. State of Gujarat*²³ and Ors. 2018 SCC Online Guj 9, elaborated on the types of abuse or domestic violence under the Act. The same is enumerated below:

1. **Physical Abuse:** Physical abuse is the use of physical force against a woman in a way that causes her bodily injury or hurt. Physical assault, criminal intimidation and criminal force are also forms of physical abuse like beating, kicking, and punching, throwing objects, damaging property, punched walls, kicked doors, abandoning her in a dangerous or unfamiliar place, using weapon to threaten or to hurt her, forcing her to leave the matrimonial home, hurting her children, using physical force in sexual situations.
2. **Sexual Abuse:** This is also a form of physical abuse. Any situation in which a woman is forced to participate in unwanted safe or degrading sexual

²³ *Bhartiben Bipinbhai Tamboli vs. State of Gujarat*, 2018 SCC ONLINE GUJ 9.

activity, calling her sexual names, hurting a woman with objects and weapons during sex is sexual abuse.

3. **Verbal and Emotional Abuse:** Many women suffer from emotional abuse, which is no less destructive. Unfortunately, emotional abuse is often minimized or overlooked- even by the woman being abused. Emotional abuse includes verbal abuse such as yelling, name-calling, blaming and shaming. Isolation, intimidation and controlling behavior also fall under emotional abuse.
4. **Economic Abuse:** Economic abuse is not a very recognized form of abuse among the women, but it is very detrimental. It mainly includes a woman not been provided with enough money by her partner to maintain herself and her children, which may comprise money for food, clothing, medicines etc. and not allowing a woman to take up an employment. Forcing her out of the house where she lives and not providing her rent, in case of a rented share hold also amounts to abuse. Depriving her of all or any economic or financial resources to which the person is entitled under the law or custom, restricting the woman's access to the shared household. Disposing or alienating the assets of the women whether movable or immovable, valuables, shares, securities, bonds and like other property in which she may have an interest. However, seeking maintenance to unjustly enrich one and that too without providing the alleged act of domestic violence is a gross abuse of the process of law.

VII. DEFENSIVE LIMITATIONS AND JUDICIAL SAFEGUARDS

The Act incorporates a reasonableness exception excluding actions taken in self-defense or property protection.

A. Child Custody Arrangements Under Section 21

Temporary custody orders prioritize the child's welfare through a presumption favouring the aggrieved parent, subject to judicial assessment of the respondent's

visitation rights.²⁴ The magistrate retains authority to restrict or supervise parental access when evidence suggests potential harm to the child's physical or psychological well-being. This child-centric approach balances parental rights with protective necessities, often incorporating expert assessments to determine suitable arrangements. But judicial interpretation has put up strict standards regarding the evidence that can be offered under this defense, in a manner that shows that there is an imminent threat, as well as a proportional response.

B. Compensation for Non-Material Harm Under Section 22

The magistrate can order the respondent under Section 22²⁵ of the Act, upon an application made by the aggrieved person, to compensate and pay damages to the aggrieved person for the injuries sustained by the respondent due to domestic violence, whether physical injuries or mental anguish. The copies of the orders that are made by the magistrate will be provided at no charge to the respective parties, the police officer, and the service provider. Any remedy that is available under this Act may also be claimed in any other proceedings before any civil court, family court, or criminal court, and such a remedy may be claimed in addition to and in conjunction with the remedy sought for in the suit or legal proceedings before civil or criminal courts.

VIII. EXECUTION OF ORDERS

Enforcement of court orders made pursuant to the occurs through a specific process intended to facilitate efficient implementation of the order by the magistrate issuing such directives. The magistrate presiding at the enforcement proceedings remains responsible for ensuring that the process continues without interruptions. In cases where the court is granting prohibitory orders, the order will bar the respondents from harassing or intimidating the complainant.

Although there is an extensive legal framework dealing with different types of abuse, enforcement methods, and effective remedies, the success of the Act depends on its execution. The existence of protection officers, agencies, and sanctions represents an

²⁴ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), sec,21.

²⁵ Protection of Women from Domestic Violence Act, 2005 (Act No. 43 of 2005), sec,22.

efficient enforcement system; yet various difficulties prevent this from being achieved. Thus, even though the legal concept seems to be powerful and multi-faceted, there is still room for improvement regarding its implementation.

IX. IMPLEMENTATION CHALLENGES AND GROUND REALITIES

In spite of being progressive and all-encompassing, the Protection of Women from Domestic Violence Act, 2005 is plagued with several obstacles which hamper its proper implementation. Although the Act has succeeded in widening the ambit of protection and offering instant civil remedies, there exists considerable inconsistency as far as enforcement of such legal provisions is concerned in different parts of the country.

The foremost obstacle that stands in the way of successful enforcement of the Act arises on account of inadequate knowledge about the rights under the Act on the part of the women. Several victims are unaware of their rights and remedies including the option of applying for protection order, right of residence, and monetary compensation. Legal ignorance among women, especially those belonging to rural areas or poorer economic classes, only adds to the problem.

Moreover, the function of the Protection Officer, which forms an important part of the enforcement process under the Act, tends to be affected by insufficient training, overload of duties, and lack of institutional support. Many times, Protection Officers are made to take on several tasks without having enough facilities to do so, thereby making it difficult for them to attend to cases of domestic violence in a timely manner.

Yet another issue pertains to judicial delays. While the Act mandates that relief be granted speedily, certain facts on the ground like backlog of cases, procedural delays, and lack of facilities in courts tend to make litigation a lengthy affair.

Moreover, social stigma and family pressures keep on working as major disincentives for women approaching the court of law. Domestic violence continues to be viewed as a purely personal issue and thus goes unreported in most instances. In many cases, the woman is expected to endure her suffering and abuse just so as to maintain family peace and thus perpetuate the violence cycle.

Additionally, the failure to provide proper support services such as shelter homes, health centers and counseling services also acts as a major constraint to the implementation process of this Act. Although the Act has provisions for these institutions, it is not necessarily the case that they have been developed properly. Thus it clearly appears that although the Act makes a great legislative effort in combating domestic violence, a huge difference continues to persist between the two ends of the same process.

X. SUGGESTIONS AND RECOMMENDATIONS

In light of the implementation challenges identified, certain concrete legal and policy measures are necessary to strengthen the effectiveness of the Protection of Women from Domestic Violence Act, 2005

1. There is a pressing need for capacity-building and specialized training of Protection Officers, along with adequate infrastructural and institutional support to enable them to perform their duties efficiently.
2. The digitization of complaint mechanisms, including online filing systems and helpline integration, should be introduced to enhance accessibility and ensure timely intervention.
3. The government must undertake mandatory awareness and legal literacy programs, particularly targeting rural and economically weaker sections, to bridge the knowledge gap regarding rights and remedies under the Act. In addition, judicial processes should be streamlined through the establishment of dedicated fast-track courts or special benches to address delays in disposal of cases.
4. It is also recommended that state authorities ensure the proper establishment and functioning of support services, including shelter homes, medical facilities, and counselling centres, as envisaged under the Act.
5. Periodic monitoring and evaluation mechanisms should be instituted to assess implementation gaps and ensure accountability of authorities involved in enforcement.

XI. CONCLUSION

The main theme of this paper is that while some efforts have been made to safeguard women's rights, yet there are many problems which confront women in India including domestic violence. Domestic violence is not a private matter, but rather it has become a social concern because it pertains to women's dignity, safety, and well-being.

In Indian society, girls are brought up in such a manner that they need to adjust to the environment and make sacrifices. The situation worsens after marriage when the responsibility for the household and other duties fall on women. They must manage everything and make sure that the family functions properly while their views are often ignored. Educated women cannot be exceptions as well. In many instances, economic dependency plays a crucial role in compelling women to remain in abusive marriages. Without economic independence, a woman may find herself unable to leave a violent marriage due to lack of economic means. Conversely, economic dependency may bring about conflicts because it goes against the social roles that have been traditionally accepted.

Domestic violence, as opposed to physical assaults, encompasses various forms of abuse including emotional, sexual and psychological abuse. It takes a huge toll on the mental wellbeing of a woman causing her great anxiety and fear as well as diminishing her self-respect and self-confidence. Domestic violence negatively impacts children as well. There are laws in place which guarantee the rights of women, for instance, those related to domestic abuse, but still, justice is not easily attainable. The obstacles on the road to justice include lack of information, stigma in the community, and legal processes. It is important to connect the legal world with reality.

It is therefore evident that the law by itself will not guarantee the achievement of its aims. The transformation has to take place on the level of family units, communities, and the society as a whole. Women have to understand their rights and feel confident enough to assert themselves where necessary. Increased awareness regarding their rights can play a vital role in this regard.

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