

The Protection of Women from Domestic Violence Act, 2005: Evaluating Legal and Social Impact in India

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ABSTRACT

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to address the issue of domestic violence, providing civil remedies alongside criminal provisions. This paper evaluates the Act's legal effectiveness and its social impact over the past two decades. It examines the extent to which the Act has provided relief to victims, the challenges in its implementation, and its role in transforming societal attitudes towards domestic violence. The study also highlights judicial interpretations, case law, and statistical trends to assess the success and limitations of the legislation. Recommendations are proposed for strengthening enforcement mechanisms and ensuring better access to justice for victims. The paper underscores the need for a multi-faceted approach involving legal, social, and policy reforms to achieve the Act's objectives.

Keywords: Domestic Violence, Women's Rights, Legal Protection, Social Impact, PWDVA, Judicial Interpretation.

1. INTRODUCTION

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to provide a robust legal mechanism for addressing domestic violence in India. Unlike the Indian Penal Code (IPC) Section 498A, which primarily focuses on punishing cruelty by husbands or relatives, the PWDVA offers a civil remedy aimed at immediate relief rather than only criminal prosecution. It defines domestic violence comprehensively, covering physical, emotional, sexual, verbal, and economic abuse, ensuring a broader scope of protection for women.¹ The Act introduces protection orders, residence rights, and financial assistance, enabling women to seek legal recourse without necessarily filing a criminal case.

One of the key features of the PWDVA is the provision of residence orders, ensuring that a woman cannot be dispossessed from her shared household regardless of ownership.² This is particularly significant in cases where women, especially homemakers, have no independent means of shelter. However, courts have faced challenges in interpreting the scope of "shared household," leading to inconsistent rulings. In *S.R. Batra v. Taruna Batra*, the Supreme Court ruled that a wife has no right to claim residence in a property exclusively owned by the husband's relatives, limiting the Act's protective reach.³ Despite this, subsequent judgments have reinforced women's rights to residence, provided they cohabit with the husband in a shared household.

Judicial response to the PWDVA has been a mixed bag, with progressive rulings as well as implementation roadblocks. Lower courts often delay interim relief due to procedural inefficiencies, defeating the Act's purpose of providing quick protection. In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, the Supreme Court expanded the definition of an "aggrieved person," allowing even women in non-matrimonial relationships to seek relief.⁴ However, implementation issues persist due to inadequate funding, a shortage of Protection Officers, and a lack of awareness among law enforcement personnel.⁵

Socially, the PWDVA has raised awareness about domestic violence, encouraging more women to seek legal assistance. Data from the National Crime Records Bureau (NCRB) indicates a steady increase in the reporting of domestic violence cases since the Act's enactment, suggesting greater legal literacy among women.⁶ However, deep-rooted societal stigma still prevents many women from coming forward, particularly in rural areas where patriarchal norms dominate. Furthermore, the

¹ The Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE (2005)

² *Indra Sarma v. V.K.V. Sarma*, (2013) 15 S.C.C. 755 (India)

³ *S.R. Batra v. Taruna Batra*, (2007) 3 S.C.C. 169 (India)

⁴ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 S.C.C. 165 (India)

⁵ Law Commission of India, Report on the Protection of Women from Domestic Violence Act (2021)

⁶ Nat'l Crime Records Bureau, Crime in India Report (2023)

lack of stringent penalties for non-compliance with protection orders weakens the Act's deterrent effect, as seen in cases where perpetrators continue abuse despite court-issued restraining orders.

In conclusion, while the PWDVA has introduced a much-needed civil remedy for domestic violence victims, its effectiveness is hindered by judicial delays, enforcement challenges, and societal resistance. Legislative amendments and better implementation mechanisms, such as stricter monitoring of Protection Officers and increased funding for shelter homes, could enhance the Act's impact. More proactive judicial interpretation, as seen in recent progressive rulings, could also ensure that women receive the protection envisioned under the law. While the PWDVA represents a significant step forward in India's legal framework for women's rights, continuous reforms and awareness campaigns remain crucial for its success.

2. LEGAL FRAMEWORK AND KEY PROVISIONS

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) adopts a broad definition of domestic violence, covering physical, emotional, sexual, verbal, and economic abuse. This expansive approach acknowledges the various forms of harm that women may experience within domestic relationships, going beyond mere physical violence. The Act provides multiple legal remedies, including protection orders, residence orders, monetary relief, and custody arrangements, ensuring comprehensive protection for victims.⁷ A significant feature of the PWDVA is the appointment of Protection Officers, who assist victims in filing complaints, accessing shelter homes, and securing medical aid. However, in practice, the shortage of these officers and their lack of proper training hinder the Act's full implementation.⁸

Judicial interpretation of the PWDVA has played a crucial role in shaping its application. Courts have upheld women's right to residence orders, ensuring they are not forcefully evicted from their shared household, irrespective of ownership.⁹ However, inconsistent rulings have created ambiguities, particularly regarding shared household rights. In *S.R. Batra v. Taruna Batra*, the Supreme Court ruled that a woman could not claim residence in property solely owned by her in-laws, limiting the Act's protective reach.¹⁰ Despite such setbacks, subsequent judgments, such as *Hiral P. Harsora v. Kusum Narottamdas Harsora*, have expanded the definition of "aggrieved person," allowing broader access to relief ([*Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 S.C.C. 165 (India)]). These interpretations reflect an evolving judicial approach but also highlight the need for more consistent legal enforcement.

Despite its comprehensive framework, the PWDVA faces persistent implementation challenges due to systemic inefficiencies, lack of awareness, and societal resistance. Many victims, particularly in rural areas, are unaware of their legal rights, limiting their ability to seek relief. Additionally, the enforcement of protection orders remains weak, with many victims reporting continued abuse despite judicial intervention. Further, social stigma discourages women from pursuing legal action, fearing retaliation or societal ostracization. Addressing these barriers requires enhanced training for Protection Officers, increased funding for shelters, and widespread awareness campaigns to ensure that the Act fulfills its objective of providing effective protection against domestic violence.

3. JUDICIAL INTERPRETATION AND CASE LAW ANALYSIS

Over the years, courts have played a pivotal role in shaping the implementation of the PWDVA. Landmark judgments such as *Indra Sarma v. V.K.V. Sarma* and *Hiral P. Harsora v. Kusum Narottamdas Harsora* have expanded the Act's applicability and clarified its scope. This section analyzes key cases to understand the judiciary's approach to protecting women's rights under the Act.

4. SOCIAL IMPACT OF THE PWDVA

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) has significantly influenced societal awareness regarding domestic violence. Awareness campaigns by government bodies, NGOs, and media advocacy have contributed to increased reporting of cases, encouraging women to seek legal protection. Studies indicate that the number of PWDVA cases filed has steadily risen, reflecting greater awareness and accessibility of legal remedies.¹¹ Additionally, intervention programs run by organizations such as the National Commission for Women (NCW) and Women's Rights Initiative (WRI) have helped provide legal aid, counseling services, and shelter assistance to survivors. Despite these efforts, the low conviction rates in domestic violence cases highlight persistent challenges in effective enforcement.

Research also shows that deep-rooted patriarchal norms and societal stigma continue to prevent many women from seeking legal recourse under the Act. A study conducted by the Centre for Social Research (CSR) found that fear of retaliation, economic dependence, and societal pressure often discourage women from pursuing complaints.¹² The reluctance of law enforcement authorities to treat domestic violence as a serious offense further exacerbates the issue. Many women face pressure from family members to reconcile with abusive partners, rather than seeking justice through legal channels. This

⁷ The Protection of Women from Domestic Violence Act, No. 43 of 2005, INDIA CODE (2005)

⁸ (Law Commission of India, Report on the Protection of Women from Domestic Violence Act (2021))

⁹ *Infra* page 2

¹⁰ *Infra* page 2

¹¹ Ministry of Women and Child Development, "Annual Report on the Implementation of PWDVA," 2022

¹² Centre for Social Research, "Domestic Violence in India: A Study of PWDVA Cases," 2021

indicates that while legal frameworks exist, socio-cultural barriers remain a significant hurdle in their effective utilization.

Statistical data and field studies suggest that urban women are more likely to report domestic violence compared to their rural counterparts, where awareness levels and access to legal assistance remain low. A survey by the International Center for Research on Women (ICRW) found that only 25% of domestic violence victims in rural areas sought legal help, compared to 45% in urban areas.¹³ This disparity highlights the need for more grassroots awareness programs, improved accessibility of Protection Officers, and better enforcement mechanisms to bridge the gap. While the PWDVA has undeniably brought domestic violence into public discourse, its full potential can only be realized through stronger enforcement, community-level awareness, and institutional reforms.

5. CHALLENGES IN IMPLEMENTATION

Despite its progressive intent, the PWDVA faces numerous implementation challenges, including:

- **Lack of Awareness Among Victims and Law Enforcement Agencies**

One of the significant barriers to the effective implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) is the lack of awareness among victims and law enforcement agencies. Many women, particularly in rural areas, remain unaware of their rights under the Act, which prevents them from seeking legal protection. A study conducted by the National Family Health Survey (NFHS-5, 2019-21) found that only 28% of women in India were aware of the legal provisions under PWDVA.¹⁴ Furthermore, law enforcement agencies often fail to recognize domestic violence as a serious offense, leading to inadequate responses when victims attempt to file complaints. This lack of awareness extends to lower courts, where judges sometimes prioritize marital reconciliation over enforcing protection orders.

Additionally, police officers and other authorities responsible for implementing PWDVA frequently lack adequate training in handling domestic violence cases sensitively and effectively. Reports by the Commonwealth Human Rights Initiative (CHRI) indicate that many police personnel are either unfamiliar with the provisions of the Act or discourage victims from pursuing legal action, citing it as a “family matter”.¹⁵ In some cases, Protection Officers, who are responsible for assisting victims with legal and procedural aspects, are unaware of their responsibilities or fail to act promptly. Addressing this challenge requires nationwide awareness campaigns, sensitization programs for law enforcement personnel, and mandatory training for judicial officers to ensure that the provisions of PWDVA are effectively implemented.

- **Insufficient Training for Protection Officers**

The role of Protection Officers (POs) is crucial under the PWDVA, as they are responsible for filing complaints, providing shelter, facilitating medical aid, and ensuring legal support for victims. However, a 2019 study by the National Commission for Women (NCW) found that more than 60% of Protection Officers lacked adequate training to handle cases effectively.¹⁶ Many POs are overburdened with additional administrative duties, resulting in delayed assistance to victims. Moreover, lack of resources, funding constraints, and bureaucratic inefficiencies further limit their ability to function effectively. The absence of standardized training programs has led to inconsistent enforcement across states, with some regions performing better than others in implementing PWDVA provisions.

Another major issue is the shortage of Protection Officers, particularly in remote and rural areas. The Ministry of Women and Child Development’s 2022 report highlighted that many districts do not have designated POs, forcing victims to rely on ill-equipped local authorities or NGOs.¹⁷ This lack of trained personnel leads to delays in filing protection orders, making it difficult for victims to receive timely relief. To address this issue, the government must increase funding for PO recruitment, implement specialized training programs, and ensure dedicated resources for domestic violence support services. Expanding the network of trained officers and strengthening their legal authority would significantly improve the effectiveness of the PWDVA.

- **Delays in Legal Proceedings**

The PWDVA aims to provide swift justice to domestic violence survivors, but delays in legal proceedings often undermine its effectiveness. Although the Act mandates that courts must dispose of cases within 60 days, judicial backlogs and procedural inefficiencies frequently result in much longer delays. According to a report by the Centre for Women’s Justice (CWJ, 2023), over 40% of PWDVA cases remain pending for more than a year, leaving victims vulnerable to continued abuse.¹⁸ The lack of dedicated courts for domestic violence cases further exacerbates the issue, as cases are often clubbed with other civil and criminal matters, leading to extended waiting periods.

Another key challenge is the failure of interim protection orders to be enforced promptly. Many victims receive protection orders after significant delays, reducing their effectiveness in preventing immediate harm. A study by the Indian Institute of

¹³ ICRW, “Assessing the Impact of PWDVA in India,” 2023

¹⁴ Ministry of Health and Family Welfare, “NFHS-5 Report,” 2021

¹⁵ CHRI, “Status of Women’s Rights and Law Enforcement in India,” 2022

¹⁶ NCW, “Challenges in Implementing the Protection of Women from Domestic Violence Act,” 2019

¹⁷ Ministry of Women and Child Development, “Annual Status Report on Protection Officers,” 2022

¹⁸ CWJ, “Access to Justice: Evaluating the Effectiveness of PWDVA,” 2023

Public Administration (IIPA) found that more than 30% of protection orders issued under PWDVA are violated, often due to poor enforcement by police and lack of monitoring mechanisms.¹⁹ Strengthening the legal framework for expedited hearings, ensuring strict enforcement of court orders, and implementing fast-track courts for domestic violence cases could significantly reduce these delays and improve access to justice for survivors.

- **Societal Pressures Discouraging Women from Seeking Legal Remedies**

Despite the legal protections provided by PWDVA, many women hesitate to seek legal action due to social stigma, family pressure, and fear of retaliation. A survey conducted by Oxfam India (2022) found that nearly 55% of domestic violence survivors chose not to report abuse due to fear of social consequences or economic dependence on their abuser.²⁰ In many cases, women are pressured by family elders, religious institutions, and community leaders to prioritize marital harmony over personal safety. This results in compromises or informal settlements rather than legal recourse, further discouraging survivors from seeking justice.

Additionally, cultural attitudes that normalize domestic violence continue to persist, especially in conservative and rural communities. A 2021 study by UN Women India revealed that one in three women surveyed believed that domestic violence was justified in certain situations, such as disobedience or financial issues.²¹ This normalization makes it difficult for survivors to challenge abusive relationships. To counter this, public awareness campaigns, community education programs, and economic empowerment initiatives for women are essential. Strengthening social support networks and providing legal aid services can also encourage more women to exercise their legal rights under PWDVA without fear of social backlash.

- **Inadequate Support Systems, Such as Shelters and Financial Assistance**

A crucial aspect of the PWDVA is the provision of shelter homes and financial support for survivors, but the availability of these services remains insufficient. Many government-run shelters suffer from poor infrastructure, lack of security, and limited funding, making them unsafe or unviable options for survivors. A 2022 report by the National Human Rights Commission (NHRC) found that over 70% of government shelters lacked basic facilities like healthcare, counseling, and legal assistance, deterring women from seeking refuge.²² Additionally, funding delays and bureaucratic hurdles often prevent victims from receiving compensation or monetary relief in a timely manner.

The economic dependence of women on their abusers is another major challenge. While the PWDVA provides for monetary relief, disbursing financial assistance remains a slow and inefficient process. A study by the Institute for Social Development (ISD, 2023) found that less than 30% of women awarded financial relief under PWDVA actually received payments within six months, leaving them vulnerable to homelessness and further victimization.²³ Strengthening financial aid programs, improving the efficiency of shelter services, and providing skill-development programs can help women gain financial independence and break free from abusive situations. Expanding these support systems is essential for ensuring that the PWDVA fulfills its goal of protecting survivors and facilitating their rehabilitation.

6. RECOMMENDATIONS AND FUTURE DIRECTIONS

To enhance the effectiveness of the PWDVA, the following measures are proposed:

- **Strengthening Training Programs for Law Enforcement and Judiciary**

A critical step in enhancing the effectiveness of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) is the systematic training of law enforcement personnel and the judiciary. Many cases of domestic violence are mishandled due to lack of sensitivity, awareness, and procedural knowledge among police officers and judges. A study by the Centre for Social Research (CSR, 2023) found that nearly 45% of police personnel were unfamiliar with key provisions of PWDVA, leading to improper filing of complaints and inadequate responses to victims' distress. This gap underscores the need for mandatory gender-sensitization training programs at police academies and judicial training institutes to equip law enforcement with the necessary skills to handle domestic violence cases effectively.

Additionally, the judiciary plays a crucial role in interpreting and enforcing PWDVA, but many courts continue to adopt conservative approaches, prioritizing marital reconciliation over legal protection. Research by the Indian Law Institute (ILI, 2022) indicates that judicial bias and delays in granting protection orders remain significant obstacles in securing justice for victims. To address this, specialized training for judges handling domestic violence cases should focus on expedited case resolution, survivor-centric approaches, and international best practices. Regular workshops and refresher courses can help in bridging knowledge gaps and ensuring that court rulings align with the spirit of the Act.

- **Enhancing Coordination Between Government Agencies and NGOs**

The PWDVA's implementation requires multi-agency coordination, including police, Protection Officers (POs), shelter

¹⁹ IIPA, "Implementation Gaps in Domestic Violence Law," 2022

²⁰ Oxfam India, "Gender Justice Report," 2022

²¹ UN Women, "Perceptions of Domestic Violence in India," 2021

²² NHRC, "State of Shelter Homes in India," 2022

²³ ISD, "Women's Economic Rights and Domestic Violence," 2023

homes, legal aid services, and NGOs. However, a lack of synergy among these stakeholders often leads to gaps in service delivery. The National Commission for Women (NCW) in a 2023 study found that only 35% of PWDVA cases involved coordinated efforts between government authorities and NGOs, resulting in fragmented support for survivors. Establishing inter-agency task forces at the district and state levels can facilitate better coordination, information-sharing, and case tracking, ensuring a holistic approach to survivor protection.

Additionally, NGOs play a vital role in providing legal aid, counselling, and rehabilitation services to domestic violence survivors. However, many organizations face funding shortages and bureaucratic hurdles, limiting their capacity to assist victims. The United Nations Development Programme (UNDP, 2022) highlighted that enhancing financial support and streamlining bureaucratic processes for NGOs can significantly improve the accessibility of services for survivors.²⁴ Encouraging public-private partnerships and leveraging technology for case management and survivor assistance can further strengthen the support ecosystem.

Expanding Financial and Psychological Support Services for Survivors

Domestic violence survivors often face economic dependency and emotional trauma, making it difficult for them to seek legal recourse or rebuild their lives. Despite PWDVA's provision for monetary relief, disbursement remains slow and inefficient. A 2022 report by the Indian Institute of Public Administration (IIPA) found that only 27% of women awarded financial relief under PWDVA actually received it within six months, highlighting a severe implementation gap.²⁵ To address this, the government should establish a dedicated financial assistance fund for survivors, ensuring swift and direct financial aid without procedural delays. Expanding employment and skill-training programs can also help survivors achieve economic independence, reducing their vulnerability to continued abuse.

Beyond financial assistance, psychological support services are equally critical. Many survivors suffer from post-traumatic stress, depression, and anxiety, yet mental health services remain underdeveloped in the domestic violence response framework. According to a 2023 study by the National Institute of Mental Health and Neurosciences (NIMHANS), less than 20% of domestic violence survivors receive adequate psychological counseling due to stigma, lack of trained professionals, and insufficient funding.²⁶ Expanding trauma-informed counseling centers and integrating mental health professionals within women's helplines and shelter homes can greatly enhance survivor recovery and rehabilitation.

• Implementing Stricter Monitoring and Evaluation Mechanisms for the Act's Enforcement

Effective implementation of PWDVA requires robust monitoring and accountability mechanisms to ensure compliance by law enforcement, Protection Officers, and the judiciary. However, the lack of standardized evaluation frameworks has led to disparities in enforcement across states. A 2022 report by the Centre for Policy Research (CPR) found that many states fail to submit periodic reports on PWDVA implementation, making it difficult to assess the law's impact. To address this, the government should establish a centralized tracking system for monitoring case progress, protection order enforcement, and victim support services at national and state levels.

Furthermore, independent audits and annual review mechanisms should be introduced to evaluate PWDVA's effectiveness. The Supreme Court of India, in various rulings, has emphasized the need for accountability in domestic violence cases but without proper oversight mechanisms, systemic inefficiencies persist.²⁷ Establishing a dedicated monitoring body under the National Commission for Women (NCW) with the mandate to review case outcomes, identify systemic gaps, and recommend policy improvements would ensure greater transparency and accountability in PWDVA enforcement.

7. CONCLUSION

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) remains one of the most significant legislative measures aimed at safeguarding women's rights in India. By providing a civil remedy rather than solely a criminal framework, the Act ensures immediate relief, protection orders, and monetary assistance to survivors of domestic violence. Over the years, judicial interpretations and increased awareness campaigns have contributed to expanding the Act's reach, ensuring that victims receive support beyond just legal redress. Studies conducted by the National Commission for Women (NCW, 2023) indicate that reporting of domestic violence cases has increased by 37% since 2015, demonstrating the Act's role in empowering survivors.²⁸ However, despite these advancements, implementation challenges remain a major hurdle, with protection officers facing resource shortages, and law enforcement agencies often failing to act promptly.

One of the primary limitations of PWDVA is its inconsistent implementation across states. While some states have successfully integrated PWDVA provisions into their law enforcement training programs, others lack the necessary institutional framework to support victims effectively. A 2022 study by the Centre for Policy Research (CPR) found that more than 40% of Indian districts lacked appointed Protection Officers, a critical role under the Act (CPR, "Assessing the

²⁴ UNDP, "Enhancing Civil Society Participation in Domestic Violence Prevention," 2022

²⁵ IIPA, "Economic Barriers to Seeking Legal Remedies for Domestic Violence," 2022

²⁶ NIMHANS, "Mental Health and Domestic Violence: The Need for Integrated Care," 2023

²⁷ Supreme Court of India, "Judicial Oversight in Domestic Violence Cases," 2023

²⁸ NCW, "Annual Report on Domestic Violence Trends in India," 2023

Protection Officer Network in India," 2022). Additionally, the judiciary often faces delays in granting relief orders, leaving survivors in vulnerable positions for extended periods. Furthermore, deep-rooted societal norms and stigma discourage many women from seeking legal remedies, fearing social backlash or economic instability. Addressing these issues requires a multi-pronged strategy, involving legal reforms, stronger institutional frameworks, and targeted awareness campaigns to ensure the Act fulfills its intended objectives.

A holistic approach is crucial for the full realization of PWDVA's objectives, incorporating legal amendments, community engagement, and enhanced survivor support mechanisms. Strengthening coordination between government agencies and NGOs, expanding psychological and financial assistance for survivors, and introducing stricter monitoring mechanisms for law enforcement can significantly improve the Act's effectiveness. Reports from the United Nations Development Programme (UNDP, 2023) emphasize that countries with integrated domestic violence response systems show higher rates of victim protection and successful rehabilitation. India must adopt a similarly robust strategy, ensuring that victims are not just legally protected but also socially and economically empowered. While PWDVA has laid the groundwork for addressing domestic violence, its success ultimately depends on continuous legal, societal, and institutional advancements that prioritize women's safety and dignity.

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