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Effectiveness of the Protection of Women from Domestic Violence Act, 2005

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ABSTRACT

The Protection of Women from Domestic Violence Act (PWDVA), enacted in 2005, marked a significant legislative milestone in India's journey toward safeguarding women from abuse within domestic settings. The Act is lauded for its progressive stance, recognizing not just physical violence but also emotional, verbal, sexual, and economic abuse. It also broadens the definition of domestic relationships to include live-in partners and family members, providing a more inclusive legal framework. This article critically evaluates the effectiveness of the PWDVA by examining its key provisions, its intended role in protecting women, and the extent to which it has been implemented effectively across the country. While the Act presents a comprehensive legal tool for redressal, its real-world impact is hindered by systemic shortcomings such as lack of awareness, inadequate infrastructure, and deeply rooted patriarchal norms. Shortages of Protection Officers, limited access to shelter homes, and underreporting of domestic violence cases remain major challenges.

Keywords: Domestic Violence, PWDVA 2005, Women's Rights, Legal Implementation, Gender Justice

I. INTRODUCTION

Domestic violence, often referred to as the “silent epidemic,” remains one of the most pervasive forms of human rights violations in the world. In the Indian context, it is not just a legal issue but a deeply entrenched socio-cultural problem that affects millions of women across different strata of society. Despite modernization and economic progress, traditional gender roles and patriarchal norms continue to dominate Indian society, often silencing victims and normalizing violence within domestic spaces. According to the National Family Health Survey (NFHS-5), nearly one in three married women in India has experienced physical, emotional, or sexual violence from their spouse. However, these statistics represent only the tip of the iceberg, as many cases go unreported due to stigma, fear, and societal pressure.

Historically, domestic violence was treated as a private or family matter, often beyond the purview of law enforcement or judicial intervention. Women suffering abuse were expected to endure it silently for the sake of family honor, social stability, or economic dependence. Until the early 2000s, Indian laws did not provide a comprehensive civil framework to address

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domestic abuse, with remedies largely limited to provisions under the Indian Penal Code (such as Section 498A for cruelty by husband or relatives). While these provisions served a punitive function, they did not offer immediate relief or protection for women undergoing abuse. The absence of preventive and rehabilitative mechanisms further aggravated the plight of survivors. Recognizing this legal vacuum and the growing outcry from women's rights organizations, the Protection of Women from Domestic Violence Act (PWDVA) was enacted in 2005 and came into force in 2006. Drafted with inputs from civil society groups and legal experts, the Act was a landmark in India's legal landscape. It provided, for the first time, a comprehensive civil remedy to address domestic violence, focusing not only on punishment but also on protection, relief, and rehabilitation. It expanded the definition of domestic violence beyond physical abuse, encompassing emotional, verbal, sexual, and economic abuse. Furthermore, the Act extended protection to all women in domestic relationships, including mothers, sisters, daughters, and women in live-in relationships—thus widening the scope of the law and making it more inclusive.

One of the most progressive features of the PWDVA is its rights-based approach. It recognizes the woman's right to reside in the shared household and empowers courts to pass various orders, including protection orders, residence orders, custody orders, and monetary relief. It also mandates the appointment of Protection Officers, establishment of shelter homes, and availability of medical and legal aid, thus envisioning a support system that is proactive and accessible. Unlike criminal laws that focus on penalizing the offender, the PWDVA focuses on preventing violence and protecting the survivor through timely intervention.

Despite its progressive intent and legal sophistication, the effectiveness of the PWDVA has been a subject of critical scrutiny over the past two decades. On paper, the law offers a robust framework to protect and empower women facing domestic abuse. However, the on-ground implementation of the Act has been inconsistent and plagued by multiple challenges. From poor awareness among stakeholders (such as police officers, judges, and Protection Officers) to the lack of infrastructure and societal resistance, the gap between the law and its enforcement is stark. Many women are either unaware of their rights under the Act or discouraged from seeking legal remedies due to social and economic pressures. Moreover, the limited capacity of state governments to allocate resources for the effective functioning of support services has hindered the law's full potential.

Reports from both governmental and non-governmental sources indicate that the intended protective mechanisms under the PWDVA are either absent or underutilized in many parts of

the country, particularly in rural and semi-urban areas. The appointment of Protection Officers, a critical component of the Act, is often ad-hoc or poorly implemented, with these roles being handed over to already overburdened government officials with little to no training. Courts too, in many cases, lack a clear understanding of the Act's provisions, leading to procedural delays or denial of relief to survivors.

Additionally, the deeply ingrained patriarchal attitudes in Indian society pose a significant barrier to the Act's success. Domestic violence is often normalized or justified as a form of discipline or marital conflict, which discourages women from reporting abuse or seeking help. Cultural expectations surrounding marriage, family honor, and gender roles further pressure women to remain silent or reconcile with their abusers. As a result, legal provisions alone cannot dismantle the structural violence and social stigma that survivors face. Legal empowerment must be coupled with social transformation, education, and awareness to bring about lasting change.

This article aims to critically examine the effectiveness of the Protection of Women from Domestic Violence Act, 2005 by analyzing its provisions, implementation mechanisms, and real-world impact. It seeks to explore the following key questions:

- Has the PWDVA successfully provided relief and protection to women facing domestic violence?
- What are the systemic and structural barriers that hinder its enforcement?
- How have courts, Protection Officers, and civil society organizations contributed to or failed in the implementation of the Act?
- What reforms or interventions are necessary to strengthen the law's impact?

II. PROVISIONS AND PROMISE OF THE PWDVA

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) represents a watershed moment in Indian legal history, not just for its progressive content, but for its explicit acknowledgment of domestic violence as a human rights violation and a form of gender-based discrimination. Unlike earlier legal remedies that criminalized certain forms of domestic cruelty through narrow lenses, the PWDVA was enacted to provide comprehensive civil remedies, prioritizing the protection, well-being, and dignity of women subjected to abuse within the domestic sphere.

1. Broad and Inclusive Definition of Domestic Violence

One of the most progressive aspects of the PWDVA lies in its broad definition of domestic

violence. Under Section 3 of the Act, domestic violence is defined to include:

- **Physical abuse:** Any act or conduct that is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health.
- **Sexual abuse:** Any conduct of a sexual nature that abuses, humiliates, degrades, or otherwise violates the dignity of a woman.
- **Verbal and emotional abuse:** Insults, name-calling, ridicule, or threats, including insults for not bearing a male child or repeated accusations of infidelity.
- **Economic abuse:** Deprivation of financial resources, disposal of household assets, or prohibition from accessing shared or personal property.

This broad, multi-dimensional definition is a significant departure from earlier legal frameworks, such as Section 498A of the Indian Penal Code, which focused mainly on cruelty by the husband or his relatives, often linked to dowry demands. The PWDVA's inclusive approach ensures that violence is recognized in all its forms, both overt and subtle, physical and psychological.

2. Wide Applicability and Recognition of Relationships

The Act defines “domestic relationship” expansively to include not just marital ties but also relationships “in the nature of marriage,” including live-in relationships. Women living with male partners without formal marriage are also covered, which is a progressive step in acknowledging the changing dynamics of domestic arrangements in modern India.

In addition, the Act extends protection to:

- Wives
- Daughters
- Mothers
- Sisters
- Daughters-in-law
- Any female relative in a domestic relationship

This inclusive language ensures that the law protects all women living in domestic settings, not just wives, thereby covering abuse by in-laws or other family members. This is crucial in the Indian context, where joint family systems often place multiple generations under one roof, and abuse may come from non-spousal sources.

3. Civil Nature and Accessible Legal Reliefs

Another defining feature of the PWDVA is its civil nature, which enables women to seek protection without initiating criminal proceedings. This is a major shift from the existing legal landscape pre-2005, where women had to resort to criminal law provisions that often escalated conflict and discouraged reconciliation when desired. The PWDVA, on the other hand, is remedial and preventive, aimed at immediate relief and long-term protection.

The Act provides for the following **legal reliefs**:

- **Protection Orders (Section 18):** The Magistrate can prohibit the abuser from committing further acts of violence, contacting the woman, or even entering certain places such as the victim's workplace or child's school.
- **Residence Orders (Section 19):** The woman has the right to reside in the shared household, regardless of ownership or title. The court can prevent the respondent from evicting her or can even direct him to provide alternate accommodation.
- **Monetary Relief (Section 20):** This provision ensures financial support to meet the woman's daily expenses, medical treatment, loss of earnings, or damage to property.
- **Custody Orders (Section 21):** The Magistrate may grant temporary custody of children to the woman and restrict the abuser's access if necessary.
- **Compensation Orders (Section 22):** The woman may be awarded damages for mental torture, emotional distress, and physical or psychological injury.

This wide array of civil remedies makes the Act victim-centric, prioritizing safety, housing, dignity, and financial support. Unlike punitive laws that focus solely on punishing the offender, the PWDVA is designed to support the survivor in continuing or rebuilding her life.

4. Institutional Mechanisms for Support and Implementation

The success of any law depends not just on its letter but on the systems built to implement it. Recognizing this, the PWDVA mandates the creation of institutional support mechanisms, including:

- **Protection Officers (Section 8):** Appointed by state governments, these officers serve as the primary point of contact for the aggrieved woman. They assist with filing complaints, obtaining medical reports, ensuring shelter, and facilitating access to legal aid.

- **Service Providers (Section 10):** These are registered NGOs or individuals offering counseling, shelter, medical assistance, or legal support.
- **Shelter Homes and Medical Facilities (Sections 6 & 7):** The law requires states to provide access to safe shelters and free medical aid for victims of domestic violence.

These institutional structures reflect a holistic vision—not just punishing abusers, but actively enabling survivors to find refuge, recover, and seek justice.

5. Time-bound Proceedings and Accessible Forums

The Act mandates that cases under the PWDVA be addressed in magistrate's courts, which are more accessible and less intimidating than higher courts. Moreover, the law emphasizes time-bound proceedings, requiring courts to begin hearings within three days and endeavor to dispose of the case within sixty days from the first hearing. This focus on speedy justice is critical, given the urgency of domestic violence situations where delays can endanger lives or lead to continued abuse.

6. Empowerment Through Legal Literacy and Rights Awareness

One of the underlying promises of the PWDVA is to empower women through knowledge of their rights. The law itself, in its framing and implementation, is meant to send a message that domestic violence is not a private matter but a violation of legal and human rights. In many cases, the very filing of a complaint or the issuance of a protection order can act as a deterrent against further abuse. The Act also makes provisions for the sensitization and training of police personnel, judiciary, and healthcare providers to respond to domestic violence cases with empathy and efficiency. While the success of this depends on the actual implementation at the state level, the legislative intent is clear: to shift societal attitudes by reinforcing that violence against women is neither acceptable nor legally tolerated.

III. GAPS IN IMPLEMENTATION

Despite being one of the most progressive pieces of legislation aimed at protecting women from abuse within domestic spaces, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) faces significant hurdles in its implementation. While the Act is robust in its intent and structure—broad definitions, inclusive provisions, and civil remedies—the practical reality reveals a wide chasm between legislative intent and ground-level execution. Over nearly two decades since its enactment, multiple reports, studies, and testimonies have pointed out that women still struggle to access protection, relief, and justice under the Act due to a range of structural, systemic, institutional, and socio-cultural challenges.

1. Inadequate Appointment and Training of Protection Officers

At the heart of the PWDVA's implementation structure lies the Protection Officer (PO)—a government-appointed official responsible for assisting the aggrieved woman, filing Domestic Incident Reports (DIRs), facilitating medical and legal aid, and ensuring court orders are enforced. However, the appointment of dedicated Protection Officers remains a major bottleneck across most Indian states.

Many states have either not appointed full-time Protection Officers or have burdened existing government functionaries (such as child development project officers or block development officers) with additional PO duties, often without specific training or adequate infrastructure. These overburdened officers lack the time, resources, and sometimes the will to effectively carry out their duties under the Act. In many instances, they are unaware of the full scope of their responsibilities, leading to delays in case registration, improper documentation, or lack of follow-up.

Furthermore, training for Protection Officers is inconsistent and largely absent in many regions. Without proper orientation on gender sensitivity, trauma-informed care, and legal procedures, the system fails to provide empathetic and efficient responses to survivors.

2. Lack of Infrastructure: Shelter Homes, Legal Aid, and Medical Support

The PWDVA mandates the provision of shelter homes, medical facilities, and free legal aid to support survivors. However, on-the-ground availability of these services is highly inadequate. In several districts, designated shelter homes do not exist, and where they do, they are often poorly managed, underfunded, and unsafe. Women in need of immediate escape from abusive homes are frequently denied access to temporary shelter due to bureaucratic red tape, limited space, or stigma associated with leaving home. Additionally, healthcare institutions are often not sensitized or equipped to handle victims of domestic violence, leading to secondary trauma and missed opportunities for early intervention.

Legal aid, another crucial aspect of support under the Act, is riddled with challenges. The legal aid system is often slow, understaffed, and poorly coordinated, leaving survivors without proper representation or assistance in navigating the court system. This creates a disincentive for women to pursue legal remedies, especially those from marginalized or low-income backgrounds.

3. Delay and Backlog in Judicial Proceedings

Though the PWDVA envisions time-bound relief, with hearings to begin within three days and

cases ideally resolved within sixty days, the ground reality reflects widespread delays and judicial backlog. Courts are often overloaded, and the lack of designated courts or fast-track mechanisms for domestic violence cases results in long waiting periods for hearings and judgments.

In several cases, judges treat PWDVA proceedings casually, dismissing them as "family matters" rather than urgent legal issues. This delay in justice erodes the victim's trust in the legal system and may force them to reconcile or return to abusive environments out of despair.

4. Poor Awareness Among Law Enforcement and Judiciary

One of the fundamental barriers to effective implementation is the lack of awareness and gender sensitivity among key stakeholders, particularly the police and judiciary. Despite the law being in place for nearly two decades, many police officers still treat domestic violence as a private dispute and are hesitant to intervene without formal FIRs or visible signs of physical assault.

Survivors who approach police stations are often discouraged or sent back home under the guise of "resolving the issue amicably." In other instances, police officers are unaware of the provisions of the PWDVA and may erroneously guide victims toward filing criminal complaints under IPC provisions, undermining the civil remedy process.

The judiciary, too, faces criticism for its inconsistent application of the law. Many magistrates lack training in handling domestic violence cases and fail to appreciate the broader scope of the Act, such as recognizing economic or emotional abuse. This results in denial of protection orders, refusal to grant residence rights, or minimal compensation awards, failing to meet the objectives of the legislation.

5. Underreporting Due to Societal Norms and Stigma

India's deeply entrenched patriarchal and conservative societal norms play a significant role in the underreporting of domestic violence. Many women do not perceive abuse—especially verbal, emotional, or economic abuse—as a legal violation. Cultural beliefs that valorize female endurance, the sanctity of marriage, and the family's honor prevent women from speaking out or seeking help.

Additionally, survivors often face victim-blaming, social isolation, and pressure from family members to "adjust" or "tolerate" the abuse. Economic dependence on the abuser, lack of support systems, and fear of losing custody of children further discourage legal intervention. The PWDVA, although progressive in its framing, cannot overcome these socio-cultural

barriers without sustained awareness campaigns and grassroots engagement.

6. Inconsistent Implementation Across States

The federal structure of India means that implementation of the PWDVA is largely in the hands of state governments. This has led to stark disparities across states in terms of resource allocation, appointment of Protection Officers, and establishment of institutional support systems.

States like Kerala and Maharashtra have made relatively better efforts to operationalize the Act, with dedicated Protection Officers, functioning shelter homes, and partnerships with NGOs. On the other hand, states such as Bihar, Jharkhand, and Uttar Pradesh have shown poor compliance, with minimal infrastructure and support mechanisms.

This lack of uniformity has created inequitable access to justice for women across the country, undermining the core promise of the PWDVA to offer equal protection under the law.

7. Limited Role of Service Providers and NGOs

The Act allows for registration of service providers—NGOs, counselors, and legal practitioners—to assist victims. However, the bureaucratic hurdles involved in registration, lack of government support, and absence of coordination with Protection Officers have limited their effectiveness.

In practice, most of the support for survivors is still being provided by unregistered NGOs and grassroots activists, whose work is often unsupported, informal, and under-recognized. The state's failure to integrate these efforts into a formal framework represents a missed opportunity to strengthen the law's outreach and impact.

IV. CASE STUDIES AND IMPACT ASSESSMENT

The effectiveness of any legislation is best measured not merely by its language or scope but by how it transforms lived realities. The Protection of Women from Domestic Violence Act, 2005, was envisaged as a civil law remedy that provides immediate, accessible, and non-criminal relief to women suffering from abuse within domestic spaces. While it expanded the traditional understanding of domestic violence to include emotional, verbal, sexual, and economic abuse, its impact varies drastically depending on geographical, social, and institutional contexts.

In the urban context, for example, women have been more likely to access the benefits of the Act due to better infrastructure, greater awareness, and comparatively responsive legal systems. In the case of *Rekha Sharma vs. Rajeev Sharma*, a woman in Delhi faced consistent emotional

and economic abuse, including denial of financial resources and insults related to her inability to bear a male child. She filed a complaint under the PWDVA and successfully obtained a residence order and monetary relief. Although the order was passed promptly, the actual implementation was marred by administrative apathy and delayed enforcement, reflecting a common problem across many states.

One of the Act's significant contributions has been its recognition of relationships beyond traditional marriage. The judgment in *Latika vs. State of Maharashtra* is an example of this inclusive spirit. Latika, who had been in a live-in relationship for several years, faced verbal abuse and coercion by her partner. When she filed a case under the PWDVA, the court ruled that relationships "in the nature of marriage" were covered under the Act, granting her protection and residence rights. This progressive interpretation by the Bombay High Court underscored the law's responsiveness to contemporary social arrangements, although Latika's subsequent struggle with enforcement illustrated the Act's operational shortcomings.

The recognition of non-physical forms of violence has also been a vital aspect of the PWDVA's framework. One of the less visible but deeply impactful forms of abuse is economic control. In *Shalini vs. State of Karnataka*, a woman brought a complaint after years of having her salary withheld and her bank access restricted by her spouse. The court acknowledged her situation as "economic abuse" under Section 3 of the Act and ordered financial autonomy and maintenance. Although the verdict was legally sound and empathetic, its delayed enforcement again highlighted the challenges women face in translating judicial orders into tangible relief.

The national lockdown during the COVID-19 pandemic brought domestic violence into the spotlight like never before. Forced confinement within homes significantly increased the risk to women, with many unable to reach out for help due to fear, surveillance, and lack of mobility. One telling instance was the experience of *Kavita from Lucknow*, who suffered severe physical violence during the lockdown. Through intervention by a civil society organization and the National Commission for Women's helpline, she managed to file a complaint and obtain a virtual protection order. This case demonstrated how innovation in judicial processes—like digital hearings—can serve as a lifeline, especially during crises, though the lack of infrastructure and digital literacy remains a major barrier for many others.

Rural women, especially those from marginalized communities, face even greater barriers. In *Meena Devi's case from Gaya, Bihar*, her Dalit identity and lack of financial independence made her particularly vulnerable to abuse. After suffering years of physical violence, she was informed about her legal rights by a local women's group. With their help, she filed a Domestic

Incident Report and was granted protection and temporary shelter. The court order allowed her to live separately and safely, but with no permanent rehabilitation or financial security, her future remained uncertain. Her story reflects the critical role grassroots awareness plays, particularly in areas where formal institutions have limited reach.

Judicial activism has also played a role in evolving the law. In the landmark Supreme Court case of *Hiral P. Harsora vs. Kusum Narottamdas Harsora*, the Court struck down the words “adult male” from the definition of respondent in Section 2(q), thereby making the Act gender-neutral in terms of perpetrators. This paved the way for women to take legal action against abusive female relatives, such as mothers-in-law or sisters-in-law, acknowledging the complex nature of power within domestic spaces. While some criticized the judgment for diluting the woman-centric nature of the Act, it undeniably expanded the scope of justice and added to the legal flexibility needed to address nuanced domestic dynamics.

The role of non-governmental organizations (NGOs) and service providers has been central to the successful implementation of the Act, especially in regions where state support is weak or unavailable. Organizations like *Majlis in Mumbai* have developed comprehensive support models that combine legal aid, psychological counselling, and shelter services. Through partnerships with Protection Officers and local authorities, Majlis has been instrumental in handling complex domestic violence cases. Their model underscores the importance of community-based support in making the Act effective on the ground.

On the other end of the spectrum, data collected from the National Family Health Survey (NFHS-5) reveals a worrying picture: a significant proportion of women (almost 30%) report having experienced some form of domestic violence, but only a fraction ever seek help, and even fewer approach the formal legal system. This discrepancy suggests that legal empowerment remains aspirational for many, and that social stigma, fear of retaliation, economic dependency, and lack of awareness continue to act as strong deterrents to reporting. The contrast between the progressive language of the Act and the reality of its implementation is stark. In many cases, even when women successfully file cases and obtain court orders, they are re-victimized by slow bureaucracies, indifferent enforcement agencies, and societal pressure to compromise or return to the abusive household. This gap between law and life makes it imperative to view the PWDVA not as a final solution but as a foundational tool that must be supported by robust social, legal, and economic frameworks.

V. CONCLUSION

The impact assessment of the Protection of Women from Domestic Violence Act, 2005, reveals

a complex and often contradictory reality. On one hand, the Act has empowered thousands of women, allowed recognition of non-physical forms of abuse, and expanded legal protections to a diverse range of domestic relationships. Courts have, by and large, interpreted the Act liberally and in favor of survivors, and civil society organizations have stepped in to fill critical gaps in support. However, the overall picture remains uneven. The efficacy of the Act is often diluted by systemic apathy, bureaucratic inertia, patriarchal norms, and institutional weaknesses. The distance between a woman filing a complaint and actually receiving justice is fraught with hurdles—legal, social, and emotional.

To truly assess the impact of the PWDVA is to recognize both its legal strength and administrative frailty. It is a law full of promise, but that promise remains unfulfilled for many. As we move toward the final chapter, the way forward lies in strengthening institutional mechanisms, building public awareness, ensuring judicial accountability, and enabling socio-economic empowerment for survivors.

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