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STRENGTHENING THE SHIELD: EVALUATING THE EFFICACY OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 IN INDIA

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Abstract

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is a significant piece of legislation which is step towards providing comprehensive legal recourse and safeguarding women from various forms of domestic abuse in India. While the Act on one hand provides a legal framework for the victims to seek protection and redress, its implementations faces several obstructions due to shortcomings in the form of lack of awareness, inadequate infrastructure, and deeply rooted patriarchal norms. Shortage of Protection Officers, limited access to shelter homes, underreporting of domestic violence cases, judicial delays, inadequate training and resource constraints adds further to the flaws and deficiencies in the effective application of the PWDVA. The article highlights the necessity of developing an improvement oriented approach that focuses on legal, administrative and social reforms to protect women's rights and to provide them relief through Indian Legal System.

Keywords: Domestic Abuse, Women's Rights and Protection, Reform Oriented Approach, Indian Legal System, Redressal.

I. Introduction

Domestic violence is a "silent epidemic," that has always remained as one of the most pervasive forms of human rights violations in the world. In India, it is not only a legal issue that is to be addressed but a deeply rooted socio-cultural problem that adversely affects millions of women across different strata of the society. Despite the advancement in the modernization and

economic progress, traditional gender and patriarchal norms continue to dominate Indian society, often discouraging women from seeking help due to the societal stigma.

Historically, domestic violence was often regarded as a private matter that must be sorted within the four walls of the house without any scope for legal and governmental intervention. Historically, women victims of domestic abuse in India under the influence of societal expectations to uphold family honor and to maintain social harmony were often compelled to remain silent. Due to the economic dependence and limited Legal recourse, the victims habitually tolerated mistreatment without any form of aid.

In the India's legal framework prior to the early 2000s, there were no comprehensive civil provisions to address domestic violence. The only legal remedy available was Section 498 A of the Indian Penal Code, 1860 that criminalised cruelty by husband or his relatives but did not provide any civil relief. The victim as a result was left with no option but to tolerate the cruelty without timely and adequate protection against domestic abuse in the form of protection orders, residence rights, or monetary support.¹

While recognizing the absence of any comprehensive legal protection for the victims of domestic abuse, the Protection of Women from Domestic Violence Act (PWDVA) in 2005, was enacted by the Indian Parliament which came into force on October 26, 2006. This important piece of legislation marked a significant shift in India's approach towards domestic violence and emphasise focusing on providing civil remedies in the form of protection, relief, and rehabilitation for victims.

The PWDVA provided the inclusive definition of domestic violence that acknowledged the multifaceted nature of domestic abuse to encompass not only physical abuse but also emotional, verbal, sexual, and economic abuse. The Act aimed to provide comprehensive protection to women.²

It is worthy to note that the Act not only extended its protection to all women in domestic relationships, including mothers, sisters, daughters, and women in live-in relationships, but at

¹ "Legal Empowerment of Women: Role of the PWDVA", 75(3) *Indian Journal of Social Work* (2014).

² Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press, New Delhi (1999).

the same time recognized the diverse forms of domestic arrangements thereby ensuring that a greater number of women could seek legal or judicial redress.

Under the PWDVA, victims have been given the right to seek various forms of relief, such as protection orders, residence orders, monetary relief, custody orders, and compensation orders. The Act also necessitates the establishment of support services, including shelter homes, medical facilities, and legal aid, to assist victims in their recovery and empowerment.

The rights-based approach which prioritizes the protection and empowerment of women within domestic settings is one of the most progressive aspects of the Protection of Women from Domestic Violence Act (PWDVA). The Act affirms a woman's right to reside in the shared household, regardless of her legal ownership or title, ensuring that she cannot be evicted or excluded from her residence.

To provide a full spectrum of support services, the PWDVA empowers courts to issue various orders, including protection orders to prevent further abuse, residence orders to secure accommodation, custody orders concerning children, and monetary relief to address financial needs.³

The Protection of Women from Domestic Violence Act (PWDVA) mandates the appointment of Protection Officers (POs), who serve as the primary liaison for victims seeking legal and protective remedies. These officers play a crucial role in coordinating with the police, legal service authorities, and shelter homes to ensure a proactive and accessible support system for survivors of domestic violence. However, strengthening the capacity and resources of Protection Officers remains essential for the successful implementation of the Act.

Furthermore, The Protection of Women from Domestic Violence Act (PWDVA) aims to empower victims of domestic violence to rebuild their lives independently through timely and effective intervention. It's provisions includes monetary compensation for physical and mental injuries, loss of earnings, and expenses related to medical treatment or maintenance. This financial support acknowledges the economic impact of domestic violence on women. However, delays in the disbursement of monetary relief and the complexity of legal procedures

³ Mukherjee, S. "Judicial Perspectives on Domestic Violence in India." *Indian Journal of Family Law* 16 (2020): 55–70.

often undermine the intended benefits of this provision. A unified and collaborative approach involving legal authorities, policymakers and civil society organization to address these challenges⁴.

II. Provisions and Commitments of the Protection of Women from Domestic Violence Act

The Protection of Women from Domestic Violence Act (PWDVA), 2005, marks a pivotal transformation in India's legal approach to domestic abuse. It recognises domestic violence as a violation of human rights and a form of gender-based discrimination. It shifts from a predominantly narrow criminal framework to comprehensive civil remedy-based system that prioritizes and focuses on prevention, protection, and rehabilitation. The salient features of the Act are mentioned below⁵:-

A. Definition of Domestic Violence (Section 3)

The Act provides an inclusive and expansive definition of domestic violence. Unlike earlier legal frameworks that emphasized only physical harm, under Section 3 of the Act, domestic violence is defined to include-

- 1. Physical Abuse:** includes any act or conduct that is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health.
- 2. Sexual Abuse** involves any conduct of a sexual nature that abuses, humiliates, or degrades the woman.
- 3. Verbal and Emotional Abuse** covers insults, name-calling, repeated threats and humiliation including insults for not bearing a male child or repeated accusations of infidelity.
- 4. Economic Abuse** includes deprivation of financial resources, denial of access to shared household, and withholding of maintenance or other economic necessities.

This exhausted definition ensures that women are safeguarded not only from visible physical harm but also from those aspects of violence like psychological trauma and economic abuse that are often hidden yet equally destructive.

⁴ Ahlawat, Neerja. (2005). "Domestic Violence against Women: Emerging Concerns in Rural Haryana." *Social Action*, 55(4), 449–462.

⁵ Sakshi Godara, "Effectiveness of the Protection of Women from Domestic Violence Act, 2005" *7 Int'l J. Legal Sci. & Innovation* 287–298 (2025).

B. 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.

C. Civil Nature and Available Legal Reliefs

Another key feature of the PWDVA is its civil nature, which allows women to seek protection without initiating any sort of criminal proceedings. This is a major departure from the existing legal framework pre-2005, where women largely rely to criminal law provisions that often intensify conflict and hindered efforts to bring about reconciliation when desired. The PWDVA, on the other hand, is both remedial and preventive, aimed at providing immediate relief and long-term protection.

The Act provides for the following **legal reliefs**:⁶

- **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

⁶ The Protection of Women from Domestic Violence Act, 2005, Act No. 43 of 2005, enacted on 13 September 2005, effective from 26 October 2006.

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 broad range of civil remedies makes the Act victim-focussed, emphasizing safety, housing, dignity, and financial support. In contrast to the punitive laws that concentrate solely on punishing the offender, the PWDVA is so structured to support the survivor in continuing or rebuilding her life with necessary assistance.

D. Institutional Mechanisms for Support and Implementation

The effectiveness of any law lies not only on its letter but on the systems established to implement it. Acknowledging this, the PWDVA mandates the setting up of institutional support mechanisms, including:⁷

- **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 counselling, 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.

E. Timely Adjudication and Approachable Legal Forums

The Act stipulates that cases under the PWDVA be heard in Magistrate's courts which are more approachable and less daunting than higher courts. Moreover, the law stresses time bound proceedings, requiring the hearings to begin within three days and strive to dispose of the case within sixty days from the first hearing. This emphasis on quick justice is vital, considering the

⁷ The Protection of Women from Domestic Violence Act, 2005, available at: <https://indiankanoon.org/doc/1031794/> (last visited on August 10, 2025).

urgent nature of domestic violence cases where delays can put at risk the lives of the victims and can result in continuous abuse.

F. Empowerment through Legal Education and Rights Awareness

One of the underlying promises of the PWDVA is to empower women by enhancing knowledge of their rights through awareness. The law itself, both in its framing and enforcement, is meant to communicate a message that domestic violence is not a private matter but a breach of legal and human rights. In many cases, often, the mere filing of a complaint or obtaining a protection order can act as a deterrent against further abuse. Additionally, the Act also makes provisions for the sensitization and training of police personnel, judiciary, and healthcare professionals to handle domestic violence cases with compassion and efficiency. While the success of this depends on how these measures are implemented at the state level, the legislative intent is clear: to shift societal attitudes by affirming that violence against women is neither acceptable nor will be tolerated by law.⁸

III. Challenges In Implementation

The various challenges in the implementation of the provision of the Act, 2005 are the following⁹:-

• Societal Attitudes

Despite the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA), the effective implementation of the Act continues to face impediments due to the entrenched societal attitudes. Domestic violence is often looked at as a private family matter, leading to significant underreporting and privacy. Cultural norms and patriarchal values prevalent in many Indian communities, uphold the belief that issues should remain confidential within the walls of the house thereby discouraging women from seeking legal recourse. This further results in undermining the objectives of the PWDVA.

These deep-rooted societal attitudes would only be addressed by extensive public awareness campaigns and educational initiatives while engaging community leaders and influencers to challenge and change these perceptions. Moreover, we can foster a more informed and supportive environment for victims by incorporating discussions on gender equality and the

⁸ Kelkar, Govind, "Domestic Violence in India: Impact and Response", 38(17) *Economic and Political Weekly* 1603–1607 (2003).

⁹Mr. Sudhir Sitaram Pawar & Dr. Sharvari Vaidya, "Safeguarding Women's Rights: Legal Measures and Challenges under the Domestic Violence Act, 2005" 54 *Cuestiones de Fisioterapia* 5599–5604 (2025).

legal rights of women into educational curricula. Adopting such steps is essential to encourage victims to raise their voice against perpetual abuse.

- **Lack of Awareness**

A major barrier to the effective implementation of PWDVA is the lack of awareness among women about the rights and the safeguards available to them under the PWDVA. This lack of knowledge is responsible for leaving women vulnerable to continued abuse. To fight this issue, targeted outreach programs are necessary. Government agencies, along with non-governmental organizations (NGOs), can conduct workshops and seminars to educate women about their rights. With the help of local media, such as community radio and regional newspapers, this information can be disseminated effectively. Moreover, helpdesks can be established in public institutions like hospitals and police stations to provide immediate assistance and information to victims.

The lesser competency and ability of Protection Officers and law enforcement personnel is also a hindrance in the success handling domestic violence cases sensitively and efficiently. Many officials lack a detailed understanding of the Act's provisions and the complexities of domestic abuse. To address this challenge, it is very essential to organise training programs on sensitizing officials to the technicalities of domestic violence, prioritizing empathy and providing detailed knowledge of the PWDVA to ensure that Protection Officers and law enforcement personnel remain updated on best practices and legal developments.

- **Resource Constraints**

Resource limitations significantly hinder the PWDVA's implementation in an effective manner. Shortages of essential infrastructure such as shelters for victims and support centres and Financial constraints further worsen these issues, limiting the availability of services like counselling and legal aid, providing resources and support to victims,. To lessen these constraints, increased funding from both governmental and non-governmental sources is necessary, Public-private partnerships can be explored to establish and maintain support facilities to the victims.

- **Judicial Delays**

Judicial delays hinder the efficiency of the PWDVA. Prolonged legal proceedings often dissuade victims from seeking justice as the extended duration often adds financial burdens and emotional fatigue upon them. These delays stem from an overburdened judiciary,

procedural complexities and the absence of specialized courts to handle domestic violence issues. In order to address this issue expeditiously and to facilitate swifter justice, the judicial system is required to be well equipped with systemic reforms internally. This can be achieved by establishing fast-track courts dedicated to domestic violence cases, simplifying legal procedures, reducing bureaucratic hurdles and increasing the judiciary's capacity through the appointment of additional judges and support staff to help alleviate the backlog of cases.

IV. Impact of Socio-Economic Factors

Socio-economic factors such as poverty and lack of education are significantly responsible for the hardships faced by victims of domestic violence. Women who belong to rural and economically disadvantaged areas often encounter additional barriers to accessing legal remedies under the PWDVA.¹⁰

• Awareness Campaigns

Awareness initiatives play an essential role in empowering women by equipping them with education about their legal rights and the protective measures available under the PWDVA in both rural and urban areas. Under the influence of the deeply entrenched societal norms that normalize domestic violence, many women remain unaware of the remedies they can seek. So the awareness efforts must utilize both traditional media, such as television and newspapers, and digital platforms like social media to spread information effectively by creating multilingual content tailored to regional audiences to ensure relevance across communities. Such programs must also target men, fostering inclusive conversations that challenge patriarchal mind-sets. Further, collaborations with educational institutions, corporate sectors, and community-based organizations can further amplify these campaigns and ensure a wider reach. Efforts should focus on sensitizing women to recognize different forms of abuse viz. physical, emotional and economic exploitation.

Training Programs

The insufficient training for Protection Officers, law enforcement personnel and members of the judiciary poses a significant challenge to the effective enforcement of the PWDVA. Law enforcement officials must be provided specialised training to recognize signs of abuse and necessary skills to handle domestic violence cases sensitively and efficiently. They must adopt

¹⁰ Henita, Tarsis, and Sherene G. Edwin. "Empowering Women Through PWDVA: Awareness and Legal Frameworks." *The Research Review* 10 (2024): 27–35.

victim-centric approaches and avoid biases that may deter women from filing complaints. Likewise, judicial training can help judges understand the socio-economic implications of domestic violence and ensure prompt and fair adjudication. Interactive and practical training sessions involving case studies, role-playing, and legal education modules should be regularly conducted. The National Legal Services Authority (NALSA) and state legal services authorities can take the lead in developing comprehensive training curricula to address emerging challenges and ensure that Protection Officers and other stakeholders remain well-equipped to handle their responsibilities.¹¹

• Resource Allocation

Another significant barrier to the effective implementation of the PWDVA is the lack of adequate financial and infrastructural resources. Protection Officers who are given the responsibility of supporting victims and enforcing the provisions of the Act, often face challenges due to limited office space, insufficient staff, and inadequate technological resources. Government must take initiatives for the establishment of state-funded shelters, helplines and rehabilitation centres for survivors of domestic violence. Financial resources should also be allocated to improve the working conditions of Protection Officers and provide them with technological tools for efficient case management. Further, regular audits and evaluations must be done to ensure that funds are utilized effectively and transparently.

• Community Engagement

Community engagement is crucial in addressing the societal norms that perpetuate domestic violence as the Community leaders, being respected figures, have the potential to influence public opinion and encourage victims to come forward without fear of stigma or retaliation. They can play a transformative role in changing attitudes toward domestic violence and fostering a culture of accountability. Engaging communities through interactive dialogues, workshops, and awareness programs can help create safe spaces for discussing domestic violence and challenging its normalization. Community-based initiatives, such as forming vigilance committees and support groups for survivors, can provide immediate assistance and psychological support. This could further be strengthened by the Government and civil society collaboration.

¹¹ Pawar Sudhir Sitaram and Vaidya Sharvari. *Safeguarding Women's Rights: Legal Measures and Challenges under the Domestic Violence Act, 2005*. *Cuestiones de Fisioterapia* 54, no. 4 (2025): 5599-5604. <https://doi.org/10.48047/z1frcn47>.

• **Judicial Reforms**

Judicial delay in domestic violence cases is the main element that discourages victims from pursuing legal remedies under the PWDVA. It is important to streamline judicial procedures and to establish specialized fast-track courts for domestic violence cases as it can ensure timely and effective justice for victims. The appointment of dedicated judges with expertise in domestic violence cases can further enhance the efficiency and sensitivity of the judicial process.

Moreover, technology-driven solutions, such as virtual hearings and online case management systems, can expedite legal proceedings and reduce the backlog of cases. Further, the integration of victim-friendly court practices, including private hearings and trauma-informed approaches, is essential for creating a supportive environment for survivors.

V. 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.¹²

1. Inadequate Appointment and Training of Protection Officers

At the heart of the PWDVA's implementation structure lies the Protection Officer (PO) who is a government-appointed official responsible for assisting the aggrieved woman, filing Domestic Incident Reports (DIRs), facilitating medical and legal aid and ensuring that the court orders are enforced. However, the appointment of dedicated Protection Officers remains a major bottleneck as 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. These officers often lack specific training or adequate infrastructure 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. Hence in this scenario, the system fails to provide empathetic and efficient responses to survivors.

¹² Choudhury, Madhavi, "Implementation Gaps in PWDVA: A Field-Level Analysis", *Indian Journal of Gender Studies* (2020).

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 but its implementation practically leaves many women unsupported. However, on-the-ground availability of these services is either highly inadequate or poorly managed, underfunded and unsafe, thus compromising the wellbeing of women. Women in need of immediate escape from abusive homes are frequently denied access to temporary shelter due to 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. People do not repose much trust in the legal aid provided by the District Legal services Authority (DALSA) as it 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 the hearings to begin within three days and cases ideally resolved within sixty days, the ground reality reflects a totally different picture. There is a widespread delay and judicial backlog because the Courts are often overloaded. Moreover the system lacks designated courts or fast-track mechanisms for domestic violence cases. 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 under duress or return to abusive environments out of despair.¹³

4. Poor Awareness

One of the major barriers to effective implementation is the lack of awareness and gender sensitivity among 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. They are hesitant to intervene without formal FIRs or visible signs of physical assault and encourage survivors to resolve the issue amicably.

Another fundamental loophole is that the police officers are unaware of the provisions of the PWDVA and may erroneously guide victims toward filing criminal complaints under BNS

¹³ Ali, Shaheen Sardar, *Gender and Human Rights in India: The Role of the Judiciary*, Indian Law Institute, New Delhi (2014).

provisions, undermining the civil remedy process.

The judiciary, too, faces criticism for its inefficiency to handle domestic violence. 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 is deeply entrenched with patriarchal and conservative societal norms that play a significant role in the underreporting of domestic violence. Many women fail to perceive abuse—especially verbal, emotional, or economic abuse—as a legal violation. Cultural beliefs that glorify female endurance, the sanctity of marriage, and the family’s honor prevent women from speaking out or seeking help. They are pressurised by 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.¹⁴

6. Limited Role of Service Providers and NGOs

Although the Act allows the NGOs, counsellors, and legal practitioners to assist victims but 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 effectiveness.

VI. Barriers To Accessing Justice For Married Women¹⁵

1. Social Obstacles:

- **Cultural Stigma and Patriarchy:** Indian society is generally vastly controlled by traditional gender roles and patriarchal systems in most regions of the country. Domestic violence is not something that's a public issue and women are discouraged to

¹⁴ Amnesty International India, “When Protection Becomes Punishment: The Failures of Domestic Violence Laws in India”, Amnesty International, New Delhi (2021).

¹⁵ Priya, Ritu and Kalpana Kannabiran, “Challenges in Domestic Violence Prevention: Feminist Legal Perspectives”, 44(40) *Economic and Political Weekly* (2009).

make complaints about domestic violence complaints to the relevant authorities. Social pressure to sustain the family unit and to guard "family honor" compels many women to keep quiet about abuse they are facing. Reporting domestic violence leads to ostracization, especially in rural areas due to the local community's general norm of discouraging women from leaving abusive husbands.

- **Economic Dependence:** Major proportion of Indian married women are economically dependent on their husbands. Economic insecurity bars them from leaving an abusive husband or for legal redress. Mostly housewives and the weaker economic sections of women like not to approach courts even if they are wronged because a move to seek justice might fetch them financial disaster, especially if they have husbands who earn for the family. Economic insecurity might then deny them the right to the legal system.¹⁶

2. Legal Barriers

- **Lack of Awareness about Legal Rights:** The rights under BNS 2023 or other legal framework are not known to most of the married women, especially those residing in rural or semiurban areas. Though legal redress is available-for instance, through a First Information Report; seeking a protection order; and receiving compensation-this vast number of victims do not know how to utilize these provisions. However, there is also little scope for effective policing for the sheer numbers engaged in these practices. This lack of information significantly defeats their access to justice and further lines them up in reliance on extrajudicial modes of dispute resolution, for instance, mediation in the community, that are not always sure to guarantee them safety.
- **Expensive and Time-Consuming Litigation:** Although BNS 2023 promises to make the process easier in courts, whereas cases of domestic violence have been pending for a long time. Litigation cost, lawyer fees, travel, and other expenses associated with courts make it impossible for poorly offs women approach courts seeking redress. Delays combined with the expense of litigating deter women who may otherwise seek legal recourse.

3. Institutional Barriers

- **Police Attitudes and Gender Bias:** The police perform very crucial preliminary

¹⁶ Isha Kansal and Dr Ankur Sharma, *Women's Access To Justice In Cases Of Domestic Violence Under Indian Legislations: Barriers And Solutions, Cuestiones de Fisioterapia* 54(4) (2025) 6959–6965, DOI: 10.48047/g3w87y79.

processes in domestic violence cases, but the latter, while acting to preserve such complaints, are also men and often portray gender bias while attending to such grievances. In many cases, policemen try to reconcile the victim with the abuser rather than taking legal action. This "reconciliation" approach is proof of profound societal sentiments that focus on preserving family unit rather than women's security, and it often dissuades the victim from presenting formal complaints.

- **Inadequate Support Services:** In addition, substantial support services, like shelters, counseling, and legal aid, are also necessary to ensure effective access to justice. However most of these services are either deficient or completely nonexistent, especially in rural areas. The unsafe shelters and professional counseling make it impossible for women to escape abusive environments or pursue legal remedies.

VII. Proposed Solution

1. **Legal Literacy and Awareness Programs:** The government and civil society organizations should initiate mass legal literacy programs countrywide and in rural areas. These should enlighten the women about their rights under the law of BNS 2023, including filing of complaints, applications for protection orders, and compensation.
2. **Economic Empowerment Initiatives:** Easing economic dependency in married women is an important factor in reducing dependence on violent spouses. Thus, programs initiated by the government for employment opportunities, financial benefits, and skill development among women will better their chances of being financially independent, hence independent in seeking justice without fear of losing economic stability.
3. **Police and Institutional Reforms:** Such training is a necessity on police response to cases of domestic violence. The focus of the training should therefore be attitude change towards domestic violence, getting the officer to take immediate legal action upon complaint, and proper recording of complaints.
4. **Fast-Track Courts:** Implementing fast-track courts that concentrate on domestic violence cases will reduce judicial process delays. A fast-track court may provide for speedy disposition of cases and ensure that the victims are accorded justice and protection in good time.
5. **Services to Victims:** Such urgent needs include expansion of shelter, legal aid and counseling services for the survivors of domestic violence. Such governmental

investment in the support services can provide the resources women need to get out of abusing relationships and further leads through the legal process.

VIII. Conclusion

Access to justice by women with domestic violence in India is more of a social requirement than any legal as such, which demands urgent attention and multi-dimensional solutions right now. While the legislation that has been enacted in India, specifically, Protection of Women from Domestic Violence Act, 2005, offers a specific domestic violence framework to constitute legal recognition, the real fact scenario remains difficult and hard even to attain justice and support for many. The patriarchal nature deeply ingrained in Indian society highly affects the participatory delivery of justice to women. Many women are conditioned to tolerate violence, mainly because of pressures from their peers and fear of stigma resulting from giving complaints over abuse. The cultural atmosphere promotes silence that encourages domestic violence. This can only be broken if society acts collaboratively to challenge and change the culture. Community awareness programs can prove to be a great tool in the dialogue to change what society believes about domestic violence, making it clear that it is unacceptable and that victims are not to be shamed but empowered. Domestic violence, therefore, faces another challenge in the judicial system. Inefficiencies in the judicial process lead to long suits, bureaucratic red tape, and delays, which discourage women from seeking redress. Judicial reforms, therefore, require these judicial processes to be streamlined. Such reforms would ensure that cases of domestic violence are accorded higher priority in the judicial process, thereby reducing delays in receiving redress. A radical approach towards accessing justice will be the empowerment of women through education and resources. Women must be enlightened on their rights under law and the resource services available to them, such as legal aid services, shelters, etc. The education programs should not be rights and participation alone but also expand into economic empowerment, making women self-sufficient in the economy. The power of the women has been a deterrent to house violence, as they are more likely to leave relationships and seek justice because they are more financially independent. It is essential for establishing a foundation of support structures. Centres must be available, and counseling as well as legal aid clinics must be made available in centers. Local authority collaborations with NGOs will have to ensure that there are safe destinations provided for the victim and competent systems that help guide the victims through the process. Community-based organizations can be an important bridge between victims and points to access in the legal system, establishing relief for women in the time of need. Training programs by the law enforcement and judicial

officers are also necessary for empathizing on the matter of domestic violence. The officer would then be well-equipped to handle the victims with compassion, realizing that indeed domestic violence is something complex in nature. The judiciary should realize the plight of women and make sure justice is better delivered. Judgments and decisions must now take into account all the ordeal of a woman facing this cruel circumstance. In a nutshell, the legal framework actually does not protect women against domestic violence in India; however, the barriers to its effectiveness are located at cultural, legal, and systemic points. A holistic approach that takes into consideration awareness, legal reform, education, and support services is essential to ameliorate the access of women to justice. India can ensure a safer environment for women if it tackles such barriers-by affirming their rights and dignity. Access to justice is a basic legal obligation but, more importantly, a moral imperative for a just and equitable society to ensure women get access to justice in cases of domestic violence.

