THE ILLUSION OF EMPOWERMENT: A CRITICAL STUDY OF ENFORCEMENT DEFICITS IN WOMEN'S LEGAL RIGHTS IN INDIA

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Abstract

India's statute book confers on women a generous bundle of legal entitlements - protection from domestic violence, a workplace anti-harassment regime, equal coparcenary rights in ancestral property, and an expedited maintenance remedy - yet the gap between these guarantees and women's lived experience of them is not primarily a drafting failure but an enforcement failure. This article tests that claim against four case studies: the Protection of Women from Domestic Violence Act, 2005; the Sexual Harassment of Women at Workplace Act, 2013; the Hindu Succession (Amendment) Act, 2005; and the maintenance remedy under Section 125 CrPC (now Section 144 BNSS). A single pattern recurs: courts, and even the Supreme Court itself, have had to re-issue, re-circulate, or judicially supervise rights already secured in law - Protection Officers remain understaffed twenty years after the PWDVA; POSH Internal Committees remain uninstituted in most small workplaces and, as this article shows, remain subject to unresolved Supreme Court compliance orders as recently as August 2025; the 2005 coparcenary reform has moved female land ownership by only 3.4 percentage points in five years; and the Supreme Court has had to order its own maintenance guidelines re-circulated to judicial academies because subordinate courts were not following them. The article identifies four structural drivers - institutional under-resourcing, awareness asymmetry, procedural conflation, and weak data infrastructure - and, drawing on live National Judicial Data Grid figures, argues that closing the deficit requires administrative and judicial reform, not further legislative expansion of rights already adequate on paper.

Keywords: Women's rights enforcement; Protection of Women from Domestic Violence Act; POSH Act; Hindu Succession Amendment Act; Section 125 CrPC; National Judicial Data Grid; access to justice; India

1. Introduction

Indian legislative history of the past two decades reads, on its face, as a sustained project of gender-protective reform. Article 15(3) of the Constitution[1] has furnished the enabling foundation for a succession of statutes: the Dowry Prohibition Act, 1961[2]; the Protection of Women from Domestic Violence Act, 2005 ("PWDVA"); the Hindu Succession (Amendment) Act, 2005; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"); and the Criminal Law (Amendment) Act, 2013[3],

[1] India Const. art. 15, cl. 3.
[2] Dowry Prohibition Act, No. 28 of 1961, §§ 3–4 (India).
[3] Criminal Law (Amendment) Act, No. 13 of 2013 (India); see also Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 65–79, 78 (India) (successor provisions).

alongside a long-standing maintenance remedy under Section 125 of the Code of Criminal Procedure, 1973[4]. Each of these statutes, read in isolation, appears to close a specific gap in women's legal protection. Read together, and tested against enforcement data rather than statutory text, a different picture emerges.

This article's central claim is that India's difficulty is no longer, in the main, legislative. The relevant rights largely exist. What is missing, with remarkable consistency across four unrelated regimes, is the institutional machinery to deliver them in practice - officers never designated, committees never constituted, guidelines re-issued, and ownership figures that barely move despite an unambiguous change in law. The article terms this the "illusion of empowerment": law empowering in form and, for a very large number of women, considerably less empowering in fact.

2. The Statutory Architecture of Women's Rights in India

Four statutory regimes form the empirical core of this article, chosen because each addresses a materially different domain of women's lives - the home, the workplace, inherited property, and post-separation subsistence - and because each has now accumulated enough post-enactment history to permit an assessment of implementation rather than merely of drafting. The scope of this article is confined to four case studies that explore the gap between statutory guarantees and institutional delivery.

First, the PWDVA provides civil remedies - protection, residence, monetary relief, custody, and compensation orders - against domestic violence, delivered through a three-part machinery of Protection Officers, service providers, and Magistrates[5]. Second, the POSH Act mandates Internal Committees in every workplace with ten or more employees and Local Committees at district level for smaller and informal establishments[6]. Third, the Hindu Succession (Amendment) Act, 2005 substituted Section 6 of the Hindu Succession Act, 1956 to confer coparcenary status on daughters by birth, on equal terms with sons[7]. Fourth, Section 125 of the Code of Criminal Procedure, 1973 provides a summary maintenance remedy for wives, children, and parents unable to maintain themselves, intended to prevent vagrancy and destitution rather than to determine matrimonial status[8].

3. Conceptual Framework: From Statutory Right to Enforceable Remedy

The distance between a statutory right and its delivery can be located at several distinct points in the implementation chain: (i) the awareness point, where a rights-holder does not know the remedy exists; (ii) the institutional point, where the officer, committee, or forum tasked with delivering the remedy does not exist or is not functioning; (iii) the procedural point, where the remedy exists and is invoked but is delayed, diluted, or entangled with parallel proceedings; and (iv) the social-enforcement point, where a remedy is formally granted but cannot be realised because of resistance within the family, workplace, or community. Each of the four case studies that follow illustrates a different combination of these four points of failure, and Section 8 draws the pattern together.

[4] Code of Criminal Procedure, No. 2 of 1974, § 125 (India); Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 144 (India) (successor provision).
[5] Protection of Women from Domestic Violence Act, No. 43 of 2005, §§ 8–10, 18–22 (India).
[6] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, §§ 4, 6 (India).
[7] Hindu Succession Act, No. 30 of 1956, § 6, as substituted by Hindu Succession (Amendment) Act, No. 39 of 2005, § 3 (India).
[8] Bhagwan Dutt v. Kamla Devi, (1975) 2 S.C.C. 386 (India) (describing the object of § 125 of the Code of Criminal Procedure as the prevention of vagrancy and destitution).

4. Case Study I: Domestic Violence - The PWDVA and Structural Delay

The PWDVA's Section 12(5) directs Magistrates to endeavour to dispose of applications within sixty days of the first hearing[9], yet the monitoring literature - from the Lawyers Collective's Staying Alive reports onward - has consistently found this target observed more in the breach than in practice, with delay traced substantially to the under-staffing of Protection Officers, who in most states are existing social welfare officials designated additionally rather than a dedicated cadre (Lawyers Collective, 2010; Lawyers Collective Women's Rights Initiative, 2013). The Madras High Court's own discovery, while hearing Dr. P. Pathmanathan v. Tmt. V. Monica[10], that over one thousand quashing petitions arising from Section 12 applications had stalled before it, most for over three years, is the clearest judicial admission of this pattern in Tamil Nadu specifically. Most recently, the Supreme Court's order in We The Women of India v. Union of India[11] directing every State and Union Territory to complete Protection Officer designation within six weeks confirms, at the highest judicial level, that this institutional gap remained unresolved two decades after the Act's enactment.

A further, less-remarked layer of the PWDVA's enforcement difficulty lies in the very identity of the class of persons against whom relief can be sought. Section 2(q) of the Act, as originally enacted, confined "respondent" to "any adult male person" in a domestic relationship with the aggrieved woman, a restriction the Supreme Court struck down as violative of Article 14 in Hiral P. Harsora v. Kusum Narottamdas Harsora[12], holding that domestic violence - physical, verbal, emotional, or economic - can as readily be inflicted by a mother-in-law or sister-in-law as by a husband or son. The ruling was doctrinally necessary and widened the Act's protective reach considerably, but it also widened, without any corresponding increase in establishment strength, the range of parties a Protection Officer must now investigate, serve, and report on in every multi-respondent household complaint - precisely the kind of joint-family dispute that predominates in the mofussil courts of Tamil Nadu. The result is a second-order illustration of the institutional point of failure identified in Section 3: a right correctly expanded by the judiciary becomes, at the point of delivery, an additional burden on a Protection Officer cadre whose sanctioned numbers were never recalibrated for the wider caseload the expansion necessarily generates.

The expansion of who may be sued has been matched by an expansion of what may be reached. In Satish Chander Ahuja v. Sneha Ahuja[13], the Supreme Court held a daughter-in-law's residence right extends to a household owned exclusively by her in-laws; and, five years before Harsora, Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade[14] had already allowed female relatives to be joined as respondents in defined circumstances. Each ruling is individually sound, but cumulatively they show why the deficit resists a purely legislative fix: every judicial widening of respondents or of "shared household" increases the burden on the same, unexpanded Protection Officer cadre, so the gap between the right adjudicated and the right delivered widens even as the case law grows more protective.

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[9] Protection of Women from Domestic Violence Act, No. 43 of 2005, § 12(5) (India).
[10] Dr. P. Pathmanathan v. Tmt. V. Monica, 2021 (2) C.T.C. 57 (Madras) (India).
[11] We the Women of India v. Union of India, order of May 20, 2025 (Sup. Ct., India) (directing States and Union Territories to complete Protection Officer designation within six weeks).
[12] Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 S.C.C. 165 (India) (striking down the words "adult male" in § 2(q) of the Protection of Women from Domestic Violence Act as violative of article 14 of the Constitution).
[13] Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 S.C.C. 414 (India) (holding that "shared household" under § 2(s) extends to a household owned exclusively by the respondent's parents, overruling S.R. Batra v. Taruna Batra, (2007) 3 S.C.C. 169 (India), to that extent).
[14] Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade, (2011) 3 S.C.C. 650 (India).

5. Case Study II: Workplace Sexual Harassment - The POSH Act and the Missing Committees

The POSH Act's genealogy itself illustrates the enforcement problem it was meant to solve. The Supreme Court's guidelines in Vishaka v. State of Rajasthan[15] were issued in 1997 as an interim measure, to hold the field "until a legislation is enacted for the purpose," and grounded workplace safety in Articles 14, 15, and 21 of the Constitution. It took the legislature sixteen years to enact that legislation. In the interim, the Supreme Court found it necessary to revisit its own guidelines in Medha Kotwal Lele v. Union of India[16], where it recorded that Complaints Committees directed to be constituted under Vishaka had, in many states and institutions, simply not been formed, and issued a fresh round of directions — including a requirement that every state form adequate numbers of Complaints Committees within two months — through what the Court itself characterised as a continuing mandamus.

The POSH Act, once enacted, replicated the earlier problem in statutory form. Section 4 mandates an Internal Committee in every workplace with ten or more employees[17], and Section 6 requires the District Officer to constitute a Local Committee for smaller and informal workplaces[18], while Section 19 separately obliges every employer to organise awareness programmes and provide the Internal Committee with the resources needed to function[19]. Contemporary commentary, more than a decade after the Act's commencement, records that a substantial proportion of organisations — particularly in the unorganised and small-scale sector - still fail to constitute Internal Committees at all, and that where committees do exist, inadequate training of members on evidence assessment and procedural fairness remains a recurring compliance failure. The pattern is structurally identical to the PWDVA's Protection Officer shortfall examined in Section 4 above: a statutorily mandated institutional actor, without whom the substantive right is practically unreachable, remains absent in a large share of the workplaces the Act is meant to cover.

The continuing mandamus first deployed in Medha Kotwal Lele has not, in fact, closed. In Aureliano Fernandes v. State of Goa[20], decided a decade after the POSH Act's commencement, the Supreme Court again recorded "serious lapses" and issued fresh directions requiring the Union, every State and Union Territory, and a wide range of bodies to verify, in a time-bound exercise, that Internal and Local Committees had actually been constituted. Compliance proved no more forthcoming the second time: a follow-up order of 3 December 2024 directed a fresh district-wise survey, and at an 12 August 2025 hearing the amicus reported no State or Union Territory had returned complete compliance data, prompting a direction to establish a data-collection chain that has yet to be shown to function[21]. Twenty-nine years after Vishaka and thirteen after the POSH Act, the Supreme Court is, in substance, still issuing the same category of direction it first issued in 1997 - evidence the deficit is a structural condition, not a transitional feature of a young statute.

The gap between entitlement and use is measurable at the complaint level too. Parliamentary data placed on record in 2026 shows only 254 complaints filed on the Ministry's SHe-Box portal in all of 2025[22] - a figure

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[15] Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India).
[16] Medha Kotwal Lele v. Union of India, (2013) 1 S.C.C. 297 (India) (decided Oct. 19, 2012).
[17] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 4(1) (India).
[18] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 6 (India).
[19] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013, § 19(a)–(c) (India).
[20] Aureliano Fernandes v. State of Goa, Civil Appeal No. 2482 of 2014, judgment of May 12, 2023 (India).
[21] Aureliano Fernandes v. State of Goa, Civil Appeal No. 2482 of 2014 (India), order of Dec. 3, 2024 (directing a district-wise survey of Internal Complaints Committee constitution) and order of Aug. 12, 2025 (recording continued non-compliance and directing a data-collection mechanism).
[22] eLearnPOSH, POSH Compliance Updates 2026: What Employers Must Know (Apr. 9, 2026), https://elearnposh.com/posh-compliance-updates-2026-india/ (citing Parliamentary data recording 254 complaints filed on the SHe-Box portal in 2025 and 296 complaints received since the portal's revamp in August 2024).

strikingly small against the scale of India's organised-sector female workforce, more consistent with awareness asymmetry than with any genuine absence of harassment. The definitional battles that produced Vishaka and Medha Kotwal Lele have, moreover, continued past Aureliano Fernandes: in 2025 the Supreme Court, in Dr. Sohail Malik v. Union of India[23], considered redress in a cross-organisational scenario, and in early 2026 the Kerala High Court in X v. Kollam Bar Association[24] set aside an Internal Committee's proceedings for want of "employer" status. A statute still being litigated at the level of who counts as an employer, fourteen years on, has not reached the settled-implementation stage "empowerment" implies.

6. Case Study III: Property Rights - The Hindu Succession (Amendment) Act, 2005 and the Ownership Gap

Few Indian gender-equality reforms are as textually unambiguous as the Hindu Succession (Amendment) Act, 2005, which substituted Section 6 of the Hindu Succession Act, 1956 to make a daughter a coparcener "by birth", in the same manner as a son, with the same rights and liabilities[25]. For fifteen years, appellate courts divided over whether this right attached only where both the daughter and her coparcener-father were alive on 9 September 2005, the date the amendment came into force. In Prakash v. Phulavati[26], a two-judge bench held that the amendment operated prospectively and required a living coparcener as of the commencement date; in Danamma @ Suman Surpur v. Amar[27], another two-judge bench reached the opposite result on materially similar facts. It took a three-judge bench in Vineeta Sharma v. Rakesh Sharma[28] to resolve the conflict definitively, holding that coparcenary status accrues by birth and does not depend on the father being alive on the commencement date - fifteen years after the amendment the right was meant to have granted immediately.

Doctrinal clarity, once achieved in 2020, has not translated into a comparable shift in actual ownership. National Family Health Survey data for 2019–2021 (NFHS-5) record that 31.7 per cent of women aged 15 to 49 own land, alone or jointly, against 43.9 per cent of men in the same age group - a gap of 12.2 percentage points that persists notwithstanding a coparcenary right that, in law, makes no distinction between sons and daughters (Ministry of Health and Family Welfare, 2020; Down To Earth, 2026). More strikingly, the female land-ownership figure had moved only from 28.3 per cent in NFHS-4 (2015–2016) to 31.7 per cent in NFHS-5 — a gain of 3.4 percentage points over five years for a reform that, on its statutory terms, already entitled daughters to an equal share.[29] This is the clearest illustration in this article of the fourth failure point identified in Section 3: a remedy that is doctrinally settled and can, in principle, be enforced through a partition suit, but that women in practice do

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[23] Dr. Sohail Malik v. Union of India (Sup. Ct., India, 2025), discussed in eLearnPOSH, POSH Compliance Updates 2026: What Employers Must Know (Apr. 9, 2026), https://elearnposh.com/posh-compliance-updates-2026-india/; the neutral citation could not be independently verified and should be confirmed against a primary reporter before submission.
[24] X v. Kollam Bar Ass'n, 2026 SCC OnLine Ker 1199 (India) (holding that the Kollam Bar Association did not qualify as an "employer" under § 2(g) of the Sexual Harassment of Women at Workplace Act and lacked authority to constitute an Internal Committee under § 4).
[25] Hindu Succession Act, No. 30 of 1956, § 6(1), as substituted by Hindu Succession (Amendment) Act, No. 39 of 2005 (India).
[26] Prakash v. Phulavati, (2016) 2 S.C.C. 36 (India) (holding that the Hindu Succession (Amendment) Act, 2005 applies only where both the daughter and a living coparcener were alive on September 9, 2005).
[27] Danamma v. Amar, (2018) 3 S.C.C. 343 (India).
[28] Vineeta Sharma v. Rakesh Sharma, (2020) 9 S.C.C. 1 (India) (decided Aug. 11, 2020) (overruling Prakash v. Phulavati on the "living coparcener" requirement).
[29] A 2024 study comparing NFHS-5 with the All India Debt and Investment Survey found the AIDIS-based estimate of women's land ownership to be markedly lower - approximately 5.5 per cent nationally - attributing the divergence to NFHS-5's reliance on self-reporting versus AIDIS's frequent reliance on proxy reporting by (typically male) household heads. See Economic and Political Weekly (Apr. 2024), summarised in Business Standard, *Less Than 10% of Indian Women May Own Land* (Apr. 26, 2024). Whichever estimate is preferred, the direction of the finding in this article is unaffected, and arguably strengthened: on either measure, actual female land ownership after the 2005 Amendment remains a small fraction of the formally equal entitlement the amended Section 6 confers.

not assert against their own natal families because doing so carries a social cost that the statute does not, and cannot, address.

The ownership gap is not simply social reticence; it is compounded by the procedural architecture through which the right must actually be enforced. Unlike the PWDVA's summary procedure, a daughter seeking her Section 6 entitlement against unwilling brothers has no route short of a full partition suit, with court fee ad valorem on the share claimed and mandatory impleadment of every coparcener and alienee[30] - a suit with a disposal timeline measured in years. Danamma and Vineeta Sharma settled whether the right exists; neither reduced the cost of asserting it, a distinct driver Section 8 identifies below. A coparcenary right requiring a multi-year suit against one's own brothers to vindicate is, for most women without independent means, empowering chiefly in the doctrinal sense.

Tamil Nadu supplies an instructive coda, because it did not wait for Parliament. The Hindu Succession (Tamil Nadu Amendment) Act, 1989, inserting Section 29-A with effect from 25 March 1989, made an unmarried daughter a coparcener by birth sixteen years before the Central amendment[31], carried through by Chief Minister M. Karunanidhi. Yet Section 29-A's own carve-outs - excluding daughters married before 25 March 1989 and partitions already effected - generated their own decades-long litigation tail, culminating in Mangammal v. T.B. Raju[32], where the Supreme Court as late as 2018 confirmed that daughters married before 1989 remain outside its protection altogether. Tamil Nadu is thus a caution against assuming early state action solves the enforcement deficit: a state that acted a generation ahead of the Centre still produced a statute whose eligibility conditions took thirty years to settle, and whose "married before commencement" exclusion still denies coparcenary rights to an entire cohort on a criterion unrelated to the equality rationale the 1989 Act itself invoked.

7. Case Study IV: Maintenance - Section 125 CrPC and the Cycle of Judicial Re-Instruction

Maintenance litigation under Section 125 of the Code of Criminal Procedure, 1973 illustrates a fourth variant of the enforcement deficit: a remedy that reaches the court promptly enough, but where the absence of a settled evidentiary framework produces prolonged, unpredictable, and often contradictory outcomes. In Rajnesh v. Neha[33], the Supreme Court observed that maintenance amounts were routinely fixed "on the basis of some amount of guess work," with wives tending to exaggerate need and husbands tending to conceal income, and accordingly issued comprehensive guidelines: a mandatory, uniform Affidavit of Disclosure of Assets and Liabilities in every maintenance proceeding; a rule that maintenance runs from the date of application rather than the date of the eventual order, to remove the incentive to prolong litigation; and a direction that Section 125 applications be decided within six months. These guidelines were, by design, meant to close exactly the kind of procedural and evidentiary gap identified in Section 3 above as a distinct point of enforcement failure.

Three years later, in Aditi alias Mithi v. Jitesh Sharma[34], the Supreme Court found itself confronting the same evidentiary chaos the Rajnesh guidelines were meant to have ended: no affidavit of disclosure had been filed by either party, and the impugned maintenance order had been passed, and then reduced on appeal, without the

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[30] Court Fees Act, No. 7 of 1870, § 7(iv-A) (India) (court fee in a partition suit computed ad valorem, subject to state amendments); Code of Civil Procedure, No. 5 of 1908, Ord. I, R. 10, Ord. XX, R. 18 (India) (joinder of every coparcener and alienee as necessary parties).

[31] Hindu Succession (Tamil Nadu Amendment) Act, Tamil Nadu Act No. 1 of 1990, inserting § 29-A into the Hindu Succession Act, 1956, with effect from Mar. 25, 1989 (India); accord similar amendments in Andhra Pradesh (1986), Karnataka (1994), and Maharashtra (1994).

[32] Mangammal v. T.B. Raju, 2018 INSC 372 (India) (holding that daughters married before the commencement of the Hindu Succession (Tamil Nadu Amendment) Act, 1989 remain outside the protection of § 29-A).

[33] Rajnesh v. Neha, (2021) 2 S.C.C. 324 (India) (decided Nov. 4, 2020).

[34] Aditi alias Mithi v. Jitesh Sharma, 2023 SCC OnLine SC 1451 (India) (decided Nov. 6, 2023).

disclosure framework being followed at all. The Court did not merely correct the individual order; it directed its own Secretary General to re-circulate the Rajnesh judgment to every High Court, the National Judicial Academy, and the State Judicial Academies, for use in judicial training. Few episodes better capture this article's central argument than a Supreme Court compelled to re-teach its own three-year-old guidelines to the subordinate judiciary because the first attempt at reform did not, on its own, change practice on the ground.

The transition from Section 125 CrPC to Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 preserved the substance of the remedy but did not, on its own, address the deeper evidentiary problem Rajnesh identified[35]. The Sanhita retains the same summary procedure and the same reliance on the parties' own disclosure, without embedding the Affidavit of Disclosure as a statutory form annexed to the Sanhita; the Affidavit survives only as a judicially prescribed practice, which is precisely why it could be, and was, disregarded in Aditi alias Mithi three years after Rajnesh. A guideline that depends for its continued observance on subordinate courts remembering a Supreme Court judgment, rather than on a form built into the statute or into the court's own case-management software, is structurally vulnerable to exactly the kind of lapse the Court encountered — a further illustration of the procedural driver identified in Section 8, and an argument, developed further in the Recommendations below, for embedding such disclosure requirements in the NJDG's own case-management fields rather than leaving them to institutional memory alone.

Nor does the deficit end once a maintenance order is passed. Recovery of unpaid maintenance, under the erstwhile Section 125(3) CrPC and now Section 144(3) BNSS[36], requires the aggrieved person to file a fresh execution application and obtain a warrant - a second, procedurally distinct round of litigation layered on the first. The NJDG's case-type taxonomy, examined in Section 8, does not link an original Section 144 application to its own execution proceeding, so the true delay between filing and actual payment is not captured by any single reportable figure — the maintenance remedy's own version of this article's procedural driver.

8. Synthesis: Common Structural Drivers of the Enforcement Deficit

Four statutes, addressing four domains of women's lives, display a consistent failure pattern. First, institutional under-resourcing recurs across the PWDVA's Protection Officers and the POSH Act's Committees: each creates an office without the dedicated staffing to function at scale, so enforcement stalls before a claim is even heard. Second, an awareness asymmetry runs through the property case study: a coparcenary right needing no institutional actor to activate it still goes unexercised because women are not equipped, socially or informationally, to assert it against their own families. Third, procedural conflation and evidentiary uncertainty - visible in the PWDVA's entanglement with parallel Section 498A IPC / Section 85 BNS proceedings[37] and in pre-Rajnesh maintenance litigation - shows that even a reachable forum can extend disposal past any prescribed timeline absent a settled procedural framework. Fourth, weak data and compliance infrastructure - no case-type-filtered pendency data for the PWDVA, no centralised POSH compliance registry - makes the scale of each failure difficult to quantify, audit, or attribute to any single actor.

Illustrative note: NJDG data, accessed 8 July 2026. The fourth driver can be illustrated directly from the National Judicial Data Grid's own live dashboard, which recorded 4,98,56,859 total pending cases nationally,

[35] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 144 (India); the Affidavit of Disclosure of Assets and Liabilities prescribed in Rajnesh v. Neha, (2021) 2 S.C.C. 324 (India), continues to operate as a judicially mandated practice rather than as a form scheduled to the Sanhita itself.

[36] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 144(3) (India) (an order for maintenance may be enforced as if it were a fine); see also Code of Criminal Procedure, No. 2 of 1974, § 125(3) (India) (predecessor provision).

[37] Bharatiya Nyaya Sanhita, No. 45 of 2023, § 85 (India) (cruelty by husband or relatives of husband; successor to § 498A of the Indian Penal Code, No. 45 of 1860).

of which 39,31,688 - 18,70,332 civil and 20,61,356 criminal - were filed by women, tracked as a single undifferentiated litigant-gender field rather than by governing statute[38]. Age-wise, 27 per cent of the entire national docket had already crossed the five-year mark[39]. These figures confirm women litigants form a substantial, trackable share of the national caseload, necessarily including some unknown share of PWDVA, POSH, Hindu Succession, and Section 144 BNSS matters falling into the delay bands this article describes qualitatively. What the dashboard cannot do, even in mid-2026, is disaggregate the "filed by woman" figure by governing enactment, since case-type codes vary by state and are not uniformly mapped to the underlying statute - itself the data-infrastructure driver this article identifies, now demonstrated with the Grid's own figures rather than merely asserted.

9. Recommendations

First, Protection Officer and Internal/Local Committee functions should be professionalised into dedicated, adequately staffed cadres, with sanctioned strength benchmarked to district population and workplace density, rather than layered onto officials with unrelated primary duties. Second, High Courts and the National Judicial Academy should institutionalise periodic, mandatory refresher training on implementation-focused Supreme Court guidelines - the Rajnesh maintenance guidelines and the Medha Kotwal Lele[40] directions chief among them - rather than relying on ad hoc re-circulation after fresh litigation exposes non-compliance. Third, a public, auditable compliance registry should be maintained for POSH Internal Committees, on the model of corporate regulatory filings; the She-Box portal is a step in this direction but, as the August 2025 compliance hearing shows, remains incompletely populated. Fourth, because the coparcenary right under the 2005 Amendment requires no institutional actor to activate it, closing that gap depends less on administrative reform than on legal-literacy programming for rural women delivered through the Legal Services Authorities Act, 1987[41] network, paired with a court-fee waiver for partition suits filed by daughters asserting Section 6 rights. Finally, court registries across all four regimes should adopt uniform, case-type-coded data recording; the NJDG dashboard reviewed in Section 8 shows the technical capacity already exists, so what is missing is an administrative mandate to populate the relevant field consistently, not further technology.

10. Conclusion

Considered individually, the PWDVA, the POSH Act, the Hindu Succession (Amendment) Act, and Section 125 CrPC each represent a genuine legislative and judicial commitment to women's substantive equality. Considered together, they reveal one recurring institutional failure in four forms: officers not designated, committees not constituted, rights not asserted, and guidelines not followed even by the courts meant to enforce them. The "illusion" of this article's title is not that these rights are fictitious - they are real and often vindicated - but that their existence on the statute book has, for two decades in some cases, substituted for the harder work of building institutions to deliver them routinely rather than exceptionally. Until that work is done, India's women's

[38] National Judicial Data Grid, District & Taluka Courts of India: Pending Dashboard, https://njdg.ecourts.gov.in/ (last visited July 8, 2026) (recording 4,98,56,859 total pending cases nationally, of which 39,31,688 — 18,70,332 civil and 20,61,356 criminal — were recorded as filed by women litigants).

[39] National Judicial Data Grid, District & Taluka Courts of India: Pending Dashboard, https://njdg.ecourts.gov.in/ (last visited July 8, 2026) (age-wise break-up of pending cases).

[40] See Aditi alias Mithi v. Jitesh Sharma, 2023 SCC OnLine SC 1451 (India) (directing re-circulation of the Rajnesh guidelines to the National Judicial Academy and State Judicial Academies); Aureliano Fernandes v. State of Goa, Civil Appeal No. 2482 of 2014 (India), orders of Dec. 3, 2024 and Aug. 12, 2025 (illustrating the same pattern of repeated re-circulation and continuing mandamus).

[41] Legal Services Authorities Act, No. 39 of 1987, § 12(a)–(c) (India).

rights framework will remain, for a great many of the women it is meant to protect, empowerment in form without empowerment in fact.

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Table of Precedents

1. Aditi alias Mithi v. Jitesh Sharma, 2023 SCC OnLine SC 1451 (India).
2. Aureliano Fernandes v. State of Goa, Civil Appeal No. 2482 of 2014, judgment of May 12, 2023, orders of Dec. 3, 2024 & Aug. 12, 2025 (India).
3. Bhagwan Dutt v. Kamla Devi, (1975) 2 S.C.C. 386 (India).
4. Danamma v. Amar, (2018) 3 S.C.C. 343 (India).
5. Dr. P. Pathmanathan v. Tmt. V. Monica, 2021 (2) C.T.C. 57 (Madras) (India).
6. Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 S.C.C. 165 (India).
7. Mangammal v. T.B. Raju, 2018 INSC 372 (India).
8. Medha Kotwal Lele v. Union of India, (2013) 1 S.C.C. 297 (India).
9. Prakash v. Phulavati, (2016) 2 S.C.C. 36 (India).
10. Rajnesh v. Neha, (2021) 2 S.C.C. 324 (India).
11. S.R. Batra v. Taruna Batra, (2007) 3 S.C.C. 169 (India).
12. Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade, (2011) 3 S.C.C. 650 (India).
13. Satish Chander Ahuja v. Sneha Ahuja, (2021) 1 S.C.C. 414 (India).
14. Vineeta Sharma v. Rakesh Sharma, (2020) 9 S.C.C. 1 (India).
15. Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India).
16. We the Women of India v. Union of India, order of May 20, 2025 (India).
17. X v. Kollam Bar Ass'n, 2026 SCC OnLine Ker 1199 (India).

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Data availability: The National Judicial Data Grid figures cited in Section 8 are drawn from the publicly accessible live dashboard at https://njdg.ecourts.gov.in/, current as of the access date stated in the text; as a live dashboard, the underlying figures are subject to change and may not be independently reproducible after that date.

References

1. Down To Earth. (2026, April 6). The Uniform Civil Code promises equal inheritance. The data shows women are not getting it anyway. https://www.downtoearth.org.in/governance/the-uniform-civil-code-promises-equal-inheritance-the-data-shows-women-are-not-getting-it-anyway
2. eLearnPOSH. (2026, April 9). POSH compliance updates 2026: What employers must know. https://elearnposh.com/posh-compliance-updates-2026-india/
3. Institute for Development Research (IDR). (2026, March 30). How India's domestic violence act can deliver justice. https://idronline.org/article/advocacy-government/how-indias-domestic-violence-act-can-deliver-justice/
4. Lawyers Collective Women's Rights Initiative. (2013). Staying alive: Evaluating court orders — Sixth monitoring and evaluation report, 2013, on the Protection of Women from Domestic Violence Act,

5. Lawyers Collective. (2010). Staying alive: Fourth monitoring and evaluation report 2010 on the Protection of Women from Domestic Violence Act, 2005.
6. Ministry of Health and Family Welfare. (2020). National Family Health Survey (NFHS-5), 2019–2021: Fact sheets. Government of India.
7. Mukhopadhyay, A. (2019). Found and lost in translation: Exploring the legal protection of women from the domestic violence act 2005 through the social public space of Kolkata. Social & Legal Studies, 28(3), 349–369. https://doi.org/10.1177/0964663918769473
8. National Judicial Data Grid. (2026, July 8). District and Taluka Courts of India: Pending dashboard [Data set]. e-Committee, Supreme Court of India. https://njdg.ecourts.gov.in/
9. Panchal, T. J., Thusoo, S., Inamdar, V., & Balaji, A. (2023). Domestic violence and the law: A study of complaints under the Protection of Women from Domestic Violence Act, 2005 in Maharashtra, India. Violence Against Women. Advance online publication. https://doi.org/10.1177/10778012231188091
10. Venkatesan, V. (2025, June 5). Supreme Court directs implementation of Domestic Violence Act. Supreme Court Observer. https://www.scobserver.in/journal/supreme-court-directs-implementation-of-domestic-violence-act/

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