

WOMEN'S EMPOWERMENT AND IMPLEMENTATION MECHANISM DEFICIT IN RELATION TO THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

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1.1. Introduction

Women's empowerment closely relates to protecting their dignity, independence, and right to live free from violence. Domestic violence, often hidden within families, is a serious violation of basic human rights and gender equality. In India, domestic violence has traditionally been poorly addressed by general criminal laws, which do not eliminate its ongoing, coercive, and relational aspects.

Recognizing this issue, the Indian legislature enacted the Protection of Women from Domestic Violence Act, 2005 (PWDVA). This allowed a shift from punitive criminal law to a civil framework focused on rights. The Act aims to provide immediate relief through protection orders, residence orders, monetary support, compensation, and custody orders, all through an accessible process.

However, nearly twenty years later, concerns about its effective implementation remain. While the Act shows a commitment to women's empowerment, enforcement realities reveal significant structural, institutional, and social inadequacies. This paper explores the shortcomings in the implementation of the PWDVA and examines their impact on women's empowerment in India.

1.2. Conceptual Framework:

Domestic Violence and Women's Empowerment Domestic violence includes physical, sexual, emotional, verbal, and economic abuse within household relationships. It not only violates natural rights but fundamental rights as well. Our constitution guarantees the right to equality under Article 14 Equality before law and Equal protection of law, further non-discrimination in Article 15, and the right to life with dignity under Article 21. Various other provisions are made in our constitution to empower the women.

In this context, women empowerment means not just legal recognition of rights but also women's actual ability to access remedies, assert their independence, and receive protection from abuse. Legal empowerment matters only when institutional mechanisms work effectively. The PWDVA seeks to close this gap by framing domestic violence within a human rights context rather than treating it solely as a criminal issue.

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1.3. Legal Framework of the PWDVA, 2005:

Though the Protection of Women from Domestic Violence Act-2005, this legislation sounds criminal in nature but it is quasi-criminal because its various provisions are civil in nature those are,

1. **Civil Nature of Remedies** -The Act mainly offers civil reliefs, letting women seek protection without pushing family members toward criminal action.
2. Broad Definition of Domestic Violence Act Section 3 includes physical, sexual, verbal, emotional, and economic abuse.
3. **Inclusive Definition of Domestic Relationship** - It includes relationships beyond marriage, including those where partners live together.
4. **Multi-Institutional Mechanism** - The Act calls for coordination among Magistrates, Protection Officers, service providers, police, shelter homes, and medical facilities.
5. **Speedy Relief** - It emphasizes interim and *ex parte* orders to prevent ongoing violence.

Despite this progressive framework, the Act's success depends on strong institutional support and proper implementation.

1.4. Institutional Mechanisms under the Act:

1.4.1. Role of Magistrates

As per this legislation Magistrates can issue protection orders, residence orders, monetary support, compensation, and custody orders. The Act requires quick handling of domestic violence cases.

1.4.2. Protection Officers

Protection Officers (POs) are vital to the Acts success. Their duties include helping women in file complaints, preparing Domestic Incident Reports (DIRs), facilitating access to legal aid, and ensuring court orders are enforced.

1.4.3. Police Authorities

The police must assist victims, register complaints, and ensure compliance with protection orders.

1.4.4. Service Providers and Shelter Homes

NGOs, shelter homes, and medical facilities provide essential support for rehabilitation and immediate relief.

1.5. Implementation Mechanism Deficits:

Despite the detailed institutional design, the protection of women from Domestic Violence Act- 2005 the Act faces significant implementation issues.

1.5.1. Shortage and Inadequate Training of Protection Officers

Many states struggle with a lack of dedicated Protection Officers. Often, existing government officials are assigned this role without proper training, leading to delays and insufficient handling of victim's needs.

1.5.2. Lack of Inter-Institutional Coordination

Successful implementation requires smooth coordination between Magistrates, police, Protection Officers, and service providers. In practice, these groups often operate independently, undermining the goal of integrated relief.

1.5.3. Delay in Service of Notice and Interim Relief

Delays in serving notices and sluggish implementation after an order is passed leave victims vulnerable to ongoing violence, undermining the Act's preventive intent.

1.5.4. Absence of Monitoring and Enforcement

Court orders are often not enforced because of a lack of monitoring systems. Violations of protection orders rarely prompt urgent follow-up.

1.5.5. Inadequate Infrastructure

Many districts lack functional shelter homes, counselling centres, and medical facilities, forcing victims back into abusive situations.

1.6. Socio-Economic and Cultural Barriers:

- ❖ Legal solutions alone cannot overcome social barriers:
 - Social stigma and family pressure make women reluctant to report abuse.
 - Economic dependence limits women's ability to take legal action.
 - Fear of retaliation and lack of trust in enforcement discourage complaints.
 - Low awareness of rights and remedies further marginalizes victims.

Additionally, police often dismiss domestic violence complaints against family disputes, reflecting patriarchal attitudes that downplay the severity of abuse.

1.7. Judicial Response and Enforcement Challenges:

Indian courts have consistently recognized the remedial and welfare-driven nature of the PWDVA. Judicial interpretation has broadened the scope of protection and emphasized victim-focused justice. However, these positive judicial decisions lose their impact without administrative follow-through. Though the Court may grant relief, the lack of implementation without statutory backing in the Act makes the benevolence ineffective.

1.8. Impact on Women's Empowerment:

- ❖ Deficits in implementation of protection of women from Domestic Violence Act 2005. directly affect women's empowerment in various ways:
- ❖ -The objective of this legislation remains incomplete because the rights remain theoretical rather than practical.

- It's seen in many cases victims face additional victimization due to institutional neglect.
- ❖ -Many Women hesitate because of ongoing exposure to violence discourages seeking legal help.
- ❖ -Due to procedural delay and lacunae, the Confidence in the justice system declines.

- ❖ Empowerment under the PWDVA suffers not from flaws in the legislation but from systemic failures.

1.9. Findings:

After deep study and practical experiences, the researcher drawn following findings.

1. The PWDVA offers a strong rights-based legal framework.
2. Institutional weaknesses significantly limit its effectiveness.
3. Insufficient training, coordination, and monitoring present major barriers to implementation.
4. Social and cultural constraints further restrict women's
5. s access to remedies.
6. Judicial intentions often fade during execution.

1.10. Conclusion

The Protection of Women from Domestic Violence Act, 2005 is a landmark achievement in India's pursuit of gender justice and women's empowerment. However, ongoing implementation deficits hinder the Acts promise. Achieving true empowerment requires dedicated institutional action, accountability, social awareness, and strengthening. Closing the gap between law and reality is crucial to ensure the Protection of Women from Domestic Violence Act, 2005 becomes an effective tool for protecting and empowering women in India.

1.11. Suggestions and Recommendations:

1. There is need to Appoint full-time, trained Protection Officers.
2. Continuous gender-sensitivity training shall be conducted for police and judicial personnel.
3. Develop monitoring systems for enforcing court orders than check and balance theory may work out.
4. Need to strengthen shelter homes and support services.
5. Conduct awareness campaigns programs at the grassroots level.
6. Consider increasing penalties for wilful non-compliance through amendments to the Act.
7. To make this legislation more effective punishment need to be implemented.

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