

AN EMPIRICAL SOCIO-LEGAL EVALUATION OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 IN MUMBAI-MAHARASHTRA FOR BRIDGING THE PROTECTION GAP

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ABSTRACT

Domestic violence remains a significant challenge to women's safety, dignity, and access to justice despite the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). This study empirically evaluates the implementation and effectiveness of the PWDVA in Mumbai, Maharashtra through a socio-legal approach. The research adopts a mixed-method design based on primary data collected from 109 respondents using a structured questionnaire, supplemented by doctrinal analysis of relevant laws and literature. The findings reveal that while respondents demonstrate greater awareness of physical and emotional abuse, recognition of financial, social, and digital abuse remains comparatively limited. Fear of retaliation, lack of legal awareness, patriarchal attitudes, delayed legal procedures, and inadequate institutional support emerge as major barriers to effective implementation. The study further highlights the need for awareness campaigns, faster legal proceedings, better-trained Protection Officers, and stronger coordination among law enforcement agencies and support services. It concludes that bridging the gap between legislative intent and practical implementation is essential for ensuring effective protection of women and strengthening access to justice under the PWDVA.

KEYWORDS: Protection of Women from Domestic Violence Act, 2005 (PWDVA); Domestic Violence; Women's Rights; Socio-Legal Study; Empirical Research; Mumbai-Maharashtra; Access to Justice; Protection Officers.

1. INTRODUCTION

Domestic violence is a pervasive violation of human rights that undermines the dignity, equality, and security of women across societies. It extends beyond physical assault to include emotional, verbal, sexual, economic, and psychological abuse, affecting women irrespective of their age, education, socio-economic status, or geographical location. Recognizing domestic violence as both a social and legal concern, the international community has consistently emphasized the obligation of States to protect women from all forms of violence. In India, the constitutional guarantees of equality before law (Article 14), prohibition of discrimination (Article 15), and the right to life and personal liberty (Article 21) provide the fundamental framework for protecting women against domestic violence. These constitutional principles are further strengthened by the enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA), which provides civil remedies aimed at ensuring immediate protection and access to justice for aggrieved women.

The enactment of the PWDVA marked a significant shift in India's legal approach by recognizing multiple forms of domestic violence and providing comprehensive remedies such as protection orders, residence rights, monetary relief, custody orders, and compensation. The legislation also reflects India's commitment to its international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Declaration on the Elimination of Violence against Women, which require States to exercise due diligence in preventing and responding to gender-based violence. Despite this progressive legal framework, domestic violence continues to remain a serious concern. According to the National Family Health Survey-5 (2019-21), approximately 29.3% of ever-married women aged 18-49 years in India have experienced spousal violence, indicating that violence within the family remains a persistent social reality despite the availability of legal safeguards.

Although awareness regarding women's rights and domestic violence has increased considerably over the past two decades, the effective implementation of the PWDVA continues to face numerous practical challenges. Victims frequently encounter barriers such as fear of retaliation, social stigma, financial dependence, delayed legal proceedings, inadequate institutional support, and limited accessibility to Protection Officers and support services. Consequently, there remains a significant gap between the statutory rights guaranteed under the Act and the actual protection experienced by women in practice. The persistence of these implementation challenges demonstrates that the existence of progressive legislation alone is insufficient unless supported by effective institutional mechanisms, legal awareness, and coordinated administrative responses.

Existing literature has extensively examined the legal provisions, constitutional dimensions, and judicial interpretation of the PWDVA. However, relatively few studies have empirically assessed its implementation by incorporating the perceptions and experiences of respondents at the regional level, particularly in Mumbai and Maharashtra. This study seeks to bridge that gap by adopting an empirical socio-legal approach based on primary survey data collected from respondents in Mumbai-Maharashtra. The study aims to evaluate the practical implementation of the PWDVA, assess the level of awareness regarding various forms of domestic violence, identify institutional and socio-legal barriers affecting its effectiveness, and propose evidence-based recommendations for strengthening the protection of women and improving access to justice under the Act.

2. RESEARCH METHODOLOGY

The present study adopts a socio-legal and empirical research methodology to evaluate the implementation and effectiveness of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) in Mumbai-Maharashtra. While the doctrinal component examines the constitutional framework, statutory provisions, judicial decisions, and relevant national and international literature, the empirical component assesses the practical functioning of the Act through primary data collected from respondents. A mixed-method research design was employed by integrating qualitative legal analysis with quantitative survey findings, thereby enabling a comprehensive understanding of both the legal framework and its implementation at the ground level. Such an approach facilitates an assessment of the gap between legislative intent and practical enforcement, which is central to socio-legal research.

Primary data were collected through a structured questionnaire administered to 109 respondents residing in the Mumbai Metropolitan Region, Maharashtra, covering diverse areas to ensure broader representation. The questionnaire sought information regarding awareness of domestic violence, perceptions of the PWDVA, challenges faced by victims, and suggestions for improving the implementation of the Act. The responses were compiled, classified, and analyzed using percentage analysis, enabling a clear interpretation of trends and respondent perceptions. Secondary data were obtained from statutes, judicial decisions, books, research articles, government reports, and other authoritative sources to supplement the empirical findings and facilitate a comprehensive socio-legal evaluation of the PWDVA.

3. RESULTS AND DISCUSSION

3.1 Awareness and Understanding of Domestic Violence

The Protection of Women from Domestic Violence Act, 2005 adopts a broad and inclusive definition of domestic violence by recognizing physical, sexual, verbal, emotional, and economic abuse. Over the years, judicial interpretation and policy initiatives have further expanded the understanding of domestic violence to include psychological and technology-enabled forms of abuse. However, the effectiveness of the Act largely depends upon the level of public awareness regarding these different forms of violence. The present empirical study sought to assess respondents' understanding of domestic violence by examining the forms of abuse they recognized. The findings indicate that while respondents demonstrated a high level of awareness regarding conventional forms of violence, awareness declined considerably in relation to emerging and non-physical forms of abuse. This suggests that despite the progressive legal framework under the PWDVA, public understanding continues to be influenced primarily by traditional perceptions of domestic violence.

Table 1: Forms of Abuse Recognized by Respondents (N = 109)

Forms of Abuse	Count	Percentage
Physical Abuse	87	79.82%
Emotional Abuse	84	77.06%
Verbal Abuse	70	64.22%
Sexual Abuse	66	60.55%
Financial Abuse	55	50.46%
Social Abuse	48	44.04%
Digital Abuse	46	42.20%
Neglect	46	42.20%

Source: Primary Survey Data (2026).

The survey findings reveal that physical abuse (79.82%) was the most widely recognized form of domestic violence, followed closely by emotional abuse (77.06%), indicating that respondents largely associate domestic violence with visible physical harm and emotional cruelty. A considerable proportion of respondents also recognized verbal abuse (64.22%) and sexual abuse (60.55%), reflecting a moderate understanding of the broader dimensions of domestic violence. These findings suggest that awareness campaigns, media reporting, judicial interventions, and educational initiatives have contributed towards increasing public recognition of these commonly discussed forms of abuse. Nevertheless, the comparatively lower recognition of financial abuse (50.46%) demonstrates that economic control and deprivation within domestic relationships are still not universally perceived as forms of violence, despite explicit statutory recognition under the PWDVA.

A noticeable decline in awareness was observed with respect to social abuse (44.04%), digital abuse (42.20%), and neglect (42.20%). These findings indicate that respondents continue to perceive domestic violence predominantly through the lens

of physical aggression, while comparatively fewer recognize coercive control exercised through social isolation, technology, financial dependence, or deliberate neglect. With the increasing use of digital communication, online harassment, surveillance, unauthorized access to personal devices, and cyberstalking have emerged as significant forms of abuse within intimate relationships. Similarly, neglect, including intentional deprivation of care and support, often remains underreported because of its subtle nature. The comparatively lower awareness regarding these forms of abuse reflects the continuing gap between the comprehensive legal definition under the PWDVA and public understanding of domestic violence. The findings therefore underscore the need for sustained legal literacy programs and awareness campaigns that educate individuals about the full spectrum of domestic violence recognized under the Act.

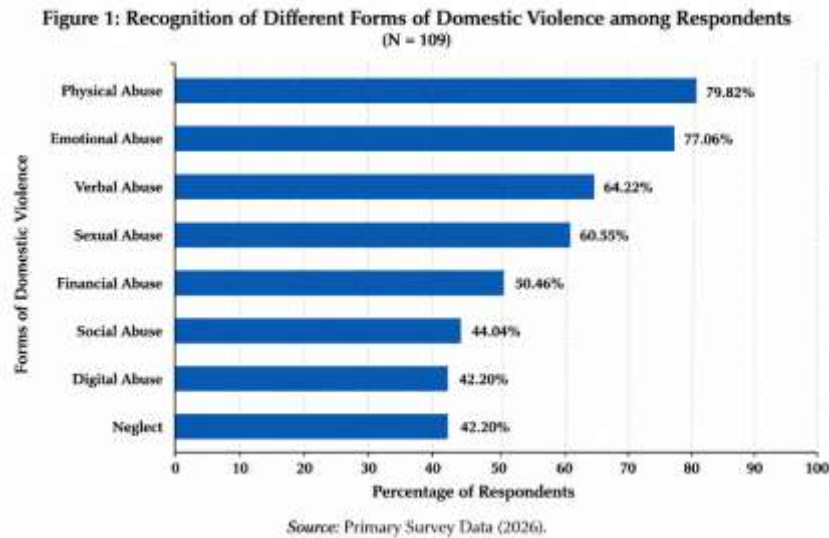


Figure 1: Recognition of Different Forms of Domestic Violence among Respondents

3.2 Major Barriers Faced by Victims

The empirical findings reveal that victims of domestic violence continue to face multiple social, institutional, economic, and psychological barriers while seeking protection under the Protection of Women from Domestic Violence Act, 2005. Although the Act provides comprehensive legal remedies, its effectiveness largely depends on the ability of victims to access legal institutions without fear or discrimination. The survey indicates that several factors continue to discourage women from reporting abuse and pursuing legal remedies.

Table 2: Major Barriers Faced by Victims (N = 109)

Challenges	Count	Percentage
Fear of retaliation	80	73.39%
Lack of legal awareness	80	73.39%
Social stigma and family pressure	68	62.39%
Financial dependence	64	58.72%
Poor police response	61	55.96%
Lengthy legal procedures	57	52.29%
Psychological trauma	52	47.71%
Lack of legal aid	44	40.37%
Weak enforcement of protection orders	44	40.37%

Source: Primary Survey Data (2026).

The most significant barriers identified were fear of retaliation (73.39%) and lack of legal awareness (73.39%), followed by social stigma and family pressure (62.39%). These findings indicate that social and psychological factors remain the primary obstacles preventing victims from reporting domestic violence. Many women continue to fear further abuse, family breakdown, and social isolation, while inadequate knowledge of legal rights limits their ability to seek timely assistance.

Institutional and economic barriers also emerged as major concerns. Financial dependence (58.72%), poor police response (55.96%), and lengthy legal procedures (52.29%) discourage victims from pursuing legal remedies. Respondents also highlighted psychological trauma (47.71%), lack of legal aid (40.37%), and weak enforcement of protection orders (40.37%), reflecting deficiencies in the implementation of the Act. These findings demonstrate that effective protection requires not only strong legal provisions but also responsive institutions, accessible legal services, and adequate socio-economic support for survivors. (The Protection of Women from Domestic Violence Act, No. 43 of 2005, pages 8–11, 18–23, India Code.)

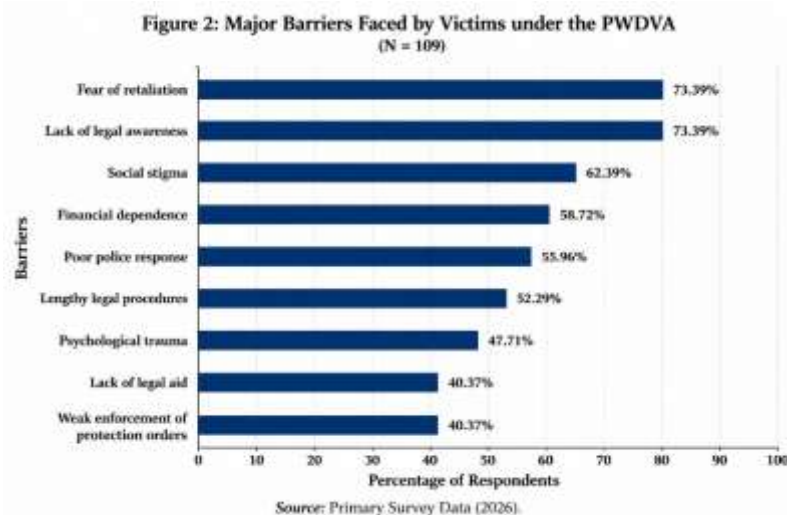


Figure 2: Major Barriers Faced by Victims under the PWDVA

3.3 Institutional Challenges in Implementing the PWDVA

The effectiveness of the Protection of Women from Domestic Violence Act, 2005 depends not only on its legal provisions but also on the efficiency of the institutions responsible for its implementation. The survey findings reveal that respondents perceive institutional shortcomings as major obstacles to ensuring timely protection and access to justice. These challenges affect the functioning of Protection Officers, law enforcement agencies, shelter homes, and other support mechanisms established under the Act.

Table 3: Institutional Challenges in Implementing the PWDVA (N = 109)

Institutional Challenges	Count	Percentage
Patriarchal mindset	78	71.56%
Lack of trained Protection Officers	60	55.05%
Resistance from law enforcement	58	53.21%
Political and social influence	56	51.38%
Insufficient shelter homes	52	47.71%
Institutional Challenges	Count	Percentage

Source: Primary Survey Data (2026).

The findings indicate that patriarchal mindset (71.56%) is the most significant institutional challenge affecting the implementation of the PWDVA. More than half of the respondents also identified the lack of trained Protection Officers (55.05%), resistance from law enforcement agencies (53.21%), and political and social influence (51.38%) as major barriers. These responses suggest that institutional attitudes and inadequate administrative capacity continue to weaken the effective enforcement of the Act.

Another important concern is the insufficient availability of shelter homes (47.71%), which limits immediate assistance and rehabilitation for victims. The combined impact of inadequate institutional infrastructure, shortage of trained personnel, and weak coordination among implementing agencies reduces the effectiveness of the protective mechanisms envisaged under the PWDVA. Strengthening administrative accountability, improving the capacity of Protection Officers, and ensuring a more sensitive and coordinated institutional response remain essential for translating legal rights into effective protection. (The Protection of Women from Domestic Violence Act, No. 43 of 2005, pages 8–11, India Code.)

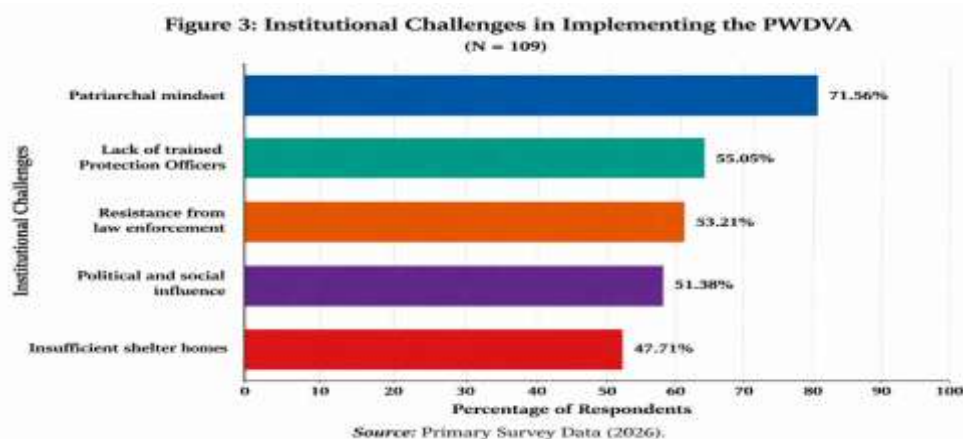


Figure 3: Institutional Challenges in Implementing the PWDVA

3.4 Respondents- Recommendations for Strengthening the PWDVA

The respondents were asked to suggest measures that could improve the implementation and effectiveness of the Protection of Women from Domestic Violence Act, 2005. Their responses indicate a preference for preventive, institutional, and awareness-based interventions rather than relying solely on punitive measures. The findings reflect the need to strengthen both the legal framework and the support mechanisms available to victims of domestic violence.

Table 4: Respondents- Recommendations for Strengthening the PWDVA (N = 109)

Suggestions	Count	Percentage
Greater awareness campaigns	82	75.23%
Faster legal proceedings	78	71.56%
More Protection Officers and support staff	70	64.22%
Stronger law enforcement action	70	64.22%
Financial independence programmes for women	57	52.29%
Strengthening NGO-Government partnerships	55	50.46%

Source: Primary Survey Data (2026).

The survey findings reveal that greater awareness campaigns (75.23%) and faster legal proceedings (71.56%) are the two most preferred measures for improving the implementation of the PWDVA. Respondents also emphasized the need for more Protection Officers and support staff (64.22%) and stronger law enforcement action (64.22%), indicating that timely institutional intervention is essential for ensuring effective protection. These responses demonstrate that respondents prioritize prevention, legal awareness, and prompt justice over purely punitive approaches.

More than half of the respondents also supported financial independence programmes for women (52.29%) and stronger collaboration between government agencies and NGOs (50.46%). These findings highlight the importance of economic empowerment and coordinated institutional support in addressing domestic violence. The responses suggest that effective implementation of the PWDVA requires an integrated approach combining legal awareness, institutional strengthening, community participation, and improved access to support services. (The Protection of Women from Domestic Violence Act, No. 43 of 2005, pages 8–11, India Code.)

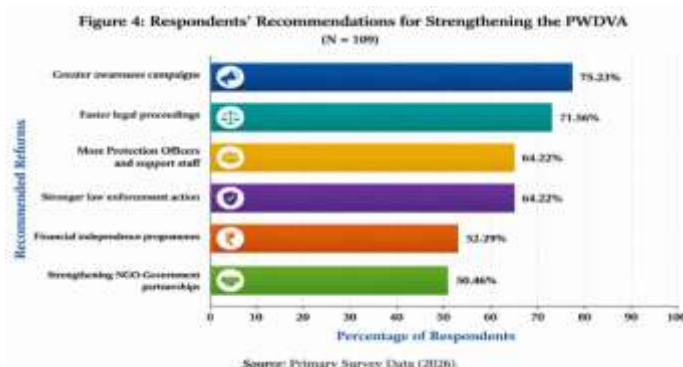


Figure 4: Respondents- Recommendations for Strengthening the PWDVA

3.5 Suggested Reforms for Effective Implementation

The respondents were further asked to identify immediate reforms that could strengthen the implementation of the Protection of Women from Domestic Violence Act, 2005. The responses indicate that effective implementation requires a balanced approach comprising legal, administrative, and social reforms. The emphasis placed by respondents on awareness, speedy justice, and institutional efficiency demonstrates that strengthening implementation mechanisms is considered as important as the enactment of legal provisions.

Table 5: Suggested Reforms for Effective Implementation of the PWDVA (N = 109)

Suggested Reforms	Count
Increased awareness about PWDVA	76
Faster legal procedures	75
Better police training	66
Stronger enforcement of protection orders	60
More shelters and support services	53
Better coordination among agencies	49
Financial assistance for survivors	45
Harsher punishment for offenders	42

Source: Primary Survey Data (2026).

The findings show that increased awareness about the PWDVA (76 respondents) and faster legal procedures (75 respondents) were identified as the most important reforms. Respondents also emphasised the need for better police training (66 respondents) and stronger enforcement of protection orders (60 respondents), indicating that timely institutional intervention and effective enforcement are critical for ensuring meaningful protection. These findings suggest that respondents attach greater importance to improving implementation rather than introducing additional legal provisions.

The respondents also recommended strengthening victim support mechanisms through more shelters and support services (53 respondents), better coordination among law enforcement agencies and support institutions (49 respondents), and financial assistance for survivors (45 respondents). Comparatively fewer respondents supported harsher punishment for offenders (42 respondents), indicating that preventive measures, victim support, and efficient institutional mechanisms are perceived as more effective solutions than punitive responses alone. These findings highlight that bridging the protection gap under the PWDVA requires a combination of legal reforms, administrative efficiency, and sustained social support systems.

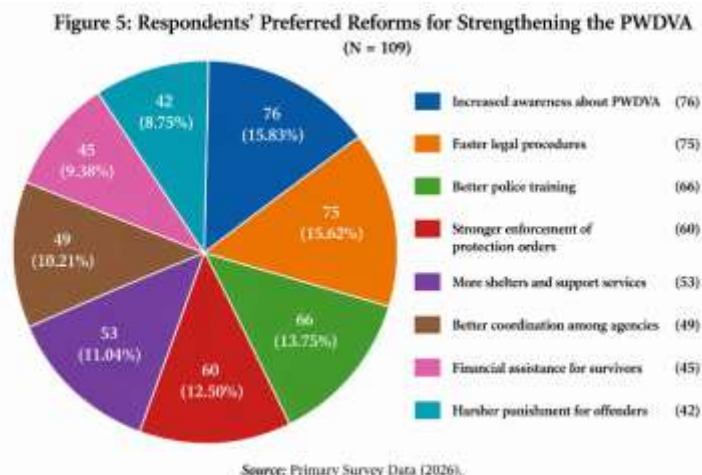


Figure 5: Suggested Reforms for Effective Implementation of the PWDVA

3.6 Overall Interpretation of Findings

The empirical findings indicate that although respondents possess a reasonable level of awareness regarding the legal recognition of domestic violence, their understanding remains largely confined to traditional forms such as physical and emotional abuse. Awareness of digital abuse, financial abuse, social abuse, and neglect is comparatively limited, despite these forms being expressly recognized under the Protection of Women from Domestic Violence Act, 2005. This disparity highlights the continuing gap between statutory provisions and public understanding of domestic violence. The findings further suggest that legal awareness alone is insufficient unless accompanied by comprehensive legal literacy programs that educate individuals about the full spectrum of abuse and the remedies available under the Act.

The study also reveals that the effectiveness of the PWDVA is constrained by persistent implementation challenges arising from institutional barriers, inadequate police response, shortage of trained Protection Officers, and prevailing patriarchal attitudes. Rather than demanding stricter punitive measures, respondents overwhelmingly favored reforms aimed at greater public awareness, speedy disposal of cases, improved law enforcement, and stronger institutional support mechanisms. These findings demonstrate that bridging the protection gap requires a coordinated approach that strengthens institutional capacity, improves access to justice, and promotes victim-centric support systems. The overall results reinforce that the success of the PWDVA depends not merely on the existence of a comprehensive legal framework but on its effective implementation through responsive institutions, informed citizens, and sustained administrative commitment.

4. Key Findings

The empirical findings of the present study demonstrate that while the Protection of Women from Domestic Violence Act, 2005 provides a comprehensive legal framework for protecting women against domestic violence, several socio-legal and institutional challenges continue to hinder its effective implementation. The survey findings reveal disparities in public awareness regarding different forms of abuse, significant barriers in accessing legal remedies, and deficiencies in institutional support mechanisms. At the same time, respondents strongly advocated preventive, awareness-based, and institutional reforms, indicating that effective implementation requires coordinated efforts by legal institutions, law enforcement agencies, and civil society. The key findings of the study are summarized below.

- Physical abuse (79.82%) is the most widely recognised form of domestic violence, followed by emotional abuse (77.06%), indicating greater awareness of conventional forms of abuse.

- Awareness of financial abuse (50.46%), social abuse (44.04%), digital abuse (42.20%), and neglect (42.20%) remains comparatively low, reflecting limited understanding of the broader scope of domestic violence recognised under the PWDVA.
- Fear of retaliation (73.39%) and lack of legal awareness (73.39%) emerged as the most significant barriers preventing victims from seeking legal remedies.
- Social stigma and family pressure (62.39%) continue to discourage women from reporting domestic violence and accessing institutional support.
- Financial dependence on the abuser (58.72%) remains a major obstacle affecting women's ability to pursue legal action independently.
- Poor police response (55.96%) and lengthy legal procedures (52.29%) significantly affect the timely delivery of justice and reduce confidence in the legal system.
- Patriarchal mindset (71.56%) was identified as the most significant institutional challenge affecting the effective implementation of the PWDVA.
- Respondents highlighted the lack of trained Protection Officers (55.05%), resistance from law enforcement agencies (53.21%), and insufficient shelter homes (47.71%) as major institutional deficiencies.
- Greater awareness campaigns (75.23%) and faster legal proceedings (71.56%) were the most preferred measures for strengthening the implementation of the PWDVA.
- Respondents emphasized the need for more Protection Officers and support staff (64.22%) and stronger law enforcement action (64.22%) to improve access to justice.
- Immediate reforms prioritised by respondents include increased awareness about the PWDVA (76 respondents), faster legal procedures (75 respondents), and better police training (66 respondents), demonstrating a preference for strengthening implementation mechanisms over expanding legal provisions.
- Overall, the study reveals a significant gap between the statutory protections guaranteed under the PWDVA and their practical implementation, underscoring the need for stronger institutional coordination, effective enforcement, legal literacy, and victim-centred support systems to ensure meaningful access to justice.

5. Recommendations

The findings of the present study indicate that while the Protection of Women from Domestic Violence Act, 2005 provides a comprehensive legal framework, its effectiveness depends upon robust implementation, institutional coordination, and public awareness. Addressing the identified implementation gaps requires a multi-dimensional approach involving legislative support, efficient judicial mechanisms, responsive law enforcement, strengthened institutional infrastructure, and community participation. Based on the empirical findings, the following recommendations are proposed to enhance the effectiveness of the PWDVA and ensure greater protection and access to justice for victims of domestic violence.

5.1 Legislative Reforms

- Strengthen enforcement provisions by introducing clearer timelines for the execution of protection orders and ensuring prompt compliance by implementing authorities.
- Periodically review the PWDVA to address emerging forms of abuse, particularly technology-enabled and digital domestic violence, in line with evolving societal realities.

5.2 Judicial Reforms

- Ensure time-bound disposal of domestic violence cases through dedicated or fast-track courts to reduce delays and provide timely relief to aggrieved women.
- Promote continuous gender-sensitisation programmes for judicial officers to facilitate victim-centric adjudication and consistent interpretation of the Act.

5.3 Police Reforms

- Provide specialised training to police personnel on handling domestic violence complaints with sensitivity, confidentiality, and promptness.
- Strengthen coordination between police and Protection Officers to ensure immediate assistance, risk assessment, and enforcement of judicial orders.

5.4 Institutional Reforms

- Increase the appointment and training of Protection Officers to improve accessibility and effective implementation of statutory responsibilities under the PWDVA.
- Expand shelter homes, counselling centres, and legal aid services to provide comprehensive support and rehabilitation for survivors.

5.5 Community-Based Reforms

- Encourage greater participation of NGOs, local bodies, and community organisations in victim support, counselling, rehabilitation, and awareness programmes.
- Promote community engagement initiatives to reduce social stigma and encourage reporting of domestic violence cases.

5.6 Awareness and Legal Literacy

- Conduct regular legal awareness campaigns through educational institutions, workplaces, media, and community programmes to improve understanding of rights under the PWDVA.
- Disseminate information on all forms of domestic violence, including financial, social, emotional, and digital abuse, to bridge the existing knowledge gap.

5.7 Financial Empowerment of Survivors

- Strengthen financial assistance and livelihood programmes to reduce victims- economic dependence on abusive partners and facilitate independent living.
- Promote skill development and employment opportunities for survivors through government welfare schemes and public-private partnerships.

5.8 Monitoring and Accountability

- Establish a periodic monitoring mechanism to evaluate the implementation of the PWDVA at the district and state levels using measurable performance indicators.
- Strengthen accountability among implementing agencies through regular audits, data collection, and inter-agency coordination to ensure effective enforcement of the Act and timely delivery of support services.

6. CONCLUSION

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) represents a landmark legislative measure for safeguarding women against domestic violence by providing comprehensive civil remedies and recognizing multiple forms of abuse. The findings of the present empirical socio-legal study demonstrate that while the Act has established a strong statutory framework, significant gaps continue to exist between the legal protections guaranteed under the legislation and their effective implementation. The survey findings reveal that respondents possess greater awareness of physical and emotional abuse, whereas comparatively limited awareness exists regarding financial, social, digital abuse, and neglect. These disparities indicate that legal recognition alone is insufficient unless accompanied by sustained legal literacy and public awareness initiatives.

The study further identifies several challenges that hinder the effective implementation of the PWDVA, including fear of retaliation, lack of legal awareness, social stigma, financial dependence, inadequate police response, shortage of trained Protection Officers, and prevailing patriarchal attitudes. These factors collectively weaken access to justice and reduce the effectiveness of institutional mechanisms intended to protect victims of domestic violence. At the same time, the empirical evidence demonstrates that respondents overwhelmingly favour reforms aimed at increasing legal awareness, ensuring speedy disposal of cases, strengthening institutional support, improving police responsiveness, and enhancing coordination among government agencies and civil society organizations, rather than relying solely on harsher punitive measures.

In conclusion, bridging the protection gap under the PWDVA requires an integrated and victim-centred approach that combines effective implementation of the law with responsive governance, institutional accountability, and community participation. Strengthening the capacity of Protection Officers, improving access to legal aid and support services, promoting financial empowerment of survivors, and conducting continuous awareness programmes are essential for translating statutory rights into meaningful protection. A coordinated effort involving the legislature, judiciary, executive authorities, law enforcement agencies, and civil society will be instrumental in ensuring that the objectives of the PWDVA are fully realised and that women in Mumbai-Maharashtra are able to exercise their rights with dignity, equality, and security.

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