



From Statute to Lived Reality: Institutional Gaps in Addressing Domestic Violence Against Women in India

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DOI: <https://doi.org/10.5281/zenodo.18697011>

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Abstract

India's response to domestic violence has undergone a significant transformation with the enactment of the Protection of Women from Domestic Violence Act, 2005, which expanded the understanding of abuse beyond physical harm and introduced civil remedies aimed at protection and rehabilitation. Despite this progressive statutory framework, the everyday experiences of women seeking protection reveal persistent gaps between legal intent and institutional practice. This paper examines domestic violence governance in India through an institutional and sociological lens, arguing that the failure of protection mechanisms is rooted less in legal inadequacy and more in fragmented governance, weak institutional accountability, and deeply embedded social norms. By analysing the roles of police, courts, protection officers, and allied welfare institutions, the study demonstrates how domestic violence law is routinely mediated by moral assumptions about marriage, reconciliation, and female responsibility. The paper contends that domestic violence governance in India operates as a layered system of partial interventions rather than a coherent protective regime. It concludes by proposing a shift toward integrated, accountability-driven, and survivor-centred institutional frameworks that align legal mandates with lived realities.

Keywords: Domestic violence, institutional governance, implementation gap, PWDVA, India, gender justice

1. Introduction

Over the past two decades, domestic violence has moved from the margins of Indian legal discourse to a recognised area of state intervention. The enactment of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) marked a decisive shift away from treating domestic abuse as a private family matter toward recognising it as a violation of women's rights. The Act introduced a civil-law framework focused on protection, residence, maintenance, and access to justice without requiring women to pursue criminal prosecution. In principle, this represented a major advance in aligning Indian law with international human rights norms.

However, the everyday functioning of domestic violence protection reveals a more troubling picture. Women seeking relief often encounter delays, contradictory advice, pressure to reconcile, and inconsistent enforcement of court orders. Protection officers may be overburdened or inadequately trained, police may treat complaints as family disputes, and courts may prioritise marital preservation over safety. These institutional responses shape women's outcomes more

decisively than statutory language.

This paper argues that domestic violence governance in India is characterised by institutional fragmentation rather than coordinated protection. While individual actors may act with good intentions, the system as a whole lacks coherence, accountability, and ethical clarity. Legal remedies exist, but they are filtered through organisational cultures and social norms that dilute their protective potential.

Rather than assessing the PWDVA solely as a legal text, this paper examines how domestic violence law is implemented and experienced across institutions. By focusing on governance structures and institutional behaviour, it seeks to explain why progressive laws often produce uneven and limited outcomes. This approach shifts attention from legal design to institutional practice, highlighting the importance of governance capacity, professional norms, and ethical responsibility in shaping women's access to justice.

2. Domestic Violence Governance as an Institutional System

Domestic violence governance does not operate through a

single institution or authority. Instead, it emerges from the interaction of multiple actors, including police, judiciary, protection officers, legal services authorities, healthcare providers, and local welfare bodies. Each institution operates according to its own mandate, incentives, and constraints, often without effective coordination.

From a sociological perspective, this fragmentation is not accidental. Institutions reflect broader social values and hierarchies, including assumptions about gender, family, and authority. In contexts where marriage is treated as a stabilising social institution, state actors may prioritise reconciliation and continuity over women's safety. Domestic violence is therefore managed rather than resolved, with institutions seeking to contain conflict rather than confront its structural roots.

The PWDVA attempted to address this complexity by introducing protection officers as a coordinating mechanism between women, courts, and service providers. However, in practice, protection officers often lack clear authority, adequate resources, and institutional support. Their role is frequently reduced to procedural facilitation rather than active advocacy, limiting their capacity to challenge institutional inertia or resistance.

Moreover, institutional responses are shaped by risk aversion. Police officers may avoid registering cases to reduce workload or conflict, courts may delay hearings to encourage settlement, and welfare agencies may prioritise family unity due to resource constraints. These practices collectively produce a system where responsibility for safety is diffused, and women must navigate multiple bureaucratic layers to access relief.

Understanding domestic violence governance as an institutional system reveals that legal reform alone cannot ensure protection. Without alignment across institutions, statutory rights remain vulnerable to reinterpretation, delay, and dilution.

3. Police Responses and the Persistence of Informal Justice

Police play a crucial role in domestic violence governance, often serving as the first point of contact for women seeking help. Despite legal mandates to assist survivors and register complaints, police responses remain inconsistent. Domestic violence complaints are frequently treated as family disputes best resolved through counselling or informal mediation.

This tendency reflects both institutional culture and social norms. Policing in India has historically prioritised public order and criminal offences over private harm. Domestic violence, particularly when it lacks visible injury, is often viewed as a non-urgent issue. Women are encouraged to compromise, return home, or involve elders, reinforcing the idea that marital stability outweighs individual safety.

From an institutional perspective, police discretion plays a central role in shaping outcomes. Decisions about whether to record complaints, initiate protection proceedings, or refer women to other agencies are influenced by workload pressures, personal beliefs, and organisational incentives. This discretion, when exercised without accountability, can undermine the protective intent of domestic violence law.

The consequences for women are significant. Informal settlements may expose women to continued abuse, particularly when power imbalances remain unaddressed.

Police reluctance to intervene can also signal to perpetrators that violence will not attract serious consequences, reinforcing impunity.

Effective domestic violence governance requires police institutions to move beyond informal justice models and recognise abuse as a serious rights violation. This demands not only legal directives but sustained training, supervision, and accountability mechanisms that reshape institutional norms.

4. Judicial Interpretation and the Moralisation of Protection

Courts occupy a central position in domestic violence governance, particularly under the PWDVA, which relies on magistrates to issue protection, residence, and maintenance orders. Judicial interpretation therefore has a profound impact on how the law functions in practice.

Despite progressive statutory language, judicial responses often reflect moralised understandings of marriage and gender roles. Courts may question women's credibility based on their behaviour, living arrangements, or perceived willingness to reconcile. Protection orders may be delayed or diluted, and women may be advised to pursue settlement in the interest of family harmony.

This judicial approach reflects a broader tension between rights-based law and moral governance. While the PWDVA recognises women's right to live free from violence, courts often interpret this right within a framework that prioritises marital preservation. As a result, protection becomes conditional rather than absolute.

Institutionally, courts face significant pressures, including heavy caseloads and limited time for detailed inquiry. Encouraging compromise may appear efficient, but it risks exposing women to further harm. Moreover, judicial emphasis on reconciliation can undermine the credibility of domestic violence law by signalling that abuse is negotiable. A governance-focused analysis highlights the need for judicial accountability and ethical clarity. Courts must be equipped not only with legal knowledge but with an understanding of domestic violence dynamics and the risks associated with coerced reconciliation. Without this shift, judicial discretion may continue to undermine protective intent.

5. Protection Officers and the Problem of Weak Institutional Authority

Protection officers were envisioned as the linchpin of the PWDVA, responsible for assisting women in accessing remedies, coordinating services, and monitoring compliance with court orders. In practice, however, their effectiveness has been uneven.

Many protection officers are assigned domestic violence responsibilities in addition to other administrative duties, limiting their availability and focus. Training is often inadequate, and institutional support varies widely across states. As a result, protection officers may function primarily as intermediaries rather than advocates.

This weak institutional positioning reflects broader governance challenges. Protection officers lack independent authority and rely on cooperation from police, courts, and welfare agencies. When these institutions are resistant or indifferent, protection officers have limited capacity to

intervene.

For women, this can mean delays, confusion, and repeated visits to different offices. The burden of coordination shifts onto survivors, who must navigate complex bureaucratic processes while managing ongoing risk.

Strengthening the role of protection officers requires more than staffing increases. It demands clear authority, dedicated resources, and integration into a broader accountability framework that recognises domestic violence as a priority rather than an auxiliary concern.

6. Cultural Norms, Institutional Practice, and the Normalisation of Abuse

Institutions do not operate in a cultural vacuum. Social norms surrounding marriage, gender roles, and family honour shape institutional behaviour at every level. Domestic violence is often minimised as a private issue, and women are expected to endure abuse in the interest of family stability.

These norms influence not only informal responses but formal decision-making. Police, judges, and welfare officials may consciously or unconsciously prioritise reconciliation, interpret violence as provoked, or view women's resistance as disruptive.

From a sociological perspective, this normalisation of abuse is a key barrier to effective governance. Laws that challenge social norms require institutions to actively counter prevailing beliefs, a task that demands ethical commitment and organisational support.

Without confronting these cultural dynamics, domestic violence governance risks reproducing inequality even as it claims to address it. Legal protections may exist, but their application remains constrained by moral expectations that place women's safety secondary to social order.

7. Toward Integrated and Accountable Domestic Violence Governance

Addressing institutional gaps in domestic violence protection requires a shift from fragmented intervention to integrated governance. This involves clear delineation of roles, coordination across agencies, and accountability mechanisms that prioritise outcomes rather than procedures. Integrated governance also requires ethical clarity. Institutions must recognise that neutrality in the face of violence is not morally defensible and that reconciliation should never be prioritised at the cost of safety. Survivor-centred approaches, grounded in respect for women's autonomy and dignity, must guide institutional practice.

Policy reform should focus on strengthening institutional capacity, including training, monitoring, and resource allocation. Data collection and evaluation mechanisms can enhance transparency and identify systemic failures. Importantly, women's experiences must inform policy design, ensuring that governance structures respond to lived realities rather than abstract assumptions.

8. Conclusion

This paper has argued that the gap between domestic violence law and women's lived experiences in India is primarily an institutional governance problem rather than a legal one. While the PWDVA provides a robust statutory framework, its effectiveness is undermined by fragmented

institutions, moralised decision-making, and weak accountability.

Domestic violence governance must be understood as a complex system shaped by social norms, organisational cultures, and ethical choices. Strengthening protection therefore requires not only legal reform but institutional transformation. By aligning statutory mandates with survivor-centred, accountable governance, domestic violence law can move closer to fulfilling its promise of justice and safety.

9. References

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