

Protection of Women from Domestic Violence Act, 2005

The Domestic Violence Act, 2005 was enacted to provide more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

The Domestic Violence, as defined under the DV Act includes causing any harm or injury to the safety, life, health or well being of the aggrieved woman by committing any physical, sexual, verbal or economic abuse. Moreover, it also includes any injury or harm done to the aggrieved woman or her relative with a view to coerce her or any person, to meet unlawful dowry demand. Threats to commit violence are also covered under this definition. The Protection of Women from Domestic Violence Act, 2005 gives the legal definition of “Domestic Violence” under Section 3 and is applicable to all women, irrespective of their marital status, age or religious beliefs.

The Protection of Women from Domestic Violence Act, 2005 recognizes domestic violence as a human rights violation, and divides abuse into four major categories:

- Physical Abuse- includes hurt of any kind.
- Sexual Abuse- such as conduct of a sexual nature, abusing, humiliating, degrading or otherwise violative of one’s dignity.
- Verbal or Emotional Abuse- such as Accusation/aspersion on character or conduct.
- Economic Abuse- such as not providing money for maintaining woman or her children

Salient Features of the Domestic Violence Act, 2005

The DV Act 2005 includes both civil and criminal provisions, and provides for the aggrieved women to get immediate civil remedies within 60 days.

The Salient features of the Domestic Violence Act includes:

- Judgements within 60 days of filing of the case.
- Recognizes woman’s assistance with legal procedures and other forms of support.
- The Act allows for the appointment of Protection Officers, and recognises the role of Service Providers.
- Recognises verbal and emotional violence.
- Provides for economic relief by recognising economic violence.
- Both petitioner and respondent can prefer Appeal.
- Domestic Violence Act, 2005 includes provisions for making Domestic Incident Reports
- Provides temporary custody of child.
- Multiple Judgements in a single case.
- Ensures Right to Residence under sec 17.



Who are Protection Officers and Service Providers?

The government appoints Protection Officers to assist the wronged woman in initiating a complaint against her husband or against any other male adult who has engaged in domestic violence or who is romantically involved with the petitioner. Where necessary, Protection Officers work with the police to carry out the Court's directives.

Service Providers, on the other hand, are the notified NGOs' members. They coordinate with all parties involved to ensure that domestic violence victims receive justice and assistance. The Service Providers offer lodging for the short stay residences and assist the harmed ladies in submitting the Domestic Incident Report. Additionally, they provide them with vocational training to aid in finding jobs and a stable income.

Provisions of the Domestic Violence Act, 2005: Role of Government

The Central Government and every State Government, shall take all measures to ensure that:

- The provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- The Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;
- Effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
- Protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

An aggrieved woman or on her behalf a Protection Officer or service provider can request to a person in charge of a shelter home or a medical facility to provide shelter or medical aid to her.

Remedies Under the Protection of Women from Domestic Violence Act

The following remedies are available under the Protection of Women from Domestic Violence Act, 2005:

- **Under Section 18:** Protection Order
- **Under Section 19:** Residence Order for residing at Matrimonial House
- **Under Section 20:** Monetary Orders which includes maintenance for herself and her Children
- **Under Section 21:** Temporary Custody of Children
- **Under Section 22:** Compensation order for the damages caused to her

Domestic Violence Act: Way Forward

The Protection of Women from Domestic Violence Act, 2005 has incorporated essential steps to safeguard women from domestic violence, but it fails to provide any remedies for the male members of the family. The DV Act also fails to recognize the cohabiting and marital relationship between the members of the LGBTQ+ community. Government must look into these aspects of domestic violence also, and come up with a more robust Domestic Violence Act.

