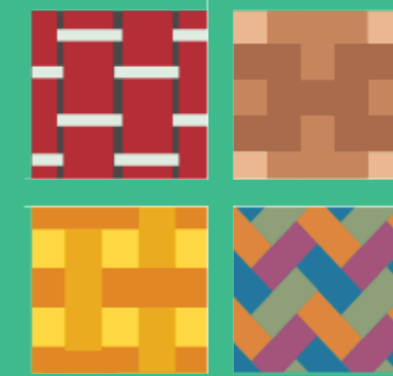




Hanns
Seidel
Stiftung



JUSTICE
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PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, (2005)

CONTEXT

The Protection of Women from Domestic Violence Act was passed in 2005. For the first time, it provided a definition of domestic violence in Indian law, covering physical violence and emotional, verbal, sexual, or economic abuse.

WHAT IS DOMESTIC VIOLENCE?

Domestic violence includes both actual abuse (physical, emotional, sexual, economic) and the threat of such abuse. It also includes harassment by the husband by way of unlawful dowry demands.

WHO IS COVERED BY THE LAW?

While primarily aimed at protection of women from their husbands or live-in partners, the law also provides protection for sisters, widows and mothers from violence in the home.



KEY PROVISIONS

WHAT RIGHTS ARE ENSURED BY THE ACT?

The Act provides women with the legal right to secure housing, meaning the right to reside in the matrimonial or shared household, regardless of whether she has any title or rights in the household.

The Act also empowers courts to pass protection orders that prevent abusers from aiding or committing an act of domestic violence.

HOW TO INITIATE A COMPLAINT

Victims of domestic violence may file a complaint at their local police station or by dialing the police helpline number (100). Alternatively, victims may file a complaint with their local Protection Officer or a women's charity, who can support the victim and forward the complaint to the police.

A Protection Officer is a person (usually female) appointed by the State Government in each district to support victims of domestic violence.

RELIEF FOR VICTIMS

On an application by the Protection Officer or the victim or any other person on the victim's behalf, a Magistrate can order any of the following reliefs:

- (a) a protection order;**
- (b) order for monetary relief;**
- (c) custody order;**
- (d) residence order;**
- (e) compensation order;**
- (f) other similar relief.**

ACTION POINTS

CIVIL VS CRIMINAL LAW

The Act defines domestic violence as a civil, not a criminal matter. It is only if an abuser commits a further offence, such as violating a Protection Order issued by a court, that he can be criminally prosecuted. This weakens the force that the law carries and arguably weakens the deterrence for abusers.

SCOPE OF THE ACT

The Act provides important protection for women in the home. However, it does not include abuse of women by other women, for example unlawful harassment by a mother-in-law.

More information for victims of domestic violence

<https://www.naaree.com/domestic-violence-helplines-india/>

