

DOMESTIC VIOLENCE ACT- 2005

by

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Salient features of DV Act 2015

- Quasi civil , quasi criminal law
- Interim relief within 72 hrs.
- Counseling of aggrieved person and respondent
- Domestic relationship, common house hold
- protection officers/service providers assist in filing DIRs.
- Local court – summary trial
- Police role –assistance to aggrieved persons

Domestic Violence

Causative factors:

- Dowry
- Alcoholism
- Male dominated attitude
- Subjugating women
- Illegal relationships/ living together without marriage
- Other pressure groups i.e mother in law vs daughter in law

The acts of domestic violence

Physical violence

- Bodily pain
- Harm
- Danger to life, limb or health
- Impair the health or development of aggrieved person
- Includes
 - Assault
 - Criminal intimidation
 - Criminal force

Sexual Violence

- Any act of sexual nature to abuse, humiliate or degrade or otherwise violates dignity of woman
- Forced sexual intercourse,
- Forces to see pornography or any other obscene pictures or material,
- Any other unwelcome conduct of sexual nature,

Verbal and Emotional Violence

- Insults, ridicule, humiliation
- Name calling
- Accusations of character or conduct etc
- Insult for not having a male child,
 - Insult for not bringing dowry etc.
- Yelling and Screaming
- Preventing her or the child in her custody from attending school, college or any other educational institutions

Economic Abuse

- Deprivation of all or some economic or financial resources
- Disposal of household effects, alienation of assets-movable or immovable
- Other properties she has an interest or is entitled to use
- Resources required by her or her children or her stridhan
- Prohibition or restriction to access to resources or facilities she is entitled to use
- Overall facts and circumstances of the case taken into consideration

Economic Violence

- Not providing money for maintaining ag. pax or her children,
- Not providing food, clothes, medicines etc. children,
- Not allowing her to take up an employment or
- Disturbing ag. pax in carrying her employment,
- Taking away her income , salary, wages etc.,
- Forcing her out of the house she lives in,
- Stopping her from accessing or using any part of the house
- Not allowing use of clothes, articles or things of general household use,
- Not paying rent if staying in a rented accommodation etc.

WHO IS THE VICTIM (Aggrieved Person)?

- Every woman (aggrieved person) or a child who is, or has been, in a domestic relationship with the perpetrator (respondent) of domestic violence can take the help of PWDV Act, 2005.

Who is the abuser /perpetrator of domestic violence

- Any adult male person (perpetrator) who is, or has been, in a domestic relationship with the aggrieved person (victim).
- Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.

Domestic Relationship

- A relationship between two persons who live or have, at any of time, lived together in a shared household, when they are related by consanguinity (blood), marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family

Shared Household

- A household where the victim lives or at any stage has lived in a domestic relationship either singly or along with the perpetrator and includes such a household whether
- Owned, or
- Tenanted either jointly by the victim and the perpetrator, or
- Owned or tenanted by either of them in respect of which either of them or both jointly or singly have any right, title, interest or equity and includes such a house hold which may belong to the joint family of which the perpetrator is a member, irrespective of whether the perpetrator (respondent) or the victim (aggrieved person) has any right, title or interest in the shared house hold.

Process

- Aggrieved person or PROTECTION OFFICER or Service Provider or any other person on behalf of the ag. Pax files DIR(Domestic Incident Report) before the Magistrate
- In AP the PDs of ICDS of WCD and SDMs are POs
- Court issues notice to respondent.
- First hearing within 72 hrs, pending final orders within 60 days.
- PO serves orders on respondent within 2 days.
- In-camera proceedings
- Some times Respondent files appeal in district court which may STAY the lower court orders.

Where can ag pax file a case

- In the court of JMFC or the Metropolitan Magistrate within the local limits of the area where:
- she permanently or temporarily resides or carries on business or employed; or
- where the perpetrator permanently or temporarily resides or carries on business or employed; or
- the cause of action had taken place.

Five orders of court

- Protection order (sec 18)
 - Residence order (sec 19)
 - Monetary relief order (sec 20)
 - Custody order (sec 21)
 - Compensation order (sec 22)
- Interim and Ex-parte orders
- ❖ Violation of protection order alone is Cognizable where F.I.R can be registered (sec 31)

Duties of Police, service providers, Magistrates

- Inform her
- Of her right to make an application by way of 1 or combo of 5 orders
- The availability of services of service providers
- The availability of services of Protection Officers
- Of her right to free legal services under LSA Act
- Of her right to file a complaint U/s 498(A) IPC wherever relevant

Role of District Magistrates

- Awareness among urban and rural areas
- Co ordination especially ensure that (RDOs and other) Protection Officers perform their role
- Provide Women's hostels, temporary shelter homes
- DLSAs are activated and para legal workers are in sufficient number



Thank You