

# *Protection of Women from Domestic Violence Act, 2005*

- **FREQUENTLY ASKED QUESTIONS (FAQ)**

The Protection of Women from Domestic Violence Act 2005 is an Act of the Parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government and Ministry of Women and Child Development from 26 October 2006. The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse. It is a civil law meant primarily for protection orders and not for meant to be enforced criminally.

**Q: What can constitute domestic violence?**

A: Any act that can injure health, safety, life, limb or well-being, whether mental or physical, as well as any unlawful demand for any dowry or other property or valuable security. The provisions wholly penalises an act(s) that causes or attempts to cause sexual, verbal, emotional, physical, economical abuse in its entirety.

**Q: Who can be called an aggrieved person in the said act?**

A: An aggrieved person" can refer to a woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.

**Q: What is the procedure to file a domestic violence complaint once you have identified yourself as a victim?**

A: You must identify the nearest recognized protection officer or service provider and relay all the information that you can remember to the concerned authority. Try to answer all the questions truthfully and they will inform you of what to do next.

**Q: How can we approach the magistrate after informing the protection officer or service provider of the complaint?**

A: An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act.

**Q: What are the possible remedies that a victim can claim or a magistrate can announce in the wake of a domestic violence complaint?**

A: The Magistrate may pass a protection order in favour of the aggrieved person and prohibit the respondent from:

- a. Aiding and abetting in any act of violence
- b. entering the place of employment of the aggrieved person
- c. attempting to communicate in any form, with the aggrieved person
- d. causing violence to the dependants

Alternatively the magistrate can also pass a residence order which entails:

- a. restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person
- b. directing the respondent to vacate the premises of the shared households
- c. directing the respondent to secure same level of alternate accommodation
- d. restraining the respondent or any of his relatives from entering any portion of the aforementioned premises of the shared household

The Magistrate can also order a counselling session either singly or jointly.

**Q: In the instance where the respondent breaches the provisions of the protection order, what are the punishments available as per the act?**

A: In case of breach of order, the violator shall be punishable with imprisonment of either a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

**Q. Are women in Live-in-relationship protected under Domestic Violence Act in India?**

A. Yes, women are in live-in relationships, and are facing domestic violence in ways as explicitly mentioned in the The Protection of Women from Domestic Violence Act, 2005 are legally protected by its' provisions.

**Q: What's the difference between a 498A and domestic violence case?**

A: DV is known for the complaint related to any violence for eg financial, mental, social, physical etc where immediate proof is not available. 498A is considered as more heinous way of complaint, in this complaint a direct FIR can be registered and earlier direct arrests

too. Section 498A provides the punishment to the husband or relative of the husband on treating a woman with cruelty. Whereas, the Domestic Violence case can be filed against any person who comes within the domestic relationship including husband, parent, siblings, live-in partner.

**Q: What are the consequences of violence against men in India?**

A. Currently there is no legal recourse for men as victims of domestic violence in India.