

Protection of Women from Domestic Violence Act 2005

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In News: The law is crucial, as it helps in the protection of the weaker sex – women – from the violence, she faces in the place she lives in.

Background

- **India has adopted the Convention on the Elimination of All Forms of Discrimination against Women and the Universal Declaration of Human Rights**, both of which ensure that women are given equal rights as men and are not subjected to any kind of discrimination.
- **Article 15 (3)** of Indian Constitution gives power to the legislature to make special provision for women and children. In exercise of this power, **the Protection of Women from Domestic Violence Act (PWDVA) was passed in 2005.**

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- **Definition of Domestic violence (DV) under the Act:** It includes all forms of actual abuse or threat of abuse of physical, sexual, verbal, emotional and economic nature that can harm, cause injury to, endanger the health, safety, life, limb or well-being, either mental or physical of the aggrieved person.
- **Who is covered under the DV Act:** The Act covers all women who may be mother, sister, wife, widow or partners living in a shared household. However, no female relative of the husband or the male partner can file a complaint against the wife or the female partner, for e.g. the mother-in-law cannot file an application against a daughter-in-law, but she can file an

application against her daughter-in-law for abetting her son to commit violence against her.

- **The Supreme court ruled in D. Velusamy vD. Patchaiammal case** that women in live-in relationships are also protected under Domestic Violence Act.
- **A child is also entitled to relief under the Domestic Violence Act.** The mother of such a child can make an application on behalf of her minor child (whether male or female).
- **Against whom a complaint can be filed:** Any adult male member who has been in a domestic relationship with the woman; Both male and female relatives of the husband or the male partner.

Relief available under the Act

- An aggrieved person or on her behalf a Protection Officer or service provider can request a person in charge of a shelter home or a medical facility to provide shelter or medical aid to her. Magistrate can issue a protection order, providing protection to the women.
- It is the duty of the protection officer and the service provider to provide all assistance to the woman who is a victim of domestic violence.
- Magistrate may direct respondent and/or the aggrieved person to undergo counselling.
- Women shall not be evicted or excluded from the household or any part of it.
- Grant monetary relief and compensation/damages for the injuries, physical and mental, caused as a result of domestic violence.
- Grant temporary custody of any child or children to the aggrieved person.
- Breach of any order of the Magistrate is an offence which is punishable under the law.
- The breach of a protection order or an interim

protection order by the respondent is a cognizable and non-bailable offence punishable with jail or fine or both.

Alarming Figures:

- **1 in 3 women and girls experience physical or sexual violence in their lifetime, most frequently by an intimate partner.**
- Only 52% of women married or in a union freely make their own decisions about sexual relations, contraceptive use and health care.
- Worldwide, almost 750 million women and girls alive today were married before their 18th birthday; while 200 million women and girls have undergone female genital mutilation (FGM).
- 1 in 2 women killed worldwide were killed by their partners or family in 2012; while only 1 out of 20 men were killed under similar circumstances.
- 71% of all human trafficking victims worldwide are women and girls, and 3 out of 4 of these women and girls are sexually exploited.
- Violence against women is as serious a cause of death and incapacity among women of reproductive age as cancer, and a greater cause of ill health than traffic accidents and malaria combined.