

The women are given much respect in India from ancient days, the Indian laws are also provides security to women because they are weaker sections of the society. With an aim and object to provide emergency relief to the victims of domestic abuse in addition to existing legal recourse AND to recognize domestic abuse as a punishable offence and to extend its provisions to those in live-in relationships the Domestic Violence Act 2005 has been enacted.

DOMESTIC VIOLENCE ACT

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WHY THIS ACT WAS INTRODUCED ?

Women are weaker sections of the society, they are physically weak than a man. The abuse and violence against the women has been high. The domestic violence is the most prevalent and the least reported forms of cruel behavior. Till 2005 there was no emergency relief available to the victim; the remedies that were available were linked to matrimonial proceedings; and the court proceedings were always protracted, during this period the victim was invariably at the mercy of the abuser. Further the relationships outside marriage were not recognized, this kind of circumstances ensured that a majority of women preferred to suffer in silence. Therefore just to curb such situations the Protection of Women from Domestic Violence Act was passed.

WHO CAN FILE CASE UNDER THIS ACT ?

Women and children. Section 2(a) of the Act can file the case. Any woman who is or has been in a domestic relationship with the 'respondent' in the case. It empowers women to file a case against a person with whom she is having a 'domestic relationship' in a 'shared household', and who has subjected her to 'domestic violence'.

Children are also covered by the Act; they too can file a case against a parent or parents who are tormenting or torturing them, physically, mentally, or economically. Any person can file a complaint on behalf of a child.

AGAINST WHOM THE CASE CAN BE FILED ?

Section 2 (q) states that any adult male member who has been in a domestic relationship with the aggrieved person is the 'respondent'. The respondent can also be a relative of the husband or male partner. Thus, a father-in-law, or even male siblings of the husband and other male relatives can be proceeded against.

WHAT ACTUALLY DOMESTIC ABUSE IS ?

Section 3 of the Act says any act/conduct/omission/commission that harms or injures or has the potential to harm or injure will be considered 'domestic violence'.

Under this, the law considers physical, sexual, emotional, verbal, psychological, and economic abuse or threats of the same.

Even a single act of commission or omission may constitute domestic violence — in other words, women do not have to suffer a prolonged period of abuse before taking recourse to the law.

WHAT ARE THE RELIEFS AVAILABLE IN THE ACT ?

1. The wife can seek direction to her husband to pay monthly maintenance, rentals, medical expenses, cost of proceedings, damages for ill-treatment, etc during the pendency of the proceedings and thereafter.
2. Seek direction restraining the husband from committing further domestic violence. during the pendency of the proceedings and thereafter.
3. Seek direction restraining husband from entering the marital home if there is eminent danger in case he enters the house.
4. Seek direction restraining the husband from selling the shared household, jewellery or things etc.
5. Seek direction for custody of children.
6. alternate residence as per the standard of living of the husband.

If a husband violates any of the above rights of the aggrieved woman, it will be deemed as a punishable offence. Charges under Section 498A can be framed by the magistrate, in addition to the charges under this Act. Further, the offences are cognisable and non-bailable. Punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs 20,000.

BEFORE WHOM THE COMPLAINT CAN BE FILED

Either before the Protection officer or before the Jurisdictional Magistrate wherein domestic violence occurred, or the women resides temporarily or permanently or either of the parties do the business or work.

The order of the Magistrate in this act is enforceable throughout India.

TIME LIMITATION TO DISPOSE OFF THE APPLICATION

The application filed before the magistrate as far as possible may be completed within 60 days.

The law significantly recognises the need of the abused woman for immediate relief, which will have to be provided by the husband. A woman cannot be stopped from making a complaint/application alleging domestic violence. She has the right to the services and assistance of the Protection Officer and Service Providers, stipulated under the provisions of law.

A woman who is the victim of domestic violence will have the right to avail the assistance of the police, shelter homes and medical establishments. She also has the right to simultaneously file her own complaint under Section 498A of the Indian Penal Code.

IN TOTAL THIS ACT IS REGARDED AS THE HELPING HAND TO WOMEN IN A SPEEDY WAY

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