
**PROTECTION OF WOMEN FROM THE DOMESTIC VIOLENCE ACT
2005**

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ABSTRACT

The origin of the Act lies in Article 15 (2) of the Constitution of India, which clearly says that State can make special provisions for women and children” towards realizing the right to equality. This indicates the use of affirmative action to remedy a wrong. It is often said that India has several laws but they are not implemented. The problem, however, is not the lack of implementation, but the lack of a mechanism by which it can be implemented. Women have insufficient understanding of the law and lack of access to the courts. Hence it is necessary not only to enact a law but to provide the necessary infrastructural tools with which to access the law. The way of doing this is to put a mechanism in place in the law itself. In the Act, this has been done by creating the office of the Protection Officer and recognizing the role of the Service Providers. Affirmative duties have been imposed on the government to provide legal aid, medical facilities and shelter homes in the hope that women in distress be given all these facilities. The Act is a statement of commitment by the State that domestic violence will not be tolerated. The framework and crucial aspects of this Act are as follows

BRILLOPEDIA

The PWDVA is a civil law. While the objective of criminal laws is to punish the offender, a civil law is directed towards providing reliefs to the aggrieved party; in this case, the woman who faces violence at home. Definition of “Domestic Violence. The Act defines “Domestic Violence” for the first time in Indian law. It is a comprehensive definition and captures women’s experience of abuse and includes not only physical violence but also other forms of violence such as emotional / verbal, sexual, and economic abuse. It is based on definitions in international law such as the UN Declaration on Violence Against Women and a Model Code.

The Act recognizes domestic violence as a human rights violation. It recognizes a woman’s right to live in a violence-free home. To realize this right, the Act recognizes a woman’s right to residence and her right to obtain protection orders under the law. The reliefs provided in the Act are meant to provide immediate relief in emergency situations. The Act does not make any changes in the existing personal law regime on family matters.

The reliefs under the Act are in addition to existing laws and have been recognized with the objective of empowering a woman to tide over an emergency situation. Having obtained relief under the law, a woman can still go for relief under other laws later. Access to justice and the availability of infrastructure Recognizing that a woman requires assistance with legal procedures and other forms of support, the PWDVA allows for the appointment of Protection Officers, and recognizes the role of Service Providers in providing medical, shelter, legal, counselling and other kinds of support services. The Protection Officer is the person in charge to assist women to avail of these facilities as well as assist her in obtaining the appropriate order under the Act. Procedures to obtain orders, reporting of violence and the consequence of breaching the obtained orders. The Act includes provisions for making Domestic Incident Reports which will serve as important records at the stage of evidence taking. The manner in which the applications for orders under the Act have also been mentioned in the Act. Finally, the Act provides that the breach of an order obtained is a criminal offence.

INTRODUCTION

The patriarchal setup has been deeply rooted in Indian society since time immemorial. It may be believed that this system laid the foundation stone for the abuse of women. Domestic violence affects women from every social background irrespective of their age, religion, caste, or class. It is a violent crime that not only affects a person and her children but also has wider implications for society. Although the root behind the crime is hard to decipher, certain reasons behind the violence can be traced to the stereotyping of gender roles, and the distribution of power.

The definition of violence has evolved over the years to an extent it not only includes physical forms of violence but also emotional, mental, financial, and other forms of cruelty. Thus, the term domestic violence includes acts which harm or endangers the health, safety, life, limb, or wellbeing (mental or physical) of the victim, or tends to do so, and includes causing: physical abuse, sexual abuse, verbal abuse, emotional abuse, and economic abuse, perpetrated by any person who is or was in a domestic relationship with the victim.

Before the enactment of the Protection of Women from Domestic Violence Act, 2005 (“DV Act”), the victim could approach the court under Section 498-A of the Penal Code, 1860 which provides for ‘husband or relative of husband of a woman subjecting her to cruelty’ wherein only a certain set of offence dealing with cruelty to married women was the only recourse. All other instances of domestic violence within the household had to be dealt with under the offences that the respective acts of violence constituted under the IPC without any regard to the gender of the victim.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005: MEANING, INTENT AND OBJECTIVE

To minimize the cumbersome position of law, be it procedural or substantive, the Protection of Women from Domestic Violence Act, 2005 was enacted to protect the women from acts of domestic violence. The legislative intent was further emphasized by the Supreme Court of India in the case of **Indra Sarma v. V.K.V Sarma, (2013) 15 SCC 755** wherein it was stated that the DV Act is enacted to provide a remedy in civil law for the protection of women, from being victims of such relationship, and to prevent the occurrence of domestic violence in the society. Other legislations like CrPC, IPC, etc., where reliefs have been provided to women who are placed in vulnerable situations were also discussed.

The objective of the Act lays down “An Act to provide for more **effective protection of the rights of women** guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.”^[1] The Madras High Court in **Vandhana v. T. Srikanth, 2007 SCC Online Mad 553** in one of the early cases since the enactment of the DV Act, observed that the Act was formulated to implement Recommendation No. 12 of United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), 1989 and which was ratified by India in June, 1993. Interpretation of the DV Act should conform to international conventions and international instruments and norms. The Bombay High Court in the case of **Ishpal Singh Kahai v. Ramanjeet Kahai, 2011 SCC Online Bom 412** reiterated that the object of the DV Act is to grant statutory protection to victims of violence in the domestic sector who had no proprietary rights. The Act provides for security and protection of a wife

irrespective of her proprietary rights in her residence. It aims at protecting the wife against violence and at the prevention of recurrence of acts of violence

KEY DEFINITIONS UNDER THE DOMESTIC VIOLENCE ACT

- **Aggrieved Person**

According to the definition provided under the DV Act in Section 2(a), an “aggrieved person” means any 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. Therefore, any woman who is or has been in a domestic relationship is entitled to make a complaint invoking provisions of the Act.

The amount or period of time lived together by the petitioner and respondent is not necessary in terms of that the petitioner and respondent should live or have lived together for a particular period of time. Hence, application by lady, for maintenance, from a man with whom she shared a close relationship is maintainable, **M. Palani v. Meenakshi, 2008 SCC Online Mad 150.**

The Supreme Court had observed in one of the cases that judicial separation does not change the status of the wife as an “aggrieved person” under Section 2(a) read with Section 12 and does not end the “domestic relationship” under Section 2(f). It stated that judicial separation is mere suspension of husband-wife relationship and not a complete severance of relationship as happens in divorce, **Krishna Bhattacharjee v. Sarathi Choudhury, (2016) 2 SCC 705.**

- **Domestic Relationship**

According to Section 2(f) of DV Act, “domestic relationship” means a relationship between two persons living in a shared household. Domestic relationship can be through marriage such as wives, daughters-in-law, sisters-in-law, widows and any other members of the family; or blood relationship such as mothers, sisters or daughters; and other domestic relationships including through adoption, live-in relationships, and women in bigamous relationship or victims of legally invalid marriages. The law addresses the concerns of women of all ages irrespective of their marital status. The definition of “domestic relationship” under the DV

Act is exhaustive: when a definition clause is defined to “mean” such and such, the definition is prima facie restrictive and exhaustive, **Indra Sarmav. V.K.V Sarma, (2013) 15 SCC 755.**

The Supreme Court further stated that the word domestic relationship means a relationship that has some inherent or essential characteristics of marriage though not a marriage that is legally recognized. Expression “relationship in the nature of marriage” cannot be construed in the abstract. It is to be taken in the context in which it appears and to be applied bearing in mind the purpose and object of DV Act as well as meaning of the expression “in the nature of marriage”, **Indra Sarma v. V.K.V Sarma, (2013) 15 SCC 755.**

- **Shared Household**

According to Section 2(s) of DV Act 2005, a shared household is where the aggrieved person or a woman lives in a domestic relationship, either singly, or along with the man against whom the complaint is filed. It may also imply a household where a woman has lived in a domestic relationship but has been thrown out. This may include all kinds of situations whether the household is owned by the respondent or it is rented accommodation. It also includes a house either owned jointly by the aggrieved person and the respondent or both may have jointly or singly, any rights, titles or interests. The DV Act recognizes a woman’s right to reside in a shared household. This means a woman cannot be thrown out of such a household except through the procedure established by the law. In case she is thrown out she can be brought back again after obtaining the order from the court. A woman to claim the protection of right in “shared household” has to establish (a) that the relationship with the opposite party is “domestic relationship”, and (b) that the house in respect of which she seeks to enforce the right is “shared household”. In Indian society, there are many situations in which a woman may not enter into her matrimonial home immediately after marriage. A woman might not live at the time of the institution of proceedings or might have lived together with the husband even for a single day in “shared household” should not be left remediless despite valid marriage. Narrow interpretation of “domestic relationship” and “shared household” would leave many a woman in distress without remedy. Hence the correct interpretation of aforesaid definition including the right to live in “shared household” would be that words “live” or “have at any point of time lived” would include within its purview “the right to live”, **Vandhana v. T. Srikanth, 2007 SCC Online Mad 553.**

This law does not alter the legality of ownership or transfer the ownership and a woman cannot claim that she owns a house; it only provides emergency relief to the victim in the sense that she cannot be thrown out of her house. For claiming ownership, a woman has to follow a separate legal procedure and has to file a separate application as per the provisions of laws whichever are applicable to her situation.

- **Domestic Violence**

Domestic violence” is a broad term that entails not only physical beating but also other forms of violence such as emotional violence, mental violence, sexual violence, financial violence and other forms of cruelty that may occur within a household. The definition provided in Section 3 of the DV Act includes the following as acts of domestic violence:

Any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

The Section also defines the meaning of terms physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse. It further enunciates that the overall facts and circumstances of the case shall be taken into consideration in order to determine whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under the said section.

WHO CAN SEEK HELP OR CAN CLAIM RELIEFS UNDER THE DOMESTIC VIOLENCE ACT?

According to the provisions of this Act, any aggrieved woman who is in a domestic relationship with the respondent and who alleges to have been subjected to the act of domestic violence by the respondent can seek help. A woman can file a complaint against any adult male perpetrator who commits an act of violence. She can also file a complaint against any male or female relatives of the husband/ male partner (for example in a live-in relationship) who has perpetrated violence. The Supreme Court in **Hiral P. Harsora v. Kusum Narottamdas Harsora, (2016) 10 SCC 165** struck down adult male from the definition of “respondent” stating that it is not based on any intelligible differentia having rational nexus with object sought to be achieved. The Supreme Court also explained in the said case that the categories of persons against whom remedies under the DV Act are available include women and non-adults. Expression “respondent” in Section 2(q) or persons who can be treated as perpetrators of violence against women/against whom remedies under the DV Act are actionable cannot be restricted to expression “adult male person” in Section 2(q). Thus, remedies under the DV Act are available even against a female member and also against non-adults.

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PROTECTION OFFICER

Under Section 8 of the DV Act, the Protection Officer is appointed by the State Government as per the provisions of the law. The Protection Officer acts as a facilitator between the aggrieved woman and the court. The Protection Officer aids the aggrieved woman in filing of complaints, and application before the Magistrate to obtain the necessary relief and also assists to obtain medical aid, legal aid, counselling, safe shelter and other required assistance.

DUTIES OF PROTECTION OFFICER

Section 9 of the DV Act lays down the duties of the Protection Officer as follows:

- (a) to assist the Magistrate in the discharge of his functions under this Act;
- (b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- (c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- (d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 and make available free of cost the prescribed form in which a complaint is to be made;
- (e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
- (f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
- (g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;
- (h) to ensure that the order for monetary relief under Section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);
- (i) to perform such other duties as may be prescribed.

SERVICE PROVIDERS

A victim of domestic violence may require various services such as shelter home or safe accommodation, medical aid, child care, legal aid services and other community services. According to Section 10(1) of DV Act, the Service Providers are the NGOs, Companies or voluntary organizations working in the field of domestic violence and are registered under the laws of the State. Service Providers are duty bound to provide assistance and support to women facing domestic violence. A woman can go to a registered Service Provider to make a complaint under the DV Act. The duty of the service provider, as provided under Section 6 of the DV Act, upon receipt of request should be to provide shelter to the aggrieved person in the shelter home.

FILING A COMPLAINT OF DEMESTIC VIOLENCE

An aggrieved woman, in order to file a complaint for domestic violence may:

- Approach the police station and register the complaint, or
- File a complaint to a Protection Officer or Service Provider, or
- Directly approach the Magistrate.

The duties of the police officers, Protection officer, Service Provider, or the Magistrate is laid down under Section 5 of the Act. It states that, upon receipt of complaint they shall inform the aggrieved person

(a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;

(b) of the availability of services of service providers;

(c) of the availability of services of the Protection Officers;

(d) of her right to free legal services under the Legal Services Authorities Act, 1987 ;

(e) of her right to file a complaint under Section 498-A of the Indian Penal Code , wherever relevant

The Supreme Court emphasised that the Police has to look into the complaint made under the DV Act seriously and it cannot submit a report that no case is made out without proper verification, investigation, enquiry not only from members of family but also from neighbours, friends and others, **Santosh Bakshi v. State of Punjab, (2014) 13 SCC 25**.

WHICH COURT CAN DECIDE THE CASE

Section 27 of the DV Act provides that a first class magistrate or metropolitan court shall be the competent court to grant a protection order and other orders under the DV Act and to try offences under the Act within the local limits of which

- (a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or
- (b) the respondent resides or carries on business or is employed; or
- (c) the cause of action has arisen.

In a recent decision, the Supreme Court held that petition under DV Act can be filed in a court where “person aggrieved” permanently or temporarily resides or carries on business or is employed, **Shyamlal Devda v. Parimala, (2020) 3 SCC 14**.

RELIEFS AVAILABLE UNDER THE DOMESTIC VIOLENCE ACT

The remedies available under the DV Act as provided from Section 18 to 23 for the aggrieved person are as follows:

- **Protection orders (Section 18)**

The Magistrate after giving the aggrieved person and the respondent an opportunity of being heard and if satisfied that domestic violence has taken place or is likely to take place may pass a protection order and prohibit the respondent from

- (a) committing any act of domestic violence;

- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;
- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- (f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- (g) committing any other act as specified in the protection order.

- **Residence Order (Section 19)**

The Magistrate may pass a residence order

- (a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
- (b) directing the respondent to remove himself from the shared household;
- (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
- (d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
- (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or

(f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require.

The proviso clause for the section states that no order shall be passed under clause (b) against any person who is a woman

The High Court of Madras opined that the Act contemplates two types of reliefs viz. (a) right to reside in shared household; and (b) right to seek residence orders under Section 19 of the Act—Section 19(1) of the Act empowers Magistrate to pass variety of residence order. Shared household would come into picture only when relief is sought in terms of Sections 19(1)(a) to (e) of the Act. Aggrieved woman can seek orders to enable her to continue to reside in shared household or protection order to enable her to reside in shared household, then property, which is subject-matter, should be shared household. Aggrieved woman can seek relief of alternate accommodation in terms of Section 19(1)(f) of the Act and in such case concept of shared household would not be attracted. Expression “shared household” occurring in Section 19(1)(f) of the Act is just for purpose of enabling aggrieved woman to seek alternative accommodation, which would be on par with shared household that she enjoyed at some point of time, **M. Muruganandam v. M. Megala, 2010 SCC Online Mad 6012.**

- **Monetary Relief (Section 20)**

Under Section 20 of DV Act, an order for monetary relief can be passed by the court in case a woman has incurred expenditure as a result of violence. This may include expenses incurred by a woman on obtaining medical treatment, any loss of earnings, damage to property, etc. The aggrieved person can also claim for maintenance from her male partner.

The Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but is not limited to,

- (a) the loss of earnings;
- (b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under Section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.

It has also been provided in the section that the monetary relief provided should be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed. In case there is a failure in part of the respondent to make payment in terms of the monetary order, the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

- **Custody Orders (Section 21)**

The Magistrate may grant temporary custody of the children to the aggrieved woman or any person making an application on her behalf. This is to prevent a woman from being separated from her children, which itself is an abusive situation. Section 21 also states that the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent. However, the Magistrate may refuse such visit to such child or children, if it feels that any visit to the child or children by the respondent may be harmful.

- **Compensation Orders (Section 22)**

The Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

- **Magistrate's power to grant interim and ex parte orders (Section 23)**

Section 23 gives power to the Magistrate to pass such interim order as he deems just and proper and also if the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under Section 18, Section 19, Section 20, Section 21 or, as the case may be, Section 22 against the respondent

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

The protection of women from the domestic violence act 2005 is a demonstration of the parliament of India instituted to shield the ladies from abusive behaviour at home. It was brought into power by the Indian government from 26th October 2006. The demonstration accommodates the first run through the Indian law a meaning of domestic violence with this definition being wide and including the physical brutality, yet in addition different types of savagery, for example, enthusiastic or verbal, sexual or financial maltreatment. It is a common law implied principally for the security orders and not for intended to be upheld criminally. A demonstration to accommodate the increasingly powerful assurance of the privileges of the ladies ensured under the constitution who are the casualties of brutality of any sort happening inside the family and for the issues associated therewith or coincidental thereto.

- Citation
- Act no 43 of 2006
- Enacted by: the parliament of India
- Consented to: 13th September 2005
- Initiated on: 26th October 2006

CRITICAL APPRECIATION OF PROTECTION OF WOMEN AGAINST THE DOMESTIC VIOLENCE ACT 2005

This enactment was established after the sanction of CEDAW (convention on the elimination of all forms of discrimination against the women)

The meaning of local relationship is expansive enough to cover a wide range of family unit game plans; for instance, live seeing someone when the couple is not hitched. The incorporation of this, just as the connections which fall under classes of deceitful or bigamous, was a spearheading step. As to live seeing someone itself, in an unmistakable judgement which went on account of **Bharatha Matha And Others VS R. Vijay Renganathan and Others**, it was concluded that a youngster resulting from a live-in relationship is qualified for the property (the property possessed by the guardians, however not hereditary power). This implies a lady and her youngster bin a live-in relationship cannot be undermined with monetary maltreatment. Obviously despite the fact that this has more significance to property possession and The Hindu Marriage Act , it is satisfying to realize that the youngsters brought into the world out connections which are not much the same as marriage can likewise have the property rights.

Moreover the demonstration additionally gives help to the aggressive behaviour at home submitted by both male as well as the female family members of the spouse or the male accomplice (which would help in the circumstances where the relatives badger the wife and so forth. Furthermore, the meaning of “youngster” is likewise comprehensive of encouraged, embraced and stepchildren.

The respondent has an obligation to pay the casualty pay and not cut off the monetary assets, and this shields the casualty from brutality as well as ensures her inclinations. The meaning of shared family indicates that whether or not the casualty has lawful rights or value over the family, on the off chance that she has actually possessed the house with the respondent, and he has actually been vicious with her, at that point the respondent is at the risk under the demonstration. This implies regardless of whether she doesn't have lawful or budgetary stake in the house, the respondent cannot oust her.

The assurance orders are comprehensive of most cases where the respondent could have exploited the person in question, and again is not restricted to that definition alone. At last, the requests given by the law ought to be without given of cost to the casualty as confirmation. Further it can be said that protection orders, residence orders, monetary relief, custody orders and compensation orders play a very important as well necessary role in the critical appreciation of protection of women against the domestic violence act 2005.

Monetary relief: It is a kind of relief which a woman basically gets when she actually gets separated or divorced from her husband. It is a kind of relief which helps the woman to run

the household. It further includes loss of earnings, medical expenses, loss caused due to destruction or removal or damage of any property. monetary relief has been defined under section 20 of protection of women from domestic violence act 2005

CRITICISMS OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

Some who have reprimanded the law as having too little power, serving mainly as common, as opposed to the criminal, law- requiring a further offense by the charged respondent, (for example abusing a security request gave under this law) under the watchful eye of activating the criminal law sanctions against the respondent, for example caption and detainment. There are a few holes in the usage of laws. Notwithstanding bunches associated with drafting the law accepted this would give progressively fast and adaptable help for the victim. Men's associations, for example the spare Indian family establishment have restricted the law, contending that it may be abused by ladies during the disputes. It has been seen by the women or women's gatherings that such cases rise just when unique arrangements are made for the underestimated. RENUKA CHIWDHURY, the Indian clergyman for the ladies and kid improvement, concurred in the Hindustan Times Article that an equivalent sexual orientation law would be perfect. Yet there is just an excess of physical proof to demonstrate that it is primarily the lady who endures on account of man.

Previous lawyer General of India SOLI SORABJEE has additionally scrutinized the wide meaning of obnoxious attack in the act. As indicated by the then leader of India PRATIBHA DEVISINGH PATIL another troubling pattern has been that the ladies themselves have not been honest of mishandling the ladies. Now and again ladies have played an obnoxious, synergist job in executing viciousness whether against the little girl in law the relative or female residential makes a difference. Examples exist whereby the defensive lawful arrangements to assist the ladies have been exposed to bending and abuse to unleash frivolous retribution and to dole out the retributions. A few studies have inferred or indicated that 90 percent of endowment grievances are bogus and were enrolled principally to dole out the retributions. It is terrible if laws intended to ensure ladies get mishandled as the instruments of mistreatment. The main concern along these lines is the reasonable summon of lawful arrangements and their goal and legitimate implementation.

CONCLUSION

Although the major objective of this law, being to protect the women against domestic violence has been secured, certain portions of the law still remains to be developed. This law provides civil remedies to the victims of domestic violence. Before enactment of this law, in order to seek any civil remedies such as divorce, custody of children, injunctions in any form or maintenance, a woman only had the option of taking recourse to the civil courts. Therefore, the DV Act has certainly brought about the required and necessary change in the system.

Although the Act provides exhaustive remedies to counter the issue of domestic violence certain terms and its interpretation needs to develop. The Act falls short in providing any relief to the male members in the community who are subjected to domestic violence, being one of the areas where the law falls short. However, it also needs to be considered that no crime can be abolished from the society completely, it is only with stringent reforms and mechanism that it can be curbed.

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