



PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

[Delhi Law Academy has concisely presented the entire Domestic Violence Act in question-answer form comprised in 35 questions and answers:](#)

Question 1:

- Does this Act extend to the whole of India? Does it also extend to Jammu and Kashmir?

Ans:

- Yes, this Act extends to the whole of India.

Explanation:

- Entry 87 of the Fifth Schedule to the Jammu and Kashmir Reorganisation Act 2019 provides as under:
 - In sub-section (2) of section 1, words, "except the State of Jammu and Kashmir" shall be omitted in the Protection of Women from Domestic Violence Act 2005.
- The Fifth Schedule lists out the Central Laws which have been made applicable to the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh.

Question 2:

- Who is called an aggrieved person under the DV Act?

Ans:

- Aggrieved person means a **woman**
 - who is [or has been] in a **domestic relationship** with the respondent and
 - who alleges to have been subjected to an *act of domestic violence*

Question 3:

- What is meant by a **domestic relationship**?

Ans:

- “domestic relationship” means
- a relationship between *two persons*
 - who live [or have lived together] in a **shared household**
- when they
 - are related by consanguinity or marriage or

- are related through a **relationship in the nature of marriage** or
- are related through adoption or
- are family members living together as a joint family

Question 4:

- What is meant by a **shared household**?

Ans:

- “**shared household**” means a household
 - where the person aggrieved lives [or has lived] in a domestic relationship
 - either *singly* or *along with the respondent* ...

Question 5:

- Can there be a relationship in the nature of marriage in a case where the party entering into the relationship knew that the other party was already married?

Ans:

- This relationship is not a “relationship in the nature of marriage” because it has no inherent or essential characteristic of a marriage. It is a relationship other than “in the nature of marriage” and the appellant’s status is lower than the status of a wife.
- All live-in-relationships are not relationships in the nature of marriage.
- This relationship would not fall within the definition of “domestic relationship” u/s 2(f) of the DV Act. Consequently, any conduct of the respondent in connection with this type of relationship would not amount to “domestic violence” under the DV Act.

Authority: **Indra Sarma v. V.K.V.Sarma** [2013 SC]

Question 6:

- What is a domestic incident report?

Ans:

- “domestic incident report” means
 - a report made in prescribed form on receipt of a complaint of domestic violence from an aggrieved person

Question 7:

- Against whom can a complaint be filed under the DV Act?

Ans:

- Against any **adult male person**
 - who is [or has been] in a domestic relationship with the aggrieved person and
 - against whom the aggrieved person has sought relief
- An aggrieved wife or female living in a relationship in the nature of marriage may also file a complaint against a **relative** of the husband or male partner.

Question 8:

- What does “monetary relief” mean under the Protection of Women from Domestic Violence Act 2005?

Ans:

- “monetary relief” means **compensation**
 - to meet expenses incurred and
 - to meet losses suffered as a result of domestic violence

Question 9:

- Elaborate the meaning and scope of the term “**domestic violence**” under the DV Act?

Ans:

- The term domestic violence has been defined u/s 3 of the DV Act. It means
 - conduct which harms or endangers the health or well-being of the aggrieved person, whether mental or physical
 - conduct which causes physical abuse, sexual abuse, verbal and emotional abuse and economic abuse of the aggrieved person
 - harassment of the aggrieved person or her relative to meet any unlawful demand for dowry or other property
 - conduct which **has the effect of threatening** the aggrieved person or her relative with any act mentioned above

Question 10:

- Which “abuses” are included within “domestic violence” under the DV Act?

Ans:

- Physical abuse
- Sexual abuse
- Verbal and emotional abuse
- Economic abuse

Question 11:

- What is meant by physical abuse under the DV Act?

Ans:

- “**physical abuse**” means
 - conduct which causes bodily pain or danger to life, limb or health of the aggrieved person
 - conduct which impairs health or development of the aggrieved person
 - assault, criminal intimidation and criminal force

Question 12:

- What is meant by sexual abuse under the DV Act?

Ans:

- “**sexual abuse**” includes
 - conduct of a sexual nature that abuses, humiliates or otherwise violates the dignity of woman

Question 13:

- What is meant by verbal and emotional abuse under the DV Act?

Ans:

- “**verbal and emotional abuse**” includes
 - insults, ridicule, humiliation and name-calling, especially with regard to not having a child or a male child and
 - repeated threats to cause physical pain to any person in whom the aggrieved person is interested

Question 14:

- What is meant by economic abuse under the DV Act?

Ans:

- “**economic abuse**” includes
- deprivation of economic or financial resources which the aggrieved person requires or is entitled to
 - including household necessities, stridhan, property jointly or separately owned by the aggrieved person and maintenance
- disposal of household effects

- alienation of assets, valuables, shares and the like or her stridhan or any other property jointly or separately held by the aggrieved person

Question 15:

- Can any unrelated person provide information about an act of domestic violence and if yes, to whom?

Ans:

- Any person who has reason to believe that an act of domestic violence has been committed or is likely to be committed may give information about it to the concerned Protection Officer

Question 16:

- What are the duties of a police officer, Protection Officer, service provider or Magistrate on receipt of a complaint of domestic violence or when he is otherwise present at an incident of domestic violence?

Ans:

- Under Section 5 of the DV Act, such police officer, Protection Officer, service provider or Magistrate shall inform the aggrieved person..
- of her **right** to make an application for obtaining a relief by way of
 - a protection order
 - a residence order
 - an order for monetary relief
 - a custody order
 - a compensation order
- of availability of services of service providers
- of availability of services of Protection Officers
- of her **right** to free legal services
- of her **right** to file a complaint u/s 498A IPC wherever relevant

Question 17:

- What are the duties of a shelter home?

Ans:

- To provide shelter to the aggrieved person

Question 18:

- What are the duties of a medical facility?

Ans:

- To provide medical aid to an aggrieved person on request of the aggrieved person or a Protection Officer or a service provider, on her behalf

Question 19:

- What are the duties and functions of Protection Officers under the DV Act?

Ans:

- to assist the Magistrate in discharge of his functions
- to make a domestic incident report to the Magistrate upon receipt of a complaint
- to make an application to the Magistrate for issuance of a protection order
- to ensure that the aggrieved person is provided legal aid
- to make available a safe shelter home if the aggrieved person so requires
- to get the aggrieved person medically examined if she has sustained bodily injuries
- to ensure that the order for monetary relief u/s 20 is complied with and executed

Question 20:

- Who is a service provider under the DV Act?

Ans:

- Any voluntary association or company with the objective of
 - protecting rights and interests of women by lawful means
 - including providing of legal aid, medical, financial or other assistance
- which has registered itself with the State Govt as a **service provider**

Question 21:

- Who can file an application to a Magistrate under the DV Act?

Ans:

- An aggrieved person or Protection Officer or any other person, on her behalf may present an application to the Magistrate seeking relief under this Act.

Question 22:

- Within what time period will such application be disposed of?

Ans:

- Magistrate shall endeavour to dispose of every such application within **sixty** days from the date of its first hearing.

Question 23:

- When can a Magistrate conduct proceedings in camera under the Protection of Women from Domestic Violence Act 2005?

Ans:

- When the Magistrate considers that circumstances of the case so warrant and either party to the proceedings so desires.

Question 24:

- What special right has been granted by the DV Act to an aggrieved person regarding her residence?

Ans:

- U/s 17 of the DV Act, every woman in a domestic relationship shall have the **right to reside** in the shared household whether or not she has any right, title or beneficial interest in it.

Question 25:

- What orders can be passed by a Magistrate under the DV Act?

Ans:

- Protection Orders under section 18
- Residence Orders under section 19
- Monetary Relief orders under section 20
- Custody Orders under section 21
- Compensation Orders under section 22

Question 26:

- What is meant by a Protection Order under the DV Act?

Ans:

- On being prima facie satisfied that domestic violence has taken place or is likely to take place
- Magistrate may pass a protection order in favour of the aggrieved person and prohibit the respondent from
 - committing any act of domestic violence
 - aiding or abetting in commission of acts of domestic violence
 - entering the place of employment of the aggrieved person or the school or other place frequented by aggrieved person: if the person aggrieved is a child

- attempting to communicate in any form with the aggrieved person including personal, oral, written, electronic or telephonic contact
- alienating any assets, operating bank lockers or bank accounts held by both parties jointly or singly by the respondent including her stridhan or other property held jointly or separately

Question 27:

- **What is meant by a Residence Order under the DV Act?**

Ans:

- On being satisfied that domestic violence has taken place Magistrate may pass a residence order
 - restraining the respondent from dispossessing or in any other manner disturbing possession of the aggrieved person from the shared household
 - directing the respondent to remove himself from the shared household
 - restraining respondent or his relatives from entering any portion of the shared household in which the aggrieved person resides
 - restraining the respondent from alienating or disposing of the shared household
 - directing the respondent to secure the 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 circumstances so require

Question 28:

- **What provisions are there in the DV Act relating to execution of a bond?**

Ans:

- Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing commission of domestic violence.
- Such order shall be deemed to be an order under Chapter VIII of CrPC.

Question 29:

- **What provisions are there in the DV Act relating to monetary reliefs to an aggrieved person?**

Ans:

- Magistrate may direct the respondent to pay monetary relief to meet expenses incurred and losses suffered by the aggrieved person and her children as a result of domestic violence
- Such relief may include

- loss of earnings
- medical expenses
- loss caused due to damage or removal of any property from control of the aggrieved person and
- maintenance for the aggrieved person and her children including an order of maintenance u/s 125 CrPC

Question 30:

- What kind of Custody Orders can be passed under the DV Act?

Ans:

- Magistrate may at any stage grant temporary *custody of any child* to the aggrieved person and specify arrangements for visit of such child by the respondent.

Question 31:

- A Compensation Order under the DV Act can provide compensation for what types of injuries?

Ans:

- Magistrate may pass an order directing the respondent to pay compensation and damages for injuries, including mental torture and emotional distress caused by acts of domestic violence committed by the respondent.

Question 32:

- Which Magistrate shall have jurisdiction under the DV Act?

Ans:

- The court of Judicial Magistrate of first class or the Metropolitan Magistrate within the local limits of which...
 - the person aggrieved permanently or temporarily resides or carries on business or is employed or
 - the respondent resides or carries on business or is employed or
 - the cause of action has arisen

Question 33:

- What consequences shall follow on breach of a protection order?

Ans:

- A breach of a protection order by the respondent shall be an offence u/s 31 of the DV Act.

- It shall be punishable with imprisonment upto 1 year or fine upto 20000 rupees or both

Question 34:

- What is the nature of the offence u/s 31?

Ans:

- The offence u/s 31 shall be cognizable and non-bailable.

Question 35:

- What consequences shall follow when a Protection Officer fails to discharge his duties as directed by the Magistrate in a protection order?

Ans:

- If a Protection Officer fails to discharge his duties as directed by the Magistrate in a protection order without any sufficient cause,
- he shall be punished with imprisonment of upto one year or fine upto 20000 rupees or both
