



PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT

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

In this sample we present the first 3 pages.....

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
