

“Domestic Violence”

*Miracle
Law Centre – 2,
Faculty of Law,
University of Delhi*

The more that we choose not to talk about issue of domestic violence, the more we shy away from the issue, the more we tend to end up losing.

~RUSSELL WILSON

INTRODUCTION

Violence is defined by the World Health Organization¹ as intentional use of physical force or power, threatened or actual, against oneself, another person, against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation. Domestic violence against women is a ubiquitous phenomenon that persists in all countries of the world and a major contributor of ill health of women. Generally, violence in the domestic sphere usually perpetrated by husband or intimate partner in case of live-in, henceforth the perpetrators are often well known to their victims. The health social, sexual, reproductive health and wellbeing of millions of individuals and families is adversely affected by violence. Domestic violence is now widely recognized as a serious human rights abuse with substantial consequences for women’s physical, mental, sexual, and reproductive health.²

Domestic violence can be defined as a **pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner**. Abuse can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone. Domestic violence can happen to anyone of any race, age, sexual orientation, religion or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Although efforts have been made in this direction, the attended cases in India represent just the tip of the iceberg, *as majority of the cases are not reported due to social pressures from family members or social stigma of defamation*.

¹ World Health Organization or the WHO

² Generally the victims have surfaced to be as feminine

Domestic violence, also known as *domestic abuse, spousal abuse, battering, family violence, intimate partner violence*³ is defined as a pattern of abusive behaviors by one partner against another in an intimate relationship such as marriage, dating, family, or cohabitation.

Domestic violence, so defined, has many forms, including ***physical aggression or assault⁴ or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation.*** Domestic violence against women results physical, sexual, mental harm or suffering to women, including ***threats, coercion or arbitrary deprivation of liberty occurring in public or in private life.*** Alcohol consumption and mental illness can be co-morbid with abuse and present additional challenges in eliminating domestic violence. Domestic violence and abuse is not limited to obvious physical violence. Domestic Violence has been an age-old societal concern and women at home have been tormented and tortured by her own family members since time immemorial. The management of domestic violence essentially requires combined effort of law enforcement, social welfare and health care services.

FORMS OF DOMESTIC VIOLENCE: All forms of domestic abuse have one purpose: *to gain and maintain total control over the victim. Abusers use many tactics to exert power over their spouse or partner: dominance, humiliation, isolation, threats, intimidation, denial and blame.* Direct physical violence ranges from unwanted physical contact to rape and murder. Indirect physical violence may include destruction of objects, striking or throwing objects near the victim, or harm to pets.

- Mental or emotional abuse including verbal threats of physical violence to the victim, the self, or others including children, and verbal violence including threats, insults, putdowns, and attacks. Nonverbal threats may include gestures, facial expressions, and body postures
- Psychological abuse may also involve economic and/or social control such as controlling the victim's money and other economic resources, preventing the victim from seeing friends and relatives, actively sabotaging the victim's social relationships, and isolating the victim from social contacts.
- Physical violence is the intentional use of physical force with the potential for causing injury, harm, disability, or death, for example, hitting, shoving, biting, restraint, kicking, or use of a weapon.⁸ Sexual abuse.
- Sexual abuse is common in abusive relationships. The National Coalition against Domestic Violence reports that between one-third and one-half of all battered women

³ Intimate Partner's Violence- IPV is one of the most common forms of violence against women and includes physical, sexual, and emotional abuse and controlling behaviors by an intimate partner- WHO-RHR_12.

⁴ VIOLENCE- includes hitting, kicking, biting, shoving, restraining, slapping, throwing objects

are raped by their partners at least once during their relationship. Any situation in which force is used to obtain participation in unwanted, unsafe, or degrading sexual activity constitutes sexual abuse. Forced sex, even by a spouse or intimate partner with whom consensual sex has occurred, is an act of aggression and violence. Furthermore, women whose partners abuse them physically and sexually are at a higher risk of being seriously injured or killed.

- Emotional abuse Emotional abuse (also called psychological abuse or mental abuse) can include humiliating the victim privately or publicly, controlling what the victim can and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, implicitly blackmailing the victim by harming others when the victim expresses independence or happiness, or denying the victim access to money or other basic resources and necessities. People who are being emotionally abused often feel as if they do not own themselves; rather, they may feel that their significant other has nearly total control over them. Women or men undergoing emotional abuse often suffer from depression, which puts them at increased risk for suicide, eating disorders, and drug and alcohol abuse.
- Economic abuse Economic abuse is when the abuser has complete control over the victim's money and other economic resources. Usually, this involves putting the victim on a strict "allowance", withholding money at will and forcing the victim to beg for the money until the abuser gives them some money. It is common for the victim to receive less money as the abuse continues. This also includes (but is not limited to) preventing the victim from finishing education or obtaining employment, or intentionally squandering or misusing communal resources.
- Stalking is often considered a type of psychological intimidation that causes a victim to feel a high level of fear.

Law Enforcement: AGAINST DOMESTIC VIOLENCE IN INDIA

In 1983, Domestic Violence was recognized as a specific criminal offence by the introduction of Section 498-A into the Indian Penal Code, cruelty by a husband or his family towards a married woman. This section deals with four types of cruelty are dealt with by this law:

- Conduct that is likely to drive a woman to suicide,
- Conduct which is likely to cause grave injury to the life, limb or health of the woman,
- Harassment with the purpose of forcing the woman or her relatives to give some property,
- Harassment because the woman or her relatives is unable to yield to demands for more money or does not give some property.

- The punishment is imprisonment for up to **three years and fine**. The complaint against cruelty need not be lodged by the person herself. Any relative may also make the complaint on her behalf. The above section relates to the criminal provisions of a more stringent offence. The civil law does not however address this phenomenon in its entirety.
- There was a need of provision in law with more pliable remedies to offer within the broader framework of civil and criminal laws. A law was enacted keeping in view the rights guaranteed under the Article 14, 15 & 21 of the Constitution of India to provide for a remedy under civil law which is intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.

Henceforth, in accordance to the need of the hour, a special legislation addressing the issue was formulated by the Parliament only *in the year 2005*. The Protection of Women From Domestic Violence Act, 2005⁵ drafted for women empowerment and for protection of women against acts of violence in India came into force in the year 2005. The scope of this piece of legislation has been expounded in plethora of judgments by the High Courts and the Supreme Court in India.

BACKGROUND OF THE LEGISLATION

Domestic Violence Act, 2005, hereinafter referred at Protection for Women against Domestic Violence (PWDVA), has been passed with a view to improve the position of women in the domestic front. The Protection of Women from Domestic Violence Act 2005 (DVA) came into force 26.10.2006. It is widely expected that DVA will go a long way to provide relief to women from domestic violence and enforce their '**right to live**'. Primarily DVA is meant to provide protection to the wife or female live-in partner from violence at the hands of husband or male live-in partner or relatives. DVA also extends its protection to women who are sisters, widows or mothers. The Act is an extremely progressive one not only because it recognizes women who are in a live in relationship but also extends protection to other women in the household, including sisters and mothers thus the Act includes relations of consanguinity, marriage, or through relationships in the nature of marriage, adoption, or joint family thus, 'domestic relationships are not restricted to the marital context alone.¹³ In fact the Act has given a new dimension to the word abuse because unlike the primitive notion abuse includes actual abuse or threat of abuse, whether physical, sexual, verbal, economic and harassment by way of dowry demands.

⁵ hereinafter referred to as the Domestic Violence Act or DV Act, 2005.

The Protection of Women from Domestic Violence Act 2005 Government of India has defined in Section 3, Domestic Violence as-any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

Definition of domestic violence— *for the purposes of this Act, 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.

Explanation I.—for the purposes of this section,—

- (i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (b) “Sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman; (iii) “Verbal and emotional abuse” includes— insults, ridicule, humiliation, name calling and insults or ridicule specially 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;
- (iv) “Economic abuse” includes—
 - (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, house hold necessities for the aggrieved person and her children, if any, **SREEDHAN**, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared house hold and maintenance;
 - (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her **SREEDHAN** or any other property jointly or separately held by the aggrieved person; and
 - (c) Prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

Objective of the Domestic Violence Act of 2005

Primarily meant to provide *protection to the wife or female live-in partner* from violence at the hands of the husband or male live-in partner or his relatives, the law also extends its protection to women who are sisters, widows or mothers. Domestic Violence has a very wide meaning under this Act. Domestic violence under the act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition. The Act covers within its ambit not only relationships existing through marriages but also relationships in the nature of marriage and live in relationships. Relationships in the nature of marriage means that there is no marriage in the eye of law but the parties through their actions represent to the world at large that they are a married couple and they are seen in society as husband and wife, recognized as live in relationships.

Salient Features of the Protection of Domestic Violence Act, 2005

(ii) The Act seeks to cover those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with them are entitled to get legal protection under the proposed Act.

- *“Domestic violence”* includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
- One of the most pivotal features of the Act is the woman’s right to secure housing. The Act provides for the woman’s right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman as pronounced by the apex court in the leading judgment of *Roma Rajesh Tiwari vs Rajesh Dinanath Tiwari AIR 2017 SC*.
- The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented visited by the abused, attempting to communicate with the abused, isolating any assets

used by both the parties and causing violence to the abused, her relatives and others who provide her assistance from the domestic violence.

- The draft Act provides for appointment of Protection Officers and NGOS to provide assistance to the woman w.r.t medical examination, legal aid, safe shelter, etc. The Act provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.

Status of live-in relationships- The reliance is placed upon the case of *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 in which the apex court pronounced that the:

“Court cannot hold that a person in question is not married to a particular person without issuing notice to that particular person and cannot come to a conclusion without deciding the core issue involved in a case.” All live in relationships will not amount to relationship akin to marriage to get benefit of Domestic Violence Act of 2005. If a man keeps a woman and maintains her functionally for sexual purpose or as a servant, it will not be a relationship akin to marriage to get benefit and protection under this Act. A woman suffering from Domestic Violence can not only file complaint against the husband or male partner but also against the female relatives of the husband except for order of dispossession against the female relatives of the husband. It can be said that the law as can be seen is intended to protect women from domestic violence and should be used as a shield and not as a sword.’

Followed by the landmark judgment of **Indra Sarma V. V.K.S. Sarma AIR 2013 SC** the issue was whether a “live-in relationship” would amount to a “relationship in the nature of marriage” falling within the definition of “domestic relationship” under Section 2(f) of the Protection of Women from Domestic Violence Act, 2005& the disruption of such a relationship by failure to maintain a women involved in such a relationship amounts to “domestic violence” within the meaning of Section 3 of the Domestic Violence Act, wherein the apex court observed that:

“Domestic relationship between an unmarried woman unknowingly enters into a relationship with a married adult male: An unmarried woman unknowingly enters into a relationship with a married adult male, may, in a given situation, fall within the definition of Section 2(f) of the Domestic Violence Act, 2005& such a relationship may be a relationship in the “nature of marriage”, so far as the aggrieved person is concerned. Domestic relationship between same sex partners as in the case of Gay and Lesbians under this legislation does not recognize such a relationship and that relationship cannot be termed as a relationship in the nature of

marriage under the Act. Legislatures in some countries, like the Interpretation Act, 1984 (Western Australia), the Interpretation Act, 1999 (New Zealand), the Domestic Violence Act, 1998 (South Africa), the Domestic Violence, Crime and Victims Act, 2004 (U.K.), have recognized the relationship between the same sex couples and have brought these relationships into the definition of Domestic relationship, yet in India this scenario has not evolved.”

➤ **Retrospective application of the Domestic Violence Act 2005**

In the case of *V.D. Bhanot V. Savita Bhanot AIR 2012 SC 965*, the Apex Court upheld: “Even a wife who had shared a household before the Domestic Violence Act 2005 came into force would be entitled to the protection of the Domestic Violence Act 2005”. Henceforth, the Act entitles the aggrieved person to file an Application under the Act even for the acts which have been committed prior to the commencement of the Domestic Violence Act 2005. The apex court upheld the judgment of the Hon’ble High Court of Delhi & observed:

“We found that while the wife wanted to rejoin her husband's company, the husband was reluctant to accept the same. For reasons best known to the Petitioner, he insisted that the mutual settlement be annulled as he was not prepared to take back the Respondent to live with him. The attitude displayed by the Petitioner has once again thrown open the decision of the High Court for consideration. We agree with the view expressed by the High Court that in looking into a complaint under Section 12 of the PWD Act, 2005, the conduct of the parties even prior to the coming into force of the PWD Act, could be taken into consideration while passing an order under Sections 18, 19 and 20 thereof. In our view, **the Delhi High Court has also rightly held that even if a wife, who had shared a household in the past, but was no longer doing so when the Act came into force, would still be entitled to the protection of the PWD Act, 2005.**”

➤ **Against whom can the Complaint be filed under the Domestic Violence Act of 2005?**

In the leading case of *Sandhya Wankhede vs. Manoj Bhimrao Wankhede*, this issue has often remained a controversial one:

“**Section 2(q) of the Domestic Violence Act 2005** defines: “respondent” *as 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 any relief under this Act: Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.* In view of the definition of the term

respondent covering adult male person, the judiciary has time and again been confronted with the argument that an aggrieved person can file complain under the Domestic Violence Act against an adult male person only and not against the female relatives of the husband i.e. mother-in-law, sister-in-law. However, the Supreme Court in the aforementioned case put to rest the issue by holding that the proviso to Section 2(q) does not exclude female relatives of the husband or male partner from the ambit of a complaint that can be made under the provisions of the Domestic Violence Act 2005. Henceforth, complaints are not just maintainable against the adult male person but also the female relative of such adult male.

As also in the recent landmark judgment of Ajay Kumar V. Lata (alias Sharuti) AIR 2019 SCR, the division bench of Supreme Court headed by Hon'ble Justice D.Y. Chandrachud & Justice Hemant Gupta, pronounced that:

“in the accordance with Section 2(q) of the Protection of Women from Domestic Violence Act, 2005 indicates that both, the aggrieved wife or a female living in a relationship in the nature of marriage may also file a complaint against a relative of the husband or the male partner as the case may be.”

- Supreme Court on Duty of Courts while deciding Cases under Domestic Violence Act: The Apex Court while elucidating on the duty of courts while deciding complaints under the Domestic Violence Act 2005 stated in the case Krishna Bhattacharjee v. Sarathi Choudhury and Another 2015 XLL AD (SC) 101:
- It is the duty of the Court to scrutinize the facts from all angles whether a plea advanced by the respondent to nullify the grievance of the aggrieved person is really legally sound and correct.
- The principle “justice to the cause is equivalent to the salt of ocean” should be kept in mind. The Court of Law is bound to uphold the truth which sparkles when justice is done.

Before throwing a petition at the threshold, it is obligatory to see that the person aggrieved under such a legislation is not faced with a situation of non-adjudication, for the 2005 Act as we have stated is a beneficial as well as assertively affirmative enactment for the realization of the constitutional rights of women and to ensure that they do not become victims of any kind of domestic violence. As further enunciated by Dipak Misra J.:

“The facts that we have enumerated as regards the "status of the parties", "judicial separation" and "the claim for **SREEDHAN**" are not in dispute. Regard being had to the undisputed facts, it is necessary to appreciate the scheme of the 2005 Act. Section 2(a) defines "aggrieved person" which 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. Section 2(f) defines "domestic relationship" which means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. Section 2(g) defines the term "domestic violence" which has been assigned and given the same meaning as in Section 3.”

➤ **Question of residency of the complainant in the purview of jurisdiction:**

In the landmark judgment of *Shyamlal Devda & ors. V. Parimala AIR 2020 SC67* the apex Court pronounced that in the cases where the question of jurisdiction prevails:

“The petition under the Domestic Violence Act, 2005 can be filed in a court where the person aggrieved permanently or temporarily resides or carries on business or is employed”

➤ **Right of woman to reside in her matrimonial house:**

In the case of *Roma Rajesh Tiwari vs Rajesh Dinanath Tiwari AIR 2017 SCR*, the Supreme Court observed:

“It is also irrelevant whether the wife (aggrieved person) has a legal or equitable interest in the shared household. The moment it is proved that it was a shared household, as both of them had, in their matrimonial relationship, i.e. domestic relationship, resided together there and in this case, up to the disputes arose, it follows that the Petitioner-wife gets right to reside therein and, therefore, to get the order of interim injunction, restraining Respondent-husband from dispossessing her, or, in any other manner, disturbing her possession from the said flat.”

Reliefs ought to be sought by aggrieved person under Domestic Violence Act, 2005

➤ **Application to the magistrate:**

An application regarding domestic violence can be presented to the Magistrate seeking one or more reliefs mentioned in sections by:

- The aggrieved person,
- Protection officer on behalf of aggrieved person
- Any other person on behalf of aggrieved person

Different kinds of order issued by the Magistrate:**1. Protection orders**

After giving an opportunity to the aggrieved person and respondent of being heard and the magistrate is satisfied that a prima facie case of domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person prohibiting the respondent from the following acts such as committing any acts of domestic violence:

- Aiding or abetting in the act of domestic violence.
- Entering the place of employment of aggrieved person or if the person is child, its school or any other places.
- Attempting to communicate in any form including personal, oral or written, electronic or telephonic contact.
- Alienating any assets, operating bank account, bank locker held or enjoyed by both parties jointly or singly by the respondent including her **SREEDHAN**
- Causing violence to the dependents, or other relative or any other person who give the assistance to the aggrieved person or,
- Committing any other acts specified by the protection officer

2. Residence orders:

- The magistrate being satisfied that a domestic violence has taken place, pass residence order
- Restraining the respondent from dispossessing or in any manner disturbing the peaceful possession of the shared household
- Directing the respondent to remove himself from the shared household
- Restraining the respondent or his relatives from entering any portion of the shared house hold where the aggrieved person lives
- Restraining the respondent from alienating or disposing of the shared house hold or encumbering it
- Restraining the respondent from renouncing his right in the shared household
- Directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her or to pay rent for the same if the circumstances so require.

“No order shall be made against women under this section. Magistrate may impose additional condition and pass any other order to protect the safety of the aggrieved person or her child. Magistrate is also empowered to order direction the concerned station house officer of the police station to give protection to the aggrieved person to assist in

implementing his order. Magistrate may also impose on the respondent to direct *SREEDHAN* or any other property or valuable security she is entitled to.”

3. Monetary relief

The magistrate may direct the respondent to pay monetary relief to meet the expenses of the aggrieved person and any child as a result of domestic violence and such relief include:

- Loss of earnings
- Medical expenses
- Loss caused due to destruction or removal or damage of any property

Pass order as to maintenance for the aggrieved person as well as her children if any, including the order under or in addition to an order of maintenance under Section 125 criminal procedure code or any other law.

The quantum of relief shall be fair reasonable and consistent with the standard of living to which the aggrieved person is accustomed to. Magistrate can order a lump sum amount also. On failure of the respondent to make payment of this order, magistrate shall order employer or debtor of the respondent to directly pay to the aggrieved person or to deposit in the court a portion of the salary or wage due to the respondent. Magistrate can order a lump sum amount also. On failure of the respondent to make payment of this order, magistrate shall order employer or debtor of the respondent to directly pay to the aggrieved person or to deposit in the court a portion of the salary or wage due to the respondent.

4. Custody orders:

Magistrate on discretion may grant temporary custody of any child or children to the aggrieved person or to the person making application on her behalf and specify the arrangements for visit of such child by the respondent. Magistrate may refuse the visit of such respondent in such case if it may harmful to the interest of the child.

5. Compensation orders:

Magistrate may pass order directing the respondent to pay compensation to the petitioner for injuries including mental torture and emotional distress caused by the acts of domestic violence committed by the respondent. Copies of orders passed by the magistrate shall be supplied free of *cost to the parties concerned and police officer and service provider. Any relief available under this Act may also be sought in any other legal proceedings before a*

civil court, family court or criminal court and such relief may be sought in addition to and along with relief sought for in suit, or legal proceeding before civil or criminal court.

CONCLUSION

In the probing of perceptions, the desideratum of the legislation, while addressing the botheration of domestic violence visited on a woman by a man in a domestic relationship, has to a great extent been served. It may be concluded from an overall study of the Domestic Violence Act, 2005, that the range& aspect in which a plethora of definitions& forms of relief have been envisaged in the legislation itself, depiction of a clear effort on the part of the legislators has been attempted, sufficing with redressal & protection to the victims.

It is only in specific cases that exertion has not been adequately provided. The enactment of the

Protection of Women from Domestic Violence Act, 2005 is an answer to violation of women's human rights as well as their person which may be criminally prosecuted. Though this legislation has been thoroughly framed, lacunas will always be there leading to accused circumventing the law. Rather, while such circumvention takes place, it obligates the judge to interpret the provisions on the verge of the objective that 'violence within the home is not acceptable'. Whether or not the act will be miss-used or not only time will tell for there cannot be any perceptible change in women's status overnight. The revolution ventilated via this Act of 2005 might even take up decades. The Act suffices as a safeguard for the victims& a sort of ammunition as to employ in the times of violence attempted on the victims.

One precondition of improving the implementation of the Domestic Violence Act, 2005 is to increase women's awareness of their rights.

Along with this, effective trainings for each role of departments involved in the implementation of the Act are necessarily. The issue has been tackled on notional& pragmatic grounds in the aforesaid enactment& is an initial pivotal ladder in terms of the concepts it introduces into the Indian legal system.