

MEANING OF DOMESTIC VIOLENCE

ABOUT THE ACT



SYMBIOSIS
LAW SCHOOL, NOIDA

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005



Domestic violence is defined by Section 3 of the Act as:

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

- 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;
- Harasses, harms, injures or endangers the aggrieved person to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security;
- 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 otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

- Abuse under this Act is wide and includes not just physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse.
- This idea behind this Act is more protective in nature and prefers safekeeping of the victim rather than being enforced criminally
- All women be it wife, daughter, live-in partner etc. can complain under this Act, as long as the accused lives in the same shared household



NYAYA BANDHU
PRO BONO LEGAL SERVICES

JURISDICTION

The first class magistrate court or metropolitan court shall be the competent court within the local limits of which

- The aggrieved person permanently or temporary resides or carries on business or is employed
- The respondent permanently or temporarily resides or carries on business or is employed or
- The cause of action arises.

LEGAL AID HELPLINES

- Women in Distress Helpline (Pan India) - 1091
- National Commission for Women - 011-26942369, 269447541
- National Human Rights Commission(011) 23385368/9810298900
- Haryana Women Commission - 0172 - 2584039, 0172-2583639
- U.P. Women Helpline - 0522-2306403 , 18001805220
- Delhi Commission for Women (011) 23379181/ 23370597

HOW TO FILE A COMPLAINT

STEP 1

File an FIR or an Online FIR.

If you are uncomfortable filing one with a male policeman, a female officer can be requested

Or, you can also file a complaint with a Magistrate/Judge who will access this complaint in three days.

STEP 2

You can reach out various NGOs to get access to resources

STEP 3

Apply for a Temporary Restraining Order

- This will prevent the accused from approaching you and doing any more harm.
- This application is resolved quickly and the victim can additionally go to the Family Court if this is rejected.



REMEDIES AVAILABLE

- Protection orders: This provides protection to the victim and her family members from the accused.
- Residence orders: The victim will not be thrown out of her house and the accused will not be allowed to enter.
- Monetary relief: Money can be awarded for injuries and medical expenses from the accused
- Compensation orders: Above and beyond the physical injuries, the Court can award money for mental and emotional abuse as well.