



# THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Public issue of female oppression are related to domestic violence. From the long time there were continuous efforts and on which the Domestic Violence Act was passed on 13 September 2005.

## 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 if 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 or economic abuse or to 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. Otherwise injures or causes harm, whether physical or mental to the aggrieved person.

The acts include :

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

**Section 17 (1) Right to reside in a shared household :** Notwithstanding anything contained in any other law for the time being in force, 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 the same.

**Section 18 Protection orders :** The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favor of the aggrieved person and prohibit the respondent from

- committing any act of domestic violence; aiding or abetting in the commission of acts of domestic violence entering the place of employment of the aggrieved person, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;
- attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact. 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;
- causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;

**Section 19 Resident Order :** While disposing of an application the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order -

- 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;

- directing the respondent to remove himself from the shared household;
- restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides; restraining the respondent from alienating or disposing off the shared household or incumpanied the same.
- 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

**Section 20 Monetary Relief :** These reliefs will include:

- the loss of earnings;
- the medical expenses
- the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person;
- the maintenance for the aggrieved person as well as her children

**Section 21 Custody orders :** Notwithstanding anything contained in any other law for the time being in force, 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.

**Section 22 Compensation orders :** In addition to other reliefs as may be granted under this Act, 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.

**Section 23 :** If the Magistrate is satisfy 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.

**Definition of Respondent:** Means any adult male person who is, or has been, in a domestic relationship with 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

The victims of domestic violence can apply through the District Probationary Officer or by herself in the Court.

Stop Violence Against Women: Help in preventing domestic violence in your neighborhood.



## Uttar Pradesh State Commission For Women

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