



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 5 AND ISSUE 7 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 7 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-7-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005: AN ANALYSIS

AUTHOR – AJITA AWASTHI* & DR. AISHWARYA PANDEY**

* STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY

** ASSISTANT PROFESSOR AT AMITY LAW SCHOOL, AMITY UNIVERSITY

BEST CITATION – AJITA AWASTHI & DR. AISHWARYA PANDEY, THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005: AN ANALYSIS, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 5 (7) OF 2025, PG. 878-888, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract:

Family violence is the leading type of violence which occurs in modern society. Women in shared households remain incapable of speaking about their victimization to society because these situations create both fear and home destruction. When households experience violence this degradation leads to damage in the growth development of their family members. Domestic violence encompasses abuse directed against women who are either in wedded relationships with their attackers or in modern living partnerships. Domestic abuse arises from a romantic connection regardless of happening location or abuse methodology. Domestic violence comprises every type of gender-based abuse that results in either physical or emotional and sexual harm to women. Multiple elements including health problems, cultural dominance by men and lack of education together with substance abuse and money issues and various other aspects lead to possible domestic violence occurrences. Violence experienced within the household produces extensive damaging consequences. Physical and social health of women experience damage alongside their mental well-being while family members and especially children get negatively affected. Learning about domestic violence requires attention because its impacts deeply affect individuals along with their families and society at large. Our better understanding of this issue enables us to assist victims while stopping abusive behavior and disrupting violent cycles and developing improved systems and laws as well as contributing to gender equality efforts and helping people establish safe relationships and helping children living in abusive homes. The spread of knowledge works to silence abusive practices which typically maintain themselves through silence. Expanding our understanding about domestic violence leads toward protecting human rights while securing fairness and bettering the overall life quality for all society members. The research paper demonstrates a comprehensive analysis of woman abuse by examining its origins alongside relevant outcomes and proposed remedies.

Keywords: *Domestic Violence, Matrimonial Relationship, Domestic Relationship, Patriarchy, Gender Equality.*

Introduction:

Indian society endures domestic violence which persists among its broad landscape as an unacceptable reality. The patriarchal system in India has accepted mistreating women to be common social practice. From a feminist standpoint domestic violence mainly develops

because society upholds patriarchy along with strict gender norms and possesses unequal power distribution regardless of reality or perception. The belief model advocates for masculine superiority over feminine nature. Due to their sense of entitlement men choose to dominate women and thus cause damage with

impunity. Society places an obligation on women to tolerate violence because it is seen as part of their natural fate.

The Protection of Women from Domestic Violence Act of 2005 embraced an essential step toward solving this major problem. The Protection of Women from Domestic Violence Act represents a crucial step toward defending women during home-based incidents because previous legal systems ignored these situations. The Feminist criticism which emphasized personal and public matters had led to the domestic violence protection legislation as a vital response.

The Protection of Women from Domestic Violence Act, 2005 maintains its broader and specific method of addressing domestic violence issues. With this Act domestic violence receives explicit definition that incorporates emotional abuse and verbal abuse alongside sexual abuse and economic abuse which the BNS and the IPC do not embrace within unified criteria. Elements. The Domestic Violence Act operates under a civil framework to provide specific protection measures including residence orders and protection orders although such measures are not available through the Bhartiya Nyay Sanhita 2023 in a comparable extent.

The Domestic Violence Act maintains its essential role under Bhartiya Nyay Sanhita 2023 because it addresses abuse experiences of women in daily domestic life that exceed criminal law coverage.

The Act received its Legislative basis from fundamental rights especially Articles 14, 15 and 21 of the Constitution as mentioned in its Statement of Objects and Reasons. Under Article 21 every person possesses rights to both life and personal liberty but they can only be lost by legal procedures that maintain fairness and reasonability and justice as interpreted by courts.

What is "Domestic Relationship"¹²⁹³?

Section 2(f) in The Protection of Women from Domestic Violence Act, 2005

"Domestic Relationship 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 (f) of the Protection of Women from Domestic Violence Act, 2005 covers five specific types of relationships involving individuals who live or have previously lived together in a shared household. These relationships include:

- a) Blood relations (consanguinity),
- b) Marriage,
- c) Relationships similar to marriage,
- d) Adoption, and
- e) Family members residing together as part of a joint family.

Parties by Whom Relief May Be Sought:¹²⁹⁴

According to the Domestic Violence Act any female person who is a victim of domestic violence through a domestic relationship can obtain help if she applies for it. The Domestic Violence legislation allows any woman to file a complaint against adult male perpetrators of violence in her life. Jagriti can file complaints under the act against male relatives as well as female relatives of her husband or any female or male partner in a live-in relationship who have perpetrated violent acts. In the case of Hiral P. Harsora v. The Supreme Court within Hiral P. Harsora v. Kusum Narottamdas Harsora (2016)¹²⁹⁵ eliminated the definition that confined "respondent" to adult males during their ruling because this limitation showed no reasonable

¹²⁹³ THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

¹²⁹⁴ <https://www.scconline.com/blog/post/2020/07/27/law-on-domestic-violence-protection-of-women-from-domestic-violence-act-2005/>

¹²⁹⁵ AIR 2016 SC 4774, 2016 (10) SCC 165

links to the Act's purpose. The Court specified that the Domestic Violence Act provides protection to women as well as non-adult persons when assessing domestic violence cases. According to Section 2(q) the respondent requirement cannot be restricted to adult male individuals and the Act enables proceedings against female instigators and non-adult perpetrators.

Protection Officer:

The State Government creates Protection Officers to serve under Section 8 of the Domestic Violence Act through legal provisions specified in the law. According to Section 8 of the Domestic Violence Act the Protection Officer functions between the court and the aggrieved woman. The Protection Officer supports women by preparing their complaints and Magistrate applications for relief and guides them through obtaining medical assistance and legal counsel along with counseling and safe accommodation and necessary services.

Duties of the Protection Officer:

Section 9 of the Domestic Violence Act outlines the responsibilities of the Protection Officer, which include:

1. **Assisting the Magistrate:** Supporting the Magistrate in carrying out his functions under the Act.
2. **Domestic Incident Report:** Upon receiving a complaint of domestic violence, the Protection Officer is required to submit a domestic incident report to the Magistrate, in the prescribed format, and forward copies to the police station and local service providers.
3. **Filing for Protection Orders:** If the aggrieved person wishes, the Protection Officer helps in submitting an application for a protection order to the Magistrate, in the prescribed format.
4. **Legal Aid Assistance:** Ensuring the aggrieved person receives legal aid

under the Legal Services Authorities Act, 1987, and providing the required forms for filing complaints at no cost.

5. **Service Providers List:** Maintaining a list of service providers, including legal aid, counseling, shelter homes, and medical facilities within the local area under the Magistrate's jurisdiction.
6. **Shelter Home Arrangement:** If needed, ensuring the aggrieved person is provided with shelter, and notifying both the police station and the Magistrate where the shelter home is located.
7. **Medical Examination:** Arranging for a medical examination if the aggrieved person has sustained bodily injuries, and forwarding the medical report to both the police and the Magistrate.
8. **Monetary Relief Compliance:** Ensuring the enforcement of the order for monetary relief under Section 20, in accordance with the procedure set out in the Code of Criminal Procedure, 1973.
9. **Other Prescribed Duties:** Performing any other duties as may be prescribed under the law.

Service Providers:

When dealing with domestic violence victims they might need access to shelter and safe accommodation along with medical care and childcare support and legal advice and relevant community aid. Service Providers operate under Section 10(1) of the Domestic Violence Act by being organizations who work in domestic violence which must have state law registration status as NGOs, companies, or voluntary organizations. Service Providers run a legal obligation to provide support services for women dealing with domestic violence.

Any woman facing domestic situations must file her complaint with a registered Service Provider who maintains status under domestic violence laws. Under Section 6 of the Act the Service

Providers must provide admission to shelter homes for aggrieved individuals when they submit such requests.

Parties Against Whom Relief May Be Sought:

Under Section 2(a) of the *Protection of Women from Domestic Violence Act, 2005*, an **"aggrieved person"** is defined as any **woman** who is, or has been, in a **domestic relationship** with the **respondent** and who alleges to have been subjected to any form of **domestic violence** by that respondent.

The Act extends protection not only to women currently in a relationship with the abuser but also to those who have previously lived in a **shared household** and are related through:

- Consanguinity (blood relation),
- Marriage,
- A relationship in the nature of marriage,
- Adoption, or
- As family members living together in a joint family.
- Key points regarding who can file a complaint:
- Any woman who is, or has been, in a domestic or familial relationship with the respondent and has faced domestic violence is entitled to file a complaint for appropriate relief under the Act.
- A Police Officer, Protection Officer, or a recognized service provider may also file a complaint on behalf of the aggrieved woman.
- Any person who has reasonable grounds to believe that an act of domestic violence has occurred, is occurring, or is likely to occur, can inform the Protection Officer concerned.
- The Act also provides protection to sisters, widows, and mothers who are part of a joint family and live in a shared household with the respondent.
- Even a woman in a live-in relationship can claim protection under the Act, provided she meets the conditions that establish her relationship as being "in the nature of marriage."
- Women in Live-in-relationships covered under the Act A wider meaning to an "aggrieved person" under Section 2(a) of the Domestic Violence Act was conferred by the Supreme Court in the case of **D.Veluswamy vs. D.Patchaiammal**¹²⁹⁶, wherein the Court enumerated five ingredients of a live-in-relationship as follows:
 1. Both the parties must behave as husband and wife and are recognized as husband and wife in front of society.
 2. They must be of a valid legal age of marriage.
 3. They should qualify to enter marriage e.g. None of the partners should have a spouse living at the time of entering into relationship.
 4. They must have voluntarily cohabited for a significant period.
 5. They must have lived together in a shared household. The Supreme Court also observed that not all live-in-relationships will amount to a relationship in marriage to get the benefit of Domestic Violence Act.

To achieve such benefit the conditions mentioned above shall be fulfilled and this has to be proved by evidence. Status of a Keep- The Court in the case further stated that if a man has a "keep" whom he maintains financially and uses mainly for sexual purpose and/or a servant it would not be a relationship in marriage. In this case, the Court also referred to the term "palimony" (The term Palimony was first used by the US Court in the case of Marvin Vs. Marvin (1976) which means

¹²⁹⁶ D.Veluswamy vs. D.Patchaiammal, AIR 2011 SC 479

grant of maintenance to a woman who has lived for a substantial period of time with a man without marrying and is then deserted by him.

Who can be the Respondent?

1. Female Relatives of the Husband Can Also Be Named as Respondents:

According to Section 2(q) of the Protection of Women from Domestic Violence Act, 2005 the definition of “respondent” extends beyond male membership to include female relatives of the husband. The Protection of Women from Domestic Violence Act permits female relatives of husbands to stand as respondents during family abuse cases. According to Section 2(q) of the Protection of Women from Domestic Violence Act the Act sees abuse committed by any member related through marriage to the husband so it permits female family members to be added as respondents in these cases.

Case law:

Sandhya Manoj Wankhade Vs. Manoj Bhimrao Wankhade, 2011 CrLJ 1687 (SC)

Facts of the Case:

The Supreme Court considered this matter after the Bombay High Court Nagpur Bench ruled for the appellant to leave her matrimonial residence. The court reached this decision based on a petition presented during sessions court proceedings that the High Court approved as the Sessions Judge kept only the husband as a remaining party in the case.

The marriage between the appellant and Respondent No.1 took place through the Special Marriage Act, 1954 on January 20, 2005. She continued living with her spouse in his Khorej Colony Amravati house after getting married. Her husband's relatives together with Respondents Numbers 2 and 3 lived in their shared residence according to her statements. The appellant submitted her marriage suffered from abuse in its second year so she presented evidence to police against her husband based on Section 498A of the Indian Penal Code, 1860 for physical mistreatment.

Under the Protection of Women from Domestic Violence Act 2005 she submitted a complaint involving all three respondents which incorporated sections 12, 18, 19, 20 and 22 of the Act. The respondent filed another complaint under Section 498A of the IPC on June 16, 2007 after experiencing a severe incident of violence causing her to file two parallel petitions at the Judicial Magistrate First Class for domestic violence protection under Section 23.

The Magistrate established ₹1500 as the amount of monthly maintenance payments that Respondent No. 1 must provide to the appellant while preserving her right to stay in the matrimonial house.

Respondent No. 1 dismissed both his criminal appeals at the Sessions Court and High Court. Respondents No. 2 and 3 appeared before the Magistrate claiming the Domestic Violence Act does not permit women to serve as respondents. At first their applications received rejection yet they managed to win their appeal later. The court decided that only Respondent No. 2 held sole ownership rights to the residential property. The court instructed the appellant to leave the building premises. The judicial authority instructed Respondent Number 1 to either establish new housing arrangements or increase their financial aid to the petitioner.

The judicial authority accepted the argument that women could not serve as Act respondents hence refused their participation under the legislation. This court decision prompted the appellants to file their complaint with the Supreme Court.

Issues:

1. Can female relatives be considered “respondents” under Section 2(q) of the Protection of Women from Domestic Violence Act, 2005?
2. Does the Act exclude female members from being proceeded against?

Relevant Legal Provisions:

- **Section 2(q)** of the *Protection of Women from Domestic Violence Act, 2005*
- **Section 498A** of the *Indian Penal Code, 1860*

Appellant's Arguments:

The appellant contended that the Domestic Violence Act allows a woman (wife or a partner in a relationship resembling marriage) to file a complaint against any relative of the husband/male partner. The High Court erred in interpreting "relative" to exclude female members, even though the term is not defined in the Act. Therefore, female relatives such as mothers-in-law and sisters-in-law should be included under the term "respondent."

Respondents' Arguments:

Section 2(q) of the Act uses respondent as a direct reference to adult male individual but omits female participation. According to the respondents the wording of Section 2(q) shows the lawmakers intended to prevent women from being defined as Act respondents.

Supreme Court's Judgment:

The Supreme Court determined through hearing both arguments and examining previous jurisprudence with legislative provisions that the interpretation used by the Sessions Court and the High Court failed to stand.

According to the judicial interpretation the definition of adult male person in Section 2(q) extends to include "any relative" of a male partner or husband under the proviso of that section. Because the Protection of Women from Domestic Violence Act lacks a precise definition of "relative" it should be interpreted inclusively according to the intentions expressed by the underlying legislative purpose.

The Court stated that since legislative intent would be clear if female relatives were excluded from the scope of the law. Through the term "any relative" the legislative body demonstrated clear purpose to enable legal action against male and female relatives who perpetuate domestic violence.

The Supreme Court reversed previous decisions therefore the appeal gained acceptance and sanctioned the continuation of cases against Respondents No. 2 and 3.

Case Analysis:

Section 2(q) proved to be the essential point of dispute in this case. The main foundation states an "adult male person" but through the added condition the law allows relatives of husbands and male partners to face complaints. Such reading dismisses the claim that female relatives receive automatic exclusion under these provisions.

The Court supports an interpretation that follows the Act's goal to give both women and men safeguard from abuse in their households.

Conclusion:

The text in Section 2(q) specifies the law acknowledges "adult male person" yet the proviso expands complaints to cover all blood-related relatives of husbands and male partners. A misunderstanding resulted in excluding female relatives like a mother-in-law or sister-in-law from being defined as "respondents" but the legislature did not intend this omission. The Supreme Court issued a judicial correction to reveal that female relatives lawfully function as respondents for cases under the Protection of Women from Domestic Violence Act of 2005.

2. Respondent not to include Female relative of husband

Respondent not to include Female relative of husband ---u/s 2(q) of the Protection Of Women From Domestic Violence Act, 2005, A female relative of husband is not covered in the definition of word respondent.

3. Respondent must be in a domestic relationship with the aggrieved person:

As per the definition under Section 2(q) of the *Protection of Women from Domestic Violence Act, 2005*, the term "respondent" does **not** include an adult male who is not, or has never been, in a domestic relationship with the

aggrieved person. Only those who share or have shared a domestic relationship with the aggrieved individual can be named as respondents under the Act.

4.A male not in a domestic relationship cannot be considered a respondent

Under Section 2(q) of the *Protection of Women from Domestic Violence Act, 2005*, the term "respondent" specifically refers to an adult male who is, or has been, in a domestic relationship with the aggrieved person. Therefore, an adult male who has never shared such a relationship with the aggrieved person cannot be included as a respondent under this provision.

'Relative' u/s 2(q), proviso & its meaning--- The terms 'respondent' and 'relative' in proviso to Sec. 2(q) of the PWDV Act, 2005 is not restricted to 'male' relative only but includes 'female' relatives as well.

Types Of Reliefs:

Different kinds of orders issued by the Magistrate Protection orders¹²⁹⁷

Chapter IV of the Protection of Women from Domestic Violence Act 2005 describes all available reliefs which Magistrates can grant to females subjected to violence. These reliefs find detailed specifications in Sections 12(2), and 18 to 22.

According to the Act the victim may obtain various forms of relief from the Magistrate through its provisions.

1. Protection Orders (Section 18)
2. Residence Orders (Section 19)
3. Monetary Relief (Section 20)
4. Custody Orders (Section 21)
5. Compensation Orders (Section 22)

1. Protection Orders (Section 18)

The Magistrate will issue a protection order if satisfied that domestic violence has happened

or will happen after listening to both parties.¹²⁹⁸ An issued protection order contains multiple restrictions against the respondent which include:

- (a) Committing any act of domestic violence;
- (b) Abetting with others to conduct domestic violence acts serves as an additional offense under this section.
- (c) Entering the aggrieved person's workplace or the school or other common locations the aggrieved person visits regularly.

The person subject to the prohibition is prohibited from making any type of contact with the aggrieved party by any method through voice or text or electronic or phone means or face-to-face or writing.

The respondent is prohibited from transferring or disposing assets or accessing bank lockers or separately owned accounts unless a court gives permission especially when those assets include stridhan or co-owned property or separate property.

The use of violent actions against dependents and relatives along with any individuals helping the aggrieved person with domestic violence falls under this section.

Any conduct which the Magistrate includes in their issued protection order is also regarded as domestic violence.

2. Residence Orders (Section 19)

The Magistrate is empowered to issue a residence order which may include the following directions:

- (a) Prohibiting the respondent from dispossessing the aggrieved person or in any way interfering with her possession of the shared household—regardless of

¹²⁹⁷ A, Suneetha (2006): "A Difficult Match Women's Actions and Legal Institutions in the Face of Domestic Violence", EPW

¹²⁹⁸ Puja Mondal "Domestic Violence in India and Constitutional Provision for it" <file:///E:/documents/Domestic%20Violence%20in%20India%20and%20Constitutional%20Provision%20for%20it.html> (Last visited 11.06.2023)

whether the respondent holds any legal or equitable interest in the property;

(b) Ordering the respondent to vacate the shared household and remove himself from the premises.

(c) Prohibit the respondent or any of his relatives from entering the part of the shared household where the aggrieved person is residing;

(d) Prevent the respondent from selling, transferring, or otherwise alienating the shared household, or from placing any encumbrance on it;

(e) Restrict the respondent from relinquishing his rights in the shared household without prior permission from the Magistrate;

(f) Direct the respondent to arrange alternative accommodation for the aggrieved person, equivalent to the standard of living she had in the shared household, or to pay rent for such housing if required by the circumstances.

Proviso:

No order under clause (b)–which directs the respondent to vacate the shared household can be issued against a woman.¹²⁹⁹

Alternate Equivalent Accommodation:

Within the context of "similar" accommodation the necessary residence for the wife need not duplicate every aspect of the husband's living conditions. Under court orders requiring husbands to pay rent for suitable alternate accommodation for their wives, the required similarity means the living conditions must be equivalent rather than match all aspects exactly.

Monetary Relief (Section 20):

According to Section 20 of the Protection of Women from Domestic Violence Act, 2005 the Magistrate has authority to provide monetary compensation to women who became legally obligated to pay expenses because of domestic abuse. This relief may cover:

- Medical expenses,
- Loss of income,
- Damage to property, and

An aggrieved woman under Section 20 of the Protection of Women from Domestic Violence Act, 2005 can claim financial compensation for other expenses that the abuse has caused.

According to Section 20 of the Protection of Women from Domestic Violence Act the victim can file a request for financial support from their male consorts. Through the provisions of the Act the Magistrate holds the authority to command the respondent in paying compensation to both the victim woman and her children for expenses alongside losses from domestic violence incidents.

Custody Orders (Section 21):

Through Section 21 of the Protection of Women from Domestic Violence Act, 2005, the Magistrate possesses the power to give provisional child guardianship rights to an aggrieved woman or to anybody acting on her behalf. According to this protection act, women receive defense against unwanted child separation because child separation has potential abusive implications.¹³⁰⁰

During the hearing of any application for protection orders or other relief under the Act the Magistrate possesses authority to trigger following actions:

- 1) The Magistrate has power to grant short-term child custody rights to the offended person or any of her selected representatives.

¹²⁹⁹ Puja Mondal "Domestic Violence in India and Constitutional Provision for it" <file:///E:/documents/Domestic%20Violence%20in%20India%20and%20Constitutional%20Provision%20for%20it.html> (Last visited 11.06.2023)

¹³⁰⁰ The National Mission for Empowerment of Women (NMEW) and The Lawyer's Collective Women's Rights Initiative (LCWRI) (2013). Resource Tool for Monitoring and Evaluating the Implementation of the Protection of Women from Domestic Violence Act, 2005. New Delhi: Lawyers Collective (Women's Rights Initiative)

2) The magistrate should implement visitation terms for the respondent if needed regarding their time spent with their children.

When the Magistrate discovers that allowing visitation would endanger the child they have authority to block all visitation rights of the respondent.

Compensation Orders (Section 22):

Once an aggrieved person submits an application to the Magistrate the authority can issue instructions for the respondent to provide compensation payments alongside damages for domestic violence-caused harm. The compensation must include coverage for physical injuries together with mental trauma and emotional distress opportunities experienced by the aggrieved person because of the respondent's actions.¹³⁰¹

Magistrate's Power to Grant Interim and Ex Parte Orders (Section 23)

The Protection of Women from Domestic Violence Act, 2005 grants the Magistrate authority to make interim decisions through Section 23 whenever he judges such decisions appropriate to the present situation. The Magistrate can make a first-hand judgment based on supporting documents provided in the application to issue an ex parte order against someone who domestic violence.

The aggrieved person can obtain court orders under Sections 18 to 22 of the Act by submitting an affidavit, making protection, residence and monetary relief, custody orders as well as compensation orders possible without the need for the respondent's presence during that stage.

Execution of Orders Issued Under the Domestic Violence Act:

A. Enforcement of Protection Orders (Section 20)

¹³⁰¹ Vaishnavi Singh, Domestic Violence Against Women: The Issue, The Law And The Current Scenario In India, Available at: <https://www.legalserviceindia.com/legal/article-9749-domestic-violence-against-women-the-issue-the-law-and-the-current-scenarioin-india.html>. (last updated on 29.10.2023).

The key legal provisions related to the execution of Protection Orders under the *Protection of Women from Domestic Violence Act, 2005* include:¹³⁰²

1. Section 31 of the Domestic Violence Act, 2005
2. Section 19(7) of the DV Act
3. Rule 15 of the Domestic Violence Rules, 2006

Section 31 –

Penalty for Breach of Protection Orders:

The section describes penalties that apply to individuals who break protection orders given through Sections 18 and 23 of the Domestic Violence Act. Being disqualified from an interim protection order or committing any violation is considered an offense subject to a possible one year imprisonment or twenty thousand rupees fine or both penalties.

Section 19(7) –

Enforcement Assistance:

Under Section 19(7) of the act a Magistrate obtains the power to direct the officer-in-charge of the police station responsible for the application area to support protection orders implementation.

When a protection order requires implementation the magistrate can instruct the law enforcement officer of the relevant police station to provide help.

Rule 15 – Reporting Breach of Protection Orders:

1. When a violation of a protection order or interim protection order occurs the concerned person has the right to inform the Protection Officer about it.

2. A written report with proper signature of the informant serves as the requirement.

3. According to section 12(b) of the Act, the Protection Officer must transmit the complaint

¹³⁰² THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

as well as the suspected violation report to the Magistrate court for appropriate judicial measures.

4. An aggrieved person holds the right to notify both the Magistrate and the Police about any breaches to her protection order or interim protection order.

5. The Protection Officer must take quick action after the aggrieved person requests help by rescuing her with local police assistance before helping her with necessary formal complaints to the proper authorities.

6. The Court has the power to split the trial for cases under Section 31 and Section 498A IPC 1860 or any non-summarily warranted offense according to the Code of Criminal Procedure 1973 now in Bhartiya Nagrik Suraksha Sanhita 2023. The offense of breaching protective orders under Section 31 can be proceeded summarily in accordance with Chapter XXI of the CrPC present in Bhartiya Nagrik Suraksha Sanhita 2023.

7. The law views any preventions from implementing court-directed orders issued through the Act as deliberate order violations made by either the respondent or his associated parties.

8. Breaches of protection orders and interim protection orders need immediate reporting to the local police whose boundaries extend to that area where the complaint originated. Sections 31 and 32 of the Act mandate this law.

B. Execution of Monetary Relief (Section 20)¹³⁰³:

Monetary relief order granted under Section 20(1) to the individual in charge of the police station where the respondent resides, as well as to both parties to the case. "The parties to the application and the officer in charge of the police station having jurisdiction over the respondent shall receive a copy of the order for monetary relief granted under sub-section (1) from the magistrate."

Section 20(6): In the event that the respondent disregards the monetary relief order, this clause expressly offers a remedy. The magistrate has the authority to order the respondent's employer or debtor to take out the sum owed and send it in accordance with the order in such circumstances.

Section 20(6): The Magistrate may order the respondent's employer or any other party that owes the respondent money to either deposit the money with the court or pay a portion of the respondent's wages, salary, or outstanding debt directly to the person who is harmed if the respondent does not make the payment as instructed under sub-section (1). After then, this sum will be deducted from the respondent's owed financial assistance.

Execution of Residence Order (Section 19 of the DV Act):

According to Section 19(3), the magistrate may demand that the respondent provide a bond, with or without sureties, to stop any more acts of domestic abuse in order to guarantee the successful implementation of a residence order.

The Magistrate may further direct the officer-in-charge of the closest police station to safeguard the person who has been wronged or to help her—or anybody applying on her behalf—enforce the residence order, as stated in Section 19(5). Furthermore, Section 19(7) gives the magistrate the authority to direct the police station officer in charge, whose jurisdiction the case has been presented, to help carry out the protection order.

Procedure for Order Implementation:

All proceedings under Sections 12, 18, 19, 20, 21, 22, and 23 as well as offenses under Section 31 must be carried out in compliance with the Bhartiya Nagrik Suraksha Sanhita 2023's requirements, per Section 28 of the Act.

Conclusion:

The Protection of Women from Domestic Violence Act, 2005, which went into effect in

¹³⁰³ THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

October 2006, is a progressive piece of legislation that combines criminal and civil provisions to give women who are victims of domestic abuse significant help. The Act makes it possible to issue different protective orders at no expense to the offended woman, requires the hiring of Protection Officers, and makes it easier for her to get medical help. The purpose of these rules is to enable women to ensure their own and their dependents' safety and justice.

Effective implementation of the Act is still a major challenge, though, despite its extensive legal framework. Police officers' frequent hesitation or failure to file First Information Reports (FIRs) is a significant barrier, particularly when it comes to instances involving women from underrepresented social or economic categories.

