CHAPTER-III
THE ROLE OF VARIOUS INSTITUTIONS
AND DOMESTIC VIOLENCE

INTRODUCTION

The woman experiencing domestic violence has to struggle hard before she can gather up her strength to resist. Most of the time, she lacks the alternatives which can prevent her from the suffering of the domestic violence. She keeps reminding herself that after sometime everything will be all right because it is very difficult to leave the family or coming out in the unknown world. There are some socio-legal institutions of informal and formal nature which recognize what is happening to them and try to provide the necessary preventive measures, ranging from informal settlements to police help, medical follow up and legal services. These are as under:

Family and Relatives

The family is an inseparable part of Indian society and also regarded as the basic pillar of the social structure. The family plays a significant role in curbing the domestic violence by developing some values and attitude against the occurrence of domestic violence. It exercises the control and regulates the behaviours of the members and imposes sanctions against such incidence. Family also provides a platform for the discussion and solutions of some problems amongst the members which would otherwise may become a cause of violence in the family. The social and religious ceremonies that take place at family bring the members and relatives together. The family system is said to be the breeding ground for love, sacrifice, cooperation tolerance loyalty, generosity and discipline.

Parents, brother, sister, sister in law, brother in laws, maternal uncle are some key persons amongst the relatives who do offer help as and when informed about the incidence of violence and used to devise an informal redressal mechanism and also clarify the misunderstandings if any. Apart from this, there some other relatives or friends are also the persons who can be called in the situation of domestic violence.
These are the people with whom temporary refuge can be sought in a crisis situation and do offer every type of help to come out of the crisis situation, in Filing a complaint with the police and go to the nearest hospital to get an MLC (medico-legal case) registered and get medication. They prepare the affected women to discredit domestic violence and to acknowledge her position and to resist the act of domestic violence. They also devise the alternative remedies. Above all, these do make her (victim) to remember that she is not alone, that the violence is not her fault and that she can get help, she will be able to resist violence and take the necessary steps to restore herself and her children to a non-violent life. A middleman to a marriage, sometimes, also used to get involved and intervene in the issues pertaining to domestic violence.

**Non-Governmental Organizations (NGOs)**

The role of non-governmental organizations in controlling the domestic violence and curbing its worse consequences is crucial. Some NGO’s are working as a violence intervention agency for women and children. Such as in Delhi, *Sakshi* a NGO – works on cases of sexual assault, sexual harassment, child sexual abuse and domestic abuse and focus on equality education for judges and implementation of the 1997 Supreme Court’s sexual harassment guidelines. Women’s Rights Initiative – another organization in the same city runs a legal aid cell for cases of domestic abuse and works in collaboration with law enforcers in the area of domestic violence. Apart from this, there are various other NGO’s who are doing meaningful works in this field of women’s issues arising from domestic abuse. They are rendering their Services ranging from counseling, education and outreach, giving provisions and mobilizing the women for gaining self-confidence. Some are providing meditation, resource and counseling for battered women. All the above bodies have their own registered offices, contact numbers and websites for providing help to the aggrieved and needy. These NGOs continue to spread awareness amongst people regarding the gender equality, women and human rights. They have in hand for fighting against the atrocities against the women. They are encouraging more and more people to report any case of domestic violence so that proper and timely action may be taken against the culprits.
Special Cells for Women and Children

There in some states, Special Cells for Women and Children is a Programme of the Department of Women and Children, have been established to work on the issue of Domestic Violence against Women and Child Marriages. The Special Cells work towards ensuring that women and children are recognized as individuals, with equal rights and opportunities in society, including the opportunity to live peaceful violence-free life. There, Protection cum Child Marriage Prohibition Officer (PPO) has been appointed on each district HQ with one Consultant to coordinate the work of PPOs and to ensure effective implementation of PWDV Act and PCM Act in the State. Since the nature of PPOs’ responsibilities under PWDV Act and PCM Act, require effective co-ordination with Police, Special Cells for Women and Children have been established in the Office of Superintendent of Police in each district, where the PPOs are located along with their subordinate staff to ensure effective implementation of PWDV Act and PCM Act.

There are some organizations who are registered as Service Provider. All Govt. Hospitals, PHCs and CHCs have been notified for Medical Facility and there shelter homes have been notified under PWDV Act. A monthly progress report in the prescribed format concerning implementation of PWDV Act and PCM Act is being received from PPOs at State Headquarters. The report on the implementation of PWDV Act is being sent to Govt. of India on quarterly basis in the prescribed format.

To give wide coverage to the provisions of PWDV Act, PPOs are regularly conducting awareness generation activities at District, Block and Village Level.

National Machineries on Women:

The Department of Women and Child Development is the nodal agency to guide, co-ordinate and review the efforts of the Government and NGOs and works in co-ordination with other institutions like the Central Social Welfare Board (CSWB), Women’s Development Corporations, National Institute of Public Co-operation and Child Development (NIPCCD) and the Rashtriya Mahila Kosh (RMK). The Department of Women and Child Development, the State Commission for Women, Women’s Development Corporations and the State Social Welfare Boards are the institutional machineries at the State level.1
The Indian woman has been the subject of much legislation in the recent past, the Protection of Women from Domestic Violence Act 2005\(^2\) (hereinafter referred to as the ‘Act’) being the latest endeavour on the part of the legislature to recognize and further the gradual yet significant movement towards women’s empowerment. This legislation, which has been eagerly awaited and widely debated, must be perceived in the context of the peculiar nature of Indian society and the unique sociological position that women have held in its intriguing history.

In addition to this, the social fabric of India, which is predominantly governed by Hindu norms and of which the patriarchal joint family system is a fundamental characteristic, furthered the subjugation of the Indian woman. She came to be identified as an appendage of her husband; and, as a non-earning member of the joint family, she occupied a subordinate position even within the family unit. Her position was worsened by the fact that, until recently, Hindu law only recognized the birth right of the son in the joint family property\(^3\).

THE CONSTITUTIONAL AND LEGISLATIVE MACHINERY PRIOR TO THE DOMESTIC VIOLENCE ACT 2005

Although the first significant steps towards uplifting women were initiated during British rule by enlightened reformists, a collective social consciousness against the oppression of women was given constitutional sanction by the doctrine of equality enshrined in Part III of the Constitution not only prohibits discrimination on the basis of sex\(^4\) but also provides for affirmative action on the part of the state to make special provisions for women\(^5\) to achieve the much cherished ideal of a fair and just society.

Moreover, Article 51A (e) in Part IV-A imposes a fundamental duty on all citizens to renounce practices derogatory to the dignity of women. These provisions, although symbolic of the then revolutionary thought process of the intelligentsia, were not indicative of the socioeconomic realities of the country. In consonance with the aforementioned provisions, various laws were passed for the betterment of the condition of women. One of the most important developments in the post-independence period was the recognition of the practice of dowry as a social evil and the passing of the Dowry Prohibition Act, 1961, which prohibited the same. However,
although the Act had been passed with the specific intent of stamping out the obnoxious practice of dowry, which was rampant at all levels of the society, it did not prove to be a significant deterrent. This, in addition to the fact that an increasing number of cases of homicide caused as a result of the inability of the woman’s family to pay dowry were being reported, paved the way for a more stringent and comprehensive legislation.

In 1983, significant amendments were made to the Indian Penal Code 1860; the Criminal Procedure Code 1973; and the Indian Evidence Act 1872, and for the first time the cruel treatment of a woman by her husband and in-laws was recognized as a criminal offence under Section 498-A of the Indian Penal Code. Section 498-A stretched the definition of cruelty, giving it not merely a physical but also a mental dimension by extending its scope to include any wilful conduct that is of such a nature as is likely to drive a woman to commit suicide, or that would be likely to cause grave injury or danger to her life, limb, or health, whether mental or physical. The harassment of the woman with the intention of coercing her or any person related to her to meet any unlawful demand for any property or valuable security would also amount to ‘cruelty’. Thus, under this provision, the husband of a woman, or any relative of his, who subjected a woman to ‘cruelty’ as defined under the section, was made liable to punishment with imprisonment for a maximum term of 3 years. The substantive provision embodied in Section 498-A was accompanied by the inclusion of Section 113-A of the Evidence Act, which raises a presumption of guilt of the husband or his relatives for the offence of abetting suicide where a woman commits suicide within 7 years of her marriage and it is proved that she was subjected to cruelty by her husband or his relatives.

In 1986, there was another amendment to the Indian Penal Code in the form of Section 304-B by which an entirely new offence, which had until then been unknown to criminal jurisprudence was recognized: ‘dowry death’. This provision stipulated a minimum of 7 years imprisonment (which may extend to life imprisonment), where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment.
by her husband or his relative for or in connection with any demand for dowry. This offence was made cognizable and non-bailable. Furthermore, a corresponding presumptive provision, similar to the one in Section 113-A, was introduced under Section 113-B of the Evidence Act. A presumption of the occurrence of a dowry death may be raised under Section 113-B, if the following essential requirements of Section 304-B are proved: First, that the death of the woman has been caused by burns or bodily injury or otherwise than under normal circumstances; second, that the death of the woman has occurred within 7 years of her marriage; third, that she has been subjected to cruelty or harassment by her husband or his relative; fourth, that such cruelty or harassment was for or in connection with a demand of dowry; and finally, that such cruelty or harassment was meted out to the woman soon before her death. Once these essential ingredients are proved, the presumption under Section 113-B comes into play, which in effect shifts the burden of proof on the accused who, in order to seek acquittal, must rebut the presumption with cogent evidence.

Although these severe provisions embodied in Sections 498-A, 304-B, 113-A, and 113-B were enacted to deal effectively with dowry deaths as well as the cruel treatment of married women, they eventually became, despite their commendable intentions, tools of harassment in the hands of the unscrupulous to pressurise the family of the husband. Especially in cases of turbulent marriages, allegations of cruelty under Section 498-A began to be made as a matter of course out of vengeance and spite.

THE APPLICABILITY OF THE ACT

The first angle from which the Act must be viewed is the extent of its applicability. The Act allows the institution of proceedings by an ‘aggrieved person’ who has been defined as any woman who is or has been in a domestic relationship with any adult male person and who alleges to have been subjected to any act of domestic violence by him, or his relatives, in the case of a married woman or a female living in a relationship in the nature of a marriage. A ‘domestic relationship’ has been defined in wide terms as 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. The definition of domestic relationship as laid down by the Act has brought about many crucial changes. The definition is extensive and has not been restricted to only provide protection to women against abuse by their husbands and in-laws, such as provided by Sections 304-B and 498-A, but has also been extended to include within its ambit abuse inflicted even by a woman’s father, brother, or any male relative of her own family. The most significant and commendable feature of this definition is that for the first time in India live-in relationships have been given legal recognition. Another significant advance has been the fact that relief can also be claimed by women against men with whom they have shared a relationship in the past.

THE SCOPE OF DOMESTIC VIOLENCE ACT

The another aspect of the Act that lends itself to analysis is the exhaustive definition of the conduct that would amount to domestic violence. It provides that any act, omission, commission, or conduct that harms, injures, or endangers or has a tendency to harm, injure, or endanger the health, safety, life, limb, or well-being, whether mental or physical, of the aggrieved person would constitute domestic violence. It has been specifically mentioned that such conduct might be in the nature of physical abuse, sexual abuse, verbal and emotional abuse, or economic abuse. The definition also specifically includes within its ambit any conduct that 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, property, or valuable security. Furthermore, any such conduct that has the effect of threatening the aggrieved person or any person related to her or otherwise injures or causes physical or mental harm to her has been brought within the ambit of domestic violence.

On a combined reading of the Act and the Protection of Women from Domestic Violence Rules 2006, the scope of the terms ‘physical abuse’, ‘sexual abuse’, ‘verbal and emotional abuse’, and ‘economic abuse’ and the sense in which they are to be interpreted becomes evident. Physical abuse includes any act or conduct that causes bodily pain, harm, or danger to life, limb, or health or impairs the health or development of the aggrieved person and includes assault, criminal
intimidation, and criminal force.\textsuperscript{27} It would also include any physical abuse meted out to the children of the aggrieved person.\textsuperscript{28} Sexual abuse has been defined to include any conduct of a sexual nature that abuses, humiliates, degrades, or otherwise violates the dignity of women.\textsuperscript{29} It includes forced sexual intercourse, forcing the watching of pornographic material, and forcing the aggrieved person to entertain others sexually.\textsuperscript{30}

The recognition of marital rape as a form of violence, which has come shockingly late in the legal growth and development of India, is the most vital improvement that has been introduced by the Act. Verbal and emotional abuse also covers a wide range of conduct that includes insults for not bringing dowry or for not having a male child, ridicule, humiliation, accusations of unchastity, name calling, repeated threats to cause physical pain to any person in whom the aggrieved person is interested, threatening to commit suicide, attempts to commit suicide, forcing the aggrieved person to marry any particular person, forcing her not to attend any educational institution, or preventing her from leaving the house, meeting any particular person, taking up a job of her choice, or marrying a person of her choice.\textsuperscript{31} Economic abuse also includes a wide range of acts and omissions such as the deprivation of all or any economic or financial resources to which the aggrieved person is entitled under law or custom or which she requires out of necessity including inter alia household necessities for her and her children, her stridhan,\textsuperscript{32} and property either jointly or separately owned by her, payment of rent for the shared household, maintenance, etc. A prohibition or restriction on her continued access to resources or facilities, which the she is entitled to use or enjoy including access to the shared household, would amount to economic violence.\textsuperscript{33} The scope of economic abuse has even been stretched to include the confiscation of wages or salaries of the aggrieved person; the nonpayment of rent and bills due; and not providing adequate money, food, and clothes for the maintenance of the family.

THE MACHINERY FOR IMPLEMENTATION

The Act has put in place comprehensive machinery to ensure the implementation of its provisions and has contemplated the appointment of a number of functionaries to assist the victims of domestic violence in availing of the relief provided for under the Act. The key position created by the Act, which is in essence
the pivot on which the entire machinery of the Act hinges, is that of the 'protection
officer'. The protection officers, who will predominantly be women, will act as a
link between the judicial machinery and the society and shall perform a variety of
important tasks necessary to bring the relief available under the Act to the women for
whose benefit it was intended. Any woman who has been the victim of domestic
violence may initiate proceedings before a magistrate, or such proceedings may be
initiated by the protection officer who may be informed of such domestic violence
by any person who has reason to believe that it has occurred. On the receipt of such
a complaint the protection officer shall prepare a 'domestic incident report', which
shall be forwarded to the police officer of the concerned area and the 'service
providers' in such area, and shall also be sent to the magistrate taking cognizance of
the matter. A service provider is an organisation whose objective is the protection of
women and is involved in the provision of legal aid, medical or financial assistance to
women. The Act makes it obligatory for the protection officer, service provider,
magistrate, or police officer concerned to make the victim aware of the services and
relief available to her under the Act. The Act also provides for the medical
examination of the victim, the report of which will be forwarded by the protection
officer to the magistrate and police officer having jurisdiction. The Act focuses on a
speedy remedy for the victim and has made it mandatory for the magistrate to fix the
first date for hearing the matter within a period of 3 days from the date on which an
application is presented by the victim or by a protection officer or any other person on
her behalf, and makes it necessary to dispose of the application within a period of 60
days from the date of the first hearing. The Act contemplates the protection and
rehabilitation of victims providing them with shelter homes and medical facilities
and takes steps to protect the identity and privacy of the victims by providing for the
proceedings before the magistrate to be carried on in camera at his discretion or at the
request of either party, and makes it necessary for the shelter home to protect the
identity of the victim if she so desires.

The Act also provides that magistrates may appoint welfare experts, preferably
women who will assist them in the discharge of their functions, and may direct the
victim or the aggressor to undergo counselling either singly or jointly.
The different modes of relief provided under the Act, i.e. 'protection orders', 'residence orders', 'custody orders', and 'compensation orders', must be analysed keeping this broad overview in mind. The magistrate may, after giving the aggrieved person as well as the respondent an opportunity of hearing, and on being prima facie satisfied that domestic violence has taken place or is likely to take place, make a 'protection order' prohibiting the respondent from committing, aiding, or abetting any act of domestic violence against the victim, inflicting any violence on her dependents, relatives, or an person who assists her against the abuse, attempting to communicate with her, entering her school or place of employment, alienating any assets including any stridhan or other property, operating any bank lockers or accounts held or enjoyed jointly with her or singly by the respondent, or committing any other act as specified in the order. On shall be punishable with imprisonment, which may extend to 1 year, or with a fine, which may extend to 20,000 rupees, or with both in case of breach of protection order which shall be tried by the magistrate who passed the order.

The Act also recognizes for the first time the right of a woman in a domestic relationship to reside in the 'shared household', whether or not she has any right, title, or beneficial interest in it, and further provides that the victim cannot be evicted or excluded from the shared household by the respondent. In the case of Vimalben Ajithbai Patel v. Vatslabeen Ashokbhai Patel the apex court recognising this 'right of residence' has placed it on a higher pedestal to the existing right of maintenance as conferred under previous legislations. To exercise this right, the Act provides for a residence order that may be obtained by the victim either restraining the respondent from dispossessing her of the shared household or disturbing her possession irrespective of whether or not he/she has a legal or equitable interest in it, directing him to remove himself from the shared household, restraining him or his relatives from entering any portion in which the victim resides, restraining him from alienating, disposing off, encumbering, or renouncing his rights in it, directing him to secure an alternate accommodation for the victim of the same level of comfort. However, the Act clearly states that no residence order against a woman may be obtained that
directs her to remove herself from the premises.\footnote{53} The Act also gives the magistrate the discretion to impose any conditions or pass any direction that is necessary to protect the victim or any child of hers;\footnote{54} to require the respondent to execute a bond for the prevention of domestic violence;\footnote{55} to impose any obligations relating to the discharge of rent and other payments;\footnote{56} to direct the respondent to return any stridhan, property, or valuable security to which the victim is entitled;\footnote{57} and to empower any officer in charge of the nearest police station or within the jurisdiction of the magistrate to enable the implementation of such orders.\footnote{58}

The Act provides for custody orders of the children but may be refused if the magistrate is of the opinion that it will be harmful to the child.\footnote{59} The Act also provides for compensation orders that may be additionally granted by the magistrate to the victim as compensation for any injury, including mental torture and emotional distress, which may have been caused by the aggressor.\footnote{60} In addition to such compensation, monetary relief may also be awarded to the victim by the magistrate, to meet the expenses incurred and losses suffered by her and any child of hers including any maintenance, loss of earnings, medical expenses, or any loss caused due to the destruction, damage, or removal of any property from the control of the victim,\footnote{61} which is consistent with the standard of living to which she is accustomed.\footnote{62}

CRITICAL EVALUATION

Unquestionably, the Act has made significant progress in many ways, eg. it has, for the first time, recognized the right of a woman to reside in a shared household and it has simultaneously given rise to various related problems and has invited the criticism of many on the ground of its potential misuse and its biased scheme. First, since the Act pertains to the violence inflicted by the family of the victim, both residence orders and protection orders might not only be impractical to implement but may also prove to be ineffective or, worse yet, counterproductive, thereby further straining the relationships in the family. A protection order that completely bans contact between the parties would be detrimental to the family unit as well as to the mental wellbeing of the children of the family.

Second, the Act also leaves various questions unanswered as, the definition of a shared household is expansive and couched in terms that have left the provision
susceptible to erroneous interpretation and potential distortion. It has been defined as the household in which the victim lives or at any stage has lived in a domestic relationship either singly or along with the respondent, including both a household in which either the victim or the respondent or both either jointly or singly have any right, title, interest, or equity, whether owned or tenanted jointly by them or by either of them and a household belonging to the joint family of the respondent, irrespective of whether the respondent or the victim has any right, title, or interest in it. The interpretation of this would lead to an absurdity not intended by the legislature and would be inequitable and creates the scope for the potential misuse of this provision.

Third, the provision for a residence order is capable of being gravely misused as a sort of injunction to prevent the alienation of property, ostensibly filed as a case of domestic violence. Particularly since the definition of domestic violence is so widely worded, any emotional or verbal abuse that might have been condoned for years might be misused as leverage in what is essentially a civil dispute. Moreover, since the definition of a 'domestic relationship' explicitly recognizes past relationships, and would be logically extended to include within its ambit a divorced wife, thereby making it possible for a divorced wife to be granted a continuing right to reside in the shared household, which would not ordinarily have been available to her.

Fourth, the widely worded provisions for monetary compensation have also been criticized on the ground that since verbal and emotional altercations are a part and parcel of any marriage, family, or relationship, allowing one party to benefit in monetary terms without any corresponding right to the other party would not be fair in the interest of society.

Moreover, even the provisions for custody orders are so worded that they allow magistrates to take away the right of persons to see their children without sufficient proof. Finally, in the opinion of the investigator, the Act is biased especially with regard to the provisions for protection against verbal and emotional abuse as there is no corresponding relief, under the Act or any other law, provided to the male members of the family against any mental abuse that may be inflicted by the female members of the family.
Furthermore, another potential hazard is that the Act, being aimed at preserving the family unit, would tend encourage a settlement of the dispute and reconciliation of the relationship even in cases where it is essential for the victim to leave the household. Moreover, this tendency would be natural especially due to the general perception among the Hindus that if a married girl left her husband’s house and returned to her father’s house it would blemish her reputation as well as the reputation of her father’s family.

CONCLUSION

Thus, although the intentions of the Act are laudable, and the changes that it has introduced significantly progressive, the sensitivities implicit in the provisions of the Act, especially in the context of the unique and peculiar form that India’s social structure has acquired over the years, would make its implementation complicated and its success uncertain. The effective implementation of the Act would, in the near future, depend on the proper training of the protection officers and the efficient functioning of service providers. However, in the opinion of the authors, in the long run, the really significant battle against domestic violence in India is social rather than legal and can be fought only if a comprehensive scheme of education for women is put in place at all levels of the social structure so as to not only make them aware of their rights under the Act and other similar legislation but also to pave the way for their financial independence and uproot the self-perpetuating sense of inferiority that has seeped so deep into their mindset.
REFERENCES


2 Section 6 of the Hindu Succession Act has been amended by the Hindu Succession (Amendment) Act, 2005 (Act 39 of 2005), to recognise the daughters of a Hindu joint family as coparceners with a birth right in the joint family property.

3 Article 14 and Article 15(1).

4 Article 15(3).


6 Inserted by the Criminal Laws (Second Amendment) Act, 1983 (46 of 1983), Section 2.

7 Explanation (a) to Section 498-A.

8 Explanation (b) to Section 498-A, Shobha Rani v. Madhukar Reddi, AIR 1988 SC 121.

9 Inserted by the Dowry Prohibition (Amendment) Act, 1986 (43 of 1986), Section 10.

10 Section 304-B (2).

11 Section 304-B (1).

12 'Cognisable offence' defined under Section 2(c) of the Code of Criminal Procedure, 1973, means an offence for which, a police officer may, in accordance with the code or any other law for the time being in force, arrest without warrant.

13 Section 113-B reads as follows: ‘When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death. Explanation: For the purposes of this section ‘dowry death’ shall have the same meaning as in Section 304B of the Indian Penal Code (45 of 1860).’


Section 2(a) defines 'aggrieved person' and Section 2(q) defines 'respondent'.

Section 2(f), Azimuddin v. State of Uttar Pradesh (High Court of Allahabad).


XIV Lok Sabha Debates, 23 August 2005.

Section 3(a).

Section 3(b).

Section 3(c).

Section 3(d).

Section 3, Explanation I, clause (i).


Section 3, Explanation I, clause (ii).


Section 3, Explanation I, clause (iii), Form I and Form V, The Protection of Women from Domestic Violence Rules, 2006.

'Stridhan' is a term, coined in classical Hindu jurisprudence, which means the property of a women, gifted to her at the time of her wedding, over which she has absolute rights. The Supreme Court of India has held that a married Hindu woman is the absolute owner of such property and can deal with it in any manner she likes: she may spend the whole of it, give it away at her own pleasure by gift or will without any reference to her husband. Ordinarily, the husband has no right or interest in such property with the sole exception that in times of extreme distress, such as famine, illness, etc the husband can utilise it. However, he is morally bound to restore it or its value when he is able to do so. (Pratibha Rani v. Suraj Kumar, AIR 1985 SC 628).

Section 3, Explanation I, clause (iv); Saravanakumar v. Thenmozhi (High Court of Madras, Criminal Revision Case No. 1805 of 2007 and M.P. No. 1 of 2007).

Section 8 provides for the appointment of protection officers by the state government, which will appoint for any district, as many protection officers as are required for each district.

Section 12(1); Milan Kumar Singh v. State of Uttar Pradesh 2007 CriLJ 4742.

Section 4(1).

Section 10(1) provides that any voluntary association registered under the Societies Registration Act, 1860, or a company registered under the Companies Act, 1956, with the objective of protecting the rights and interests of women by lawful any means including the providing of legal aid, medical or financial assistance may register itself with the state government as a 'service provider'.


19 Section 2(a) defines 'aggrieved person' and Section 2(q) defines 'respondent'.

20 Section 2(f), Azimuddin v. State of Uttar Pradesh (High Court of Allahabad).


22 XIV Lok Sabha Debates, 23 August 2005.

23 Section 3(a).

24 Section 3(b).

25 Section 3(c).

26 Section 3(d).

27 Section 3, Explanation I, clause (i).


29 Section 3, Explanation I, clause (ii).


31 Section 3, Explanation I, clause (iii), Form I and Form V, The Protection of Women from Domestic Violence Rules, 2006.

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128
38 Section 5.
39 Section 9(g).
40 Section 12(4); Neetu Singh v. Sunil Singh AIR 2008 Chhl.
41 Section 12(1); Chithranganth v. Seema I (2008) DMC 365.
42 Section 12(5); Amur Kumar Mahadevan v. Karthiyayini (High Court of Madras, Criminal Original Petition No. 32475 of 2007 and M.P. Nos. 1 and 2 of 2007).
43 Section 6.
44 Section 7.
45 Section 16.
47 Section 15.
48 Section 14.
49 Section 18; Suresh Khullar v. Vijay Kumar Khullar AIR 2008 Delhi 1.
50 Section 31(1); Dennison Paulraj v. Mrs. Mayawinola (High Court of Madras, Crl. O.P. No. 7156 of 2007 and M.P. Nos. 1 and 3 of 2007).
51 Section 31(2); Dennison Paulraj v. Mrs. Mayawinola (High Court of Madras, Crl. O.P. No. 7156 of 2007 and M.P. Nos. 1 and 3 of 2007).
53 Section 19(1); Shumita Didi Sandhu v. Sanjay Singh Sandhu [High Court of Delhi, IA Nos. 291 and 8444/2005 in CS (OS) No. 41/2005].
54 Section 19(2).
55 Section 19(3).
56 Section 19(6).
57 Section 19(8).
58 Section 19(5) and Section 19(7); P. Babu Venkatesh, Kandayammal and Padmavathi v. Rani (High Court of Madras, Crl. R.C. Nos. 48 and 148 of 2008 and M.P. Nos. 1 of 2008)
59 Section 21; Neetu Singh v. Sunil Singh (AIR2008Chh1).
60 Section 22.
61 Section 20(1); Suresh Khullar v. Vijay Kumar Khullar AIR 2008 Delhi 1.
62 Section 20(2); Suresh Khullar v. Vijay Kumar Khullar AIR 2008 Delhi 1.
63 Section 2(s).
64 Priya v. Shibu 2008 (3) KLJ 304.