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**COMPREHENSION OF
DV ACT
2005**



**Prepared By:
Adv Usha Vats &
Adv Manoj Parashar**

Here's a clear and section-wise **comprehension** of the protection of women from **domestic violence act, 2005 (dv act)**, so you can quickly understand its structure, scope, and legal provisions.

1. Objective of the act

The dv act was enacted to protect women from violence occurring within the household. It provides civil remedies (protection orders, residence rights, maintenance) rather than only criminal punishment.

2. Key definitions (section 2)

- aggrieved person (sec. 2(a)): any woman who is, or has been, in a domestic relationship and alleges domestic violence.
- respondent (sec. 2(q)): any adult male person in a domestic relationship with the aggrieved person (later amendments allow complaints against women relatives too).

- domestic relationship (sec. 2(f)): relationship through marriage, blood, adoption, or living together as a family.
- shared household (sec. 2(s)): household where the aggrieved person lives or has lived with the respondent.

3. Meaning of domestic violence (section 3)

Covers four types of abuse:

1. Physical abuse – bodily harm or injury.
2. Sexual abuse – sexual conduct degrading a woman's dignity.
3. Verbal & emotional abuse – insults, humiliation, threats.
4. Economic abuse – deprivation of financial resources, disposal of assets, restricting access to necessities.

4. Authorities & duties

- section 4 – any person can inform about a domestic violence incident.

- section 5 – duties of police officers, protection officers, service providers to inform the victim of her rights.
- section 8 – appointment of protection officers.
- section 10 – registration of service providers (ngos, etc.).

5. Reliefs available

A. Protection order – sec. 18

Restrains the respondent from committing any further act of domestic violence.

B. Residence order – sec. 19

Right to reside in the shared household, regardless of ownership.

C. Monetary relief – sec. 20

Compensation for expenses, loss of earnings, maintenance.

D. Custody order – sec. 21

Temporary custody of children to the aggrieved person.

E. Compensation order – sec. 22

Compensation for physical, mental, or emotional harm.

6. Procedure

- section 12 – application to the magistrate by aggrieved person, protection officer, or any person on her behalf.
- section 13 – notice to the respondent.
- section 14 & 15 – counseling and involvement of welfare experts.
- section 23 – magistrate's power to grant interim and ex parte orders.

- section 26 – relief under dv act can be sought in other legal proceedings (divorce, maintenance, etc.).
- section 28 – procedure under the act follows crpc unless otherwise provided.

7. Penalty for breach

- section 31 – breach of a protection order is a criminal offence (punishable with imprisonment up to 1 year or fine).

8. Overriding effect

- section 36 – dv act is in addition to other laws, not in derogation of them.

in short:

The dv act offers quick civil remedies like residence rights, protection orders, monetary relief, and child custody — without requiring the victim to file a

criminal case first — though criminal consequences apply if orders are violated.

If we desire respect for the law, we must first make the law respectable.

Louis D. Brandeis

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DV Act, 2005 – Section-Wise Chart

Chapter	Section(s)	Provision	Purpose / Key Points
PRELIMINARY	Sec. 1	Short title, extent, commencement	Applicable to all India (including J&K after 2019 amendment).
	Sec. 2	Definitions	Aggrieved person, respondent, domestic relationship, shared household, etc.
	Sec. 3	Domestic Violence	Physical, sexual, verbal/emotional, economic abuse.
AUTHORITIES & DUTIES	Sec. 4	Information to Protection Officer	Anyone can inform.
	Sec. 5	Duties of authorities	Inform victim of rights & services.
	Sec. 6	Shelter homes	To provide shelter to aggrieved person.
	Sec. 7	Medical facilities	Immediate medical aid to be provided.
	Sec. 8	Protection Officers	Appointment by State Government.
	Sec. 9	Duties of Protection Officers	Assist in filing applications, ensure protection, maintain lists of service providers.
	Sec. 10	Service Providers	Registration of NGOs, etc.
	Sec. 11	Public awareness	Government duty to spread awareness.
PROCEDURE FOR RELIEFS	Sec. 12	Application to Magistrate	Filed by victim, PO, or others.

Chapter	Section(s)	Provision	Purpose / Key Points
	Sec. 13	Service of notice	Time-bound service to respondent.
	Sec. 14	Counseling	Court may order counseling.
	Sec. 15	Welfare experts	Court may take assistance of experts.
	Sec. 16	Proceedings in camera	For privacy.
TYPES OF ORDERS	Sec. 18	Protection orders	Stop acts of violence.
	Sec. 19	Residence orders	Right to stay in shared household.
	Sec. 20	Monetary relief	Maintenance, expenses, loss of earnings.
	Sec. 21	Custody orders	Temporary custody of children.
	Sec. 22	Compensation orders	For physical/mental injuries.
POWERS OF MAGISTRATE	Sec. 23	Interim & ex parte orders	Immediate reliefs.
OTHER PROVISIONS	Sec. 26	Relief in other legal proceedings	Divorce, maintenance cases, etc.
	Sec. 27	Jurisdiction of court	Magistrate of first class.
	Sec. 28	Procedure	As per CrPC unless otherwise stated.
	Sec. 29	Appeal	To Sessions Court within 30 days.
OFFENCES & PENALTIES	Sec. 31	Breach of protection order	Punishable up to 1 year jail or fine.

Chapter	Section(s)	Provision	Purpose / Key Points
	Sec. 32	Cognizance & proof	Offences are cognizable and non-bailable.
MISCELLANEOUS	Sec. 33	PO's liability	Penalty for dereliction of duty.
	Sec. 34	Cognizance against PO	Magistrate can take cognizance.
	Sec. 35	Protection of action in good faith	Immunity to officers acting in good faith.
	Sec. 36	Act not in derogation of other laws	In addition to other laws.