

Legal Protection For Women In India: Understanding Domestic Violence Law And Support Mechanisms

In The Light Of International Women's Day 2026

**Under the able guidance of
Respected Shri K. Vinod Kujur
Principal District and Sessions
Judge, Durg (C.G.)**

**Presented By - Smt. Shweta Patel,
IV Addl. Judge To The Court of I Civil Judge
Senior Division, Durg (C.G.)**





#GiveToGain

Article 14: Right to Equality

Equality Before the Law

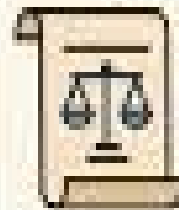
Equal Protection of the Laws



UNDERSTANDING ARTICLE 15

OF THE INDIAN CONSTITUTION

WHAT IS ARTICLE 15?



"Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth"

PROTECTION AGAINST DISCRIMINATION

ARTICLE 15 PROHIBITS THE STATE FROM DISCRIMINATING AGAINST ANY CITIZEN ON THE GROUNDS OF:



RELIGION



RACE



CASTE



SEX



PLACE OF BIRTH

EXCEPTIONS



SPECIAL PROVISIONS FOR WOMEN AND CHILDREN



SPECIAL PROVISIONS FOR SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES

SIGNIFICANCE



ENSURES EQUALITY BEFORE THE LAW



PROMOTES SOCIAL HARMONY AND INCLUSIVENESS

WWW.TheLegalQnA.Com

Right to
medical care

Right to food

Right to
livelihood

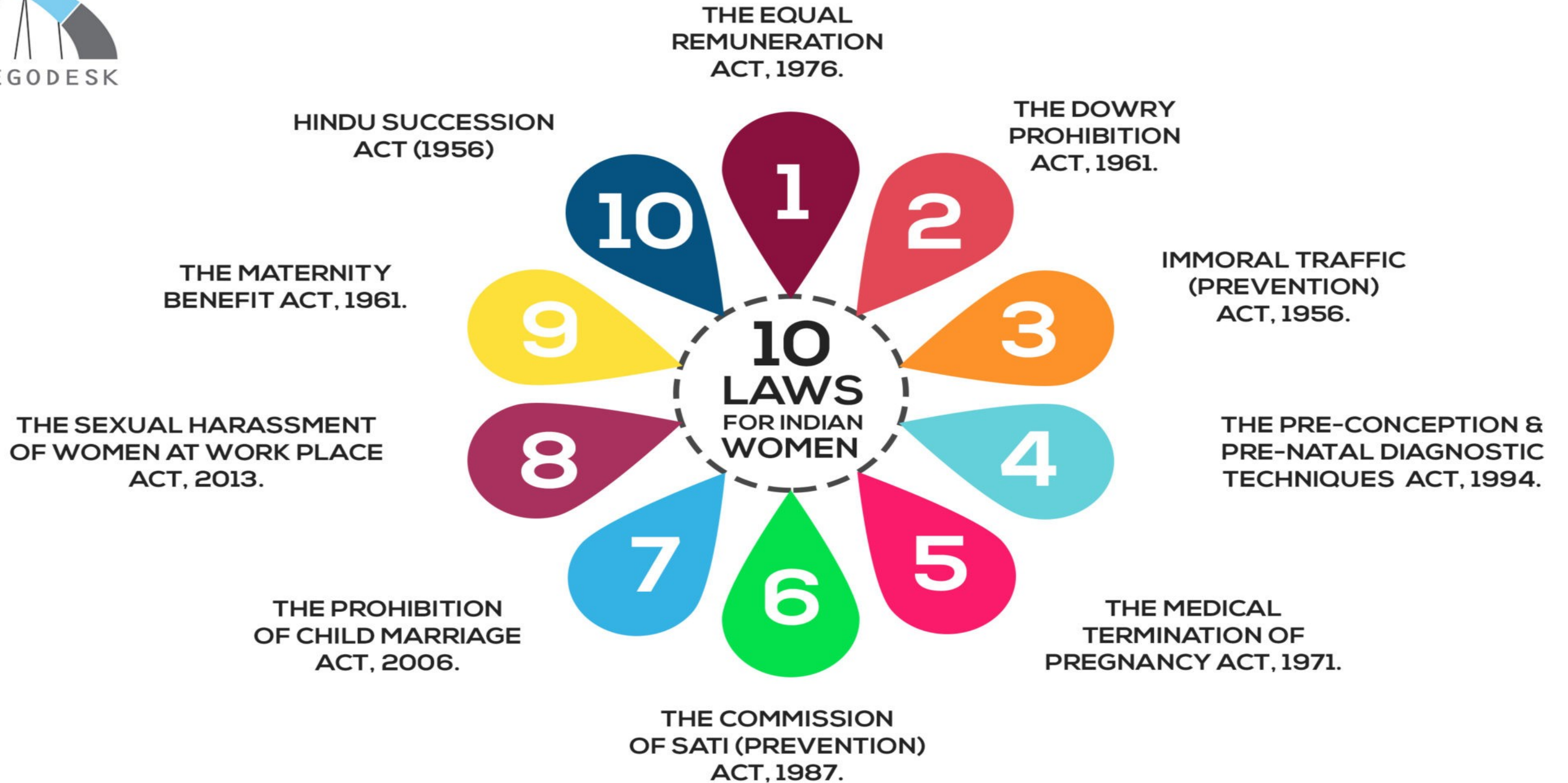
Right to
Shelter

Article
21

Right to
privacy

Right to
education

Right to
healthy
environment



She-Box PORTAL

- ▶ LAUNCHED BY-Ministry Of Women And Child Development
- ▶ AIM-To offer a unified platform for all women (organized or unorganized sectors) to file complaints related to sexual harassment at workplace.
- ▶ It supports the implementation of the Sexual Harassment of Women at Workplace Act, 2013.

**She-Box
PORTAL**



सखी वन स्टॉप सेंटर

ESSENTIAL INDIAN HELPLINES: WOMEN'S SAFETY & HEALTH SERVICES

1090

WOMEN POWER LINE Harassment Redressal

- 🛡️ Call 24/7 for Harassment, Stalking, & Eve-teasing.
- 🗨️ Identity of Complainant kept Confidential.
- 🚓 Connects to Police Support.



1091

WOMEN POLICE HELPLINE Immediate Emergency Assistance

- 🚓 Direct Access to Police in Emergencies.
- 🏠 Report Domestic Violence & Assault.
- 🚑 Quick Response Units.



Connectivity & Care

181

WOMEN HELPLINE 24/7 National Emergency Service

- 📢 Comprehensive Distress Support.
- 🏥 Links to Medical Aid & Hospitals.
- ⚖️ Legal & Counseling Services.



14490

HEALTH / NATIONWIDE TELE-MEDICINE Nationwide Comprehensive Health Advice

- 📞 Call 24/7 for Medical Queries & Consultations.
- 💉 Access to Primary and Specialist Tele-Consultation.
- 💡 General Health, Nutrition, and Disease Prevention Advice.
- 🚫 Access for Rural and Underserved Communities.



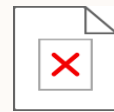
IMMEDIATE SUPPORT | 24/7 ACCESS | CONFIDENTIAL HELP





The Purpose of the Act and CEDAW: Protecting Rights

The Act aims to prevent and remedy domestic violence, ensure immediate protection to women, and provide holistic relief — medical, psychological, residential, and legal. It complements India's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by recognising state duties to protect women from gender-based violence and to provide access to justice, remedy and rehabilitation. .



Prevention

Restricting abuser behaviour; protective orders.



Remedy

Compensation, custody, maintenance, and rehabilitation.



International Duty

Aligning domestic law with CEDAW obligations for non-discrimination.

Defining Key Terms: Aggrieved Person, Shared Household, Respondent

The statute uses specific legal definitions which trigger protection and relief.



Aggrieved Person [Sec 2(a)]

Any woman who is or has been in a domestic relationship with the respondent, and

Who alleges to have been subjected to domestic violence by a respondent — including those in relationship by blood, marriage, adoption etc..



Respondent [Sec 2(q)]

Any person against whom aggrieved person has sought reliefs

It includes any person **(of any age)** who is or has been in a domestic relationship with the aggrieved person such as spouse, partner, relative.

Respondent includes a female of any age, making the definition gender neutral **[Hiral P. Harsora & Ors. v. Kusum Narottamdas Harsora & Ors. [(2016)10 SCC 165].9**



Understanding the "Domestic Relationship" and "Domestic Violence"

What Constitutes Domestic Violence?

Physical abuse: assault, battery
Sexual abuse: coercion, assault
Emotional/psychological abuse:
threats, humiliation
Economic abuse: withholding
resources, denial of maintenance
Harassment and stalking; dowry-
related cruelty

What Constitutes Domestic Relationship ?

Relationships by :

marriage,
family,
consanguinity,
adoption, or
those living together [Applies to
relationship in nature of
marriage, even if not formally married
(**D. Velusamy v. D. Patchaiamm**)
].

Relationships In The Nature Of Marriage

D. Velusamy v. D. Patchaiaamm [(2010)10 SCC 469]

A common law marriage is one which requires that although a couple may not be formally married:

- (a) the couple hold themselves out to society as being akin to spouses;
- (b) the parties must be of legal age to marry;
- (c) the parties must be otherwise qualified to enter into a legal marriage, including being unmarried; and
- (d) the parties must have voluntarily cohabited, and held themselves out to the world as being akin to spouses for a significant period of time.

However, **not all live-in relationships** would amount to a relationship in the nature of marriage for D.V. Act. Merely spending week-ends together, or a one-night stand, would not make it a "domestic relationship".

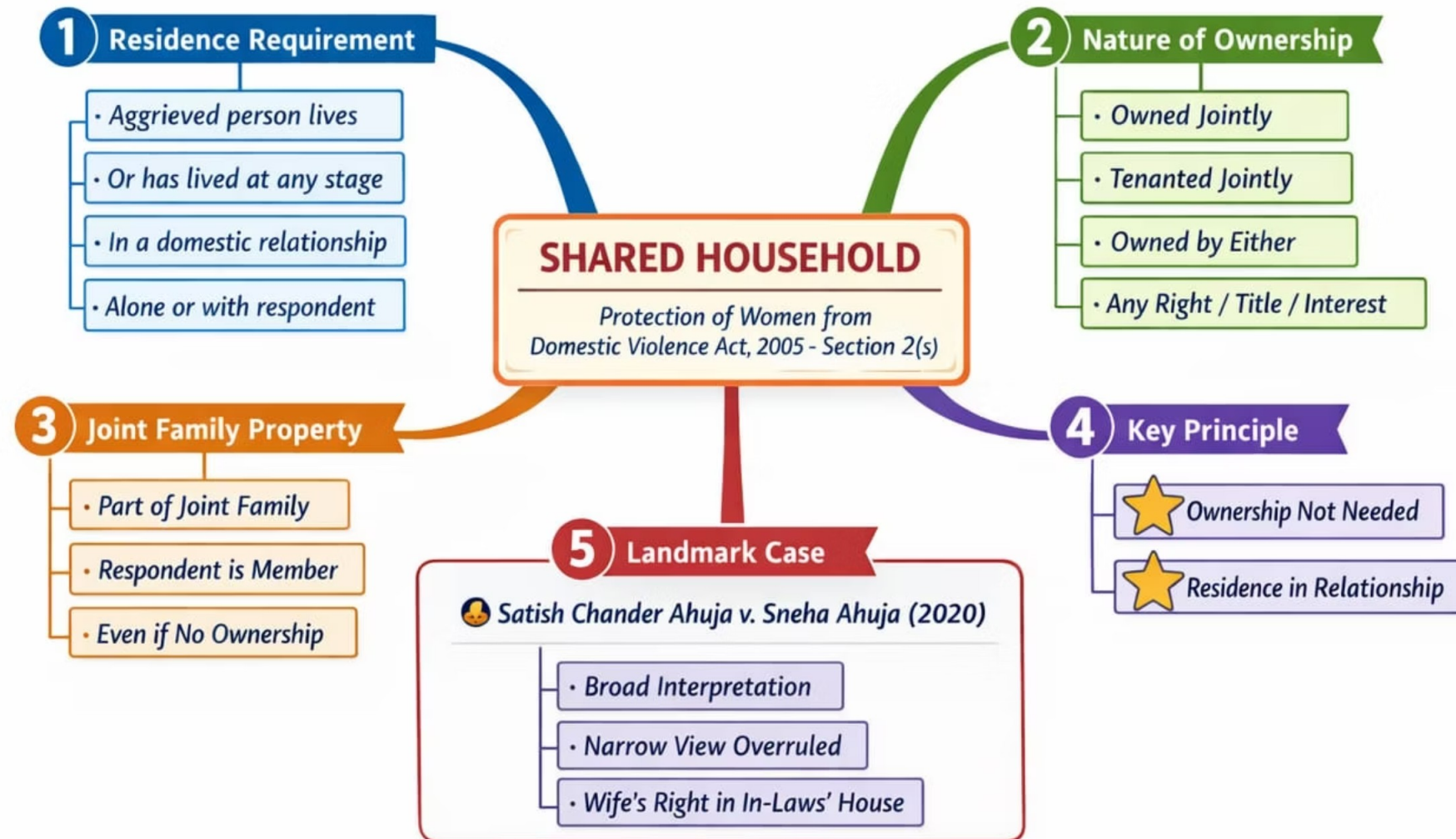
Indira Sarma v. V.K.V. Sarma [(2013)15 SCC 755]

For a live-in relationship to fall within the expression "relationship in the nature of marriage" Hon'ble Supreme Court laid down the following guidelines:

- (a) duration of period of relationship;
- (b) shared household;
- (c) domestic arrangements;
- (d) pooling of resources and financial arrangements;
- (e) sexual relationship;
- (f) children;
- (g) socialisation in public and
- (h) intention and conduct of the parties.

The Court held that these guidelines were only indicative, and not exhaustive.

Shared Household [Sec. 2(s)]

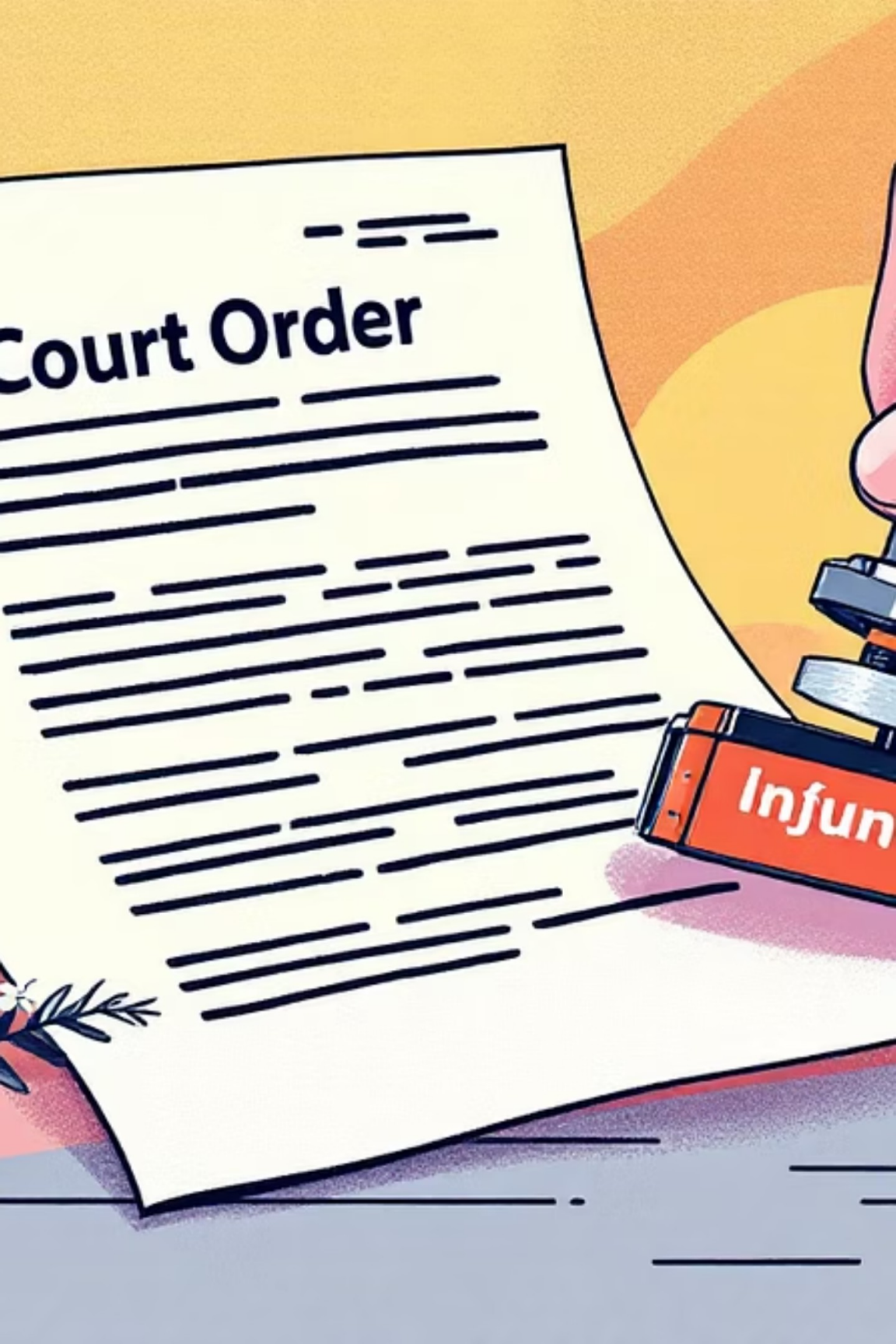


Navigating the Application Process: Section 12

Section 12 empowers an aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person to present an application to the Magistrate seeking one or more reliefs under this Act. The Magistrate has to take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

The Applicant making the claim for maintenance will be required to file a concise application accompanied with the Affidavit with the following disclosures as per the guidelines of *Rajnesh v. Neha* [(2021) 2 SCC 324]:

- 1 Personal Information**
Such as name, sex, Qualification, date of marriage, place of stay, monthly expense etc..
- 2 Details of Legal proceedings and maintenance being paid.**
Ongoing or past legal proceedings with respect to maintenance or child support, any maintenance awarded and its compliance etc..
- 3 Details of dependent family members.**
Relationship, age, gender, source of income, approximate expense etc..
- 4 Medical details if any, of deponent and/or dependent family members**



Whether the consideration of Domestic Incident Report mandatory before initiating the proceedings under D.V. Act?

Section 12 does not make it mandatory for a Magistrate to consider a Domestic Incident Report filed by a Protection Officer or service provider before passing any order under the D.V. Act. It is clarified that even in the absence of a Domestic Incident Report, a Magistrate is empowered to pass both ex parte or interim as well as a final order under the provisions of the D.V. Act.

Prabha Tyagi Vs. Kamlesh Devi [AIR 2022 SC 2331]



Whether there should be a subsisting domestic relationship between the aggrieved person and the person against whom relief is claimed?

No, it is not necessary that at the time of filing of an application by an aggrieved person, the domestic relationship should be subsisting.

Even if an aggrieved person is not in a domestic relationship with the Respondent in a shared household at the time of filing of an application Under Section 12 of the D.V. Act but has at any point of time lived so or had the right to live and has been subjected to domestic violence or is later subjected to domestic violence on account of the domestic relationship, is entitled to file an application Under Section 12 of the D.V. Act.

Prabha Tyagi Vs. Kamlesh Devi [AIR 2022 SC 2331]



Whether a woman has right to reside in a shared household even in absence of any domestic violence?

Yes, A woman in a domestic relationship who is not aggrieved, in the sense that who has not been subjected to an act of domestic violence by the Respondent, has a right to reside in a shared household. Thus, a mother, daughter, sister, wife, mother-in-law and daughter in-law or such other categories of women in a domestic relationship have the right to reside in a shared household de hors a right, title or beneficial interest in the same.

Section 17 by a non-obstante Clause provides that 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", irrespective of whether she has any right, title or beneficial interest in the same.

Prabha Tyagi Vs. Kamlesh Devi [AIR 2022 SC 2331]



Whether it is mandatory for aggrieved person to reside with those persons against whom allegations levelled at the point of commission of violence?

No, It is not mandatory for the aggrieved person to have actually lived or resided with those persons against whom the allegations have been levelled at the time of seeking relief. If a woman has the right to reside in a shared household, she can accordingly enforce her right under Section 17(1) of the D.V. Act..

Prabha Tyagi Vs. Kamlesh Devi [AIR 2022 SC 2331]



Details of children of parties

number of children, their name and age, custody, expenditure for maintenance etc.

Assets owned by deponent

self acquired, ancestral, other joint properties etc.

Details of income of deponent

name of employer, designation, monthly income etc.

Details of liabilities of deponent

Affidavit Proforma

Enclosure I

Affidavit of Assets and Liabilities for Non-Agrarian Deponents

I _____, d/o _____ or s/o _____, aged about _____ years, resident of _____, do hereby solemnly affirm and declare as under:

A. Personal Information

1. Name:
2. Age/Sex:
3. Qualifications (Educational and Professional):
4. Whether the Applicant is staying in the matrimonial house / parental home / separate residence. Please provide the current residential address of matrimonial home or place of residence and details of ownership of residence, if owned by other family member.
5. Date of marriage:
6. Date of separation:
7. General monthly expenses of the Applicant (rent, household expenses, medical bills, transportation, etc.):

B. Details of Legal Proceedings and Maintenance being paid

1. Particulars of any ongoing or past legal proceedings with respect to maintenance or child support between the Applicant and Non-Applicant.
2. Whether any maintenance has been awarded in any proceeding arising under the D.V.Act, Cr.P.C., HMA, HAMA, etc.? If yes, provide details of the quantum of maintenance awarded in the proceedings.
3. If so, provide particulars thereof, alongwith a copy of the Order/s passed.
4. Whether the Order of maintenance passed in earlier proceedings has been complied with. If not, arrears of maintenance.
5. Whether any voluntary contribution towards maintenance has been made/ will be made in the future? If yes, provide details of the same.

C. Details of dependant family members

1. Details of Dependant family members, if any.
 - a. Relationship with dependants:
 - b. Age and sex of dependant/s:

2. Disclose if any independent source/s of income of the dependants, including interest income, assets, pension, tax liability on any such income and any other relevant details.
3. The approximate expenses incurred on account of the dependant.

D. Medical details if any, of the Deponent and/or dependant family members

1. Whether either party or child /children is suffering from any physical / mental disability, or any other serious ailment. If yes, produce medical records.
2. Whether any dependant family member has serious disability, requiring continuous medical expenditure. If yes, produce disability certificate and approximate medical expenditure incurred on such medical treatment.
3. Whether either party or child/children or any other dependent family member is suffering from life-threatening diseases, which would entail expensive and regular medical expenditure? If yes, provide details of the same along with summary of previous details of hospitalisation/medical expenses incurred.

E. Details of Children of the parties

1. Number of children from the existing marriage / marital relationship/ previous marriage
2. Name and age of children
3. Details of the parent who has the custody of the children.
4. Expenditure for maintenance of dependant children.
 - a. Towards food, clothing and medical expenses
 - b. Towards expenses for education, and a summary of general expenses
 - c. Towards expenses, if any, of any extra educational, vocational or professional / educational course, specialised training or special skills programme of dependent children.
 - d. Details of any loan, mortgage, charge incurred or instalment plan (being paid or payable), if any, on account of any educational expenses of children.
5. Whether any voluntary contribution by either of the parties is being made towards these educational expenses. If yes, provide details of the same. Also provide an estimate of any additional contribution that may be required.
6. Whether any financial support is being provided by a third party for the educational expenses of the children?

F. Details of Income of the Deponent

1. Name of employer:
2. Designation:
3. Monthly income:
4. If engaged in Government Service, furnish latest Salary Certificates or current Pay Slips or proof of deposit in bank account, if being remitted directly by employer.
5. If engaged in the private sector, furnish a certificate provided by the employer stating the designation and gross monthly income of such person, and Form 16 for the relevant period of current employment.
6. If any perquisites, benefits, house rent allowance, travel allowance, dearness allowance or any other service benefit is being provided by the employer during the course of current employment.
7. Whether assessed to income tax?

If yes, submit copies of the Income Tax Returns for the periods given below :

 - (i) One year prior to marriage
 - (ii) One year prior to separation
 - (iii) At the time when the Application for maintenance is filed
8. Income from other sources, such as rent, interest, shares, dividends, capital gains, FDRs, Post office deposits, mutual funds, stocks, debentures, agriculture, or business, if any, alongwith TDS in respect of any such income.
9. Furnish copies of Bank Statement of all accounts for the last 3 years.

G. Assets (movable and immovable) owned by the Deponent

1. Self-acquired property, if any:
2. Properties jointly owned by the parties after marriage:
3. Share in any ancestral property:
4. Other joint properties of the parties (accounts/ investments/ FDR/ mutual funds, stocks, debentures etc.), their value and status of possession:
5. Status of possession of immovable property and details of rent, if leased:
6. Details of loans taken or given by the Deponent
7. Brief description of jewellery and ornaments of parties acquired during /after marriage

8. Details of transfer deeds or transactions of alienation of properties previously owned by the applicant, executed during the subsistence of the marriage. Also provide brief reasons for such sale or transaction, if any.

H. Details of Liabilities of the Deponent

1. Loans, liabilities, mortgage, or charge outstanding against the Deponent, if any.
2. Details of any EMIs being paid.
3. Date and purpose of taking loan or incurring any such liability:
4. Actual amount borrowed, if any, and the amount paid upto date of filing the Affidavit:
5. Any other information which would be relevant to describe current liabilities of the Deponent.

I. Self-employed persons / Professionals / Business Persons / Entrepreneur

1. Brief description of nature of business/profession/vocation/self-employed/work activity.
2. Whether the business/profession/ self-employment is carried on as an individual, sole proprietorship concern, partnership concern, LLP, company or association of persons, HUF, joint family business or any other form? Give particulars of Applicant's share in the partnership/business/ professional association/self-employment. In case of partnership, specify the share in the profit/losses of the partnership.
3. Net Income from the business/profession/ partnership/self-employment.
4. Business/partnership/self-employment liabilities, if any, in case of such activity.
5. In case of business of company, provide brief details of last audited balance sheet to indicate profit and loss of the company in which such party is in business in the company.
6. In case of a partnership firm, provide details of the filings of the last Income Tax Return of partnership.
7. In case of self-employed individual, provide the filings of the last Income Tax Return from any such professional/business/vocational activity.

J. Information provided by the Deponent with respect to the income, assets and liabilities of the other Spouse

1. Educational and professional qualifications of the other spouse:

2. Whether spouse is earning? If so, give particulars of the occupation and income of the spouse.
3. If not, whether he/she is staying in his/her own accommodation, or in a rented accommodation or in accommodation provided by employer/business/partnership?
4. Particulars of assets and liabilities of spouse as known to the deponent, alongwith any supporting documents.

K. Details of Applicant or the other Spouse, in case parties are Non-Resident Indians, Overseas Citizens of India, Foreign Nationals or Persons living abroad outside India.

1. Details of Citizenship, Nationality and current place of residence, if the Applicant or other spouse is residing abroad outside India, temporarily or permanently.
2. Details of current employment and latest income in foreign currency of such applicant/spouse, duly supported by relevant documentation of employment and income from such foreign employer or overseas institution by way of employment letter or testimonial from foreign employer or overseas institution or latest relevant bank statement.
3. Details of household and other expenditure of such applicant/spouse in foreign jurisdiction.
4. Details of tax liability of applicant/other spouse in foreign jurisdiction.
5. Details of income of applicant/other spouse from other sources in India/foreign jurisdiction.
6. Details of expenses incurred or contribution made on account of spousal maintenance, child support or any other educational expenses, medical treatment of spouse or children.
7. Any other relevant detail of expenses or liabilities, not covered under any of the above headings and any other liabilities to any other dependant family members in India or abroad.

Declaration

1. I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.
2. I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.
3. I understand that any false statement in this affidavit, apart from being contempt of Court, may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment upto seven years and fine, and Section 209 of Indian Penal Code punishable with imprisonment upto two years and fine. I have read and understood Sections 191, 193, 199, and 209 of the Indian Penal Code, 1860.

DEPONENT

Verification

Verified at ____ on this ____ day of ____ that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom. I further verify that the copies of the documents filed along with the affidavit are the copies of the originals.

DEPONENT

Enclosure II

Details for Affidavit for Agrarian Deponents (Krishi)

1. Total extent of the rural land/s owned, or the specific share holding in the same land:
2. Jamabandis / Mutations to show ownership
3. Location of the land owned by the party.
4. Nature of land : whether wet land or dry land.
5. Whether such land is agricultural land or non-agricultural land:
6. Nature of agriculture / horticulture :
7. Nature of crops cultivated during the year :
8. If rural land is not cultivable, whether the same is being used for business, leasing or other activity :
9. Income generated during the past 3 years from the land.
10. Whether any land is taken on lease /battai (or any other term used for a lease in the local area of the concerned jurisdiction where rural /agricultural land is located.)
11. (a) Whether owner of any livestock, such as buffaloes, cows, goats, cattle, poultry, fishery, bee keeping, piggery etc., the number thereof and Income generated therefrom?
(b) Whether engaged in dairy farming, poultry, fish farming or any other livestock activity.
12. Loans, if any obtained against the land. Furnish details of such loans.
13. Any other sources of income :
14. Liabilities, if any
15. Any other relevant information :

Declaration

1. I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.
2. I undertake to inform this Court immediately with respect to any material change in my employment, assets, income, expenses or any other information included in this affidavit.
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DEPONENT

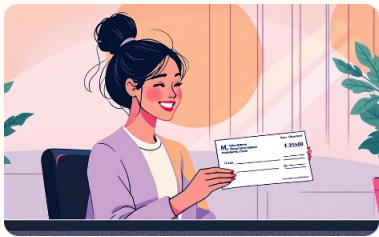
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DEPONENT

Available Reliefs under the Act: A Comprehensive Overview

The Act provides a broad suite of reliefs tailored to safety, restitution and rehabilitation. Judges should grant reliefs with a victim-centred, proportionate approach based on evidence and urgency.



Monetary Reliefs

Maintenance, compensation, medical expenses, loss of earnings — ordered against respondent where appropriate.

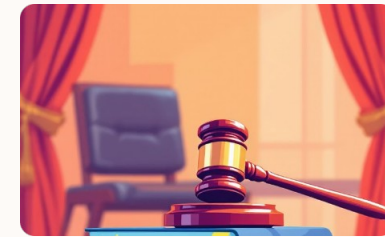


Protection & Residence Custody and Compensation

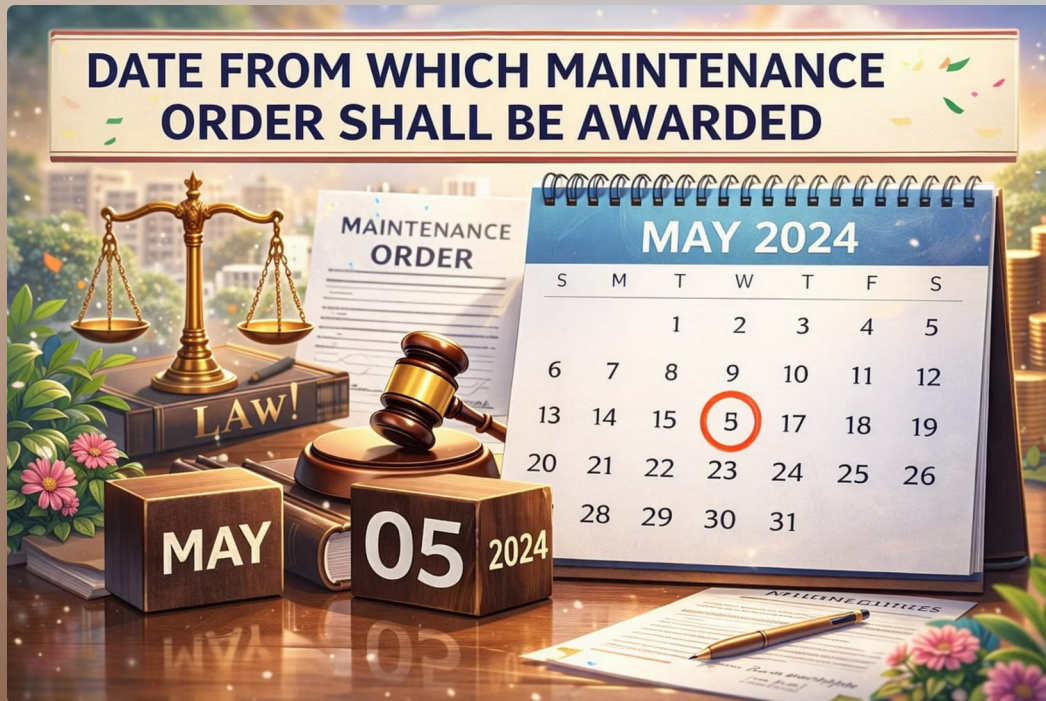
Protection orders, residence orders, and shelter home placement. Direction to respondent to remove himself from shared household.



Custody arrangements of children.



Interim & Ex-parte Reliefs



Date from which Maintenance shall be awarded?

In the practical working of the provisions relating to maintenance, we find that there is significant delay in disposal of the applications for interim maintenance for years on end. It would therefore be in the interests of justice and fair play maintenance is awarded from the **date of the application.**

[Rajnish v. Neha [(2021) 2 SCC 324]

Overlapping Jurisdictions

Sec. 26 provides that any relief available in sections 18,19,20,21 & 22 may also be sought in any legal proceeding before a civil court, a family court or a criminal court. In other words, **a wife can claim maintenance under different statutes such as D.V. Act, Sec. 125 of Cr.P.C./Sec. 144 of BNSS or Hindu Marriage Act.**

Rajnish v. Neha [(2021) 2 SCC 324]

It would, however, be inequitable to direct the husband to pay maintenance under each of the proceedings, independent of the relief granted in a previous proceeding. **If maintenance is awarded to the wife in a previously instituted proceeding, she is under a legal obligation to disclose the same in a subsequent proceeding for maintenance, which may be filed under another enactment.**

Breach Of Protection Orders (Section 31) and Other Reliefs

The applications under section 12 shall be dealt with and the orders enforced in the same manner laid down under section 125 of the Code of Criminal Procedure, 1973 **[Rule 6 of The Protection Of Women From Domestic Violence Rules, 2006]** .

Section 31 provides for enforcement by police and magistrate: arrest for breach, remand, and contempt processes.

Section 31 Enforcement

Police to aid in protection order implementation; breach attracts penal consequences and speedy remedial action.

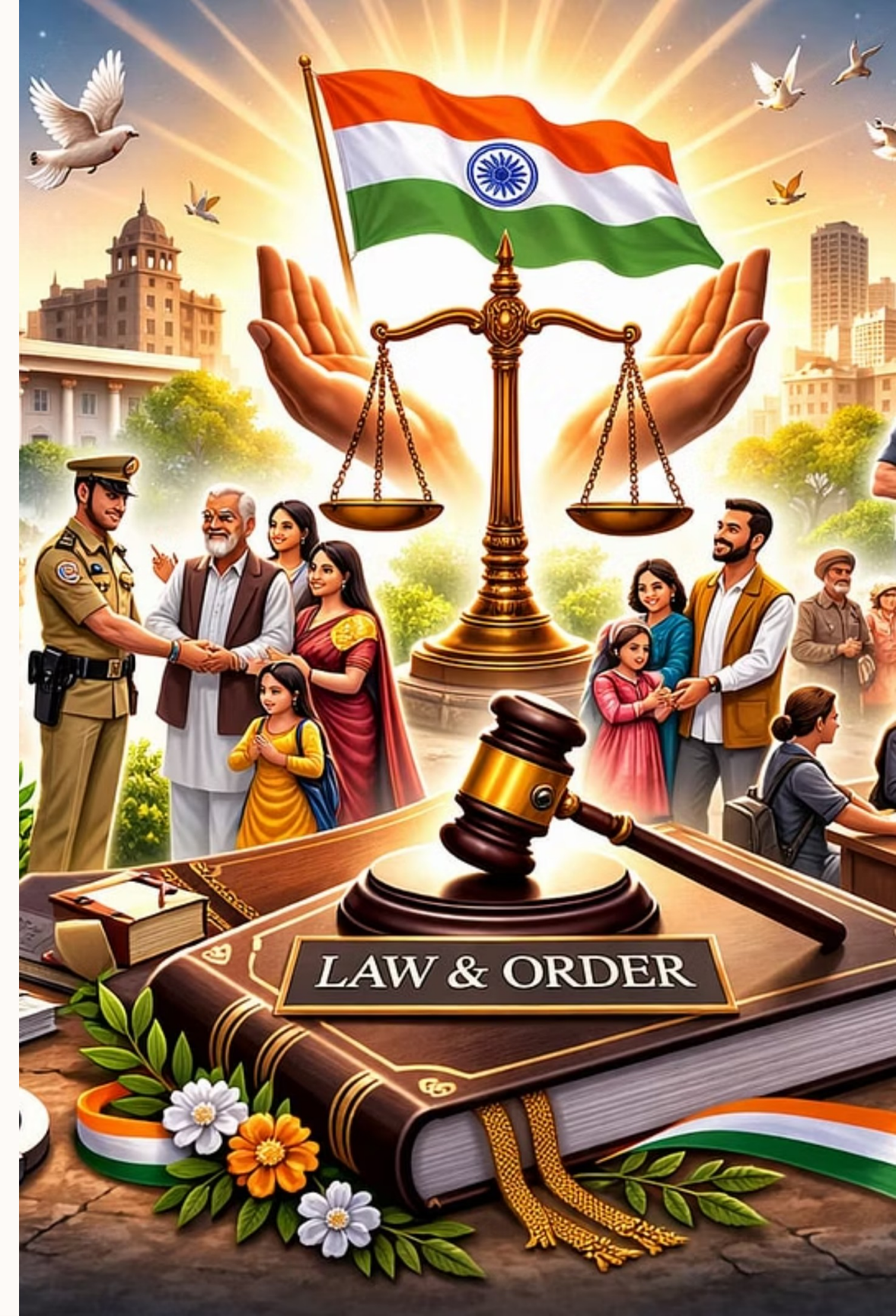
Monetary Remedies

Breach of monetary relief order can't be prosecuted under Sec. 31, Penalty attracted only for violation of protection Orders. The Provisions of Cr.P.C. in relation to execution of order under Sec. 125 Cr.P.C. has to be resorted to by the Court below for giving force to the order of monetary relief. Suneesh v. State of Kerala CrI. M.C. No.5871 of 2022, Velayudhan Nair v. Karthiayani [2009 (3) KHC 377], Kanchan v. Vikaramjeet Sethiya.

However MPHC in **Surya Prakash v. Rachna [2018 Cri.L.J. 2545]** held that, "S.20 does not exclude the amount of maintenance which can be awarded in terms of S.18 of the Act as part of affirmative order in respect of the domestic violence as defined in S.3 of the Act. Therefore, we find that non-payment of maintenance is a breach of protection order; therefore, S.31 of the Act can be invoked. Therefore, it is held that non-payment of maintenance allowance is a breach of protection order for which proceedings under S.31 of the Act can be invoked".

Conclusion: Upholding Justice and Safeguarding Victims

The judicial mandate is to protect dignity and life while ensuring fair process. Apply the Act purposively, follow *Rajnish v. Neha* on affidavit standards, grant proportionate interim and final reliefs, and ensure robust enforcement under Section 31 and Cr.P.C. coordination. Use judicial directions to bridge gaps in implementation — engage police, protection officers and social services. Above all, adopt a victim-centred approach that balances immediacy of protection with long-term rehabilitation. The court's vigilance turns statutory promises into lived safety.



THANK
YOU

