

**DISTRICT AND SESSIONS COURT,**  
**OSMANABAD**

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***SUMMARY/GIST***

***FOR THE***

**2<sup>nd</sup> JUDICIAL OFFICERS**  
**WORK-SHOP**

**Schedule to be**  
**Held on 10<sup>th</sup> January, 2016.**

**-: Subjects :-**

Civil - *“Concept of partition in Hindu .”*  
*Law in view of Sec. 6 of the*  
*Hindu Succession Act, 1956.”*

Criminal - *“ Provisions under Domestic*  
*Violence Act.”*

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**Part -B**

**CRIMINAL**

*Subject - “ Provisions under Domestic  
Violence Act.”*

**SUMMARY/GIST OF CRIMINAL TOPIC ON “PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT ( PWDVA)”**

**INTRODUCTION :-**

Violence accompanies power. It is committed to prove or feel a sense of power maintained as an instrument of coercion. So far domestic violence against woman includes not only verbal or emotional abuse but also economic abuse. The woman is treated as a second class citizenry. They are in back seat far from the men. The women comprise 66% of the world's illiteracy and 70% of the world's poor.

Article 14 and 16(4) of the Constitution intend to remove social and economic inequality to make equal opportunities available. In reality the right to social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Art.14,15,16,21,38,39 and 46 are envisaged to make equality of the life of the poor, disadvantaged and disabled citizens of the society meaningful.

In addition to the fundamental rights of equality articulated in the Constitution the parliament has on several occasions amended the Indian Penal Code to address problems of violence against women. However, even after the said safeguards the incidents of domestic violence to the women not decreased. According to the 2005-2006 National Family Health Survey in India, 37% of married women reported experiencing some form of domestic violence on at least one occasion during their marriage life. Further reality is that, vast majority of cases remain unreported. In addition, a large proportion of Indian men women justify this abuse. According to the survey, 51% of Seventy Five Thousand men surveyed believed hitting their wives is acceptable for various reasons including disrespect of their in-laws, refusing sex and bad cooking, while 55% of women believed that spousal abuse at times may be warranted.

Despite these cultural justifications, for spousal violence, some women still try to turn to the justice system for assistance. However, prior to the passing of the PWDVA in 2005 and its enforcement in October 2006, women could only seek criminal sanctions for domestic violence under Section 498A of the Indian Penal Code (the “Anti-Cruelty Act”) or Section 304B ( the “Dowry Death Act”), or face the social stigma of getting a divorce. These two pieces of legislation could be used

only in very limited circumstances : 498A only punishes husbands or relatives of husbands for acts of harassment or violence that would likely drive a woman to commit suicide or cause grave danger to her life, limb or health: 304B may only be used post-mortem to punish violence against a woman when the cause of her death can be shown to be related to dowry demands. Recognizing these significant gaps in the law excluding numerous women victims, the National Commission of Women approached the Lawyer's Collective in 1993 to draft legislation to close these loopholes. After years of work and with the combined efforts of the Lawyers Collective, other women's rights groups, and input from government officials, the PWDVA was born with object to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. It was seen as a landmark step in improving the situation of women in India, broadening existing definitions of domestic violence to include not only physical but verbal, emotional, sexual and economic abuses, and allowing women civil and/or criminal recourse for violations of the Act.

#### **OBJECT AND REASONS BEHIND THE ACT**

The object of the Act is to provide for an effective protection of the rights of women guaranteed under the Constitution, who are victim of violence of any kind occurring between family. This law is enacted with a view to provide reliefs to a victim woman subjected to domestic violence when the provisions of civil law were falling short. The act seeks to cover those women who are or have been in a relationship with the abuser, where both the parties have lived together in a shared household or a related by consanguinity, marriage or a relationship in the nature of marriage or adoption; in addition relationship with family members living together as a joint family are also included. By enacting this law the legislature have provided the various reliefs to deserted woman like maintenance, residence order, protection, monetary relief etc.

The statement of Objects and Reasons for enacting the Act, 2005 of would show that since subjecting of a woman to cruelty by her husband or his relative was only a criminal offence and civil law did not address the phenomenon of domestic violence in its entirety, the Parliament proposed to enact a law keeping in view the rights guaranteed under Articles 14, 15 and 21 of the Constitution of India

to provide for a remedy under the Civil Law, in order to protect the women from being victims of domestic violence and to prevent the occurrence of domestic violence. Thus, the Act provides civil remedies to the victims so as to give them relief against domestic violence and the punishment can be given only if there is breach of order passed under the Act.- ***Savita Bhanot V. Lt.Col.V.D.Bhanot, I (2010)DMC 530 at 535 (Del).***

### **GOALS OF PWDVA :**

(1) The Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "PWDVA") aims at providing accessible and speedy justice for protection of women who are victims of various forms of violence within the family. PWDVA is a civil law and is enacted with a view to safeguarding and promoting women's human rights.

(2) Based on the principle of substantive equality within the framework of international human rights, and articles 14,15 and 21 of the Constitution and the legislative intent, the goals of PWDVA are :

- (a) To stop domestic violence on the aggrieved woman.
- (b) To protect aggrieved woman from any form of domestic violence-physical, sexual, verbal, emotional or economic from the male respondent or any of his relatives.
- (c) To provide the aggrieved woman right of safe housing
- (d) To protect her children, dependents and others who may be supporting her.
- (e) To provide holistic multi-agency support of service providers to the aggrieved woman such as shelter, health care, legal services,counseling and any other service the court may think fit
- (f) To grant speedy remedies and justice.

3. The PWDVA recognizes three important rights :

- i. The right to be free from violence, which is to be inferred from the definition of 'domestic violence' contained section 3 ;
- ii The right to reside in the shared household that is recognized in section 17, and ;
- iii The right to seek remedies under this law as provided for in section 12.

### **MEANING OF DOMESTIC VIOLENCE**

Section 3 of the Act defines "Domestic Violence". To be in simple language Domestic Violence for the purposes of this section includes causing physical abuse, sexual abuse, verbal and emotional abuse. In determining whether any act,

omission, commission or conduct of the respondent amounts to " Domestic Violence" under this section the over all facts and circumstance of the case shall be guiding and considerable factor.

#### **4. TYPES OF DOMESTIC VIOLENCE**

(a) **Physical violence :-** Direct physical violence ranging from unwanted physical contact to rape and murder.

Indirect physical violence including destruction of objects, striking or throwing objects near the victim, harm to animals.

(b) **Verbal / emotional violence :-** Insults, ridicule humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child and repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(c) **Economical /social abuse :-** Controlling victim's money and other economic resources, preventing victim from seeing friends and relatives, actively sabotaging victim's social relationship and isolating victim from social contacts.

(d) **Spiritual abuse :-** Spiritual abuse includes :

1. using the spouse's or intimate partner's religious or spiritual beliefs to manipulate them;
2. preventing the partner from practicing their religious or spiritual beliefs;
3. ridiculing the other person's religious or spiritual beliefs.

#### **5. INSTANCES OF DOMESTIC VIOLENCE**

Domestic violence is a pattern of abusive behaviour which keeps one partner in a position of power over the other partner through the use of fear, intimidation and control.

(a) **Physical abuse :** Graving, pinching, shoving, slapping hitting, hair pulling, biting, etc. Denying medical care or forcing alcohol and/ or drug use.

(b) **Sexual abuse :-** Coercing or attempting to coerce any sexual contact without consent, e.g. marital rape, forcing sex after physical beating, attacks on sexual parts of the body or treating another in a sexually demeaning manner.

(c) **Economic abuse :-** Making or attempting to make a person financially dependent, e.g. maintaining total control over financial resources, withholding access to money, forbidding attendance at school or employment.

(d) **Emotional abuse :** Undermining a person's sense of self worth e.g.

constant criticism, belittling one's abilities, name calling, damaging a partner's relationship with the children.

( e ) **Psychological abuse :-** Causing fear by intimidation, threatening physical harm to self, partner or children destruction of pets and property, mind games or forcing isolation from friends, family school and/ or work.

**BENEFICIARIES UNDER THE ACT :**

The primary beneficiaries of this Act Are Women and children. To ascertain the beneficiaries under the Act we need to see some definition provided in the Act relating to beneficiaries of the Act.

Sec.2(a) “Aggrieved person” means any women who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the Respondent;

Sec.2(f) “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.

The element of domestic relationship are ;

1 The relationship must be between two persons who

(a) live or

(b) have at any point lived together in a shared household

The expression “who live or at any time have lived together” protects the rights and ensures reliefs under the Act to women who have been dispossessed or thrown out of their shared household.

Thus, on the basis of the said definition,

\* Any woman, who has been in the past, in domestic relationship with the Respondent is entitled to invoke the provisions of the Act. ***Maroti s/o Dewaji Lande V. Sau Gangubai w/o Maroti Lande and Prashant s/o Maruto Lande, Bombay High Court [Criminal Writ petition No.542/2010 ] [MANU/MH/1763/2011] and Karim khan V.State of Maharashtra through PSO and Nahid Akhtar, Bombay High Court [MANU/MH/0990/2011]***

\* Divorced Woman can also invoke the provision of PWDVA since she was in

a domestic relationship with the Respondent. **Bharti Naik V. Ravi Ramnath Harlarnkar and Anr, Bombay High court [III (2011) DMC 742 2010, MANU/MH/2048/2010]**

2. The two persons must be related through marriage or a relationship in the nature of marriage, consanguinity, adoption, or are family members living together as a joint family.

Thus, any woman, irrespective of her religion, who is in a :

1. Natal relationship
2. Marital relationship
3. Relationship in the nature of marriage
4. Women who were in the past in domestic relationship with the Respondent which includes divorced women
5. Women who are family members living together as a joint family

Relationship in the nature of marriage.

The term “a relationship in the nature of marriage” includes

A) Women who are in relationships of cohabitation or live-in-relationships. However on the facts of the case different view was expressed by **Their Lordships of Supreme Court in a case D. Velusamy Vs. D. Patchaiamma IMANU/SC/0872/2010**, and observed in para 31 and 32 of the judgement that

31)“In our opinion a relationship in the nature of marriage is akin to a common law marriage. Common law marriage requires that although not being formally married :”

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

In our opinion a 'relationship in the nature of marriage' under the 2005 Act must also fulfill the above requirements, and in addition the parties must have lived together in a 'shared household' as defined in sec.2(s) of the Act. Merely spending weekends together or a one night stand would not make it a 'domestic relationship'.

32. “In our opinion not all live in relationships will amount to a relationship in

the nature of marriage to get the benefit of the Act of 2005. To get such benefit the conditions mentioned by us above must be satisfied, and this has to be proved by evidence. If man has a 'keep' whom he maintains financially and usages mainly for sexual purpose and/or as a servant it would not, in our opinion, be a relationship in the nature of marriage'." Said legal ratio was reiterated by **Their Lordships of Supreme Court in Indra Sarma vs V. K. V. Sarma(AIR 2014 SC 309)**.

Relying on the aforesaid legal ratio the Hon'ble Bombay High Court in a recent judgment dated 01/7/2015 in a case **Deepak Vs State of Maharashtra(2015 CRI. L. J. 4833)** observed that the Respondent lady who new that the applicant was married person and his wife was Managing Director of a company and she had opposed their relationship still the respondent maintained physical relationship with him and begotten two children from him. Such relationship cannot be said that she was "aggrieved person" within the meaning of Sec.2(q) and she would not be entitled to any relief under PWDV Act 2005.

However, Where the man and woman partners have lived together for a long spell as husband and wife and they satisfy ingredients of legal marriage, a presumption would arise in favour of a valid wedlock. See the case law, **Chanmuniya V.Chanmuniya Virendra Kumar Singh Kushwala and Anr., Supreme court [2011 (1) ALD (Cri) 370, MANU/SC/0807/2010]**.

B) Women, in marriages which are void or voidable in law, where all other elements of marriage exists- Second wife have been held to be entitled to maintenance under section 18 of Hindu Adoptions and Maintenance Act. **Narinder Pal Kaur Chawla V. Manjeet Singh Chawla, Delhi High Court [AIR 2008 Delhi 7], Suresh Khullar V. Vijay Kumar Khullar, Delhi high Court [AIR 2008 Delhi 1, MANU/DE/8505/2007]and Sau Manda R. Thaore, w/o Ramaji Ghanshyan Thaore V. Sh.Ramaji Ghanshyan Thaore, Bombay High Court [Criminal Revision Application No.317/2006, MANU/MH/0427/2010]**

Thus, Even those women who are sisters, widows mothers, single woman or living with the abuser like a wife are entitled to legal protection. Any widow or unmarried sister or daughter who is harassed within the home can also resort to the new law. The law also protects women in fraudulent or bigamous marriages or in marriages deemed invalid law. Even woman in past relationship like widow is

also entitled to relief under this Act. Children are also covered the act; they too can file a case against a parent or parents who are tormenting or torturing them, physically, mentally, or economically. Any person can file a complaint on behalf of a child.

**RESPONDENTS UNDER THE ACT:**

Sec.2(q) “respondent” means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act.

Provided that an aggrieved wife or female living in a relationship in a nature of a marriage may also file a complaint against a relative of the husband or the male partner.

The word “relative” has not been defined in the DV Act. Hence, the ordinary meaning will have to be assigned, mother, sister, uncle, brother of the respondent may be included in the word “relative ” in section 2(q). It also includes female relatives. It has been held by Hon'ble Bombay High Court in Archana Hemant Naik vs. Urmilaben I Naik and Anr. Reported in 2009(3) Bom.C.R. (Cri) 851.

“Aggrieved wife or female to whom proviso to section 2(q) is applicable, can file complaint against relative of husband or relative of her male partner. Proviso refers to relative and not to male relative only. Legislature contemplated, residence order under Section 19(1) could be passed even against any female who is relative of husband or relative of male partner”.

**In Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade and Ors. MANU/SC/0081/2011, the Supreme Court** held that a woman could be a respondent under PWDVA.

Para13- “the expression “female” has not been used in the proviso to section 2(q), but, on the other hand, if the Legislature intended to exclude females from the ambit of the complaint, which can be filed by an aggrieved wife, females would have been specifically excluded, instead of it being provided in the proviso that a complaint could also be filed against a relative of the husband or the male partner. No restrictive meaning has been given to the expression “relative” nor has the said expression been specifically defined in the Domestic Violence Act, 2005, to make specific to males only.”

**RELIEF AVIALABLE UNDER THE ACT**

The aggrieved person can obtain various reliefs provided U/sec.18 to 22 and as per Sec.23 even ex-parte orders can also be obtained. The application for the said reliefs can be filed by the aggrieved person or a protection Officer or any other person on behalf of the aggrieved person. U/sec.12 of the Act. Sec.13 to 16 provides the procedure to be followed by the court of Magistrate. The reliefs are broadly as follows

1. Right to reside in a shared house hold under Section 17
2. Protection orders under Section -18
3. Residence order under section 19
4. Monetary relief under section 20
5. Custody order under section 21:-
6. Compensation order Under section 22
7. Interim reliefs under section 23
8. Court to give the copies of order free of cost under Section 24
9. Relief in other suit and legal proceedings under section 26:-

Apart from this PWDVA provides protection Officers in each district of the State to assist women victims through the Court process by filing domestic incident reports to inform the Magistrates deciding the case of their circumstances, helping the aggrieved persons in preparing complainants, informing and assisting the victims with their right to obtain free legal and medical aid, counseling, and option of staying in shelter homes for safety, and ensuring compliance of the orders passed in their favour and the relief granted. The service providers consisting of various governmental or non-governmental organizations registered under PWDVA can play supportive role in offering these services to domestic violence victims.

**PROCEDURE FOR OBTAINING RELIEFS AND THE POWERS OF MAGISTRATE IN GRANTING VARIOUS RELIEFS:**

Section 28 provides that proceedings under the Act relating to application and orders for reliefs and offence of breach of protection order or interim protection order by the respondent shall be governed by the provisions of the Code of Criminal Procedure, 1973. Subsection(2) envisages that the Court may lay down its own procedure for disposal of applications for any relief or for ex parte order.

Section 12 of the Protection Of Women From Domestic Violence Act, 2005

provides procedure for obtaining orders and reliefs under the said Act. An aggrieved persons or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider. Section-14 of the said Act empowers the Magistrate to direct at any stage of the proceeding the respondent or the aggrieved person either single or jointly to undergo counseling with any member of service provider where any counseling has been ordered under this section, the Magistrate shall fix the next date of hearing of the case within a period not exceeding two months.

**POWER TO PASS PROTECTION ORDER :-**

A Magistrate has power to pass a protection order to prohibit the respondent from committing the domestic violence and to prevent from aiding or abetting the commission of acts of domestic violence against aggrieved person or the dependents or other relatives or any person giving assistance to aggrieved person. Respondent may also be restrained from entering into the place of employment of aggrieved or school of aggrieved person or any other place of frequent visit. He may prevented from communicating to the aggrieved in any manner.

**POWERS TO PASS RESIDENCE ORDER :-**

A Magistrate has power to pass an residence order, a Magistrate may restrain the respondent from dispossessing or disturbing the possession of aggrieved person from the shared household and that may be ordered even if she has no legal or equitable interest. To protect the aggrieved the respondent may be directed to remove himself from the shared household restrained from entering into any portion of shared household, restrained from renouncing his rights in the shared household or to secure same level of alternate accommodation for the aggrieved or to pay the rent from the same. However, a female cannot be directed to be removed from the shared household. Magistrate may require the respondent to execute a bond or may impose additional conditions to prevent the domestic violence. Magistrate may also direct the respondent to return the stridhan or other property or valuable security to which she is entitled to.

However, the 'shared household' must be distinguished from 'matrimonial home'. In the PWDVA the term 'shared household' has been defined in Sec.2(s). The shared household means where the aggrieved person lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title interest or equality and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household. The term 'matrimonial home' is neither defined nor used in any provision in the Act.

If matrimonial home is exclusively owned by the parents in law or other relatives of the husband of the aggrieved person and is not treated as joint family house and she only occasionally stayed there with her husband, she is not entitled to exercise right of residence as provided U/sec.19 of the Act as held by Their Lordship of Supreme Court in case **R. Batra and another Vs. Taruna Batra reported in 2007(3) SC 169. MANU/SC/007/2007.**

In **B.P.Achla Anand Vrs. Appi Reddi and another reported in 2005(3) SC 313 :MANU/SC/0100/2005)** regarding tenanted premises of the husband. In this matter, the interesting issue came before Their Lordships of Supreme Court that in the suit for eviction, filed by landlord against the tenant, whether the wife of the tenant can contest the said suit when her husband was not interested to contest the suit. Their Lordships of Supreme Court have held that, *“such a wife would be entitled to raise all such pleas and claim trial thereon, as would have been available to the tenant himself and no more.”* it has been further held that *“a deserted wife continuing in occupation of the premises obtained on lease by her husband, and which was their matrimonial home, and which was their matrimonial home, occupies, a position akin to that of an heir of the tenant-husband if the right to residence of such wife has not come to an end. The tenant having lost interest in protecting his tenancy rights as available to him under the law, the same right would devolve upon and inhere in the wife so long as she continues in occupation of the premises. Her rights to obligations*

*shall not be higher or larger than those of the tenant himself.”*

**POWERS TO GRANT MONETARY RELIEF :-**

The Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved and any child of the aggrieved which may includes loss of earnings, medical expenses, expenses for destruction, damage or removal of any property of aggrieved and maintenance. The monetary relief shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved is accustomed.

**POWER TO PASS CUSTODY ORDER :-**

At any stage of hearing, Magistrate may grant temporary custody of any child or children to the aggrieved and make the arrangements for visit of such child or children by the respondent.

**POWER TO GRANT COMPENSATION :-**

In addition to the other reliefs, the Magistrate may also order paying compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence.

**RELIEFS UNDER THE ACT CAN BE GRANTED ONLY ON PROOF OF DOMESTIC VIOLENCE.**

The various reliefs U/sec.18 to Sec.22 can be granted by the Magistrate only if he is satisfied that domestic violence has taken place if the applicant U/sec.12 of the Act fails to prove that the domestic violence has taken place against her at the hands of her husband and/or his relatives, she will not be entitled to claim relief under the Act. In a case ***Kishor Kale Vrs. Shalini Kale reported in 2010 Cr.L.J. 4049 ( Bombay High Court Nagpur Bench)***, it was held by Their Lordships of Bombay High Court where wife filed complaint U/sec.12 seeking maintenance and accommodation for herself and her son, and it was found that she and husband were admittedly living separate since last 15 years after the said long gap the wife abruptly alleging domestic violence against husband and in the complaint no averment made regarding prohibition or restrictions of the house of accommodation nor any averment is made regarding domestic violence at any time before filing of the complaint, wife and son were already getting maintenance amount from the husband as per order of the court then said complaint was not maintainable and the complainant wife could not be entitled to remedies under

PWDVA.

**JURISDICTION:-**

Section 27(1) of the Act provides that the Court of Judicial Magistrate, F.C. or the Metropolitan Magistrate, as the case may be within the local limits of whose jurisdiction The person aggrieved permanently or temporarily resides or carries or business or is employed; or the respondent resides or carried on business or is employed; or the cause of action has arisen Shall be the competent Court to grant a protection order and other orders under this Act and or try offences under this Act. And as per sec.27(2) any order made under this Act shall be enforceable throughout India.

**In Promodini Fernandes v/s Vijay Fernandes reported in I(2010)DMC425,BOM.** In the said case where the wife filed petition for divorce in the family court on the ground of cruelty by husband. In that proceeding she filed an application under sec 26 of PWDV Act praying for protection orders for herself and her son which the family court granted. However, the husband violated the said orders. The wife filed an application u/s 31 of the PWDV Act for taking action against the husband for the offence committed by him under the Act by not obeying the order of the court. However, the family court rejected her application on the ground that the civil court has no jurisdiction to entertain such an application.

In the appeal their Lordships of Bombay High court held that, “if the family court or any other court has the authority to pass an order under sec.26 of PWDVA, a court cannot be a mute spectator to its order being violated and the application u/s31 pf PWDVA for the violation of the orders have to be decided by the same court. The Hon'ble High Court also held that as per sec.151 and order 39 rule 2(A) of the Civil Procedure Code, the court has the jurisdiction to punish for the breach of its orders.”

**EXECUTION OF ORDERS AND THE OFFENCES UNDER THE ACT.**

A maintenance order including interim maintenance order passed under Section 23 can not be enforced through Section 31 of the said Act, it can be enforced in the same manner as laid down U/Sec.125 of Criminal Procedure Code. Section 20(4) provides the mechanism for compliance with the maintenance order. With force of Rule 15(7), it would be safe to say that except the breach of

maintenance order, breach of any other order should also be an offence under Section 31.

U/sec.31 of the Act, it is provided that 'breach' of protection order or of an interim protection order by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. It is further provided that the said offence shall as far as practicable to be tried by the Magistrate who has passed the order, the breach of which has been alleged to have been caused by the accused. It is also provided that while framing the charges under sub section (1), the Magistrate may also frame charges under Section 498A of the Indian Penal Code and any other provision of that Code or the Dowry Prohibition Act 1961 as the case may be, if the fact disclose the commission of an offence under those provisions.

Further, it is provided that offence under sub section (1) of Section 31 shall be cognizable and non bailable. It is also provided that upon the sole testimony of the aggrieved person, the Court may conclude that an offence under sub section (1) of Section 31 has been committed by the accused.

**CONCLUSION:**

The PWDVA is a unique combination of civil and criminal laws, that defines domestic violence, recognizes women's rights to reside in a violence free home and provide remedies in cases of violation of these rights. This Act operates in addition to all other existing criminal and civil lawsuit this I conclude.

Thank You.