

# Webinar on Domestic Violence Act

Definition, Provisions, Interim Relief, Relief and Mechanism

Meeting ID: 94292540013

Passcode: 657723

Meetinglink

<https://zoom.us/j/94292540013?pwd=NkROTzZXYnndId1RMMWlVUzI6Z3dodz09>

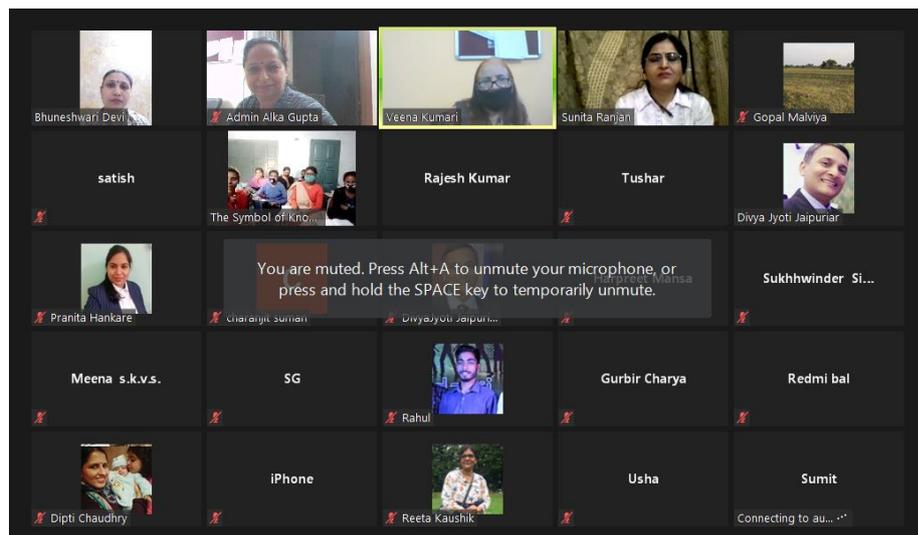
Date: 7<sup>th</sup> November, 2020 (Saturday)

Time: 11 AM to 1.15 PM

By:

Human Rights Law Network (HRLN) &

Ambedkarite Women's Era



# **Webinar on Domestic Violence Act:**

## **Definition, Provisions, Interim Relief, Relief and Mechanism**

**Meeting ID: 942 9254 0013**

**Passcode: 657723**

**Meetinglink <https://zoom.us/j/94292540013?pwd=NkROTzZXYnd1d1RMMWIVUzl6Z3dodz09>**

**Date: 7<sup>th</sup> November, 2020 (Saturday)**

**Time: 11 AM to 1.15 PM**

<b>Subject/ Topic</b>	<b>Time</b>	<b>Resource Person</b>
<b>Introduction and Context Setting</b>	11.00 to 11.10 AM	Adv. (Ms.) Veena Kumari, Human Rights Law Network, Chandigarh
<b>Definition, Provisions and Relief which can be availed</b>	11.10 to 11.35 AM	Adv. Bhuneshwari Devi , Delhi.
	11.35 to 12:00 PM	Interaction with Participants
<b>Procedure , the Agencies whom to Approach in case of Domestic Violence</b>	12:00 PM to 12.30PM	Adv. Sunita Ranjan, Delhi
	12.30 to 12.50 PM	Interaction with Participants
<b>Valediction and the Way Forward</b>	12:50 to 1.10 PM	Adv. (Ms.) Veena Kumari

## Report

A one day webinar on the issue of “Domestic Violence Act, Definition, Provisions, Interim Relief, Relief and Mechanism was organized by the Human Rights Law Network , Chandigarh in collaboration with Ambedkarite Women’s Era on 07.11.2020.



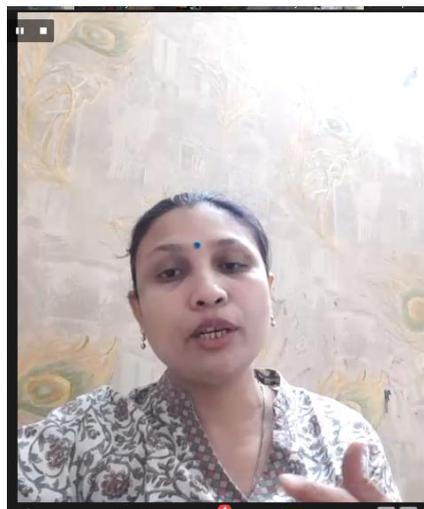
The welcome note and concept note was delivered by Adv. Veena Kumari, HRLN, Chandigarh. She opened with the observation that the domestic violence is one of the major violations of Human Rights and also that there is no debate on the point that this kind of violation is an obstruction in the optimum development of any society as well.

She continued that there is a legislation to prevent the domestic violation known as Prevention of Domestic Violence Act, 2005. She observed that the need of enactment or any legislation for the protection of any group or community itself speaks that the said group or community needs special protection due to their gender, age, physical or mental status or social background etc.

Adv. Veena continued her address by saying that the objective of enactment of the said legislation is a positive step since the provisions of Indian Penal Code only provides punishment for the accused or the perpetrator since the offence caused by him or her is an offence caused against the state. However, there is no scope for rehabilitation for the survivor or women in need. However, the said

legislation provides protection from violence from a women in a various house hold relations which includes husband, son, brother, and live in relationship partner etc. She further added that this is an enactment which provides various kinds of protection orders and the needy women in not required filing multi litigations and also that various Orders passed by the Hon'ble Apex Court has given appropriate and pro-women interpretations to the provisions of this Act.

While giving brief about the webinar adv. Veena Kumari also welcomed and introduced the Resource persons who were having a vast experience to sensitivity working with and on the issues of women.



The first speaker of the webinar was **Advocate Bhuneshwari Devi**, from Delhi. She observed that the perspective of the Act which was enacted in 2005 has evolved enough. The said Act is for the protection of women in various relations like wife, mother, daughter, adopted daughter, sister, live-in-partner whosoever has had lived with the man in domestic relationship. She further added that the definition of the shared house has also evolved. The property rights and the residence rights have been defined by the Hon'ble Apex Court. Advocate Bhuneshwari Devi also explained who could be aggrieved person according to the Act and also any kind of violence like physical, mental emotional or financial violation is a violation under the Act. She gave few

example of domestic violence like depriving from adequate food, sexual abuse, not giving expenses or reasonable expenses to the house wife, showing pornography without consent and even with the consent of the aggrieved person if less than 18 years are examples of domestic violence. She further added that to taunt a Woman for giving birth to the female child or not giving birth are also examples of domestic violence. To control the women or not allowing her to get gainfully employed if she wants to do is also example of domestic violence. Advocate Bhuneshwari Devi also added that obstructing from the use of house hold articles is also domestic violence according to the Act. She further clarified that if a women is living in a shared house with a male in any relationship and the said house is not in the name of her relative, even then she has a right to live in the said. Advocate Bhuneshwari Devi also shared with the house that in the cases of maintenance, both the parties are required to disclose the assets they are possessing.

Mr. Gopal Malvia a final year students observed that number of times false cases are also filed and what to do in these kinds of cases. Advocate Bhuneshwari Devi satisfied the query by observing that on the contrary there are number of cases which do not get reported. Further she added that now in cases of 498-A. there is no immediate arrest. She also informed that in majority of the cases, investigation officers are female so that the women are more comfortable while discussing their cases.



The next speaker of the webinar was **Advocate Sunita Ranjan**. Advocate Sunita Ranjan, the next speaker opened her address with the observation that being a woman, empowerment of women is very close to her heart. She spoke about the procedure or mechanism to get relief under the DVA at length. She shared with the house that there are number of agencies/ individuals to help the aggrieved women. She made it clear that the Act is meant for all woman in any relationship and not only for a wife. It is available even to the sisters, mothers, adopted daughter and live-in-partners etc. she told that the protection officer are a bridge between the aggrieved woman of the Court. She further added that mostly the DC or protection officers are women so that the aggrieved woman is more comfortable. She also added that the protection officers are public servant and to support and assist the women in drafting the complain which in fact is a prescribed format, in approaching the court to provide information pertaining to shelter homes and service provides are included in her duties/function. Adv. Sunita shared that according to the Act any person can be informant of domestic violence caused against any women and immunity is granted to the informant. She further added that the provision of DVA are different from the section 498-A of IPC.

Advocate Sunita Ranjan also shared the duties and functions of the service providers by adding that functions of the service providers by adding that any

registered NGO and working for the women can get as service provider. Advocate Sunita also spoke about the medical examination and how it can be got conducted. Advocate Sunita spoke about the relief which can be asked under DVA e.g. Protection order, residence order, compensation and damages etc. She shared that the notice is to be issued within 3 days of the filing of the complaint by the JMFC 1<sup>st</sup> class and there is a provision for interim or ex-parte relief if required and the court is to be decided/disposed within 60 days of its filing, though it does not happen. She spoke about the provisions pertaining to appeal which can be filed within 30 days of the receipt of the copy of the order by either party. She shared information about counseling which can be separately or jointly.

Advocate Sunita further added that if there is a woman who has been included as a respondent through some male, she cannot be ousted from the house in any circumstances. She also spoke about the breach of the order and contempt proceedings.

Adv. Sunita concluded his address by asking the participants to be alert, aware and not to accept the violence taking it as their destiny and also to support and help if they see any kind of violence being caused against women in their houses, neighborhood and community.

The meeting was concluded with vote of thanks by Advocate Veena Kumari from HRLN Chandigarh.

***PARTICIPANTS:***

<b>SI No</b>	<b>Name</b>
1.	Sunita Ranjan
2.	Bhuneshwari Devi
3.	Charanjit Suman
4.	Dipti Chaudhary
5.	Divyajyoti Jaipurian
6.	Nirmal Rajora
7.	Pranita Hankare
8.	Ranjan Kumar
9.	Reena Suyal
10.	Reeta Kaushik
11.	Veena Kumari
12.	Tushar
13.	Kamal
14.	Adv. Rajesh Kumar
15.	Alka Gupta
16.	Harpreet Mansa
17.	Sukhwinder Singh
18.	Meena
19.	Gopal Malviya
20.	Sam
21.	Saumya Jaipurian

22.	Sunil Meena
23.	Satish
24.	Rahul
25.	Gurbir Charya
26.	Shashi Bhushan Kumar
27.	Archana
28.	Usha
29.	Adv. Sharda PUse
30.	Adv. Dilraj Meena
31.	Sunit
32.	Sabiha
33.	Manish Ranjan
34.	Mandeep Kaur
35.	Adv. Jagdeep Singh
36.	Kamini Srivastava