Subject Name: Domestic Violence Act
Topic Name: Definition of Domestic Violence

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Section 3

"For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

> *(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or*
>
> *(b) 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 or other property or valuable security; or*
>
> *(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or*
>
> *(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person."*

The Protection of Women from Domestic Violence Act provides domestic violence through a series of classifications, defining it as any conduct characterized by habitual patterns that inflict various forms of assault, thereby causing immense distress to the aggrieved individual.

Furthermore, the Act emphasizes that domestic violence extends beyond physical abuse, encompassing acts that impede the personal liberties of the victim through sustained violence or belittlement. This definition acknowledges that even non-physical forms of mistreatment can induce feelings of depression and anguish in the victim. Moreover, domestic violence, as per the

Act, encompasses actions within the confines of a relationship or marriage that coerce the aggrieved party into leading an immoral life or result in harm or injury to their person.

However, it's crucial to note that the Act also recognizes circumstances where a charge of domestic violence may not be applicable. For instance, if the responding party's actions were deemed reasonable for their own protection or the protection of their property or another individual's, the charge may not be pursued under the Act's provisions. This provision underscores the importance of considering context and intent when assessing allegations of domestic violence.

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Important Cases

In the case of **Robarto Nieddu v. State Of Rajasthan and Another,** the Rajasthan High Court (Jodhpur Bench) determined that in accordance with Section 2(a) of the Domestic Violence Act of 2005, the term 'aggrieved person' encompasses any woman, regardless of nationality, who experiences domestic violence.

Recently, the Nagpur bench of the Bombay High Court pronounced that a man remarrying after divorce does not constitute cruelty or an instance of domestic violence under the provisions of the Protection of Women from Domestic Violence Act, 2005 (Domestic Violence Act). This ruling came as the court quashed proceedings initiated by the ex-wife.

In the case of **Girish Prasad Mishra & Anr. v. Smt. Lopamudra Kar**., the Orissa High Court clarified that it is not necessary for a complainant to provide detailed particulars of every individual act of domestic violence within the complaint itself. The court emphasized that a prima facie disclosure of acts of violence would be adequate to sustain a complaint under the DV Act.

In the case **NT v. VT.,** the Delhi High Court, expressing a prima facie perspective, remarked that the safeguard provided by the Protection of Women from Domestic Violence Act, 2005, does not extend to a husband or male family member, as outlined in sections 2(a) of the statute.

Section 2(a) delineates an "aggrieved person" as any woman who is, or has been, in a domestic relationship with the 'respondent' and asserts to have undergone any act of domestic violence.

The interpretation of the term 'joint family' cannot solely rely on its understanding in Hindu Law. In the case of **Prabha Tyagi v. Kamlesh Devi**, the expression 'family members living together as a joint family' signifies individuals residing collectively as a family unit.

According to this interpretation, even a girl child or children who are cared for as foster children possess the right to reside in a shared household and are entitled to the rights conferred by Sub-Section (1) of Section 17 of the D.V. Act. When such a girl child or woman becomes an aggrieved person, the protective provisions of Section 17(2) become applicable.

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