

**Bill No. 88 of 2022**

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE  
(AMENDMENT) BILL, 2022

By

DR. SUJAY RADHAKRISHNA VIKHEPATIL, M.P.

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BILL

*to amend the Protection of Women from Domestic Violence Act, 2005.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2022. Short title and commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

43 of 2005 2. In section 2 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the principal Act),— Amendment of section 2.

10 (a) in clause (a), after the words "domestic relationship", the words "or a live-in relationship" shall be substituted.

(b) after clause (h), the following clause shall be inserted, namely:—

“(ha) ‘live-in relationship’ means the domestic relationship between two persons cohabiting for reasonable period of time without marriage and who are adults as per the Majority Act, 1875 and having legal age to marry;”;

9 of 1875

(c) in clause (q),—

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(i) for the words “any adult male person”, the words “any adult person” shall be substituted; and

(ii) in the proviso, for the words “relative of the husband or the male partner”, the words “relative of the husband or the male partner including female relatives of the respondent husband or the male partner” shall be substituted; and

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(d) after clause (s), the following proviso shall be inserted, namely:—

“Provided that the term ‘shared household’ shall extend to the house of relatives of the respondent male-adult, to which neither aggrieved person nor respondent have right, title or beneficial interest, if the aggrieved person and the respondent have shared the said household for any period of time for the purposes of domestic relationship or live-in relationship.”.

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Amendment  
of section 17.

**3.** In section 17 of the principal Act, after clause (2) the following clause shall be inserted, namely:—

“(3) The aggrieved person shall be provided alternate and equivalent accommodation by the respondent if the aggrieved person refuses to live in the shared household or any part of it.”.

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## STATEMENT OF OBJECTS AND REASONS

The Protection of Women from Domestic Violence Act, 2005 aimed at providing more effective protection of the rights of women guaranteed under the Constitution to those women who are victims of violence of any kind occurring within the family. However, in many instances the legislation has not been of use as there have been loopholes and lacunas in the legislation. It was also an observation that amidst the pandemic of COVID-19, there was a rise in the cases of Domestic Violence, which led to issuance of a nationwide WhatsApp number by the National Commission of Women. Furthermore, in the year 2021, the National Commission of Women received its highest number of complaints since 2014 which was 31,000. These are the cases which brought before the Commission, however, many voices are still suppressed and lie in darkness.

There is also a phenomenon where the Mother-in-law and Sister-in-Law of the women or any female member of the family could be involved in the acts of domestic violence, however, the law of domestic violence holds only adult male person responsible and assigns him as respondent. This is a major lacuna as well as it violates the principles of Article 14. This was recognized by the Apex Court in a landmark judgement. In the case of Hiral P. Harsora vs. Kusum Narottamdas Harsora (2016) 10 SCC 165, the Hon'ble Supreme Court struck down the phrase 'any adult male person' for being violative of article 14 of the Constitution as the respondent in the cases of domestic violence is not merely an adult male person and the aggrieved person must be free to bring case against mother-in-law and sister-in-law of the respondent. However, there have no steps taken to simplify the law through amendment and make the respondent as gender neutral.

It is also noted that the residence and shared household is also a common issue for women as they are ousted from their place of residence which was once their shared household. Furthermore, in the case S.R. Batra vs. Taruna Batra (2007) 3 SCC 169, it was held by the Hon'ble Supreme Court that, section 17(1) of the principal act, that the residence in the name of other relatives of the family is not under the ambit of shared household. However, this decision is contrary to the spirit of the principal Act as the aim of the legislation to protect the women and their right to the household. This decision of the Hon'ble court can lead to a lot of women suffering through lack of homes. It is imperative to note here that the women often have domestic relationship and shared household with male adult person and the said residence belongs to his family members. Thus, ouster from such home also must and should amount to cruelty.

This Bill seeks to ensure the aforementioned situations do not arise and the safety, security of the women in the society is not compromised. Therefore, by the means of reasons provided above and in the interest of women empowerment and welfare and protection of rights of women these amendments are required which is applicable across the country.

Hence this Bill.

NEW DELHI;  
28 February, 2022

SUJAY RADHAKRISHNA VIKHEPATIL

ANNEXURE

EXTRACT FROM PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

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Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “aggrieved person” means any woman 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;

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(h) “dowry” shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961);

\* \* \* \*

(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 the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

\* \* \* \*

(s) “shared household” means a household where the person aggrieved 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 equity 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;

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Right to reside in a shared household.

17. (1) 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, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

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LOK SABHA

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*(Dr. Sujay Radhakrishna Vikhepatil, M.P.)*