

Bill No. LV of 2024

THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE (AMENDMENT) BILL, 2024

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BILL

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

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

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2024.
- 5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the principal Act), in section 2, —
- (i) for clause (q), the following shall be substituted, —

Short title and commencement.

Amendment of section 2.

“(q) “respondent” means any adult 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 the relatives including female relatives of the husband or the male partner;”;

(ii) after clause (t), the following shall be inserted, namely,;—

“(ta) “vocational training facility” means such bodies that are recognized by the National Council for Vocational Education and Training to award certification for a qualification or a skill”.

Insertion of new section 7A.

3. In the principal Act, after section 7, the following new section shall be inserted, namely: —

Duties of Vocational Training Facilities.

“7A. If an aggrieved person or, on her behalf a Protection Officer or a service provider, requests the person in charge of a recognized vocational training facility to provide any suitable skill training to her, such person in charge of the vocational training facility shall provide such skill training to the aggrieved person in the vocational training facility.

Amendment of section 9.

4. In the principal Act, in section 9, in sub-section (1),: —

(i) after clause (d), the following new clause shall be inserted, namely,;-

“(da) to ensure that the aggrieved person is provided information about and access to all such schemes of the Central Government and State Governments which benefit victims of domestic violence;

(ii) for clause (e), the following shall be substituted, namely,; —

“(e) to maintain a list of all service providers providing legal aid or counselling, shelter homes, medical facilities, and vocational training facilities in a local area within the jurisdiction of the Magistrate;” and

(iii) after clause (h), the following new clause shall be inserted, namely,; —

“(ha) to get the aggrieved person registered in a vocational training facility, if the aggrieved person is financially dependent and so requires and forward report of having registered the aggrieved person in a vocational training facility to the police station and the Magistrate having jurisdiction in the area where the vocational training facility is situated;”.

Amendment of section 10.

5. In the principal Act, in section 10, in sub-section (2), after clause (c), the following new clause shall be inserted namely: —

“(d) ensure that the aggrieved person is provided skill training in a vocational training institute if she so requires and forward a report of having registered the aggrieved person in a vocational training facility to the police station within the local limits of which domestic violence took place.”.

Amendment of section 11.

6. In the principal Act, in section 11: —

(i) for clause (c), the following shall be substituted, namely: —

“(c) effective co-ordination between the services provided by the concerned Ministries and Departments dealing with law, home affairs including law and order, health, skill development and entrepreneurship, to address the issues of domestic violence and comprehensive rehabilitation of the victims, is established and periodical review of the same is conducted;” and

(ii) after clause (d), the following new clause shall be inserted, namely: —

“(e) all citizens are sensitized on the provisions of this Act and that age-

appropriate content on gender diversity and equality is integrated into school curriculums.”.

STATEMENT OF OBJECTS AND REASONS

Domestic violence transcends demographic boundaries and continues to violate basic human rights. Rooted in centuries of patriarchy, it reflects deep-seated societal norms where male dominance and female subjugation are normalized. Women, often socialized to accept and rationalize such violence, face systemic oppression reinforced by traditional beliefs and the concept of male ownership over women's bodies, labor, and reproductive rights further entrenches this dominance.

In India, the interplay of patriarchy, cultural norms, and negative masculine constructs perpetuates domestic violence. Despite comprehensive legislation against this crime, it has been increasing annually. According to the National Commission for Women data, in 2019, there were 2,960 recorded complaints of domestic violence. This number alarmingly rose by approximately 79.2 per cent. in 2020 during the lockdown. In 2021, the complaints increased by another 25.1 per cent. By 2022, the number marked a 5.1 per cent. increase from the previous year. Although there is a decline of 9.5 per cent. cases reported by NCW in 2023, the number is concerning high.

The Protection of Women from Domestic Violence Act was passed in 2005 to offer effective protection of women's constitutional rights against familial violence. However, the legislation has often fallen short in purpose due to various loopholes. A significant shortcoming is its lack of emphasis on prevention as the Act does not sufficiently tackle its root cause deep-seated patriarchy. As a corrective measure to the Act, this Bill aims to strike at the root cause by prescribing the inclusion of gender sensitization in school curricula within the duties of the Government.

Another glaring factor overlooked by the 2005 Act, which this Bill seeks to address, is the lack of punishment for abusive female family members. In many cultural contexts, mothers-in-law, sisters-in-law, and other female relatives may participate in or perpetrate abuse. However, the current domestic violence law holds only adult male persons responsible, designating them as respondents. This is a significant flaw and violates the principles of Article 14 of the Constitution. In consonance with the landmark judgment of *Hiral P. Harsora vs. Kusum Narottamdas Harsora* (2016) 10 SCC 165, this Bill will strike down the phrase “any adult male person” to extend the purview of the 2005 Act to female relatives of the male partner. This will entitle aggrieved persons to the freedom to bring cases against female family members who have committed any form of violence.

Nevertheless, as important as women's protection against domestic violence, their comprehensive rehabilitation is critical as well. In the absence of financial safety nets, women find it difficult to escape abusive relationships. The fear of destitution and the absence of safety cushions can lead to even underreporting of domestic violence cases. Although lack of financial independence is a factor for women from all strata to break free from the cycle of abuse, those from low-income backgrounds need special attention as they particularly lack social protection, educational qualifications, or access to decent work. Therefore, there is an urgent need for skill development to empower aggrieved women and break the cycle of dependency and silence. While there are many schemes aimed at empowering women to be financially independent, such as Pradhan Mantri Kaushal Vikas Yojana (PMKVY), Support to Training and Employment Programme for Women (STEP), and Sakhi - One-Stop Centre scheme, including a provision in the existing 2005

Act to connect these victims of domestic violence with such initiatives would strengthen the implementation of these schemes and provide a more robust support system for affected women.

Hence, the Bill.

SANDOSH KUMAR P.

ANNEXURE

EXTRACTS FROM THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT, 2005

[43 OF 2005]

*	*	*	*	*	
2. In this Act, unless the context otherwise requires,—					Definitions.
*	*	*	*	*	
(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:					
*	*	*	*	*	
9. (1) It shall be the duty of the Protection Officer—					Duties and functions of Protection Officers.
*	*	*	*	*	
(e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;					
*	*	*	*	*	
11. The Central Government and every State Government, shall take all measures to ensure that—					Duties of Government.
*	*	*	*	*	
(c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;					
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RAJYA SABHA

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BILL

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

(Shri Sandosh Kumar P., M.P.)