

**Bill No. XVI of 2009**

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE  
(AMENDMENT) BILL, 2009

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BILL

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

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2009.

Short title  
and com-  
mencement.

(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. After Section 18 of the Protection of Women from Domestic Violence Act, 2005, the following proviso shall be inserted, namely:—

Amendment  
of Section 18.

“Provided further that the Commissions constituted to protect the interest of women under the State legislations and also service providers recognized, if any, under such legislations, may also issue protection orders under the above section, which shall remain in force for a period of eight days, from the date of the order, until a Magistrate having jurisdiction to decide in the matter of domestic violence in question, takes cognizance of any complaint filed by the aggrieved person and passes an appropriate protection order in the matter, whichever is earlier.”

## STATEMENT OF OBJECTS AND REASONS

Parliament has enacted the Protection of Women from Domestic Violence Act, 2005, which has empowered magistrate to pass orders in the nature of Protection Orders under Section 18, Residence Orders under Section 19, Orders for Monitory Relief under Section 20, Custody Orders under Section 21 and Compensation Orders under Section 22, etc. However, till the time an aggrieved person approaches a Protection Officer to file a case before magistrate on behalf of an aggrieved person, it takes a considerable time and aggrieved person gets no protection whatsoever, till that time.

Tendency among aggrieved person is to first approach the National Commission for Women appointed under the National Commission for Women Act, 1990 or a similar State Commission appointed under the respective State legislations. These Commissions have powers to hear the parties and arrive at settlement in the event there is an agreement between parties. The next course open to these bodies is to advise the aggrieved person to approach Protection Officer or Police Authorities, as the case may be.

In this context, it is proposed to bring the commissions appointed under the State legislations within the ambit of the Protection of Women from Domestic Violence Act and extend the powers of issuing Protection Order to a limited extent also to the Commissions and Service Providers under the said State legislations, so that, aggrieved persons approaching the Commissions in the first instance can also get relief from the Commissions or Service Providers, as the case may be instead of, merely, an advice or guidance.

Hence, this Bill.

SHANTARAM LAXMAN NAIK

ANNEXURE

EXTRACT FROM THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE BILL, 2005

(SECTION 18)

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18. *Protection orders.*—The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favour of the aggrieved person and prohibit the respondent from—

(a) committing any act of domestic violence;

(b) aiding or abetting in the commission of acts of domestic violence;

(c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;

(d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;

(e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;

(f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;

(g) committing any other act as specified in the protection order.

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RAJYA SABHA

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

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*(Shri Shantaram Laxman Naik, M.P.)*