

'SAFEGUARD DOMESTIC VIOLENCE VICTIMS'

Relevant for: Developmental Issues | Topic: Rights & Welfare of Women - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

In an important verdict safeguarding the interest of woman victims of domestic violence, the Supreme Court on Thursday gave a wide interpretation to the term 'right to reside in a shared household' under the law, holding it cannot be restricted to only actual matrimonial residence, but can be extended to other homes irrespective of the right over the property.

A Bench of Justices M.R. Shah and B.V. Nagarathna, while hearing the plea of a domestic violence victim after she was widowed, dealt with the unique situation of Indian women who live at places other than matrimonial homes, such as the workplaces of their husbands. "There could be several situations and circumstances and every woman in a domestic relationship can enforce her right to reside in a shared household irrespective of whether she has any right, title or beneficial interest in the same and the said right could be enforced by any woman under the said provision as an independent right....," the Bench said.

It held that the even in the absence of a "Domestic Incident Report" of a protection officer under the Protection of Women from Domestic Violence Act, reliefs such as right to reside in the shared matrimonial homes can be enforced. "It is held that Section 12 does not make it mandatory for a Magistrate to consider a Domestic Incident Report filed by a Protection Officer or service provider before passing any order under the DV Act.

"It is clarified that even in the absence of a Domestic Incident Report, a Magistrate is empowered to pass both ex parte or interim as well as a final order," Justice Nagarathna said.

If a woman has the right to reside in a shared household under the law and such a woman becomes a victim of domestic violence, then she can seek relief under the Act.

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