



LAW OF DOMESTIC VIOLENCE (2007). By Indira Jaising. Universal Law Publishing Co. Pvt. Ltd., Dilkhush Industrial Estate, G.T. Karnal Road, New Delhi – 110 033. Pp. 452, Price Rs: 250/-.

AMONG ALL types of violence against women ‘domestic violence’ is the most serious offence because it happens silently within the four corners of the house. The forms of violence range from dowry death to minor assault or apprehension of threat in the context of criminal law. Eventhough, the Indian Penal Code, 1860 recognizes several offences¹ relating to violence against women, the issue of domestic violence was not addressed as a category by itself under the civil and criminal laws in India. It was with the intorduction of the Protection of Women from Domestic Violence Act, 2005 (hereinafter Act, 2005) the concept got legal sanctity by defining the term ‘domestic violence’² in a wider perspective extending protection to mothers, sisters, widows, single women etc. The Act is in the nature of civil law, which is intended to protect and prevent the occurance of domestic violence in the society.

The book under review³ is edited by Indira Jaising who was instrumental in bringing out the Act, 2005. This user’s manual on law of domestic violence has been divided into twelve chapters, sequentially arranging all the relevant topics related to domestic violence and allied laws, alongwith the Protection of Women from Domestic Violence Rules, 2006. While the first part addresses the substantive and procedural issues on domestic violence, the remaining parts deal with the Indian laws relating to domestic violence. For the purpose of the immediate users, model forms of filing complaints etc. as well as important addresses of the officials concerned to be approached are provided in the appendix. This manual does not merely enlighten the readers on the law relating to domestic violence but also deals with the practical aspects of tackling the menace of domestic violence.

The first three chapters give an outline of the rights of the women-particularly rights conferred under the Act, 2005; rights conferred on women through marriage and through other procedural laws. The first chapter

1. They are in the form of culpable homicide, dowry death, female infanticide, forcing the wife to terminate pregnancy etc.

2. S.3 of the Protection of Women from Domestic Violence Act, 2005 gives a wider definition to the term ‘Domestic Violence’.

3. Indira Jaising, *Law of Domestic Violence* 452 (2007).



unveils the concept of domestic violence under international law and Indian law. It also highlights the pre-litigation options provided under the Act along with the role of NGOs and other implementing agencies under the Act. The second chapter throws light upon the civil remedies provided under the Act and the third chapter examines the rights of women flowing from the marriage.

Chapters four, five and six collectively deal with the post-divorce rights of women including the rights of children. Chapter four elaborates the grounds for divorce as provided under various legislations. Chapter five exclusively deals with the post divorce rights including the right to get maintenance and chapter six deals with the rights of children under various personal laws. Though, the author elaborates the relevant laws regarding post-divorce rights, adequate case laws are not provided in these chapters. The discussion in this part is focused mainly on the aspects of maintenance, it could have been made more interesting by adding latest case laws on the topic.

Chapters seven to nine elaborate upon the rights of widows and daughters, remedies available to them under tort law and enumerate procedure under the Act, 2005. Chapter seven specifically deals with the rights of widows and daughters under various personal laws and chapter eight deals with remedies provided under tort law. Chapter nine elaborates the procedural aspects as provided under the Act, 2005. However, it is necessary to clarify the additional rights and protection granted to the widows and daughters as a special category under various personal laws. In addition to that, women who are victims of violence may often return to their paternal homes and hence it is important to be aware of their rights over their natal relatives. The author has rightly pointed out rights of the widows and daughters over their paternal property.

The remedies provided under the Act, 2005 is essentially in the nature of civil remedies directed towards providing compensation and support to the women and not intended to penalize the perpetrator in the first instance. Chapters ten, eleven and twelve narrate the substantive as well as the procedural aspects dealt within civil and criminal laws and chapter ten explains the procedure for enforcing the remedies provided under the Civil Procedure Code. Chapter eleven discusses the procedure for enforcing remedies provided under the criminal law while chapter twelve exclusively outlines the procedure for initiating the criminal proceedings against the culprits of domestic violence. The author has elaborated the basic tort law remedies, but has omitted to explain its application with regard to domestic violence offences.

4. *Supra* note 2.



The manual on law of domestic violence has been structured and presented in a simple language keeping in view the prospective readers and users in this regard. Though the manual narrates various aspects of the problem of domestic violence it does not discuss in detail the international law relating to the topic. However, elaborate case laws have been provided whenever and wherever necessary. The handbook will be useful for reference by the members of the judiciary, academicians, lawyers, and other organizations who are concerned and dealing with the issues of domestic violence. It is to be appreciated that the manual comprehensively deals with the different approaches to be adopted in case of domestic violence under various personal laws. The book also provides necessary practical information to a layman who is interested to provide a helping hand to the victims of domestic violence.

*Arya A. Kumar**

* Assistant Research Professor, ILI.