



Study of Domestic violence Act and Pros and cons of section 498a and latest Supreme Court directives.

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Introduction : The DV Act provides that the aggrieved person may approach not only the Magistrate but also the Civil court, Family court or any other courts and seek reliefs including protection orders, residence orders, monetary reliefs, custody orders, and/or compensation orders. The D.V. Act has been enacted to provide a remedy in Civil Law for protection of women from being victims of domestic violence and to prevent occurrence of domestic violence in the society.

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The Protection of Women from Domestic Violence Act, 2005 is essentially a civil law, but the legislation has prescribed that courts have to proceed in such cases as per the Criminal Procedure Code (CrPC) for the purpose of effective actions.

Key Words : DV Act, Section 498a, Section 304B, Dowry etc

IPC 498a was made to protect a woman from injury to life or limb, or mental harassment to the extent to drive her to suicide. All problems in marital life do not attract 498a, to the extent made clear in this SC judgment too. 498A IPC is a pure criminal offence in which punishment is awarded to the offenders. 498A is a criminal offence that came into existence to combat domestic violence and protect women from dowry harassment. Section 498A IPC therefore, provided women with the only means for such protection prior to this Act. But the reluctance of women to approach the criminal justice system and the inadequacy of the criminal remedy itself are important realities of our social context.

The Indian government has passed the Dowry Prohibition Act 1961, IPC Section 406, IPC Section 304B, 113B of the Evidence Act and recently the IPC Section 498A.

The most controversial of these laws is the IPC Section 498A which has been under wide scrutiny for a long time. It deals with matrimonial cruelty against women and was introduced into the IPC via an amendment in 1983.

It is defined as: "*Husband or relative of husband of a woman subjecting her to cruelty.*"