



Introduction to Domestic Violence

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Concepts

Why is this topic important?

1 out of 3 women in India is a victim of domestic violence. However, many of them are unaware that they are being subjected to violence. We hope that the module can help you identify the signs or types of domestic violence, the various reliefs available under the law from the police and courts, the authorities/support systems and their role like protection officers, magistrates etc

What is Domestic Violence?

- Domestic violence refers to violent or abusive behaviour in a household that causes harm and may put the health and safety of a woman or any child under her custody in danger. Domestic violence includes physical abuse, verbal abuse, emotional abuse, economic abuse, and sexual abuse (marital rape).
- You are protected from being abused by your spouse or his family. The law not only protects you from your husband/partner but anyone (male or female) in your family or your husband's family. In India, domestic violence is a crime under Section 498A of the Indian Penal Code, 1860 punishable with a jail time of up to 3 years along with a fine. Domestic Violence is also a ground for divorce under the personal laws in India.
- ***The current module provides information on the civil remedies available to women under the Protection of Women from Domestic Violence Act, 2005.*** It particularly looks at the other reliefs apart from the arrest of the abuser which is available to women under the Protection of Women against the Domestic Violence Act.

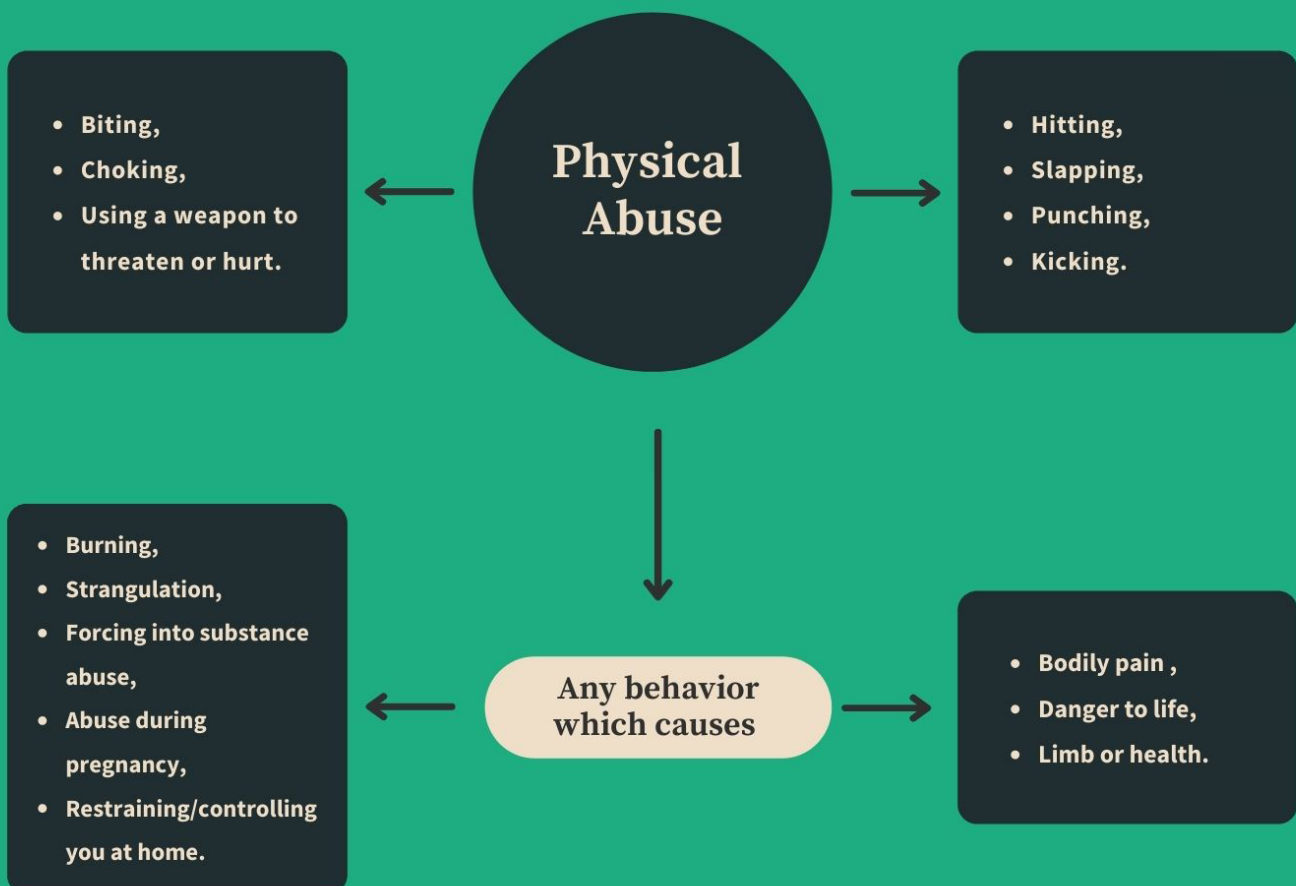
What is the Law being covered in the module?

- Protection of Women from Domestic Violence Act, 2005
- Protection of Women from Domestic Violence Rules, 2006
- Judgments by the Supreme Court of India



Breaking Down the Concept

Instances of Domestic Violence



You can face verbal and emotional abuse in the form of insults and/ or threats

- Displaying weapons,
- Smashing things,
- Treating you like a servant,
- Infidelity.

- Threatening you by looks, actions or gestures,
- Threatening to take your children away.

VERBAL/ EMOTIONAL ABUSE

- Ridiculing you in front of your children and your family,
- Humiliating you in front of other people,
- Name-calling,
- Constant nagging for not having children/male child.

- Controlling your actions and movements,
- Threatening to hurt you or someone related to you,
- Threatening to leave you or commit suicide.

Sexual Abuse

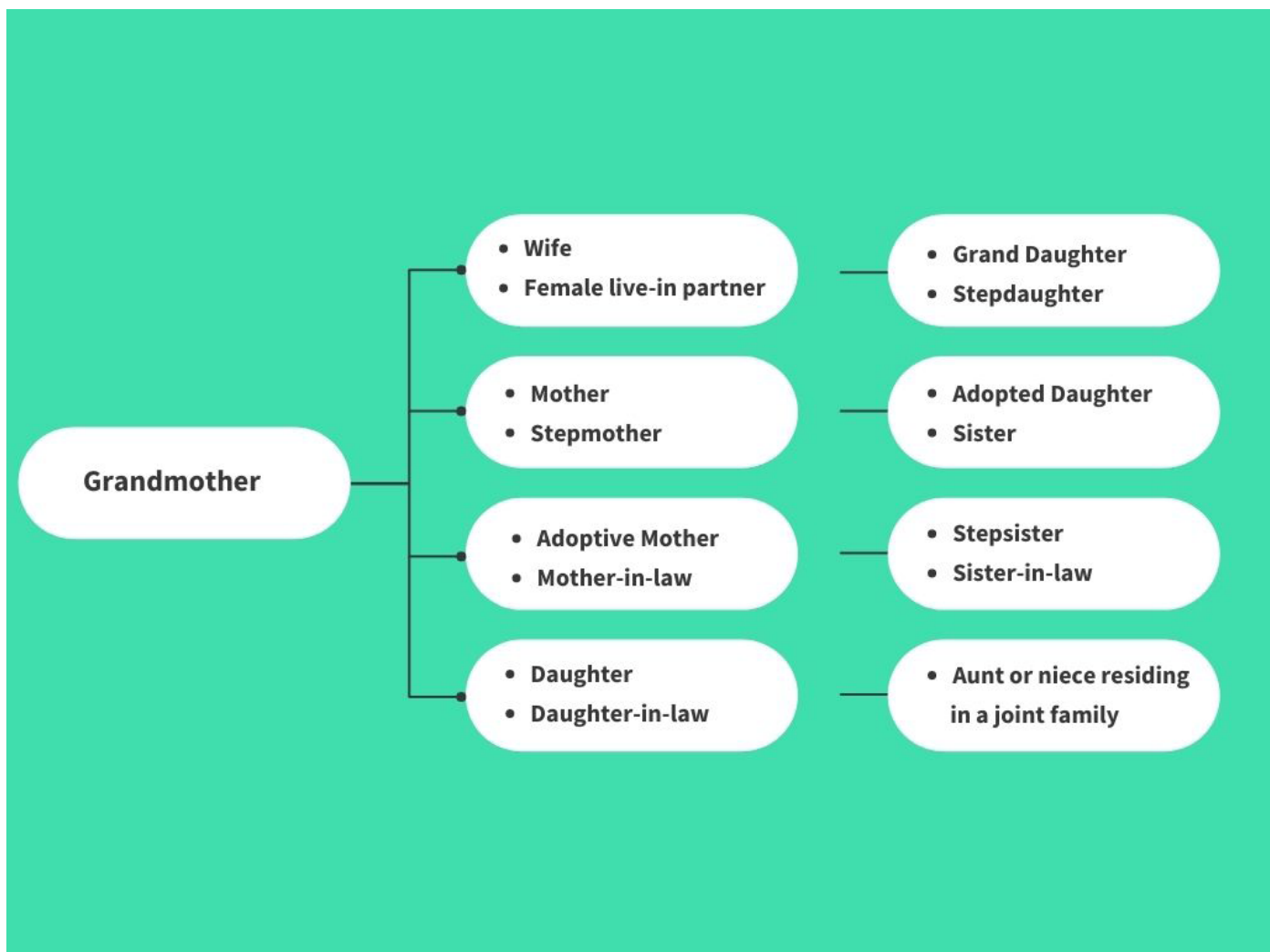
Sexual abuse includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of women. Any sexual act conducted between you and your partner, without your consent, constitutes Domestic Violence. Examples of Sexual Abuse include:

- forcing you to have sex with other people;
- pursuing sexual activity when you are not fully conscious or are afraid to say no;
- demanding sex when you are sick, tired or after beating you.

Economic Abuse

- Economic abuse includes depriving a woman of all or any financial resources like stridhan, household necessities, jointly or individually held properties of the woman, payment of rent, or maintenance of the shared household.
- It also includes alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the woman has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by her or her children or her stridhan or any other property jointly or separately held by the aggrieved person. Restricting access to the household in which the woman was staying during her marriage.





Who is the victim?

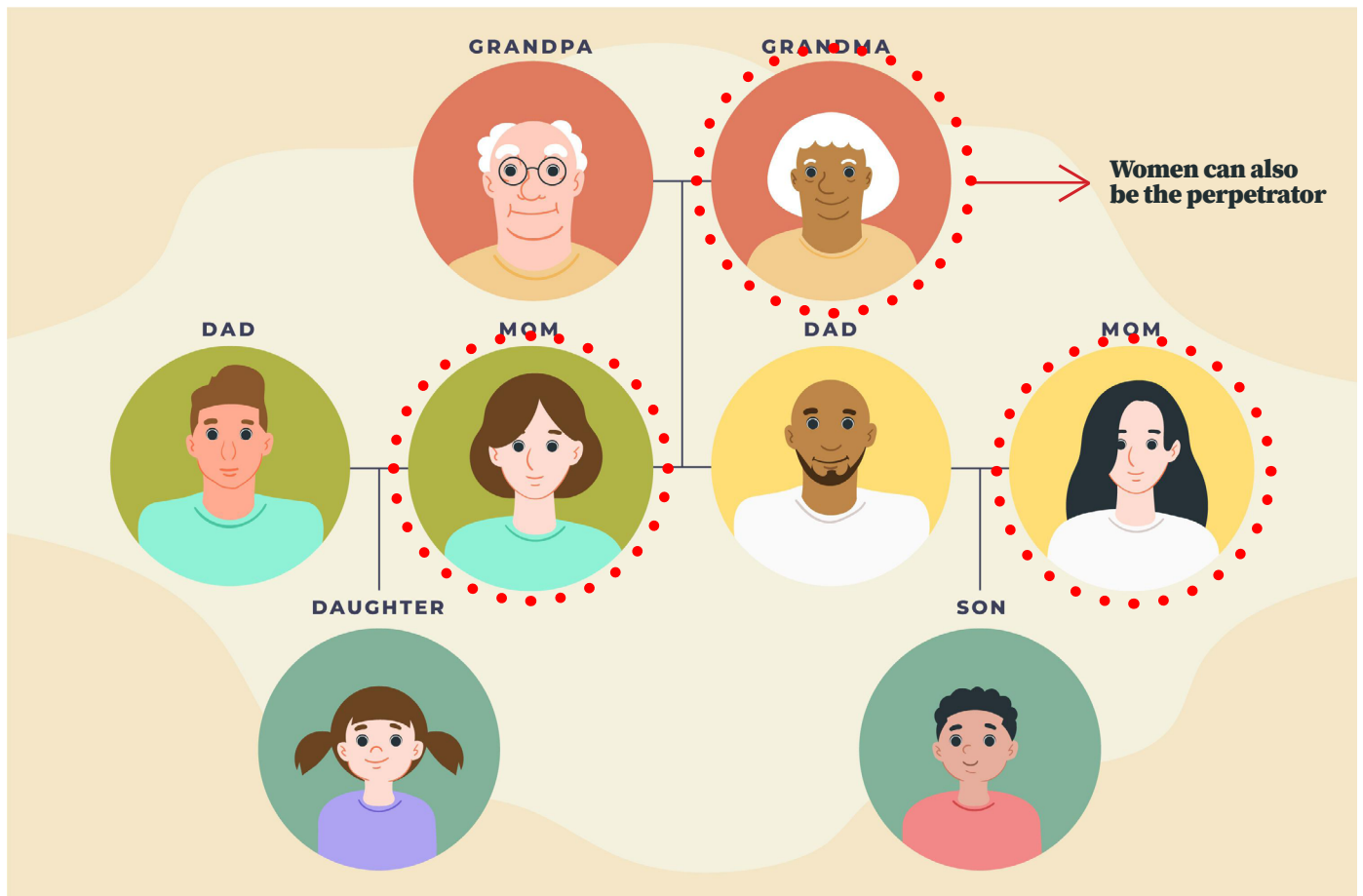
Any woman, regardless of her religion or caste can file a complaint and seek protection against domestic violence under the law, for herself and her child/children. To file a complaint about domestic violence, you can have the status of a wife, widow, female live in-partner, mother, grandmother, stepmother, adoptive mother, mother-in-law, daughter, daughter-in-law, granddaughter, stepdaughter, adopted daughter, sister, step-sister, sister-in-law, aunt and niece residing in a joint family.

You can also file a complaint before or after a judicial separation, after deserting your husband because he was **subjecting you to domestic violence and if you faced violence by your husband or in-laws before initiating the divorce, after filing for the divorce and in some cases, after getting divorced**. For instance, if a woman and her husband continued to take care of your child together after getting divorced, and you faced harassment in the course of that. A widow who continues to live with her in-laws can also file a complaint about domestic violence

Who is the perpetrator?

Any adult male person can be the perpetrator of domestic violence. This person can have the status of a husband, male live-in partner, father, stepfather, father-in-law, adoptive father, grand father, son, son-in-law, adopted son, stepson, brother, brother-in-law, stepbrother, uncle and nephew in a joint family.

You can also file a complaint against the relatives including female relatives of your husband or male partner given that they shared the household when the incident of domestic violence occurred.



Where can Domestic Violence take place?

An act of domestic violence can happen anywhere. It need not always be confined to the house you are living in. Domestic violence can take place anywhere, like

- your place of employment or education,
- your child's school,
- the marketplace, etc.

Domestic violence can take place at any point during or after the end of her relationship when a woman has shared a household with the perpetrator. This household includes:

- owned or rented either jointly by the perpetrator and the woman
- owned or tenanted by either of them or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the perpetrator or the woman has any right, title or interest in the shared household.

For example: *If the house in which the woman and her abusive husband is living is owned by his mother, it will be considered a shared household and any incident of abuse against the woman by the residents of that house will be considered as domestic violence.*



Processes and Work by Authorities



Process Related Information



1. Who to Approach

You can approach the police station in your area, or any other police station, and file a complaint about domestic violence. The police will file a First Information Report, and/or direct you to the Protection Officer of the district who will file a Domestic Incident Report ([DIR/FIR](#)) and help you out further. You can also approach the protection officer, through this [list](#) or directly approach the State and National Commission for Women.

2. Domestic Incident Report

The Domestic Incident Report is a document prepared by the Protection Officer or Service Provider that records a complaint under the Domestic Violence Act of 2005. It is a special report for cases of domestic violence which will have all the details of the harasser(s), the details of the victims, etc. This report is similar to an FIR prepared by the police when they receive a complaint about a crime.

3. Magistrate

If the magistrate is satisfied after referring to the DIR that domestic violence has occurred, he/she will award the relief that is sought by the survivor.

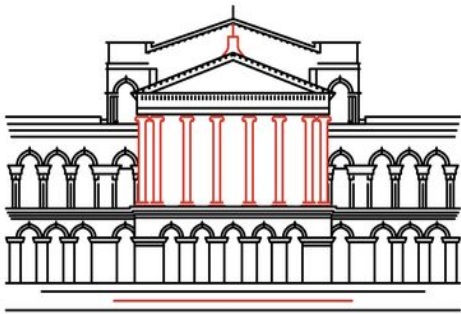


Types of Authorities & their Work

1. Protection officer and police officer

The Protection Officer will help you file a **Domestic Incident Report** (DIR). They will also help you file a direct **complaint** with the Court and assist you in getting legal support. The PO will help you in preparing a safety plan, getting free legal aid, counselling, medical aid and access to shelter homes and other service providers. If you cannot find a Protection Officer or a service provider, you can approach the nearest police station to file a complaint. The officers will put you in touch with a Protection Officer and give you the option of filing the filing an **First Information Report**, through which a **criminal case** can be initiated.

Bengaluru



HIGH COURT OF KARNATAKA

2. Magistrate

A Magistrate who receives a complaint of domestic violence is supposed to inform the survivor of her right to make an application for obtaining various reliefs by way of orders, about the availability of services of service providers; about the availability of services of the Protection Officers; and her right to free legal services along with her right to file a criminal complaint wherever relevant. The Magistrate can direct the survivor or the perpetrator to either singly or jointly, undergo counselling with any member of a service provider who possess such qualifications and experience in counselling.

3. Service Providers

Organizations which help women in trouble by providing:

- legal, medical or financial assistance are known as service providers.
- connecting the victims with protection officers.
- shelter, employment opportunities and vocational training, counselling, etc.
- Recording a Domestic Incident Report themselves and forward it to the concerned Court or Protection Officer.
- medical checkup, especially if you are injured and forward the medical report to the concerned Protection Officer or police station.

Such organizations need to be registered under the Domestic Violence law in India. These services will likely be free of cost, depending on the type of organization you have approached. qualifications and experience in counselling .



Reliefs under the Domestic Violence Act

To seek immediate relief against domestic violence, you can file an application with the Court with the help of a Protection Officer or a lawyer for the following orders:

Name of the order	Purpose	Nature of the order	Features
<p><u>Protection order</u></p>	<p>The Court will pass an order to give you and your child/ children protection from the harasser.</p>	<p>Temporary, but for a fixed duration until the Court feels that such an order is not required due to a change in circumstances.</p>	<p>The protection order will help you in stopping the violence, preventing harassment, protecting your property and finances and regulating the actions of the perpetrator.</p>
<p><u>Residence order</u></p>	<p>The Court will pass an order to give you protection from being thrown out of the house that you shared with your husband or his in-laws.</p>	<p>Temporary, but for a fixed duration until the Court feels that such an order is not required due to a change in circumstances.</p>	<p>The residence order will ensure that the perpetrator is not able to force you out of this house, dispose off the house or will be asked to find alternative accommodation or move out of the house themselves. the actions of the perpetrator.</p>

Name of the order	Purpose	Nature of the order	Features
<u>Compensation order</u>	The Court will pass an order laws.	Temporary, but for a fixed duration until the Court feels that such an order is not required due to a change in circumstances.	The compensation order will ensure that the perpetrator pays compensation for the losses incurred. If your harasser does not give you the money, as ordered by the Court, you should inform the Court with the help of a lawyer. The Court will then ask the harasser's employer/boss to pay the amount to the court and deduct it from his salary or any other person who owes the harasser money to pay the amount to the court which will then be given to you accommodation or move out of the house themselves. the actions of the perpetrator.
<u>Custody order</u>	The court will grant the temporary custody of any child or children to you or the person making an application on your behalf.	Temporary, but for a fixed duration until the Court feels that such an order is not required due to a change in circumstances.	The custody order will ensure that the perpetrator is not allowed to visit such a child or children if the court feels that it will be harmful for the child to live with the perpetrator. ordered by the Court, you should inform the Court with the help of a lawyer. The Court will then ask the harasser's employer/boss to pay the amount to the court and deduct it from his salary or any other person who owes the harasser money to pay the amount to the court which will then be given to you accommodation or move out of the house themselves. the actions of the perpetrator.

Spotlight : Know your rights!

Mumbai's pledge to women.



Mumbai Police Pledge to Women

8th March, 2014

- ★ Do not be afraid to approach a Police Station, if you face any violence
- ★ A woman Police Officer will attend to you immediately and record your complaint
- ★ We will read out your complaint and give you a copy free of cost
- ★ Do not worry about the place of the crime. Come to any Police Station, we will record the complaint and transfer the same to the concerned Police Station
- ★ A person who you trust can be present when you record your complaint
- ★ If you are a victim of domestic violence we will record your complaint and also inform you about the reliefs and services available under the Domestic Violence Act, 2005
- ★ If you are a victim of sexual violence, anyone can come to the Police Station to record the complaint on your behalf.
- ★ In case you do not wish to come to the Police Station, call the Police Helpline '103'. A woman Police Officer will come in plain clothes to a place of your choice to record your statement.
- ★ If you do not speak our language or suffer from any disability we will call a translator or special educator to help us record your complaint
- ★ We will never ask you come to the Police Station at night
- ★ We will ensure that the accused does not come in contact with you at the police station
- ★ We will send you to a hospital for medical treatment and examination
- ★ We will assist you to find a shelter, if you require

On the occasion of Women's Day, Mumbai Police take a pledge to treat all women with respect and dignity

RAIAT

State Legal Support to Victim Services of Sexual Violence
Collaborates with the Department of Women and Child

majlis

Legal Centre for Women

Test your knowledge

(Objective answers in Yes/No)

1. Can I file a case of domestic violence against my sister-in-law who has never lived with me in the same house? (Yes/No)
2. I am a working woman, can I still get maintenance from my husband? If he fails to provide me with maintenance, can I file a domestic violence complaint against him?
3. Can I go to the police station if I don't find information regarding the Protection Officer?
4. Can I take my child to the Shelter home with me?
5. Can I get free legal aid for fighting a case of domestic violence against my husband?

Support Systems in Mumbai

Complaint Portals

Domestic Violence complaints can be lodged online in the [portal](#) of the National Commission of Women. On clicking the tab for [registration](#), you will have to fill in your personal details such as name, address and sex, and give a description of the incident. On doing this, you will get a receipt number which you can use for monitoring the status of your complaint. Additionally, you can approach Mother Dairy booths, pharmacists and chemists throughout the city to complain about domestic violence since the Delhi State Legal Services Authority has been collaborating with them since the beginning of the COVID-19 pandemic.

Legal Support

Legal Aid Authorities

1. National Legal Services Authority: National Legal Helpline- 1516
2. Maharashtra State Legal Services Authority: Toll free Helpline Number:1800 22 23 24; Tel.: 022-22691395
3. District Legal Services [List](#)
4. Contact numbers of different stations [list](#)
5. Mumbai Cyber Station- +022 26504008
6. Mumbai Police Women Helpline- +022 22633333, 103
7. Maharashtra State Commission for Women: Helpline- 155209; Contact No.- +022 26592707
8. Child-line: 1098
- 9.

Helplines

1. Domestic Violence against Women: 7217735372 (WhatsApp Number) by National Commission for Women
2. National Commission for Women Helpline: 7827170170; WhatsApp- 7217735372
3. Central Social Welfare Board -Police Helpline: 1091/ 1291; (011) 23317004
4. All India Women's Conference: (011) 43389100/43389101/43389102/43389103
5. Maharashtra State Human Rights Commission: +022 22092857
6. Ask SHEROES: Find the online chatting service [here.](#)
7. Women Helpline (Domestic Abuse) : 181

Non- Legal Support

Shelter Homes

1. Shantighar: 08828365666
2. Urja Trust: 9819806266 / +022 24124397
3. Shelter Don Bosco: +022 24150562
4. Bombay YMCA- Sharan Shelter : +022 28500277
5. Rescue Foundation - For Girls & Women:
09820210705

Medical facilities

One stop crisis centres:

1. Female Beggars Home, 1st Fl.R.C. Marg, Opp. Jain Mandir, Chembur(E) Mumbai-400071, contact no.: 9702962025
2. Chatrapati Shivaji Maharaj Hospital Kalwa (W), Thane 400605 BARC hospital, contact no.: 7977386300
3. One Stop Centre, Mumbai City, Old Building, KEM Hospital, Acharya Dade Marg, Parel, Mumbai-400012, contact no.: 9653660408



Activities & Reading

1. If your husband humiliates you in front of your friends and family at a dinner party. Is this domestic violence?
2. What can you do if the police officer or protection officer refuses to accept your complaint?
3. Your mother-in-law not mentioning your name in her will. Is this domestic violence?
4. Is demanding dowry repeatedly a form of domestic violence, what can you do?

Resources & Handouts

01

Text based

<https://nyaaya.org/topic/domestic-violence/>

02

Video based

<https://nyaaya.org/videos/protections-under-the-domestic-violence-law-in-india/>

External Links

1. <http://ncwapps.nic.in/onlinecomplaintsv2/>
2. <http://ncwapps.nic.in/onlinecomplaintsv2/frmPubRegistration.aspx>
3. <https://sheroes.com/helpline>
4. https://mumbaipolice.gov.in/Police_incharge
5. <https://legalservices.maharashtra.gov.in/1111/Contact>
6. <https://cdn.s3waas.gov.in/s311b921ef080f7736089c757404650e40/uploads/2021/05/2021052571.pdf>
7. http://aarambhindia.org/wp-content/uploads/2015/08/RAHAT_Report_Highlights_2015.34.pdf