

**USEFUL  
INFORMATION  
ON  
DOMESTIC  
VIOLENCE ACT**



**NORTH EAST NETWORK**

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### **What is domestic violence?**

The crime rate under crimes against women for Assam was 123.4 in 2014 and reported second highest after Delhi. The national average is 56.3 according to NCRB 2014. The National Family Health Survey 2 of India (2005-06) revealed that 37% of married women have experienced spousal, physical or sexual violence. Assam is way above the national average.

Domestic violence (DV) is a form of violence against women which is pervasive in nature and deeply rooted in the socio-cultural norms of society. It violates a woman's rights to a life of dignity and safety. According to the Protection of Women from Domestic Violence Act (PWDVA) of 2005, domestic violence is any form of abuse causing harm or injury to the physical and / or mental health or the threat of it. The Act defines different types of domestic violence such as,

- Physical violence: slapping, beating, biting, hitting, kicking, punching, pushing, etc.
- Verbal and emotional violence: insults, name calling, isolating from family, accusations about character, etc.
- Sexual violence: forced sexual intercourse, showing pornographic pictures, child sexual abuse, etc.
- Economic violence: not providing money, rents, food, shelter, medicines, clothes, not allowing to work or to live in the house, etc.
- Dowry related violence
- Threat to cause harm or injury to an aggrieved woman's dependents.

The overall objective of the PWDVA is to stop violence and its recurrence.

**Who can face domestic violence in a family?**

The Domestic Violence Act covers all women such as wives, mothers, sisters, grandmothers, daughters, daughter-in-law, sister-in-law, partners, widows, single woman, victims of fraud marriages, relationships not recognised by law, etc. Children are also covered. It covers all women in domestic relationship who live or have, at any point of time, lived together with the abuser in the shared household.

**What is a shared household?**

A shared household could be one's own house or rented house, ancestral/inherited house, and it could be in a joint family or nuclear family where a woman resides. The Act grants full right to reside in the household to an aggrieved woman. If need be, the abuser will be removed from the household.

**Who can the complaints be filed against and who can file the complaint?**

The complaint/s can be filed against any male adult person and/ his family member or relatives who has been in domestic relationship with the aggrieved woman who files a complaint of domestic violence.

A complaints can be filed by

- Aggrieved party (woman / her representative)
- Any person who has reason to believe that an act of DV is being / likely to be committed - neighbours, social workers, relatives /friends and others.
- Any adult person on behalf of children.

**What kind of help can an aggrieved woman expect as per the provisions of the DV Act?**

The striking feature of this Act is that it

provides for civil relief which are,

- Protection Orders: A court will pass protection order for the woman so as to protect her from ongoing violence or violence which is likely to occur again, etc.
- Residence Orders: The court will uphold the woman's right to reside in a household to the extent that whoever commits violence may be disallowed to stay in the house, etc.
- Monetary relief: Whoever commits violence will have to pay monetary relief to the woman such as expenses incurred or losses suffered such as loss of earnings, medical expenses, damage of property, etc
- Custody Order: Temporary custody of the child will be with woman or her applicants, etc.
- Compensation Order: This Act allows mental injury or emotional distress to be compensated.
- Interim/ Ex parte Orders: These orders are passed based on the belief of the court / magistrate that violence will occur.

**Where do I report a case of Domestic Violence?**

The PWDVA provides for many alternatives to register or report a case. The state government has notified Nodal Agencies to implement the PWDVA . The Social Welfare Department, Government of Assam is the Nodal Agency for our state. The Act is a multi option civil law with few criminal elements in it.

- For you , the best option will be to approach a Protection Officer (PO) who is the face of this Act .The District Social



Officer is the Protection officer. He/she acts as a go-between the aggrieved woman and the court. He/she will receive complaints directly or even over telephone/email and will if necessary, make applications on behalf of the woman. He/she will ensure that the woman is provided legal aid/ safe shelter/ monetary relief and information on service providers.

- There are service providers like professional organisations working on women's issues, those offering free legal aid, counselling, shelter and similar services. These are recognised by the state Nodal Agency. You can lodge a complaints and approach them to register or report a case.
- You could also approach a magistrate directly or the police. Police in turn will help you to forward the case either to a Protection Officer or a magistrate to make an application.

#### **Other options**

- Call the toll free police helpline i.e. 100 to report a case.
- For free legal aid, approach District Legal Services Authority of India.
- Should you feel the need to discuss a case of domestic violence, visit your nearest Family Counselling Centre(FCC) recognised by Central Social Welfare Board.

#### **Is the PWDVA a civil or criminal law?**

- The PWDVA is a civil law. It has elements of criminal laws too.
- The two stage process involves largely civil and partly criminal procedures-

1. Civil orders are passed by Magistrate on Application filed by aggrieved woman
2. Only upon breach of civil orders by the perpetrator, court orders for arrest (imprisonment &/or fine)

**What are the stages involved in filing a case under the PWDVA?**

An aggrieved woman can file her case with the PO/service provider/magistrate/police.

1. Filing a complaint – As per the PWDVA, it is called the domestic incident report (DIR)
2. Application for Relief can be filed by PO/any person with consent.
3. Court proceedings are to be ideally completed in 60 days time.
4. After the court proceedings are complete, appropriate Order/s and grant relief are passed by the magistrate.
5. In case of dissatisfaction, an aggrieved woman may further apply in higher court within 30 days.

The PWDVA is in addition to existing laws. An aggrieved woman can continue to use the existing provisions of law under IPC and other civil laws for her case.

**Domestic violence does not resolve by itself. It is unlawful. Do not remain silent. Raise your voice against it.**

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*Issued in public interest by*

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*For more information or assistance,  
call your District Social Welfare Officer  
who is the Protection Officer. You can also contact  
NEN @ 094350 17824( Mon-Fri, 10 am- 4 pm).*