



Booklet – 6



# Ray of Hope

**“Protection of Women  
from Domestic Violence Act, 2005”**



A Joint Venture of  
National Literacy Mission Authority,  
Ministry of HRD, Govt. of India.

&

Department of Justice, Ministry of Law and Justice,  
Govt. of India on Legal Literacy  
Under Access to Justice (NEJ&K) Project

## **ACKNOWLEDGEMENT**

The Saakshar Bharat Mission was started on September 2009 in India. Under this programme, 410 districts have been included where the female literacy is low. The main focuses of Saakshar Bharat Programme are rural women, Scheduled Castes, Scheduled Tribes and the minorities. In this programme besides basic literacy, equivalency programme, skill development programme and continuing education are also emphasised.

To make literacy more interlinked with daily life and interesting to the learners/ beneficiaries, the Interpersonal Media Campaign has been initiated. In this campaign, along with the main subjects of emphasis, legal literacy has also been given due importance.

With the aim of creating awareness of legal literacy in an easy manner among the people, the Legal Literacy materials have been developed in Hindi by National Literacy Mission Authority (NLMA), Govt. of India. These materials have been translated into English by State Resource Centre, NEHU, Shillong with the help of Department of Justice, Ministry of Law and Justice, Government of India under the Access to Justice Project for North-East and Jammu & Kashmir (A2J NEJ&K).

The State Resource Centre, NEHU, Shillong is grateful to all the supporting organizations and departments. It is hoped that this material on legal literacy will prove to be useful in bringing legal awareness among the common people.

***B. Laltanpuia***

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साक्षर भारत  
SAAKSHAR BHARAT

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**GOVERNMENT OF MEGHALAYA  
LAW (B) DEPARTMENT**

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**No.LJ(B). 114/2002/Pt/125      Dated Shillong, the 28<sup>th</sup> February, 2017.**

**C E R T I F I C A T E**

This is to certify that the Law Department, Government of Meghalaya has vetted the Legal Literacy Materials consisting of 11 booklets and 11 folders in English Language. These material are found to be satisfactory and would be of immense use in disseminating legal awareness to the grassroots level in the State.

Date: 28.02.2017

*Sangma*

**( S.K. Sangma )**

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## The Protection of Women from Domestic Violence Act, 2005

Shongmu was preparing her daughter Apoung for school. Apoung asked for money to pay her school fees. Shongmu went to her and asked him the required amount of money to pay the school fees. This enraged her husband. He started abusing and screaming at Shongmu and said, "Does money bloom in plants that I will pluck and bring to you? What great will we achieve by educating her so much? Teach her the daily



household chores. They will be more useful to her. I don't have extra money to waste. Go from here and start preparing my breakfast."

A couple of days later, Shongmu once again asked her husband some money to purchase some grocery items. To this, her husband replied, "You ask for money all the time. It seems you spend a lot of money. I remember that only a few days back, you took some money from me. Did you spend all of it? Your parents have not gifted me a big corpus of funds from which I can remit you money daily. God! In whose company have I fallen into?"

Shongmu always had to rely on her husband for all her requirement, both small and big. Her husband always insulted her whenever she sought financial help. He abused her and harassed her mentally. He not only abused her but also her parents.



One day, things went out of hand. Her husband was drunk when he returned home at night. Shongmu was setting the dinner table. Her husband became angry at the sight of the food and screamed at her, "What kind of food is this? I give you so much money to make purchases and yet you give me such kind of food."



With the mixture of anger and intoxication, he forcefully threw his dish from the table. The dish hit Shongmu and all her clothes were soiled with the food. To make matters worse, the dish hit her face and head. The impact was so great that she was injured and her head started to bleed. However, her husband was intoxicated; he did not notice what had happened. Instead he held her by her hair and started to physically abuse and manhandled her. He also threw her out of the house.



Shongmu stood outside the house and pleaded with her husband to let her in. However, her husband did not let her in. Instead he said, "Go away from here. From today onwards you have no relation to this house." Shongmu's neighbour, Khumla noticed Shongmu in that condition and she took her to her home. She attended to her wounds and said, "How could you bear such atrocities? Are you going to live your entire life like this?"



Shongmu replied, "Fate has this in store for me. I carry out all the household activities the whole day, but he treats me like his slave. My only duties are to prepare food for the family, washing clothes, sending the children to school and tend to all his needs."

Khumla said, "No, it is not like that. Yesterday, I went to the *Anganwadi* meeting. There one madam came. She said that a law has been enacted for women. That law is known as The Protection of Women from Domestic Violence Act, 2005. We will seek help under this law."

The next morning, Khumla took Shongmu to an official. The official is known as Protection Officer in all the places. Shongmu narrated all the past incidents and experiences through which she went through. The Protection Officer listened to her very carefully. The Protection Officer who was a lady said, "This law is made for women like you who are victim to such

atrocities. As per this law, your husband will be called and we will make him understand. If he does not conform to what we say, then you can file a case against him. We will help you in every possible ways."



The lady Protection Officer handed over a form to Shongmu which is known as D.I.R. (Domestic Incident Report). This form contains the description of the types of



violence against women. The victimised women should describe the type of violence that has taken place against her. In case the victimised woman is not educated, then the Protection Officer himself/herself reads the form to her so that she can describe the type of violence that she has undergone through.

By this process the D.I.R. Form of Shongmu was filled and her husband was called for reconciliation.

This law is designed to make homes rather than breaking homes.

### **The Protection of Women from Domestic Violence Act, 2005**

The Protection of Women from Domestic Act, 2005 has been introduced to protect the rights of women who are victims of family violence.

This is a Civil Law for more effective protection of the rights of women (wives, mothers, sisters, daughters, single women etc.) who are victims of violence of any kind occurring within the family and for matters connected herewith or incidental thereto which includes physical abuse, mental abuse, sexual abuse, verbal and emotional abuse and economic abuse.

### **Important Provisions of this Law**

1. As per this law, if any woman living in a domestic relationship faces harms or injuries or faces the danger of health, safety, life, limb or well-being, whether mental or physical, then such acts are deemed to be crimes.
2. As per this law, the demand for dowry or property is a crime.
3. If any relative, such as father, brother, father-in-law, mother-in-law, husband,

sister-in-law, living under the same roof with the women harasses her, then such act shall be deemed as a crime.

4. Obstructing women in her domestic work, not providing money for carrying out the expenses of women and children in the family, snatching away of earnings or property are also deemed as offences.
5. According to this law a Protection Officer has been appointed in every district.
6. The victimised woman can complain to the Protection Officer. Within three days of complaint, the Magistrate will fix the date of hearing. The judgement of the case will also be made within a short duration.
7. The responsibilities of the Protection Officer are as follows:
  - a. He or she shall help the victimised woman.

- b. He or she shall help the woman in case police assistance is required.
- c. He or she shall help the woman to receive financial aid in case it is required.

**The women facing domestic violence shall have the right to receive the following relief and orders :**

1. On receiving orders to protect the women, the police can immediately stop the persons indulging in violence.
2. In severe cases, the police can stop the entry of the persons indulging in violence into the house where the victim resides.
3. In the case of economic abuse and violence, the victimised woman can demand compensation for medical expenses or monthly expenses and also compensation for the physical, mental, property and earnings losses.

4. The victimised woman can also receive the right to custody of the children who are below the age of 18 years.
5. The victimised woman can demand to go to her own house.
6. The victimised woman can also demand for the arrest of the person who is indulging in domestic violence.
7. Mutual reconciliation is possible between the victimised woman and the person indulging in domestic violence.
8. In the event of non-compliance with the court order, there can be imprisonment for a term of 1 year or penalty of ₹ 20,000/- or both.



## FORM 1

[See Rules 5 (1) and (2) and 17 (3)]

### Domestic Incident Report under Sections 9 (b) and 37 (2) (c) of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)

1. Details of the complaint/aggrieved person

1. Name of the complaint/aggrieved person:

2. Age:

3. Address of the shared household:

4. Present Address:

5. Phone Number, if any:

2. Details of Respondents:

Sl. No.	Name	Relationship with the aggrieved person	Address	Telephone No. if any
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3. Details of children, if any, of the aggrieved person:

(a) Number of children:

(b) Details of children:

Name	Age	Sex	With whom at present residing
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#### 4. Incidents of domestic violence:

Sl. No.	Date, Place and Time of Violence	Person who caused domestic violence	Types of Violence Physical Violence	Remarks
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Causing hurt of any kind

Please specify.

✓

#### (i) Sexual Violence

Please tick mark (✓) the column applicable.

- Forced Sexual intercourse.
- Forced to watch pornography or other obscene material.
- Forcibly using you to entertain others.
- Any other act of sexual nature, abusing, humiliating, degrading or otherwise violative of your dignity (please specify details in space provided below):

#### (ii) Verbal and emotional abuse

- Accusation/aspersion on your character or conduct, etc.
- Insult for not bringing dowry, etc.

- Insult for not having a male child
- Insult for not having any child.
- Demeaning, humiliating or undermining remarks/ statements.
- Ridicule.
- Name calling
- Forcing you to not attend school, college or any other educational institution.
- Preventing you from taking up a job.
- Preventing you from leaving the house.
- Preventing you from meeting any particular person.
- Forcing you to get married against your will.
- Preventing you from marrying a person of your choice.
- Forcing you to marrying a person of his/their own choice.
- Any other verbal or emotional abuse.  
(please specify in the space provided below)

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**(iii) Economic violence**

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- Not providing money for maintaining you or your children.
- Not providing food, clothes, medicine, etc. for you or your children.

- Forcing you out of the house you live in.
- Preventing you from accessing or using any part of the house.
- Preventing or obstructing you from carrying on your employment.
- Not allowing you to take up an employment.
- Non-payment of rent in case of a rented accommodation.
- Not allowing you to use clothes or articles of general household use.
- Selling or pawning your *stridhan* (property or wealth inherited by the women from her parents) or any other valuables without informing you and without your consent.
- Forcibly taking away your salary, income or wage etc.
- Disposing your *stridhan*.
- Non-payment of other bills such as electricity, utility bills etc.
- Any other economic violence.

(please specify in the space provided below)

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**(iv) Dowry related harassment**

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- Demands for dowry made, please specify:
- Any other details with regard to dowry, please specify:

- Whether details of dowry items, *stridhan*, etc. attached with the form
  - o Yes
  - o No

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**(v) Any other information regarding acts of domestic violence against you or your children.**

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(Signature or thumb impression of the complainant/aggrieved person)

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**5. List of Documents Attached**

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Name of Document	Date	Any other detail
Medico legal certificate		
Doctor's certificate or any other prescription		
List of <i>Stridhan</i>		
Any other document		

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**6. Order that you need under the Protection of Women from Domestic Violence Act, 2005**

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S. No.	Orders	Yes/No	Any other
(1)	Protection Order under Section 18		
(2)	Residence Order under Section 19		
(3)	Maintenance Order under Section 20		
(4)	Custody Order under Section 21		
(5)	Compensation Order under Section 22		

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(6) Any other Order (please specify) \_\_\_\_\_

7. Assistance that you need \_\_\_\_\_

Sl. No.	Assistance available	Yes/No	Nature of assistance
(1)	(2)	(3)	(4)
(1) Counsellor			
(2) Police Assistance			
(3) Assistance for initiating criminal proceedings			
(4) Shelter Home			
(5) Medical Facilities			
(6) Legal Aid			

8. Instruction for the Police Officer assisting in registration of Domestic Incident Report (DIR):

Wherever the information provided in this Form discloses an offence under the Indian Penal Code (IPC) or any other law, the Police Officer shall –

- (a) Inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report (FIR) under the Code of Criminal Procedure, 1973 (2 of 1974).
- (b) If the aggrieved person does not want to initiate criminal proceedings, then she can make daily diary entry as per information contained in the Domestic Incident Report (DIR) with a remark that the aggrieved person due to the intimate nature of the relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of a First Information Report (FIR).

(c) If any physical injury or pain being reported by the aggrieved person, offer immediate medical assistance and get the aggrieved person medically examined.

Place: (Counter signature of Protection Officer/Service provider)

Date: Name:

Address:

(Seal)

Copy forwarded to:-

1. Local Police Station
2. Service Provider/Protection Officer
3. Aggrieved Person
4. Magistrate