



# KNOW YOUR RIGHTS

If you are a survivor of domestic violence, this booklet will help you understand your rights; you can respond better to your situation when you know your rights. This booklet is divided into two parts. The first part answers frequently asked questions regarding the law on domestic violence in India. The second part answers questions you might have regarding your stay in the shelter home.



## Frequently Asked Questions

### Legal Protection Against Domestic Violence

#### 1. What is the legal protection I have as a survivor of domestic violence?

The Protection of Women from Domestic Violence Act (2005) is the Indian law regarding domestic violence. Popularly known as the DV Act, the law aims to protect women living in a shared household from a wide range of abuses. It also provides several redressal mechanisms for survivors of domestic violence.

#### 2. What all types of violence does the DV Act protect against?

The DV Act has a comprehensive definition of violence. It covers physical abuse, verbal/emotional abuse, and economic abuse. Physical abuse are actions that harm a woman's body, health, or her life. That includes beating, pinching, and sexual violence. Verbal/emotional abuse are harmful speech that degrades a woman's dignity. That includes calling her abusive names, humiliating her for not bearing a boy child, etc. Repeated threats to cause physical pain is also a verbal/emotional violence. Economic abuse is depriving a woman of the financial resources she should be getting as a member of the household. That includes denying her money to buy medicines, depriving her of stridhan, etc. If you are unsure whether your experience counts as violence, please consult the counsellor at the shelter home.



**3. My father, with whom I stay, is violent towards me.  
Can I still get protection under this Act?**

Yes, you can. The DV Act aims to protect all women living in a shared household from violence. A shared household is a house where the woman lives or shares a domestic relationship with the perpetrator. It is not limited to husband-wife relationships. As you lived in a shared household with your father, you are protected by this law. The DV Act also covers women who are in a live-in relationship from violence from their partner.

**4. What all support can I expect under the DV Act?**

There are different types of support you can get via the DV Act. To start with, you get access to a Protection Officer who will support you. You also get the support of shelter homes, counsellors, and medical service providers under this law. The law also instructs the police to support survivors of domestic violence.

The law also empowers magistrates to issue protection orders and restraining orders against the perpetrator to protect the survivor. Protection orders will prohibit the perpetrator from committing any act of domestic violence, trying to communicate with the survivor, entering the workplace of the survivor, etc. Restraining orders can direct the perpetrator to remove themselves from the household, to not dispossess the woman of her belongings, etc.

Magistrates may also order monetary relief to meet daily expenses and losses suffered by the survivor and her children.

**5. What is the role of the Protection Officer?**

The DV Act requires the state to appoint a Protection Officer in each district. Survivors can approach the Protection officer (PO) first if they experience violence. The PO will help the survivor to access local shelter homes, counsellors and medical providers. She/he ensures that the survivor of violence is provided legal aid. The PO will also make a domestic incident report to the Magistrate. You can get a list of the service providers offering legal aid, counseling, shelter homes and medical facilities in the area from the Protection Officer.

**6. What should I do to file a complaint under this Act?**

It is relatively simple to file a complaint under the DV Act. You (or someone on your behalf) can report the domestic violence to the Protection Officer (PO) orally. The PO will convert that information into written form. Then you, or the person representing you who reported the violence, must sign that document. That becomes the official complaint under the DV Act. Unlike other cases, you do not have to go to a police station yourself to file a complaint.



### **7. How do I contact the Protection Officer?**

The Protection Officer can be contacted via phone, email, or their office address. Each district has a Protection Officer. The list of Protection Officers for each state is available online, usually in a pdf format. You can find that list by searching the terms “Protection officer”, “domestic violence” along with the name of the state.

### **8. I can't afford to pay a lawyer, what should I do?**

The law ensures that women survivors of violence have access to free legal services. The Protection officer or the counsellor can connect you to these legal aid services. In addition to these legal aid services, some private lawyers also offer free (pro bono) services for a small percentage of their cases. You might be able to get that too.

## **Residing in a Shelter Home**

### **9. How long can I stay in a Shelter Home?**

There are two broad categories of shelter homes – short stay homes and long stay homes. Short stay homes provide immediate relief to survivors of violence. They provide a safe space to stay while the survivor decides on her next steps. Short stay homes usually have an upper limit of between 3 days to 2 weeks. Most shelter homes are of this variety. A fewer number of shelter homes are of the long stay variety. As the name suggests, these homes allow survivors to stay for several months, and in some cases several years.

### **10. Can people visit me in shelter homes?**

That depends on the shelter home and your specific context. Ideally, you should have the freedom to meet people while staying at the shelter home. However, at times the shelter home might set restrictions on that freedom to ensure your safety and the safety of other residents. Please discuss your requirements with the staff of shelter homes. Respect any restrictions staff may put regarding visitors.

### **11. Can my children stay with me?**

Most shelter homes allow children to stay with their mothers who are survivors of violence. The shelter home will have rules regarding children – where they may play, etc. This is for the smooth functioning of the shelter home. Respect the rules regarding children, and help your children understand why the rules exist in the shelter home.



## 12. I need to call my parents. Can I use my mobile phone at the shelter home?

You have the right to call your parents (and others) even while staying in the shelter home. Some shelter homes might let you use the landline in the shelter home to call people; others might let you use your own phones. There is no one law or rule regarding that in the country. If you feel that the shelter home where you are staying is overly restrictive, discuss that with the staff and management of the shelter home.

## 13. Can I continue to attend college from the shelter home?

Yes, you have the right to continue your education even while staying at a shelter home. Sometimes, shelter home staff might place restrictions on your mobility if such mobility puts you at continued risk of violence. Discuss with the staff any restrictions on your mobility. Seek the advice of the Protection Officer and counsellors if you feel the shelter home's restrictions are unfair.

## 14. I have a job interview to attend. Can I go for that from the shelter home?

Yes, you have the right to earn a livelihood and apply for a job even while staying at a shelter home. As mentioned earlier, shelter home staff might sometimes place restrictions on your mobility if they feel you are at continued risk of violence. Discuss with the staff any restrictions on your mobility. Seek the advice of the Protection Officer and counsellors if you feel the shelter home's restrictions are unfair.



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