



# Resources/information For Survivors Of Domestic Violence

Breakthrough 

Act. End Violence Against Women.

# What is the PWDV Act?

The Protection of Women from Domestic Violence Act, 2005 **protects all women who are in a domestic relationship, including mothers, sisters, and daughters. If you are a woman and any person with whom you are in a domestic relationship with is being abusive, you are a victim or an 'aggrieved person'.** This law aims to protect women who are living in the same house with people who are related through:

- **Blood relationships:** mother-son, father-daughter, sister-brother, widows
- **Marriage:** husband-wife, daughter-in-law with father-in-law/ mother-in-law and other members of the family, sister-in-law with other members of the family, widows with other members of the family;
- **Adoption:** for ex. adopted daughter and father;
- **Relationships in the nature of marriage:** live-in relationships, legally invalid marriages (for e.g. husband has married a second time, husband and wife are related by blood etc.)

The people need not currently be living in a shared home. For example, if the husband threw the wife out of their home, it would still be a shared home.

## **Domestic Violence under this law can include different kinds of abuse and violence.**

For eg: **physical, sexual, verbal, and emotional as well as economic abuse.** It does not need to be an actual action- not doing something can also be a form of domestic violence. For example, not giving you money to run the household or for the children would fall under the definition of economic abuse as per this act.



**The lockdown has led to a spike in domestic violence.**

Source: National Commission for Women

# What can you do if you are a **victim/survivor** of Domestic Violence?

## Who do you approach?

As a victim, you can approach either the **'Protection Officer'** or the **'Service Provider'** under the law. A Protection Officer is the first point of contact for a victim. The Protection Officer can help start proceedings before the Magistrate and help with providing a safe shelter or medical help. Each State Government appoints protection officers in their state. The Service Provider is an organization which works towards helping women and is registered under this law. A victim can approach a Service Provider to record her complaint and to get medical help or a safe place to stay.

If you are not sure about how to contact the protection officers or service providers, **helplines like 1091, 1098 (childline), 181 or the police (100)** can be your first point of contact.

## As an aggrieved person, what are your rights?

When a police officer, Protection Officer, Service Provider, or Magistrate comes to know that someone is suffering from domestic violence, they must inform the victim of the following rights:

- The victim can apply for any of the reliefs recognised under this law i.e. a protection order, monetary relief, custody order, residence order or a compensation order.
- The victim can use the services of certain official Service Providers.
- The victim can approach a Protection Officer and ask them for help.
- The victim can ask for free legal aid.
- The victim can also file a criminal complaint under the general law on crimes (the Indian Penal Code, 1860). Please note that filing a criminal complaint can put the offenders in jail for up to three years. The victim must have suffered a graver degree of abuse (i.e. cruelty) to be able to file a complaint.
- In addition, state designated shelter homes and hospitals have a duty to provide a safe place to stay and medical help to every victim who approaches them. The victim need not approach directly and can do it through the Protection Officer or the Service Provider.

## What can you expect from the court when you file a case?

The victim need not make the application herself. The Protection Officer or any other person on her behalf can make the application. In addition to filing a domestic violence case under this Act, the victim can also go to court and file a normal civil case. When the victim has also filed a normal civil case, the court will deduct the amount paid under the domestic violence case when deciding how much money she gets.

The Magistrate must start the case within 3 days from the date of the application. Once the Magistrate has started the case, she must try her best to finish the case within 60 days.

*The above sections have been sourced from a [blog](#) written by Nyaaya (a free, non-profit resource explaining and documenting all Indian laws) for the Breakthrough blog.*

**1 in 3 women in India suffer sexual  
and physical violence at home.**

Source: National Family Health Survey (NFHS-4)



# What can one do if you **witness** Domestic Violence?:

- **Check in** with colleagues, friends and family about their well-being and if they're in safe situations. Don't assume that homes are a safe space for everyone.
- **Text/Call** if you know someone is in an abusive situation. Texting might be better since calling might alert the abuser.
- Just **listen** to survivors and let them tell you what they want.
- **Share resources** and helpline numbers as often as you can, especially with women and girls who may need it.
- If you hear or see anything that might indicate domestic violence, **don't ignore it**. If possible, you can disrupt it by checking in with the survivor (if it is safe to do so) or calling **1091** or approaching the police or any organisation that you know works with domestic violence survivors.

*Note: As someone who has acted in good faith, no one can pull you up in a court of law even if it turns out the information you have given is wrong.*

- If you know a child is in situation of domestic violence, call child protection services such as **1098** (Childline)
- **Encourage** your neighbours/other people to also **intervene**. There is strength in numbers.
- If you can, **donate** to support women in distress.
- **Do not blame** the survivor or accuse them of lying.
- Don't do anything that might provoke the abuser and make the situation more dangerous for the survivor and yourself.
- Do not pressure the survivor to do anything she doesn't want to do.
- You can comfort the survivor by **letting them know that they are not alone**, validating how they feel, assuring them of things like it's nothing to be ashamed of or feel guilty about and that it is not a 'family' or 'private' matter.
- **Equip yourself with more information** about the law and issue which will help you be a better bystander.
- Domestic violence is not just physical violence. Even **the burden that women and girls face of household chores is violence which impacts their well-being**. Ensure that household chores and care work within the house is an equally distributed responsibility.

# Protection from Women from Domestic Violence Act: **Myth Busters**

**Myth:** Only married women can have access to the Protection from Women from Domestic Violence Act (PWDVA)

**Fact:** According to the law, a "...'domestic relationship'" means a relationship between two persons who live or have, at any point of time, lived together in a shared household...". It goes to describe a shared household as any of the following relationships:

- Consanguinity - people descended from the same ancestor
- Marriage, or through a relationship in the nature of marriage
- Adoption or are family members living together as a joint family

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**Myth:** The PWDVA is only for adult women

**Fact:** There is no restriction on age. Along with women, this law protects children too. They can file for protection under the PWDVA law, but have to file it through the legal guardian

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**Myth:** The PWDVA only covers physical forms of abuse

**Fact:** Under "Chapter 2: Domestic Violence", the Act clearly defines what are the many kinds of violence which are covered in it, including:  
Physical | Sexual | Verbal | Emotional | Economical | And many others.

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**Myth:** PWDVA only protects women from a 'single' gender - men

**Fact:** According to the PWDVA, "...an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner...."

# General Resources:

- **National Commission for Women:**  
Email: [ncw@nic.in](mailto:ncw@nic.in)  
WhatsApp Number: 011-26942369, 26944754, +91 7217735372
- **Women Helpline (All India) - Women In Distress: 1091**
- **Women Helpline Domestic Abuse: 181**
- [Protection of Women From Domestic Violence Act](#)
- [Indian Penal Code \(IPC\) Section 498A](#)
- [Protection of Women from Domestic Violence Act, 2005 - Breakthrough](#)
- [Domestic Violence | SNEHA](#) - Recognising domestic violence
- [Domestic Violence Helplines: What Can A Survivor Expect? | Breakthrough India](#)
- [All India Zonal List of Women Helpline Numbers](#)  
*(Please note that these numbers were verified and collated in 2020 and have not been verified for 2021.)*



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