

**Mobilizing for
Action on
Violence Against Women**

A Hand Book for ASHA





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INTRODUCTION

Societies that are patriarchal (controlled by men) consider women to be inferior to men. Patriarchy is based on unequal power relations where men control each aspect of women's lives. Consequently women in such societies, have less access to and control over resources and have minimal or no say at all in decision-making in the family as compared to men. This leads to domination over and discrimination against women by men and are reinforced time and time again as part of social norms and cultural ethos. This prevents full advancement of women.

The cycle of disparity starts even before birth where males are valued over females and therefore we see sex selective elimination of female foetus. These disparities and unequal social status are the root cause of Violence against Women.

Violence against Women is a serious problem affecting women in India and worldwide. It is rooted in social structures and is prevalent in all classes of society. It affects women cutting across age groups, cultures, religions, socio- economic strata and educational and geographical backgrounds. While it is commonly believed that it is men who inflict violence on women, this is not always true. Often women face abuse and harrasement by female members of their household. Most violence takes place in the confines of the home or neighbourhood.



Sex and gender are complex determinants of gender violence. “Sex refers to the biological and physiological characteristics of men and women. “Gender” refers to roles, behaviours, activities and attributes that a given society considers appropriate for men and women. Some examples of sex characteristics are:

- Women menstruate while men do not
- Women have breasts that are usually capable of lactating while men have not

1. VIOLENCE – FORMS AND CONTRIBUTING FACTORS

Violence against women can be:

Physical Violence	Slapping, fractures, cuts, bites, pulling hair, beating, punching, kicking or causing injuries with or without weapon, acid attacks, strangling and pregnancy complications due to abuse.
Sexual Violence	Sexual assaults like rape or attempt to rape, forced sexual encounters, eve teasing, molestation, stalking, sexual trafficking, forced and/or child marriage, sexual harassment at workplace, denying use of contraceptives, sexual advances from other family members, child sexual abuse, forced and painful sex, withholding sex.
Economic Violence	Denial of rights to inherit property and access to money, deprivation from food, clothing, education and health care, not allowing women to work, aggressively demanding expalnsations for expenditures, dowry demands, unpaid domestic labour or harassment by those who are powerful or in positions of power.
Emotional Violence	Neglect, mental trauma, threats to cause harm or kill, isolation, verbal abuse, suspicion, denying paternity of the child, insulting woman in public or private, and fault finding in every activity etc.

Some acts of violence like physical or sexual abuse are obvious and visible in society while acts of emotional and economic violence are often not even perceived as violence.

In your village and surrounding community, there are instances of violence happening every day against women. Violence against women spans across different stages of life starting from as early as before the birth of a girl child and extending till old age. You would have heard of cases of elimination of the foetus (unborn child) because it is a female.

Neglect of the girl child is common and is visible in various forms such as- depriving them of breast milk, giving them less food than their brothers or feeding them after the boys in the family, not taking them to hospitals in case of illnesses, not allowing them to go to school and getting young girls married before they attain the legal age for marriage i.e, 18 years etc.

You would have also seen women being teased, molested or heard of sexual assaults on women and acid attacks on women. Sexual violence can also happen to children (girls and boys) from newborn through adolescence.



Other instances of violence include harassment for dowry, crimes committed to preserve the honour of a family or clan or community (killing or sexually assaulting the young couple if they chose to marry against societal/family norms), women facing intimidation and harassment at the workplace, or in schools or in public places.

It is not only girls and young women who face violence. Older women are also often victims of violence, and are often neglected, not provided with health care or nutritious food or are made to do menial work or are even abandoned.

Domestic Violence is one of the most common forms of violence against women. It is inflicted by the husband or other close family members. Domestic violence includes all the above mentioned categories of violence i.e, physical, emotional, economic and sexual. Any sexual assault including rape committed by the husband or any other family member should also be considered as sexual violence against the woman. This type of violence is frequently invisible since it happens behind closed doors and often the community does not treat it as a type of violence but considers it as a “private family matter”, and accepts it as a normal part of life.



Often women who are abused are reluctant to seek help because of feelings of shame and guilt, fear of being blamed, no economic independence, no confidence that the organizations

(Police, doctors) can help them , (as a result of negative experiences), fear of consequences, protecting the family's reputation, or thinking it won't happen again. One big reason women endure violence is that there are no alternatives. Raising her voice often leads to the woman being thrown out of her marital family and she is often not supported by her natal family. This fear often prevents women from speaking out. A woman living alone, or with her natal family is also not accepted in the society.

Violence against women leads to various physical, mental and social consequences. It results in women being denied their rights and entitlements, makes for low representation in public/ political spaces, denial in positions, of decision making and even restricts their access to schools, health facilities and employment.

As an ASHA you are close to the women of your community and already share a rapport with them, which makes it easier for you to identify who is at risk or who is facing such forms of violence. This handbook will help you learn how to identify, intervene and address issues of violence against women in your community.

This handbook deals with only violence against women, but this does not mean that there is no violence against men. In fact older men often face the same forms of violence that older women face. The forms, manifestations and consequences are different for men and are not included in this handbook.

Violence Against Women is Visible in Different Forms at Different Stages Throughout the Lifecycle of Women

Prenatal
Sex selective
elimination



Old Age

Stigma of widowhood, neglect, lack of access to care, nutrition, health care and financial resources, abandoned by families



Infancy

Depriving new born girls of breast milk, giving inadequate and poor quality food, overall neglect of care, not seeking health care at the time of illness and sometimes killing baby girls.



VIOLENCE IN WOMEN'S LIVES

Adult

Verbal abuse, physical violence, repeated fault finding, compelling women to engage in humiliating acts often in public, blaming and shaming for giving birth to a girl child, forced abortions, acid attacks, denial of opportunities, limiting access to financial resources, property rights, denied access to health care, restricting movements, rape in marriage or otherwise, dowry related harassment, sexual harassment at work place sexual harassment either online or through mobiles, cell phones etc.



Childhood

Not providing adequate nutrition or unequal food provision, compared to boys in the family, depriving them of health care, denial of access to life skills education programme and recreational activities, forced childhood marriages, sexual abuse, and trafficking for abuse and labour.





Adolescence

Eve teasing, molestation, rape, sexual harassment, trafficking, kidnapping, forced prostitution, early marriages, denial of education and life skill opportunities, limited exposure for self development, honour killing, sexual harassment either online or through mobiles, cell phones etc.



The table below lists various factors with examples that underline the violence against women

Factors	Examples
<p>Culturally defined roles for men and women and societal acceptance of these roles and associated behavioural norms</p> 	<ul style="list-style-type: none"> ○ Boys/ Men should be tough, and aggressive while girls/women should be docile and passive ○ Women’s activities should be restricted to cooking, household work, and looking after husband and children ○ Girls and women should dress appropriately, and it is their fault if men are provoked into sexual violence.
<p>Expectations of roles and power differentials within relationships</p>	<p>A man can do whatever he wants, and treat his wife in any way, but a wife should always listen to her husband.</p>
<p>Superstitions regarding witchcraft and irrational practices</p>	<p>Women who suffer from acute mental trauma are classified as being “witches”, and often made to go through cruel rituals, or the practice of ostracizing women from the community</p>
<p>Belief that men are born superior and are wiser</p>	<p>Men are brought up to think that they have a ‘right’ to certain things— to a ‘good’ wife, to sons, to and for making all the decisions in the family—just because they are men. Underlying factors can be about control of property and getting rid</p>
<p>Values that give men exclusive rights over women</p>	<p>Men think of women and girls as their Property: something they own—they are more likely to feel as though it is their right to treat them however they want.</p>
<p>Notion of the family as the private sphere and under male control</p>	<p>Many people believe it is not their business to intervene in cases of domestic violence. It’s not right to interfere with the private affairs of a couple or a household. However, the truth is that non-intervention in a case of known domestic violence is a crime.</p>

Factors	Examples
Customs of marriage (bride price/ dowry)	Woman is harassed by her husband and his family members if she does not satisfy their demand for dowry
Acceptability of violence as a means to resolve conflict	Conflicts between families or communities result in violence against women as a method of revenge
<p>Women often are unemployed or have little or no access to economic resources.</p> <p>Limited access to cash and credit leads to economic dependence of women on men</p> 	<ul style="list-style-type: none"> ○ A woman continues to stay with an abusive husband if she has no access to money, and no safe haven to go ○ The lack of financial resources and consequent dependency on the husband or family for money, prevents women from voicing the abuse that they are facing, much less taking action.
Discriminatory traditional rules/ practices in the family that violate women's rights	Though recognized by law, many families do not give inheritance share and property rights to daughters
Low awareness on laws related to women's rights	Lack of awareness about laws that ensure action against violence such as dowry, PCPNDT, sexual harassment, rape in marriages, domestic violence, financial maintenance after divorce, child custody, prevent many women from breaking silence against the acts of violence. Important stakeholders such as police still consider domestic violence a private matter.
Insensitive treatment of women and girls by police and legal systems	<p>Police do not register the complaint of a woman especially if she has been abused by a powerful member of the community.</p> <ul style="list-style-type: none"> ○ Cases of domestic violence are not taken seriously and it is the woman who is always blamed ○ Sometimes police harass women who register complaints.
Delayed Justice	Cases pending in court for years, time consuming legal procedures, low conviction rates lead to lack of confidence in women to report or access legal aid, leading to women staying in violent situations.

It is important to be conscious of the fact that all women are vulnerable to violence. Violence against women is not always visible. You also need to understand that violence can progress from verbal to physical abuse. By being alert to certain -signs and symptoms, types of behaviour and life situations you can identify women at risk or those who may possibly be suffering from violence.

2. WHICH WOMEN ARE VULNERABLE TO VIOLENCE?

You should be aware that while violence can happen to any woman, some women are particularly vulnerable. They are:

- Women living in poverty
- Orphaned girls or girls with a single parent
- Female headed households where the father or husband, is missing or dead
- Women with alcoholic husbands are also more prone to violence.
- Destitute women
- Old women or those suffering from illness
- Women with disability or those having disabled children
- Women from marginalized or minority communities
- Sex workers
- Women identifying as part of a sexual minority for example-lesbian or bisexual
- Women residing in state run institutions or shelter homes
- Women in post disaster and conflict situations - Young girls or women are at higher risk of sexual exploitation and trafficking in disaster situations (floods, earthquakes, cyclone, tsunami etc) and conflict situations (riots, family disputes and war, terrorist and insurgency attacks). The vulnerability is higher if they have lost their parents, guardians, or other family members.

3. WHAT SYMPTOMS AND SIGNS SHOULD ALERT YOU?

Violence against women can have physical or mental manifestations or affect the woman's reproductive health. When describing their symptoms women may not explicitly tell you that they have encountered abuse. During your home visit you may notice that women may repeatedly complain about the signs mentioned below, especially in the case of sexual violence, but may not share the truth about sexual violence. You will

notice that often there is a delay between the time of injury and treatment seeking. You should be sensitive to the fact that women suffering from the symptoms and signs listed below could actually be suffering from abuse. Be sure to be sensitive while eliciting the history.

- Bruises on the body, especially around eyes and face, hit marks on ears (leading to difficulty in hearing), loose or broken teeth
- Vague complaints persisting over a long time with no obvious physical cause. This may include unspecified complaints of pains, numbness, or pain in lower abdomen.
- Unexplained, spontaneous abortion in pregnant women
- Attempted suicide or suicidal thoughts
- Anxiety, fear, depression, self- destructive behaviour
- Sleeping problems

Complaints that should lead you to the suspicion of sexual violence (the ones listed above and the following)

- Longstanding lower abdominal pain.
- Signs and symptoms of Urinary Tract infection such as the need to pass urine more often, pain or burning feeling while passing urine, fever with chills, and cloudy urine.
- Signs and symptoms of Sexually Transmitted Infections such as- vaginal itching, abnormal discharge, lower abdomen pain, rash, swelling in the groin or sore in genital area.
- Sexually transmitted infection in young children or young girls.
- Pregnancy in unmarried girls under 18 years of age.

4. CONSEQUENCES OF VIOLENCE AGAINST WOMEN

Violence against Women can have serious consequences on their physical and mental health. These can be classified as:

- **Physical:** Injuries ranging from minor cuts to bruises; burns, chronic pain, and malnutrition in the girl child. Severe violence may cause fractures, leading to disability and sometimes even death.
- **Psychological or Mental:** The psychological and emotional effects of Violence against women are far more damaging than the physical ones. They hamper a women's self-esteem, leading to other mental health problems and may lead to women actually committing suicide or attempts to commit suicide. This can also lead to depression, anxiety and headaches. Adolescent girls' and adult women's reproductive health is affected by sexual coercion.



Battered women syndrome: These can be seen in women who are survivors of long term abuse.

- **Reproductive:** Unwanted pregnancies, and or sexually transmitted diseases are a common manifestation. Other effects include injuries to the reproductive tract, trauma during pregnancy leading to complications, such as abortions, premature births and even maternal deaths.
- **Consequences on children:** Children who see their mother abused can often become angry or aggressive or they may become quiet and withdraw to escape notice. Children in abusive families often do not eat well, grow and learn slowly than other children and may suffer from mental illnesses. This often leads to unexplained absenteeism or drop out from school and affects their performance. Such children may often run away from their homes, engage in addition seeking behaviour and develop suicidal tendencies. Also when a woman is abused at home, her children believe that this is the way girls and women are to be treated and that violence is acceptable.



5. ROLE OF AN ASHA IN ADDRESSING VIOLENCE AGAINST WOMEN

Your role in addressing violence against women is two fold:

- A. **Preventing violence:** by increasing awareness and mobilizing community against any act of violence against women
- B. **Addressing violence:** Attending to the individual women who has suffered from violence.

A. Preventing violence - Role of ASHA at the Community Level:

- 1. **Build solidarity:** Violence against women is a reflection of deep rooted socio-cultural biases, and needs sustained, long term awareness raising and mobilisation of the community. It is difficult for you as an individual , acting alone to address the issue of violence against women.

You need to build partnerships with other community based groups such as Village Health Sanitation and Nutrition Committees (VHSNC), Gram Panchayat or other village level social support groups working for women such as-Mahila Mandals, women self-help groups, Mahila Swasthya Sanghas or Mahila Panchayats. You can also form a group of ASHAs working under the same PHC area to generate support for taking action on violence. To enable this you



can use the forum of monthly PHC review meetings. During these meetings you will be able to hold discussion on issues of violence with the group of ASHAs and also build solidarity. Sometimes women facing violence need urgent support. You should coordinate with these groups who could help in providing an informal support and shelter for women facing violence. These groups can also dialogue on a broader platform to address the key problem that has led to violence and resolve other issues of violence at the village level.

Ensure discussion on the issue of violence against women with other important stakeholders such as- representatives of Panchayat, women's groups, local community leaders, parents of girl children. Building solidarity with groups that have the participation and voice of women at village level meetings will make the issue of violence against women more prominent and visible.

Violence against women is also common in situations of family rivalries and in religious or caste based conflicts. Women are generally viewed as property or possession and are often the first ones to be attacked. In these cases you should overcome your own internal barriers of being associated with a particular group and strive hard, making special efforts to reach out to such women.

2. **Educate the community and increase awareness:** Building awareness and mobilizing your community to prevent violence against women should form a part of your core activities. You should organize meetings with adolescents and women in your village to discuss this issue. You can do this by-

- Dispelling beliefs such as- “beating is a form of expressing love; being abused is alright for me; a woman cannot live without her partner even if he abuses her; it’s a woman’s fault that she faced rape or a girl a should be married off early as it prevents her from getting sexually abused.
- Educating adolescent girls and women during their monthly meetings on violence issues and enabling them to share any experience so that action can be taken.
- Raising awareness on various legal provisions or Acts that prohibit domestic violence, sexual harassment etc (Annexure 1)
- Using the VHSNC to organize mobilizational campaigns around dowry related abuse, pre-birth elimination of female foetus, girl child infanticide, early childhood marriages, registration of marriage, giving inheritance to girls, honour killings, trafficking of girls, and girl child discrimination.
- Disseminating information to the community members on various welfare schemes of the government to promote social and economic empowerment of girls and women. Some of these include- schemes providing education and financial assistance for girl children, SABLA scheme, Mahila Samakhya, pension for widow, unmarried and destitute women etc. (Your facilitators will provide information on specific schemes that have been implemented in your state).



B. Addressing individual cases of violence:

1. **Be alert to the issue:** You can find out if a woman is at risk or facing violence by being alert and looking for clues that will help you in identifying such women. For example: a husband who displays controlling behaviour, or is unwilling to leave the woman’s side when you are talking to her, should alert you to the possibility of abuse. Look for the presence of injuries that do not match the explanation of how they occurred.

If you have identified a woman at risk of violence or being subjected to violence even if she has not reported it, you need to obtain more details regarding the violence. Any action you take should be discussed with the woman, otherwise she will be put at increasing risk. If the woman is not yet ready to speak out, then provide her with emotional support until she is.

You should distinguish between severe forms of violence where the woman is in need of urgent interventions, from less severe forms of violence which are no less damaging but do not have life threatening consequences.

What will you do when you are confronted with a severe case of violence: **Shift the woman to safe place immediately.** When you come across violence directly in front of you or there is a situation where the violence can be a threat to a woman's life. Take immediate action. You should immediately find a family member or another member of the community (whom you trust) to remove the woman from the source of violence. If required you can seek police protection. You can seek shelter for the woman in shelter or short stay homes available in the area or contact other NGOs who provide support and services to help the woman in distress.

2. **Ask questions.** Questions should always be asked privately and in a non-judgemental manner. Direct questioning on violence may not give you an answer. Build the trust of the woman and reassure her that the information she shares will be kept confidential. Remember that asking questions in front of her family members or partner can put her in danger.

3. **Enable access to health services:** You should assess if the woman is suffering from any physical injury or mental trauma. Provide first aid for minor injuries but if you notice other serious effects refer her to an appropriate health care facility and escort her if necessary and ensure follow up.



4. **Provide emotional support:** As an ASHA you can become her primary confidante and help by making the woman break silence and share her feelings about the experience of violence. Talk to her and help her overcome the feelings of shame, fear, anger and depression. Reassure that abuse is not her fault.



5. **Take measures for the woman's safety:** Explain to the woman that she should try and anticipate situations when violence is likely to occur and seek a safe haven for herself and her children.

In situations where the woman is determined to leave the abusive individual, you should with the help of community/VHSNC help her in identifying a safe space like her maternal home, a friend or relative's house where she can be temporarily located until the situation is resolved. In some districts, government or NGO run centres are also functioning to support women in distress. You can support the woman in seeking shelter at these centres if support from family and friends is not available

When the woman leaves try to make sure that she carries all the important documents such as-identity card, bank pass book, ration card, her and the children's birth certificate, marriage registration or proof, educational certificates, health related records, assets or jewellery on her name, etc.

It is important to confront the perpetrator of violence so that there is no repetition of such violence episodes and raise awareness about the legal provisions available for women under the law. You can do this with the support of ANM, AWW, or other members of your community, including the VHSNC and women's groups and Gram Panchayat

- 6. Inform the woman on legal recourse:** You should also share information with the woman regarding places or persons to contact in case she wants to report the violence and seek action for the violence faced. Most districts in the country have a Women's Police Station. She could also contact functionaries of the Women and Child Department (AWW, ICDS supervisors, CDPOs). These persons will forward her complaint to the concerned "Protection Officer" of the WCD. This officer has been authorized by the government to take action on violence against women, and there is a toll free number to reach this officer. You can provide her with details of Legal Aid Centres existing in court at the district level and provide guidance on seeking legal assistance.



- 7. Accessing other resources for assistance:** To facilitate action on violence you should have the telephone numbers of Police, support organizations and media personnel- such as newspaper/magazine reporters, radio and TV journalists. Media is an important medium to build social pressure to take action on violence.



What to do in cases of Rape

Take the following additional steps in the case of a woman who has been raped:

- Immediately after the sexual assault, the most important thing for the victim is to get to a safe place. This could be the victim's home, a friend's home or with a family member
- Be supportive and reassure her that it is not her fault. Treat her with kindness and understanding.
- Find out from her if she could identify the person who raped her, the circumstances under which it happened and the extent of her injuries.
- It is vital for the woman to receive medical attention, and strongly recommended for her to receive a forensic examination. You should also accompany the woman to the healthcare facility.
- Preserving the evidence (biological material left on the victim's body) is important to identify the perpetrator in a sexual assault case, especially those in which the offender is a stranger. Thus the woman should not bathe or clean up before the examination.
- Support the woman and family members in seeking help from police and enable them to contact other organizations working in the community to support the woman who has been raped.
- Even if the victim has not yet decided to report the crime, receiving a forensic medical exam and keeping the evidence safe will improve the chances that the police can access and test the evidence later.
- Give her emergency contraceptive pills to prevent pregnancy. Immediate hospitalization is needed if injuries are severe.
- Help the woman tell her family members in case she has not already told. Remember that family members also need to overcome their feelings about rape.
- Tell the woman and family members that although the incident is devastating, one must try and move on, and that this incident is not the end of everything.
- The woman may need special psychological counselling and should be supported for referral to a district hospital.



6. HOW TO KEEP YOURSELF SAFE

Like any other woman you can also be subjected to violence within your home or outside. It is possible that you go on tolerating violence and are not able to overcome your apprehension sufficiently. The situation is compounded by the fact that even though you are empowered to take action for violence against other women, you may be hesitant to acknowledge to yourself or to others that you are being abused. Remember that you should help yourself before you begin to help others. Being able to articulate your own problems will instil empathy and help you to support other women better, given your own experience.



Remember that violence against women is a manifestation of power. It is often individuals in positions of power who engage in inflicting abuse on women. There is a chance that because of your involvement in mobilizing against the issue and helping women who encounter violence, may make you vulnerable to harassment and even abuse by dominant, powerful individuals in the community. You should always be conscious of this and actively seek the support of other individuals such as the elders in your village and members of the VHSNC. Make sure that it is well known in the community that you have linkages and connections amongst respected elders, police and the health care system. Also practise safety measures such as avoiding walking alone, staying away from isolated places, moving in groups after dark, etc.

7. SITUATIONS FOR DISCUSSION

Listed below are some situation which may be familiar to you. After reading each situation identify what actions you can take. Some of these require immediate intervention, and some will need repeated visits and counselling, and some will need you to work in partnership with other groups defined earlier. Also identify which of these can be remedied by action at the village level and which requires education and awareness building and which needs referral for higher levels.

Situations of violence:

- A man hits his wife in the face with his fists because he doesn't like the food she has cooked.
- A woman is physically abused and humiliated by her mother in law and husband because she has not bought enough dowry.
- A husband threatens to hit his wife if she refuses sexual contact.
- A woman is unable to seek treatment for her illness because of her limited access to money
- A man does not allow his wife to go out because he thinks other men will look at her
- A woman has four abortions because the family wants a son
- In a poor family with three girls and a boy, the males are fed first and the girls often get the left over.
- A middle class family sends the son to college for higher studies while their daughter's education was stopped after primary school.
- A 15 year old girl had to drop out from the school because of regular eve-teasing by a group boys
- A woman is harassed at the bus stop or in public transportation by a group of men.
- A live in partner neglects and harasses his girlfriend
- A brother kills his sister because she falls in love with somebody her family and community do not approve of.

ANNEXURE -1: LEGAL MEASURES¹ TO PREVENT VIOLENCE AGAINST WOMEN

Name of the law	Offence	Legal Action			
		Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release person without judge's order?
1 Pre-Conception, Prenatal Diagnostic Techniques Act (The Act provides for the prohibition of sex selection, before or after conception)	<ul style="list-style-type: none"> <input type="radio"/> Trying to find out whether the baby is a boy or a girl using techniques such as ultrasound and amniocentesis. <input type="radio"/> Any laboratory or centre or clinic conducting any test to see if the baby is a boy or a girl. <input type="radio"/> Anybody letting the pregnant woman or her relatives know whether the baby is a boy or girl in any way. <input type="radio"/> Any person advertising sex-selection clinic facilities in any way. <input type="radio"/> Any clinic using this kind of technology which is not registered by appropriate authority. <input type="radio"/> Clients and their relatives asking the sex of the baby. <input type="radio"/> There is no written consent from the woman to undergo test in prescribed form & its copy not given to her. 	Yes	<ul style="list-style-type: none"> <input type="radio"/> For any professional or client who violates the Act: Imprisonment for up to three years and a fine of Rs. 50,000. <input type="radio"/> For clients who commit further offences under the Act: Imprisonment up to five years and a fine of Rs. One lakh. 	Yes	No

1. The definitions have been adapted from the respective “Legal Acts” and the language has been simplified for your understanding.)
2. Third party reporting - A third party with knowledge of offence committed can report it individually or in a group

		Offence	Legal Action			
	Name of the law		Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release person without judge's order?
2	<p>Protection of Women from Domestic Violence Act (Applies to every woman or a child who has been in domestic relationship with the abuser.)</p>	<p>○ Domestic violence includes actual abuse or the threat of abuse that is physical, sexual, verbal, emotional and economic.</p>		<p>○ Up to one year's imprisonment and/ or maximum fine of Rs 20,000.</p> <p>Important points -</p> <p>○ Under this act a woman can raise voice against violence, file DIR (Domestic Incidence Report) with "Protection Officer"; FIR to police or go straight to a magistrate.</p> <p>○ Under this act a woman is entitled to protection order, custody order, monetary relief, right to secure housing, shelter homes, medical facilities.</p> <p>○ A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the affected woman about all the relief and her right to orders mentioned above.</p>	<p>○ Arrest, only if the problem action (eg beating or dowry cruelty) requires arrest under a different law, say the Indian Penal Code.</p>	

		Offence	Legal Action			
Name of the law			Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
3	Dowry Prohibition Act (Prohibits the request, payment and acceptance of dowry)	Taking, giving or demanding dowry	Yes	<ul style="list-style-type: none"> ○ For taking or giving dowry - Imprisonment for a minimum of five years and a fine of Rs.15,000 or the amount of the dowry, whichever is more. ○ For demanding dowry - Imprisonment of six months to two years, and a fine of Rs. 10,000. 	No	No
4	Prohibition of Child Marriage Act	Child Marriage is marriage between two persons in which at least one is a child.	Yes	<ul style="list-style-type: none"> ○ Any male over 18 years of age who marries a minor or anyone who directs or conducts a child marriage ceremony can be punished with up to two years of imprisonment or a fine. <p>Important points –</p> <ul style="list-style-type: none"> ○ Boys and girls forced into child marriages as minors have the option of voiding their marriage up to two years after reaching adulthood, and in certain circumstances, marriages of minors can be null and void before they reach adulthood. 	Yes	No

Name of the law		Offence	Legal Action			
			Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
5				<ul style="list-style-type: none"> ○ All valuables, money, and gifts must be returned if the marriage is nullified, and the girl must be provided with a place to stay until she marries or becomes an adult ○ Children born from child marriages are considered legitimate, and the courts are expected to give parental custody with the children's best interests in mind. 		
a	IPC 1860 Acid Attack Section 326 A and B	Attempting to or throwing/ administering acid whether or not it leads to injury.	Yes	<ul style="list-style-type: none"> ○ Imprisonment of at least 10 years, which may extend to a life term. A just and reasonable fine to meet the medical expenses, and compensation for the victim. ○ For Attempted Acid Attack: Imprisonment for at least five years, and up to seven years. The attacker will also be liable to pay a fine. 	Yes	No

Name of the law		Offence	Legal Action			
			Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
b	Sexual harassment Sec 354 Sec 354 A Sec 509	i) Physical contact and advances involving unwelcome and explicit sexual overtures or ii) a demand of request for sexual favours or iii) making sexually coloured remarks or iv) forcibly showing pornography or v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature. (Also applies to sexual harassment online, via phone or letters/ photos)	Yes	Rigorous imprisonment up to five years, or with fine, or with both in case of offence described in clauses (i) & (ii) Imprisonment up to one year, or with fine, or with both in other cases.	Yes	. Yes except when the woman is touched with sexual intent, or assault or criminal force is used on a woman with sexual intent.
c	Disrobing Sec 354 B	Forcing a woman or helping somebody to force a woman to take off her clothes.	Yes	Imprisonment for a minimum of three years and a maximum of seven years, and a fine.	Yes	No
d	Voyeurism Sec 354 C	Watching or recording a woman in private, including when she is expecting not to be seen. This includes when the woman's breasts, genitals and buttocks are exposed, or when she is only wearing underwear. This also includes when she is using the toilet or having sex in private.	Yes	Imprisonment for at least a year for the first offence, which may extend to three years. For second or subsequent offences, a minimum of three years of imprisonment which could extend to seven years. Offender is liable to pay a fine in all cases.	Yes	<input type="radio"/> Yes - in first conviction <input type="radio"/> No, in second or subsequent convictions against the offender
e	Stalking Sec 354 D	To follow a woman and to repeatedly contact her despite her making it clear that she does not want to be contacted. This includes following the woman using the internet, email, phone and other kinds of electronic communication. (including stalking on the internet and via cell phone/ mobiles)	Yes	Imprisonment for at least one year which may extend to three years, and a fine.	Yes	<input type="radio"/> Yes- in first conviction <input type="radio"/> No, in second or subsequent convictions against the offender

		Offence	Legal Action		
Name of the law	Offence	Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
f	Trafficking Sec 370(1) and 370 A	Using force, threats, abduction, deception and other means to kidnap, transport, receive and harbour a woman or child with the intention of exploiting them.	<p>Yes</p> <ul style="list-style-type: none"> <input type="radio"/> Imprisonment from seven to ten years which may extend to life, with a fine. <input type="radio"/> For multiple offenders and public servants who commit this offence, life imprisonment. <input type="radio"/> Exploitation of a trafficked woman or child can be punished by three to five years of imprisonment which can extend to five to seven years, with a fine. 	Yes	No
g	Rape Sec 376	Penetrating a woman's mouth, vagina, anus, urethra with one's mouth, penis or any object without her consent and against her will.	<p>Yes, except in case of sexual intercourse by husband upon his wife during separation -where victim has to be the complainant</p> <ul style="list-style-type: none"> <input type="radio"/> Rigorous imprisonment from seven to ten years, which may extend to life, and a fine. <input type="radio"/> In cases of gang rape, or if rape causes death or a persistent vegetative state, then the punishment is rigorous imprisonment for twenty years, which may extend to life. <input type="radio"/> Repeat offenders are to be punished with life imprisonment. 	Yes	No for all cases, except in case of sexual intercourse by husband upon his wife during separation

		Offence	Legal Action			
Name of the law			Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
h	Mental or physical cruelty by husband or his relative Sec 498 A	i) That leads to suicide or ii) Causes serious injury to the woman or iii) includes demands for dowry	In case of dowry demand or mental/physical cruelty that leads to injury a relative or public servant notified by State Government can complain	Prison term for three years and fine	Yes	No , in case of dowry demand or mental / physical cruelty that leads to injury
i	Public servant disobeying under law Sec 166 A			Imprisonment for minimum 6 months which may extend to 2 years and fine	Yes	Yes
j	Non treatment of victim by hospital Sec 166 B			Imprisonment for 1 year or fine or both	No	Yes
6	Protection of Children from Sexual Offences, 2012 (Protection of any person under age 18 from sexual abuse)	Defined as: i. penetrative and aggravated penetrative sexual assault ii. sexual and aggravated sexual assault iii. sexual harassment using a child for pornographic purposes iv. Attempting to commit or helping someone else to commit the above acts are also punishable. If any person thinks an offence might happen or knows that it has happened has to report it. The police have to register an FIR in all cases of child abuse.	Any person who knows a sexual crime is being committed or may be committed against a child must report it. Police must act when the third party reports the crime for a case in which punishment is more than three years of imprisonment.	○ Failure to report is punishable by up to six months in jail, a fine, or both. ○ Punishment for the offences is imprisonment for at least seven to ten years which can last for life, and a fine. ○ Sexual harassment of children carries a prison term of at least three years.	Yes	Yes, when the punishment is less than three years of imprisonment No, when the punishment is more than three years of imprisonment

Name of the law	Offence		Legal Action		
	Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?	
7	Other sections under IPC	Causing miscarriage without woman's consent(IPC 313)			
		Assault or criminal force to a woman with intent to outrage her modesty(IPC 342)			
		Threatening to injure a person's reputation or property or to cause harm(IPC 503)			
		Wrongful confinement.-- Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said" wrongfully to confine" that person. Illustrations			
		(a) A causes Z to go within a walled space, and locks Z. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines z. (b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts leave the building. A wrongfully confines Z. Section 340 IPC			
8	Section 46 -Sub section 4	Save in exceptional circumstances no woman shall be arrested after sunset and before sunrise. And where such exceptional circumstances exist, the woman police officer shall by making a written report, obtain the prior permission of the judicial magistrate of first class within whose local jurisdiction the offence is committed or the arrest is to be made.			
9	Zero FIR	<ul style="list-style-type: none"> ○ Police shall register an FIR upon receipt of information of the commission of a cognizable offence (see above). If it seems that the crime was committed outside the police station's jurisdiction, "Zero FIR" must be registered. ○ If after registration of FIR, upon investigation, it is found that the subject matter relates to the jurisdiction of some other police station, the FIR may be transferred to the police station in which the case falls. ○ Police registering Zero FIR must transfer it to the concerned police station under section 170 of the Cr.P.C. ○ Delay over the determination of the jurisdiction leads to an avoidable waste of time which impacts on the victim and also leads to offenders getting an opportunity to slip away. ○ Failure to register a Zero FIR or normal FIR for a cognizable offence (see above) means police staff or officer can be prosecuted under section 166A of the IPC, especially if the crime is a sexual crime. ○ He or she can also be punished with departmental. 			

		Offence	Legal Action			
	Name of the law		Third party reporting ²	Punishment	Cognizable - Can police arrest immediately?	Can Police release arrested person without judge's order?
10	Medical Negligence – Death caused by medical negligence, or other negligence Section 304A	Causing death by rashness or negligence If death is caused by doctor it must be gross negligence	Yes	Prison for up to two years, or a fine, or both.	Yes	Yes



NATIONAL HEALTH MISSION
Ministry of Health & Family Welfare
Government of India
Nirman Bhawan, New Delhi