

## **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005**

Q1. What is Protection of Women from Domestic Violence Act 2005 about?

Ans. This is a piece of legislation which has a practical solution to the problems faced by women and children who are (Below 18 yrs) face domestic violence either it can be physical, mental or “economic abuse”

Q2. How can I implement the provisions of this Act?

If you are facing a domestic abuse or know if anyone is suffering from a domestic violence. The practical solution to that problem is to inform to the Protection Officer or National Commission of Women. Once such information is brought to the notice of Magistrate under the Act .

The magistrate may order the respondent to pay to the aggrieved person “monetary relief” at any stage during hearing of application and also to meet expenses incurred and losses suffered by aggrieved person as a result of domestic violence. An aggrieved person means any women who is, or has been in domestic relation with respondent and who allege to have been subjected to any act of domestic violence by respondent.

Q3. Any other authority where I can contact to set the machinery in motion?

Email address of National Commission of Women to report matter is

Email id: [ncw@nic.in](mailto:ncw@nic.in)

Phone number (Complain) +91 – 11-23234918, 23222845

The above mentioned may come as a solution for an effective implementation of this Act.

## **DOWRY PROHIBITION ACT 1961**

Q1. What is Dowry Prohibition Act 1961 about?

Ans. Dowry means any property given directly as consideration for the marriage of parties. If a person gives or takes dowry, he is liable to be punished for an imprisonment for a term which may not be less than 5 yrs and a fine.

Q2. Is this Act applicable for Muslim Law also?

Ans. No, this act is not applicable for Muslim law.

Q3. Are presents given during marriage without demand also come under dowry?

Ans Presents given at the time of marriage to the bride (without any such demand having being made in this behalf) will not come under the term dowry. These presents have to made in accordance to rules under this Act.

Q4. What should I do if there is demand for dowry? Where should I report it?

Ans. If there is a mere demand of dowry then also a dowry case can be registered by the police on complain. Also it can be brought to the notice of National Women Commission. A women has a right to file complain under this law before expiry of 7 yrs from date of marriage if there is a demand for dowry. If there is any evidence collected which shows the offender asking for dowry maybe showed to police along with complain.

Women can also file a complaint under Sec 498-A of cruelty if there is a persistence torture to her for dowry.

Practical Steps:

File an FIR to nearest police station where demand was made. Also bring it to the notice of National Commission of Women.

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**THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION,  
PROHIBITION & REDRESSAL) ACT, 2013**

Q1. What is the objective of this Act?

The objective of this Act is to provide protection against sexual harassment at workplace and for prevention and Redressal of complains of sexual harassment and for matters connected. A woman can file a complaint under this Act if she faces sexual harassment in workplace.

Q2. What all actions/steps constitute Sexual Harassment?

Ans. Acts which constitute Sexual Harassment (any unwelcoming act directly or indirectly)

- Physical Contact & Advances or
- A demand or request for sexual favours or
- Making sexually coloured remarks or
- Showing pornography or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- Even if its implied or explicit promise of preferential employment or threat in her present or future employment if it occurs or is present in relation to connection with any act may amount to sexual harassment.

Q3. Is there any authority in office where I can report this matter?

Yes, you may report this matter to Internal Complain Committee which is required by law to be in every office where this Act extends.

Q4. What is this Internal Complain Committee about?

**Ans. Constitution of Committee**

Under sec 4 of the Act shall by order in writing constitute a Committee to be known as "Internal Complain Committee" A woman should be a presiding officer of such committee senior from amongst all the employees and other requirements under the Act. Women on facing sexual harassment at workplace may complain in this Internal Complain Committee which will be obliged to investigate in this matter.

**Note: (Ankur arrest of women is not under the above mentioned act and hence its independent)**

### **ARREST OF WOMEN**

Q1. Do women have special provisions when it comes to arrest?

Ans. Under Sec 46(4) CrPC a provision has been inserted that forbids arrest of women that forbids the arrest of women after sunset and before sunrise, except in exceptional circumstances, in which case the arrest can be by a women police officer after making a written report and obtaining a prior permission from Judicial Magistrate of First Class.

This was inserted for safety of women and hence women can refuse to go to police station if the conditions set above are not fulfilled.