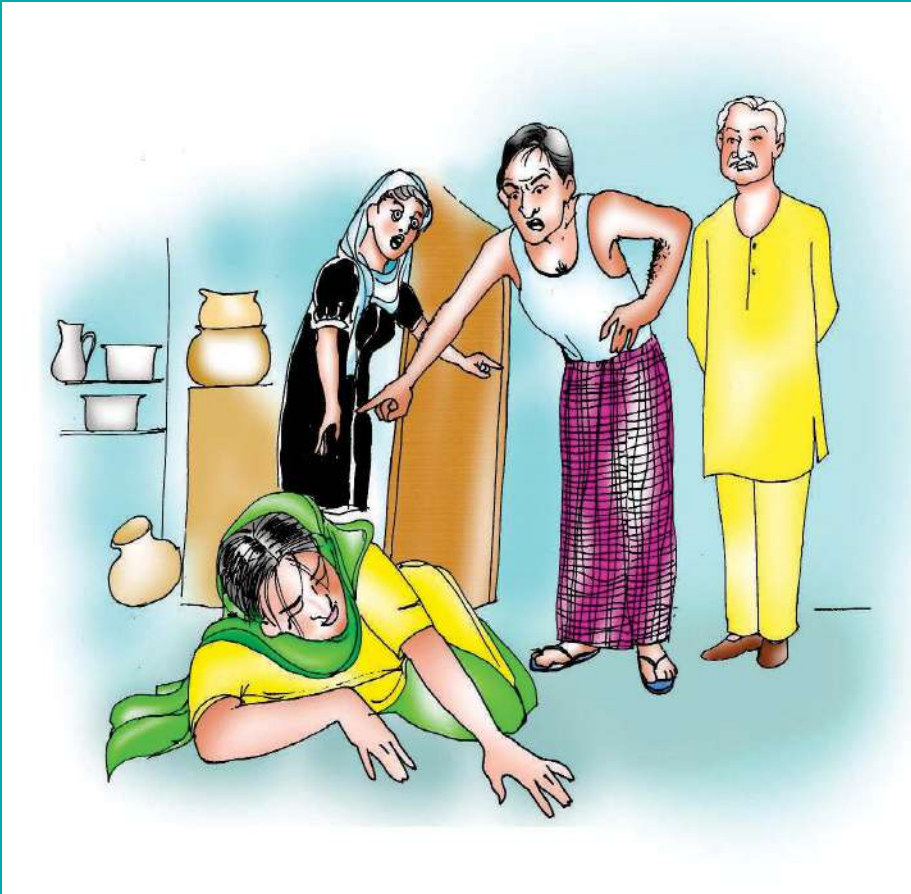




DOMESTIC VIOLENCE



National Human Rights Commission
India

Domestic Violence



RESEARCH DIVISION

**NATIONAL HUMAN RIGHTS COMMISSION
INDIA**

Domestic Violence

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Email : covdnhrc@nic.in

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SMAT FORMS

3588, G.T. Road,

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Ph.: 9810520802

E-mail: smatforms@gmail.com

DOWRY

In India one in every three women is subjected to domestic violence as per government data.

Violence against women is prevalent in every community, class and religion and is not restricted to only poor, rural and uneducated women.

- ❖ **The law protects women from domestic violence**
- ❖ **A woman subjected to domestic violence has remedy both in criminal and civil law**
- ❖ **Violence within the home is an offence and is punishable.**
- ❖ **Demanding and giving dowry is an offence and is punishable**
- ❖ **A woman subjected to violence within the home can seek protection and relief from court.**

Legal remedies available to a woman who has been subjected to domestic violence

- Register a complaint / FIR in the police station against any member of the household who inflicts violence under the following provisions :
 - under section **323 Indian Penal Code (IPC)** when the injury is simple
 - under section **324 IPC** when the injury is grievous
 - under section **352 IPC** for assault or use of force
 - under section **506 IPC** for criminal intimidation when threatened.
 - under section **498A IPC** when the husband or his relatives subject a woman to physical or mental cruelty which could be dangerous to her life or demand dowry .
 - **Under the Dowry Prohibition Act, 1961** for demanding, taking, giving and helping in taking dowry.

- Under the **Protection of Women from Domestic Violence Act, 2005** a woman can get protection and relief from court to prevent and stop domestic violence.

Lata is in her final year of school and lives with her parents and her brother. The financial situation at home is not sound. Lata has decided to work after finishing school and complete her college through a correspondence course. Her father and brother do not want her to work and have arranged her marriage with a man who is a widower and 15 years older to her. Lata does not want to get married to this man and wants to be financially independent; make a career before getting married. Every evening there is screaming and shouting and her brother has started hitting her. Her family has now stopped her from going out of the house or talking on the phone till she agrees to get married. This behaviour of her family is causing Lata a lot of mental tension and she does not know what to do.

Lata's father, brother and family members have inflicted domestic violence on Lata. She can file a police complaint against her brother and father for hitting her. Lata can get an order from court under the Protection of Women from Domestic Violence Act refraining her brother and father from hitting her and getting her married against her wishes.

Rihana and Asif were married two years ago and do not have children. Asif and his parents curse her and call her "banjh" (infertile). Asif and his family blame her for not having children and repeatedly say that getting Asif married to her was a mistake. Asif has told Rihana many times that she has ruined his life and keeps threatening to throw her out of the house. Asif and his parents make her do all the house work and do not give her proper food. Rihana is not allowed to go to her parents' house or even speak to them. Rihana's sister was worried about her and went to meet her and was shocked to see that Rihana had become very thin and was very quiet and depressed.

Rihana has been subjected to domestic violence by Asif and his parents. Rihana can file a police complaint under Section 498A IPC against Asif and his parents for mental cruelty. Rihana can also get an protection order from court under the Protection of Women from Domestic Violence Act, ordering Asif's family not to throw her out of the house and not to verbally and mentally abuse her.

Soni is the only child of her parents and got married into an educated and well off family. Her husband Amit is an engineer. At the time of the marriage Amit and his family did not make any dowry demands and only said that they wanted a good wedding. Soon after the wedding Soni's husband and in laws began taunting her about her father being a miser and not giving any dowry. Amit expected Soni's father to have at the very least given him car and a house in dowry. Amit and his parents began putting pressure on Soni to ask her parents to do so. Amit said that he was their only son in law and this was a reasonable demand. Amit and his parents said that they had a status in the society and it was unheard of in their social group that a girl would not bring any dowry. They said that a good wedding meant that sufficient dowry would be given especially since Soni was the only child. The constant demand for dowry by Amit and his parents and taunts that her parents were misers and had shown disrespect to them has caused a lot of mental tension and harassment to Soni. Amit also begun to hit Soni and she cannot believe that an educated person could behave like this. Soni is very embarrassed and does not want to tell her parents or friends about Amit and his parent's behaviour. She has been falling ill regularly

Soni has been subjected to domestic violence by Amit and his parents. She can file a police complaint against Amit and his parents under the Dowry Prohibition Act for demanding dowry and under 498A IPC for mental and physical cruelty and dowry harassment. Soni can also get a protection order from court under the Protection of Women from Domestic Violence Act to stop Amit from hitting her and stop Amit and his parents from demanding dowry.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

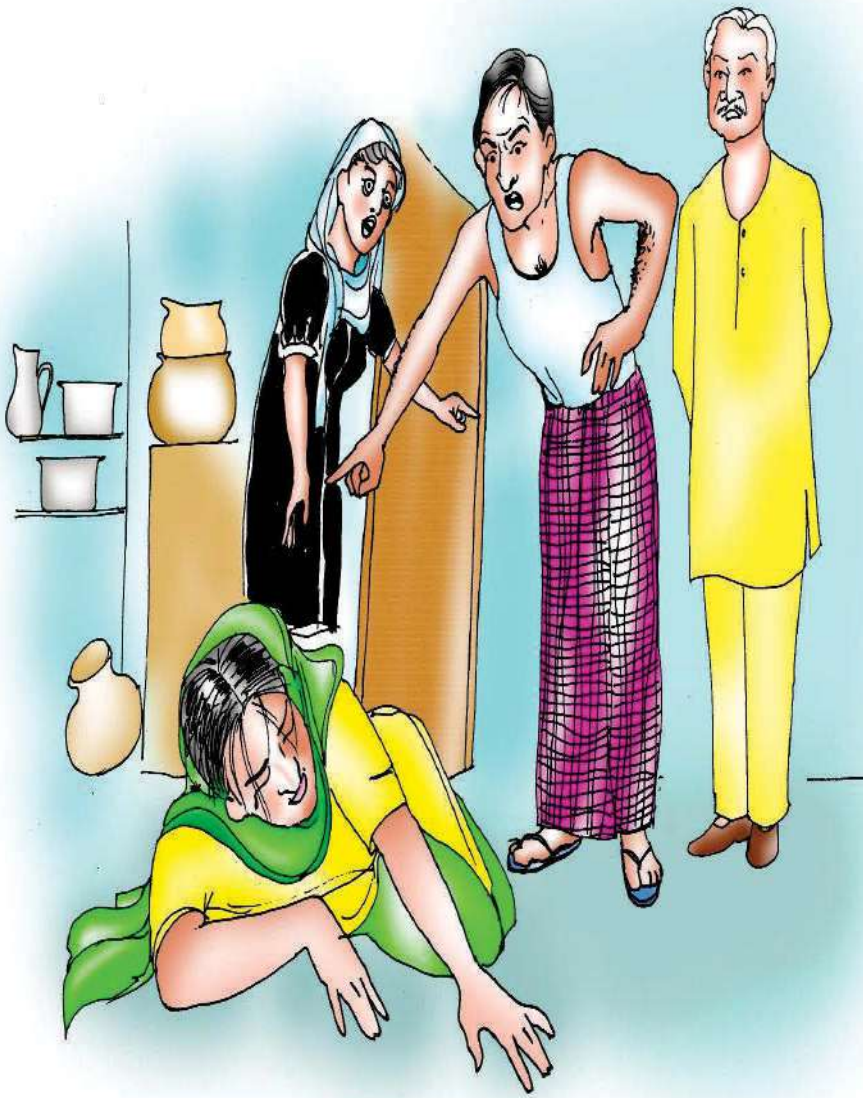
In most cases women who are subjected to domestic violence want the violence to stop and be able to lead a peaceful life. They may not want to file criminal cases against the men or family members. The Protection of Women from Domestic Violence Act, 2005, is a civil law which was enacted to enable women to get relief and protection from domestic violence from court. Under the law no family member can be punished unless they violate the court order granting protection.

The main features of the Protection of Women from Domestic Violence Act are :

- **Protection of the right of a woman to live a life free from domestic violence.**
- **Protection from domestic violence both in the parental home and matrimonial home.**
- **Recognition of a woman's right to live in the shared household.**

Who can get protection from domestic violence?

An aggrieved person, that is a woman, who is or has been in a **domestic relationship** with the **respondent (the abuser)** and is subjected to **domestic violence**, can seek **relief** from court.



Threatening to throw out a woman from the shared household is economic abuse which is domestic violence.

What behaviour is considered domestic violence?

Any behaviour which causes;

a) harm or injures or endangers the health, safety and well- being, physical or mental of an aggrieved person, including

- **Physical abuse** such as slapping, beating, kicking, etc.
- **Sexual abuse** such as forced sexual intercourse; forcing her to watch pornography
- **Verbal and Emotional abuse** such as suspecting her character; accusing her of having sexual relations with others; not allowing her to work; stopping her studies; not allowing her to marry a person of her choice, taunting and insult her for not having children or not having male child or not bringing dowry.
- **Economic abuse** such as not providing maintenance; not paying school fees; forcing the woman out of the house; selling or disposing of property or jewellery , stridhan etc. of the woman

b) Forces the woman or someone related to her to meet demand for dowry or any other property.

c) threatens the aggrieved person or any person related to her;

Manorama lives with her brother Babloo and sister in law Amu. They both shout and hit her all the time and do not allow her to go out of the house and have taken away her mobile phone. They neither give her any money nor do they let her go to work to earn money. Manorama is an aggrieved person and Babloo and Amu are the respondents as she is in a domestic relationship with them. The house that they all three live in is the shared household. Babloo and Amu have subjected Manorama to domestic violence by physically, verbally, emotionally and economically abusing Manorama. Manorama can approach the courts for protection and relief.



Beating a woman or discontinuing a woman's studies is domestic violence

What is a domestic relationship?

A relationship between or more two persons who live together or have lived together at any time in a shared household and who are

- blood relatives, or
- related by marriage or adoption, or
- in a relationship similar to marriage, or
- members of a joint family

A mother, sister, daughter, wife or a woman in a live-in relationship can approach the courts for protection and relief from domestic violence.

Sita Devi is 75 years old and living with her eldest son Raju. after the death of her husband is he has taken Sita Devi's bank documents and has been withdrawing money from her account without her permission and is not giving her any money. Raju is also forcing Sita Devi to transfer her property to him. Sita Devi has been subjected to domestic violence and is an aggrieved person. Sita Devi can approach the court against Raju to get relief and protection. The court will direct Raju to return her bank documents; not to withdraw her money and stop him from putting pressure on Sita Devi to transfer her property to him

Gurpreet Kaur lived with her parents, elder brother Kulwinder Singh and his family. After the death of her parents, Gurpreet Kaur continued to live with her brother and his family. Kulwinder Singh has stopped Gurpreet's studies. He and his wife make Gurpreet Kaur do all the household work and shout and scream at her all the time and sometimes even hit her. Gurpreet Kaur is an aggrieved person as her brother Kulwinder and his wife have subjected her to domestic violence. Gurpreet Kaur can file a case under the Protection of Women from Domestic Violence Act and can seek protection from physical and mental violence. The court will also direct Kulwinder to send Gurpreet back to school.

Anju got married to Kailash in a temple and after living with him for a few years learnt that he already had a wife in the village. Who has two daughters with Kailash. Now Kailash has told Anju that he has to bring his wife from the village to live with him and she has to leave his house as he cannot take care of two families in the city. Kailash has given Anju five days to get out of his house. Anju, though not Kailash's legal wife, is an aggrieved person as she is in a relationship with Kailash in the nature of marriage. Kailash has inflicted domestic violence on Anju as he is throwing her out of the house. Anju can get protection from court.



Wife, sister, mother, daughter, grandmother living in a shared household can file a case for protection and relief

What is a shared household?

A shared household that is a house in which the aggrieved person is living or has lived in a domestic relationship with the abuser/respondent. The household may be rented, owned either jointly or singly by the aggrieved person or the respondent irrespective of the fact that the household belongs to the joint family in which the aggrieved person and or respondent may or may not have an interest or title or right.

After Daisy and John got married, they began living with his parents in House No 3, Beach Road, Paloleim, Goa, which was owned by John's mother. A couple of years later John began telling Daisy that they are incompatible and he did not want to live with her and he made a mistake marrying her. John has told Daisy to move out of the house as it is his mother's house and she has no right to live in the house. John cannot throw Daisy out of the house. House No 3, Beach Road Paloleim, Goa is the shared household as she has been living with John in the house for two years. Daisy has a right to residence or right to live in the shared household even though it belongs to John's mother. John or his parents cannot throw Daisy out of the house.

Can a child get protection from domestic violence?

Yes, a child is a boy or girl under the age of 18 years. If a child is subjected to domestic violence, he or she can file a case in a court for protection and relief through the aggrieved woman or through any other person who is interested in the welfare of the child.

Against whom can a case be filed?

A case can be filed against any person who is in a domestic relationship and living in a shared household with the aggrieved person and is inflicting domestic violence. Person includes man or woman .The person against whom a case is filed is called a Respondent.

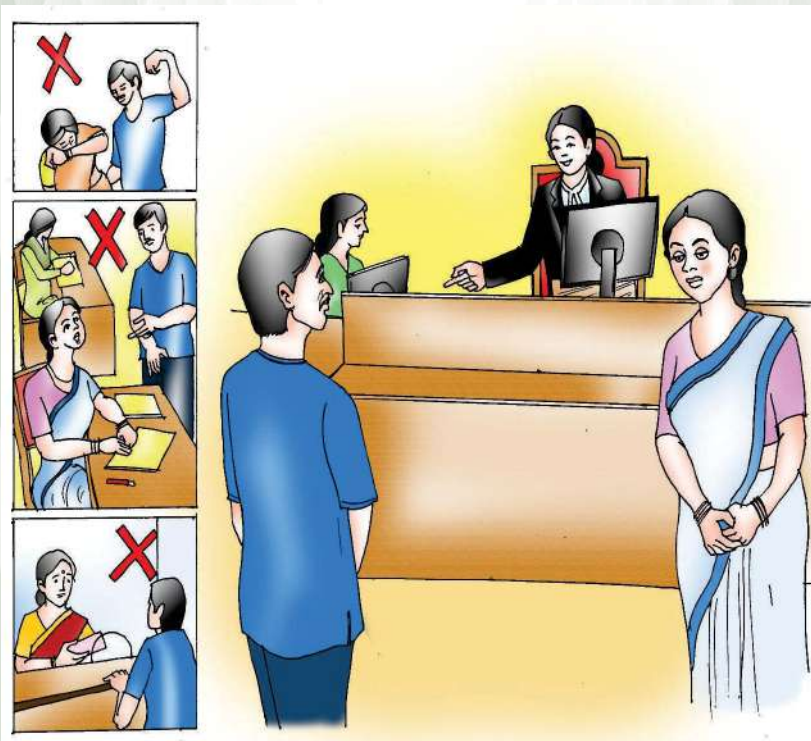
What kind of relief can a court grant?

Depending on the facts of each case and the kind of violence suffered by the aggrieved person, her children and her needs, the courts have powers to pass the relief or orders in favour of the aggrieved person as listed below. These orders are passed by the court/ Magistrate after issuing notice to the Respondent. But the Magistrate also has the powers to pass interim and ex-parte orders.

❖ Protection Orders

Such as prohibiting the Respondent from

- Committing domestic violence such as hitting; verbally and emotionally abusing
- Entering place of work of the aggrieved person or school of the child ;
- Getting in touch with the aggrieved person and her relatives by phone, email or other means;
- Taking away her stridhan or operating any bank account or locker owned jointly , selling any property held jointly ;
- Any other protection order such as removing the aggrieved woman from the shared household.



Protection Order by the Magistrate directing the man to stop physical violence and not to enter the woman's workplace

❖ **Residence Orders**

Such as directing Respondent

- Not to remove the aggrieved woman from the shared household;
- Not to disturb the peaceful possession of the shared household
- Not to sell, transfer, mortgage or give up his right in the shared household;
- Remove himself from the shared household but no woman respondent can be directed to remove herself from the shared household,

- Stop Respondent or any of his relatives from entering any area of the shared household where the aggrieved person is staying;
- Provide same level alternate accommodation for the aggrieved woman as the shared household or provide rent for such accommodation;



Residence Orders stopping a man from throwing out his wife from the shared household

❖ Monetary Relief

Directing the Respondent to pay money to meet expenses of the aggrieved such as:

- Loss of earning
- Medical expenses;
- Maintenance for the children and herself; everyday living expenses



Magistrate Dasses Custody and Monetary Relief orders directing payment of expenses for the wife and child and regarding temporary custody of the child

❖ **Custody Orders**

Grant temporary custody of the children to the aggrieved person.

❖ **Compensation Orders**

Besides any of the above relief the court can direct the respondent to pay any loss; mental torture and emotional distress caused due to the domestic violence.

Interim and ex-parte orders

Interim orders are temporary orders passed by the court while the case is still being heard. After considering the facts of the case the court may pass interim/temporary orders to protect the rights of either party till the case is decided. Cases take time to be decided so interim orders are passed to ensure that the case does not become useless if the rights of the parties are not protected. For example interim monetary relief orders directing the husband to pay the school fees of the children or rent of the shared household while the case is still be heard. If interim order for paying school fees is not passed the children may have to be withdrawn from school.

Ex- parte orders are orders passed by the court without giving notice to the other side and without hearing them. The court passes interim ex part orders when there is an urgency to provide protection.

Renu has been married to Hari for 4 years and has one daughter. Renu and Hari alongwith their daughter live with Hari's parents in a house that is owned by Hari's parents. Hari has got interested in a colleague in office and does not want to live with Renu any more and they have been arguing and fighting over this. Hari has been asking Renu to leave his parent's house. Renu suspects that Hari and his parents are planning and plotting to throw her out of the house. Hari's parents' house where Renu has been living with Hari is the shared household. Threat to remove Renu from the shared household is "domestic violence". Renu can ask for an ex parte interim protection order from the court directing Hari and his parents to not remove Renu from the shared household. The court can without issuing notice to the Hari and his parents or hearing them and after considering the Domestic Incident Report (DIR) of the Protection Officer pass an ex parte order prohibiting Hari and his parents from removing Renu and her daughter from the shared household. Renu does not have or will get ownership rights in the shared household on the basis this ex-parle order. This is a temporary relief till the court decides the case. The court may after issuing notice to Hari and his parents and their appearance decide that Hari has to provide and alternate place for Renu to live.

Ruksana and her mother live with her brother Ali in Lucknow. Ruksana has overheard Ali talk about getting a job in Mumbai and sell the house they are living in. When Ruksana asks Ali about it he denies it but everyday there are people and real estate agents coming to see the house. Ruksana and her mother are very worried and stressed about this as they have nowhere else to live. Ruksana's mother cries the whole day and has fallen sick. The house Ruksana and her mother and Ali live in is the shared household. Threat to sell the house that Ruksana and her mother are living in is domestic violence. Ruksana can approach the court asking for interim ex parte protection directing Ali not to remove Ruksana and his mother from the shared household and not to sell the house without the permission of the court. In this case the court has the power to pass ex parte order that is without issuing notice and hearing Ali. The court will have to only consider the DIR filed by the Protection Officer.



Protection Officer will help a woman subjected to domestic violence make an application to the Magistrate for relief and find a safe place or shelter

PROTECTION OFFICERS are appointed by the government in each district. The duty of the Protection Officers is to :

- help the woman subjected to domestic violence file an application in court;
- help the woman get shelter or medical treatment , counselling or any other support as she requires;
- help her get legal-aid;
- prepare a Domestic Incident Report (DIR) regarding the facts of the case.

Protection officers work under the control, supervision and direction of the Magistrate.

What is the procedure of filing a case and granting relief?

The aggrieved person, the Protection Officer or any other person on behalf of the aggrieved person can file an application before the Magistrate to get relief as per the facts of the case. The Magistrate will pass an order only after considering the DIR report submitted by the Protection Officer. The Magistrate will issue notice to the Respondent.

To obtain interim ex-parte orders an aggrieved woman has to submit the facts on an affidavit.

Where will the application to the Magistrate be filed?

The application can be filed before the Judicial or Metropolitan Magistrate in the area where:

- The aggrieved person lives permanently or temporarily;
- The aggrieved person carries on business or is employed

- The Respondent lives;
- The Respondent is employed or carries out business
- The domestic violence has taken place.

Sonal and her husband and son were living with her husband's parents and brother and his family in a house belonging to Sonal's father in law in Bhopal. After the death of Sonal's husband she and her son continued to live with her parent's in law and brother-in-law. Everything was alright initially but six months after her husband's death her brother in law and father in law both started making sexual advances towards her and began putting pressure on her to have sexual relations with them. Due to this Sonal's mother in law and sister in law began taunting and blaming her about trying to entice their husbands. Sonal felt very insecure and unsafe in the house but did not know what to do. Her parents had also died. One day when things became very bad Sonal took her son and left the house in a hurry and went to her sister who live in Hyderabad. Sonal does not know what her plans are and where she will stay or how long she will stay with her sister. Sonal left in a hurry. All her bank documents; her and her son's educational and medical documents and her bank locker keys and jewellery and clothes are still in the shared household in Bhopal. Even after moving to Hyderabad her brother in law is calling her up continuously and harassing her.

Sonal has been subjected to sexual and emotional abuse by her in laws, which is domestic violence. Sonal can file a case under the Protection of Women from Domestic Violence Act before a Magistrate in Hyderabad or Bhopal to get a protection order against her brother in law or father in law directing prohibiting them from contacting her. Sonal can also get protection order directing Sonal's in laws not to dispose or damage her documents and property and to hand over her belongings and to provide her with alternate residence.

What is a Domestic Incident Report (DIR)?

DIR is a report prepared by the Protection Officer on receiving a complaint of domestic violence which contains the details of the case. The DIR report has to be prepared as given in Form 1 of the Protection of Women from Domestic Violence Act. The Protection Officer will speak with the aggrieved woman when preparing the DIR. The DIR has to be submitted to the Magistrate.

Violation of Protection Orders

The Protection of Women from Domestic Violence Act is a civil law which grants relief and protection to women who are subjected to domestic violence. But violation of a protection order of the court is an offence with punishment up to one year imprisonment and a F.I.R can be filed against the Respondent.

A woman can ask for the relief available under the Protection of Women from Domestic Violence Act in any other case, civil or criminal, pending between the aggrieved woman and the Respondent.

If there is a divorce case pending between the husband and wife then the wife can move an application in the Family Court for any of the reliefs available in the Protection of Women from Domestic Violence Act, 2005. The wife can ask for protection orders directing the husband not to contact her or enter her office.

Alteration of orders

An order passed by a Magistrate can be altered or changed on an application by the aggrieved person or the Respondent, if the circumstances have changed.

Ayesha has been granted monetary relief of Rs 15,000/ per month as everyday living expenses for herself and two children. At the time the Magistrate passed the interim order only one of Ayesha's children was going to school. Now her younger child has also started going to school and her expenses have increased by Rs 5000/- per month. Ayesha has to pay school fees, bus fee and expenses for uniform, stationary and books for the younger child which she did not 8 months ago when the Magistrate passed the order. Ayesha can file an application for increasing the amount of monetary relief on grounds of additional expenses which have to be borne by her. The Magistrate will modify the monetary relief order and direct Ayesha's husband to pay Rs 20,000/- per month to her.

APPEAL

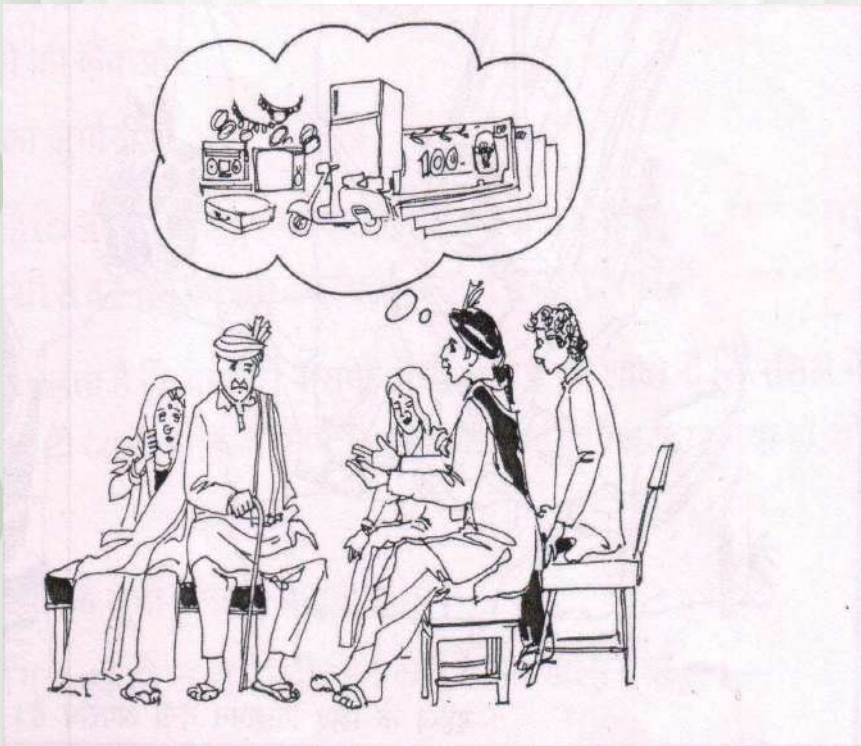
If either the aggrieved person or the Respondent is not satisfied with the order passed by the Magistrate, they can file an appeal against the order in the Sessions Court within one month of passing of the order.

DOWRY PROHIBITION ACT, 1961



The custom of demanding and taking and giving dowry continues to this day, even though the law prohibiting is more than 50 years old. To this date women are threatened, beaten and sometimes even killed for not bringing dowry. Very few complaints for demanding or taking dowry are registered with the police. Often it is seen that the bride's family go to the police only when the girl has been seriously injured or killed for not bringing sufficient dowry.

Demanding dowry from the bride or her relatives directly or indirectly is an offence punishable with imprisonment from six months to two years and fine.



Meera's father had fixed her marriage with a boy who was well educated and had a good job. Meera had met the boy and his family and they seemed very nice. One month before the marriage the boy's father started demanding cash. Meera was very surprised and angry and when she spoke with the boy he said that his father takes all the decisions related to the marriage and he cannot interfere. Meera called off the marriage and made a complaint to the police regarding the demand for cash by the boy's father. Demanding dowry at the time of arranging a marriage is an offence even if the marriage is cancelled.

Taking and giving dowry or abetting in taking or giving dowry is an offence punishable with imprisonment of not less than five years and with fine of not less than Rs15,000/- or the amount of the dowry whichever is more.



Helping in giving or taking dowry is an offence with same punishment as giving and taking dowry. For example, the persons who fix marriages also negotiate the amount of dowry to be given by the girl's family. They are also committing an offence.



Advertisements in newspaper, magazines or other media offering dowry, share of property or business for marriage of daughter or son is an offence punishable with imprisonment from six months to five years or with fine up to Rs 15,000/-.

All the offences related to dowry are:

Cognizable on receiving a complaint police can register an FIR and investigate at once. No order of magistrate is required to investigate;

Non-compoundable cannot be compromised or settled between the parties;

Non-Bailable Bail is not a right and can be granted by the court.

What is included in dowry?

Any movable or immovable property, given or agreed to be given, by one party to another or the parents or any other person at the time marriage or later in connection with marriage. This does not include Mehr.

Does this mean that no presents can be given to the bride and groom or his family at the time of marriage?

Giving or taking of any presents or gifts to the bride and groom at the time of marriage for which no demand has been made and which are customary is not an offence. The value of the gifts should be according to the financial status of the parties.

A list of the gifts given to the bride and groom must be made at the time of the marriage or immediately afterwards. The list of presents given to the bride should be kept by the bride and the list of presents given to the groom should be kept by the groom. The list must have a brief description and value of the gift and the relationship of the person giving the gift. The lists should be signed by both the bride and the groom.

At Rati's wedding her parents gave her clothes and jewellery worth two lakhs and household goods. Rati's parents also gave the bridegroom a gold ring and one pant-shirt set and one set of clothes for his parents. Rati's father works as Manager in a factory. He did not have to borrow money from anyone for the wedding. The gifts given to Rati and her husband and in laws were as per the financial status of Rati's father. The law permits such gifts being given. No offence has been committed.

Carol's father also works as a manager in a bank. At the time of her wedding her husband and his parents demanded a car and 30 lakh rupees in cash. They also told Carol's father to give 3 ACs and a fridge and a washing machine and all the household goods. They wanted a thick gold chain to be given to Carol's husband and a gold coin to his sister and all his cousins. Carol's father could not afford all this. He is worried about having to have to get two other daughters to get married and is also retiring next year. This kind of demand and taking of gifts at the time of the wedding is an offence.

Dowry is the property of the bride and must be handed over to the bride within 3 months of the wedding or within 3 months of having received it. Not handing over dowry to the girl is an offence

Dowry Death

If a woman dies:

- Within 7 years of her marriage and
 - It was an unnatural death like death by drowning, hanging, burning or suicide, and
 - Before her death she was harassed for dowry,
- Then it will amount to dowry death as per section 304-B, Indian Penal Code, 1860



Anjali got married to Rohit one year ago and was living with his parents and other members of his family. One day Anjali was found hanging from the fan. The day Anjali was found hanging there was no one in the house. Rohit and his family told everyone that before getting married Anjali had a boyfriend and wanted to marry him but she was forced by her parents into marrying Rohit and had therefore committed suicide. Anjali's parents said that Anjali had been continuously harassed and abused for not bringing sufficient dowry and had therefore committed suicide. Anjali's sister had phone messages sent by Anjali to her even on the day she had died that the night before Rohit and his parents had demanded that Anjali ask her father to give them a car. Rohit had threatened to leave her if he did not get a car. Anjali's father also had phone messages sent by Rohit indirectly saying how Anjali's father had married Anjali for free and now he should look after Rohit's needs. Rohit's father had also called Anjali's under demanding a car.

Anjali's death is a dowry death as her death was unnatural and within 7 years of marriage and there is proof of dowry harassment immediately before her death. A case under Section 304B IPC will be registered against Rohit and his family members and they will be arrested.

Punishment for dowry death:

Anyone accused of dowry death shall be liable to be punished with

- 7 years imprisonment or
- Life imprisonment.

Most of the times it is seen that the dead body of the victim is burned or buried without getting its postmortem or inquest done. This way the evidences are destroyed and the guilty are set free. This is also an offence under Section 201 IPC and the accused will be punished with an imprisonment of 3 years or fine or both.

SECTION 304-B INDIAN PENAL CODE

DOWRY DEATH

WHEN A MARRIED WOMAN DIES



DUE TO HANGING,



BURNING,



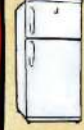
BODILY INJURY OR ANY UNNATURAL CAUSE



WITHIN 7 YEARS OF MARRIAGE

7

AND SOON BEFORE HER DEATH SHE WAS ...



... HARASSED FOR DOWRY



BY HER HUSBAND



OR HIS RELATIVES



THEN THESE PEOPLE ARE PRESUMED TO HAVE CAUSED THE DOWRY DEATH



PUNISHMENT FOR DOWRY DEATH

Minimum imprisonment of 7 years which may be extended to life imprisonment

Procedure / investigation in Dowry – death cases

If any woman commits suicide and it appears that someone else is responsible for her death, report to the police immediately. On receiving this information the SHO of the police station must take the following steps:

- ☐ The nearest Executive Magistrate must be informed immediately.
- ☐ The police officer must draw up a report of the apparent cause of death.
- ☐ To determine the cause of death, the police officer must go to the place where the body of the deceased person is.
- ☐ The report should be made in the presence of two or more respectable inhabitants of the neighbourhood.
- ☐ The report should contain the cause of death describing the wounds, burns and other injuries found on the body.
- ☐ The report must be signed by such police officer and two persons present at that spot where the incidence has taken place.
- ☐ This report should then be sent to the District Magistrate or the Sub-divisional Magistrate.
- ☐ The body must be sent to the Civil Surgeon or other appointed Medical Officer for examination.

If the police does not take these steps or refuses to take them, you must immediately report to higher officials.

Any Executive Magistrate also has the power to hold an inquest in the case there is suicide or unnatural death of a woman within seven years of marriage.

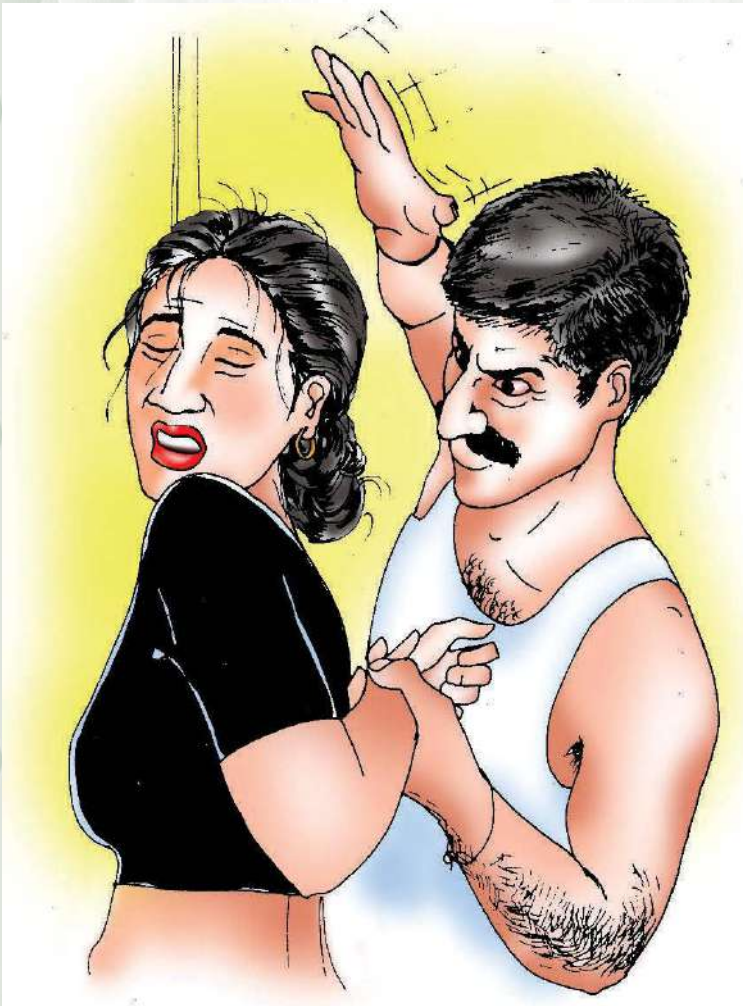
Section 498-A of Indian Penal Code, 1840

If the husband of a woman or her husband's relatives

- ☐ Subject her to cruelty; or
- ☐ Force her to bring money or other property then it is considered as cruelty under section 498 – A

According to this section there are two types of cruelty

- ☐ Physical cruelty
- ☐ Mental cruelty



Breaking a limb of his wife is physical cruelty and an offence u/s 498A IPC

Meaning of physical cruelty:

Any kind of wilful conduct which endangers;

- ☐ Life
- ☐ Body organs
- ☐ Health

is termed as physical cruelty.

Meaning of Mental Cruelty:

- ☐ To lock a woman in a room.
- ☐ Not giving the wife food.
- ☐ Not allowing the woman to meet her parents.
- ☐ Calling her ugly or dark.
- ☐ Use of abusive language.
- ☐ Refusal to have physical relations with the wife.
- ☐ Being suspicious of the wife.
- ☐ Any kind of conduct by the husband or his relatives like torture, harassment, forcing the wife to get money or property from her parents and forcing her to commit suicide, all amounts to mental cruelty.

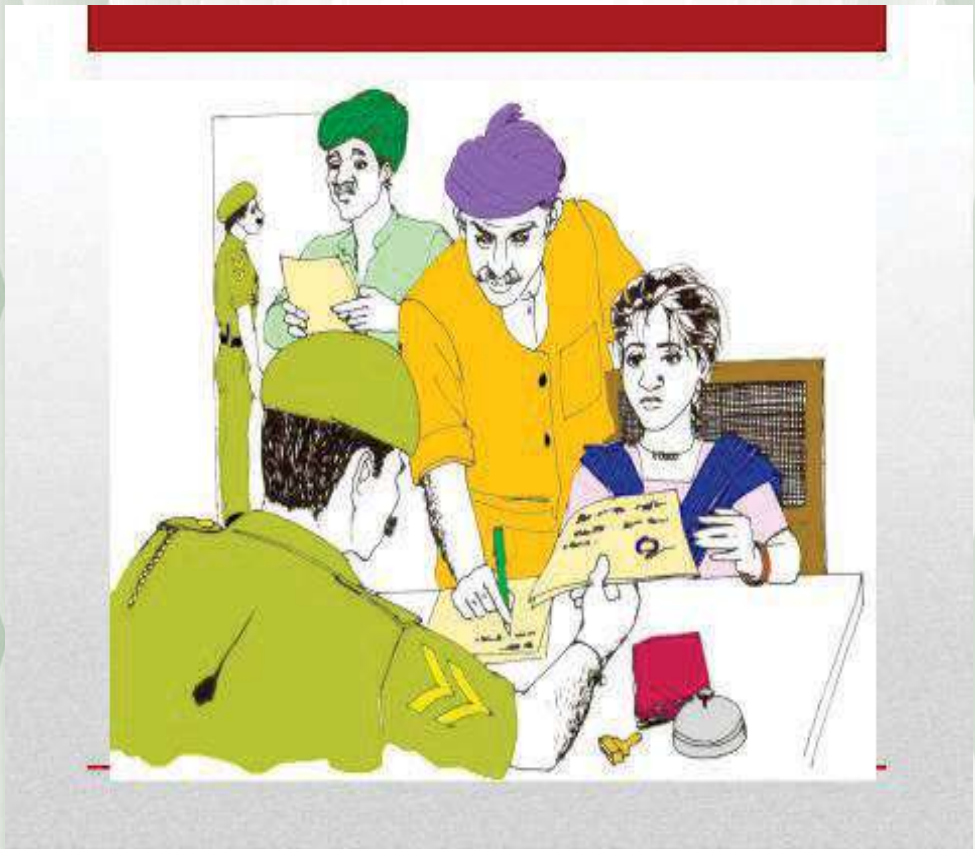
Punishment for cruelty -

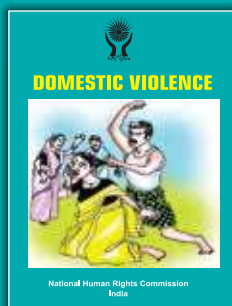
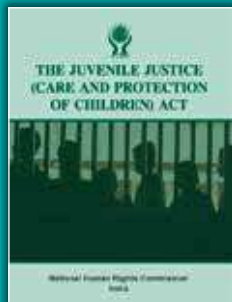
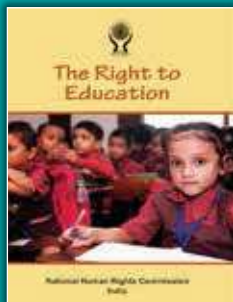
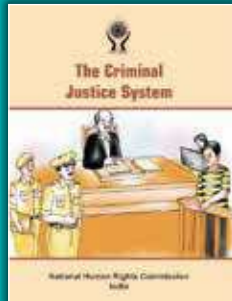
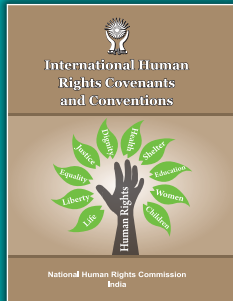
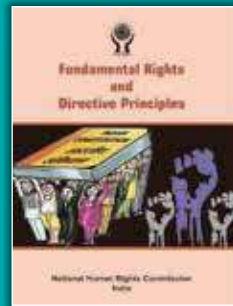
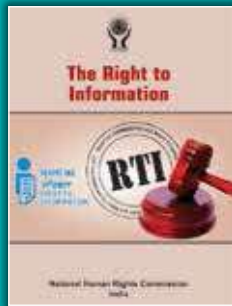
- ☐ 3 years' imprisonment and
- ☐ Fine

Who can lodge a complaint under section 498A IPC?

- ☐ The woman (victim) herself
- ☐ Her father
- ☐ Her mother

- ☐ Her brother
- ☐ Her sister
- ☐ Her maternal or paternal aunts
- ☐ Any other relations by blood, marriage or adoption can also report, but only with the permission of the court.





NATIONAL HUMAN RIGHTS COMMISSION

Manav Adhikar Bhawan, C-Block, GPO Complex
INA, New Delhi - 110 023
Email : covdnhrc@nic.in Website : www.nhrc.nic.in