

# VIOLENCE AGAINST WOMEN AND GIRLS

## KNOW YOUR LEGAL RIGHTS

2019



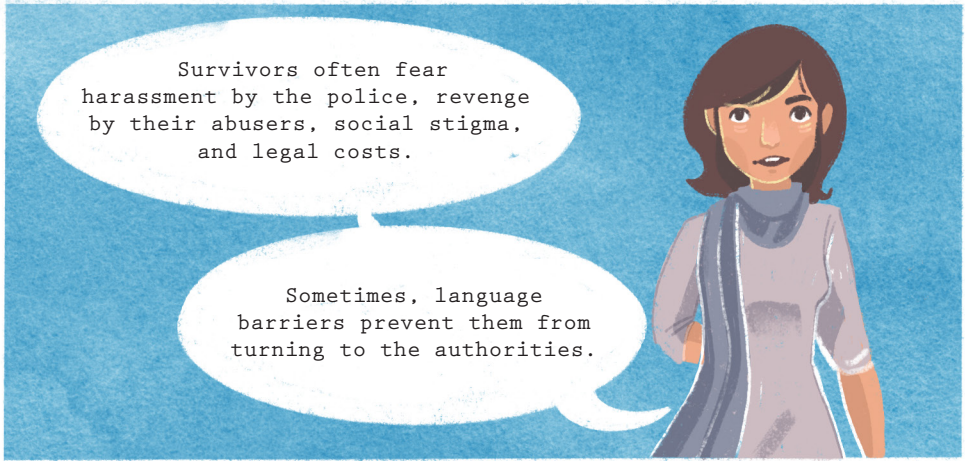
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Migration & Asylum Project  
*An Initiative of The Ara Trust*



# INTRODUCTION

India's laws protect women and children of all nationalities and ethnicities who have faced sexual violence, exploitation or domestic abuse in India. However, many such cases go unreported.



In the case of refugees and asylum seekers, uncertainty about their legal status and the fear of deportation prevents them from speaking about the abuse they suffer, though in reality the laws of India are meant to protect all women and girls residing within the territory of India.



Awareness about your legal rights is the first step towards empowering yourself.

This booklet will tell you about your rights and what you can do if you or someone you know faces some form of abuse.

It also lists some of the helplines and organizations you can contact if you need help.



**We are going to begin with one of the most serious charges - Rape, and what it is:**

Sex or any other sexual penetration by a sex organ, other body part, or foreign object, without the **consent** of the victim.



## But what qualifies as consent?

If you are younger than 18 years, you are too young to consent, even if the man is your husband.




If you agreed because you were afraid that you or someone else would be killed or hurt, you have not consented.


If you were  
i) intoxicated and could not understand what you were consenting to,  
or ii) unable to communicate consent, or  
iii) of unsound mind, then you did not consent.




If the act was committed by your husband, it is not rape but it is domestic violence. However, if you are living separately and your husband commits these acts without your consent, it is rape.




Where should I go if I have been raped?




**A hospital** (government or private) will do a free medical examination and will inform the police.




**The police** will take your statement, file a **First Information Report (FIR)** and then take you to a hospital for a medical examination.



**An NGO or lawyer** will help you to go to a police station or a hospital. Contact details for some NGOs who can help you are at the end of this booklet.

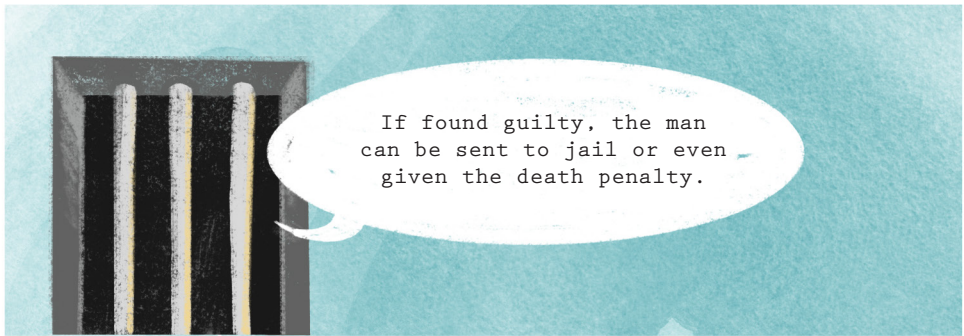
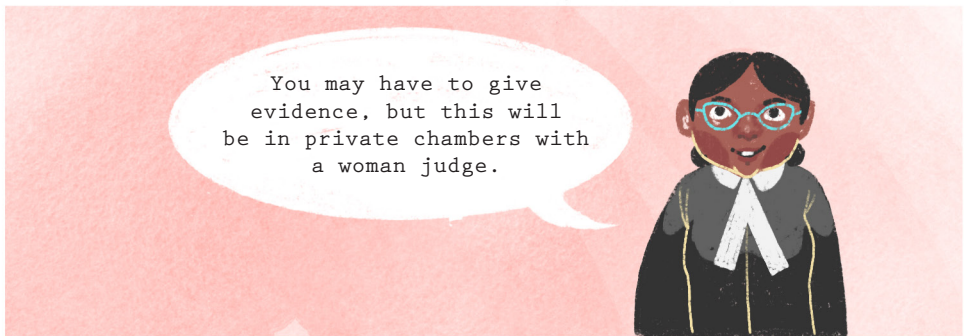
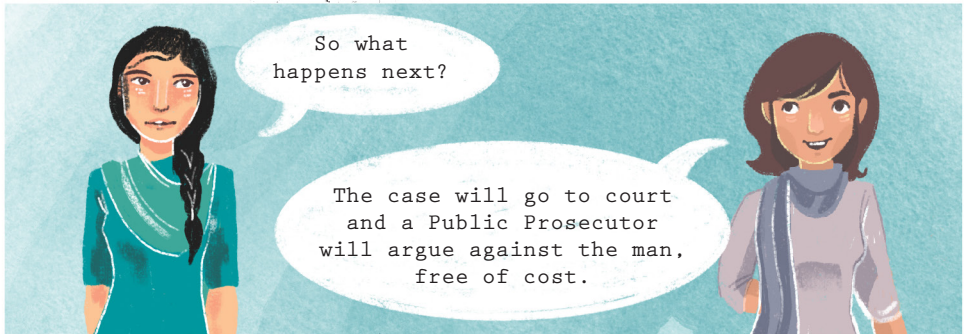


Try not to bathe, change your clothes or use the washroom until completion of the medical examination in order to preserve evidence.



You can make a police complaint at any police station. After that you will also have to talk to a magistrate about your case.

# PROSECUTION



## OTHER FORMS OF SEXUAL VIOLENCE

Apart from rape, women face many other types of sexual violence.

Sexual violence includes:





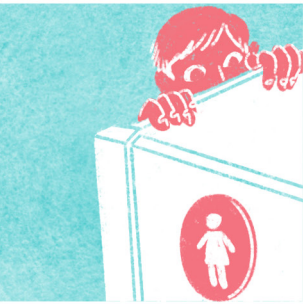
**Unwanted touching** – when a man touches a woman without her consent in a way that makes her feel uncomfortable.



**Unwanted sexual advances** – when a man tries to force a woman into a sexual relationship against her wishes.



**Forcing a woman to watch pornography** – when a man shows a woman sexually explicit photos or videos without her consent.



**Voyeurism** – when a man watches or takes pictures or videos of a woman doing things like having a bath, changing clothes, or using the toilet, or distributes such videos without her consent.

**Stalking** – when a man repeatedly follows or contacts a woman, either physically or electronically, against her will.



**Forcing a woman to disrobe in public** – when a man forces a woman to take her clothes off in a public place, or in front of other people.



If you or someone you know is facing any of these forms of abuse, this is where you can go:

**The police** will take your statement, file an FIR and then take you to a hospital for free medical treatment if necessary.



An **NGO or lawyer** will help you to go to a police station or a hospital.



You can make a police complaint in person or in writing, and it will be recorded.

After that you will also have to talk to a magistrate about your case.



Similar to a rape case, it will go to court and a Public Prosecutor will argue against the man, free of cost.

You may have to give evidence,  
but depending on the offence,  
this may be in private chambers  
with a woman judge.



If found guilty,  
the man will be sent  
to jail.



# DOMESTIC VIOLENCE



## Physical Abuse

Beating, kicking, injuring, threats of death or violence, etc.



## Sexual Abuse

Forced sexual intercourse, forcing you to watch pornography, etc.



## Verbal and Emotional Abuse

Humiliating you, insulting you, blaming you for not bearing children, etc.



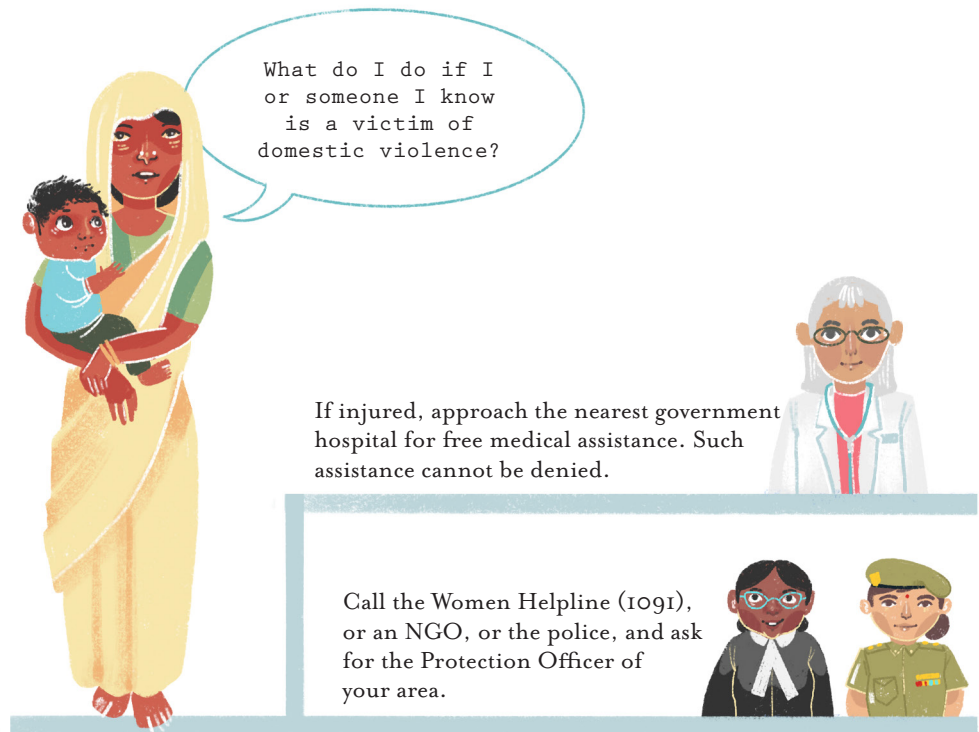
## Economic Abuse

Denying household necessities to you and your children, selling your valuables without your consent, throwing you and your children out of the house, not allowing you to work, etc.





You can face domestic violence from any member of your family that you are living with, like your husband, your father, your mother-in-law or your brother.



What do I do if I or someone I know is a victim of domestic violence?

If injured, approach the nearest government hospital for free medical assistance. Such assistance cannot be denied.

Call the Women Helpline (1091), or an NGO, or the police, and ask for the Protection Officer of your area.

The authorities will record your complaint, take you to a hospital if required, and find you a temporary shelter.



But I am afraid of what will happen if my family finds out.

The authorities can help you approach the local magistrate and get relief and protection.



**This can be an order to:**



**stop the abuser from causing further harm.**



**have them removed from the house.**



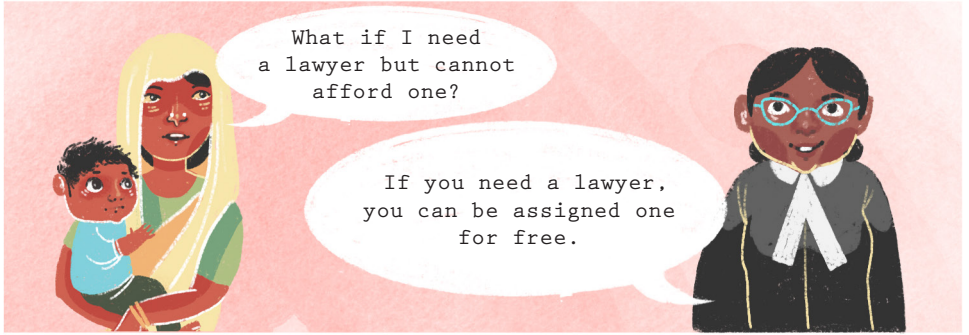
**allow you to stay in the house.**



**provide monetary compensation.**

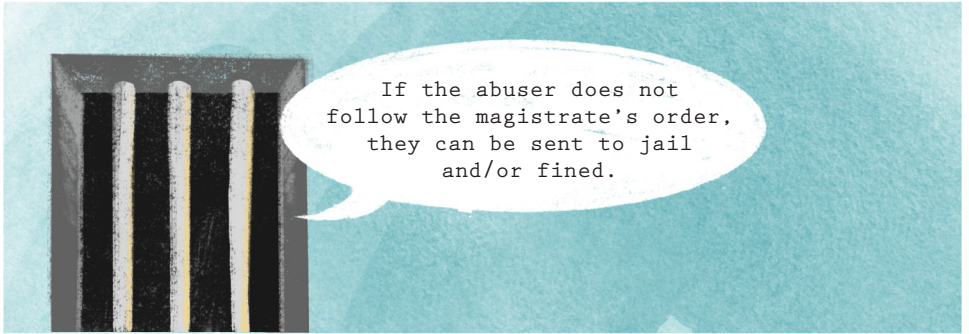


**retain custody of your children.**

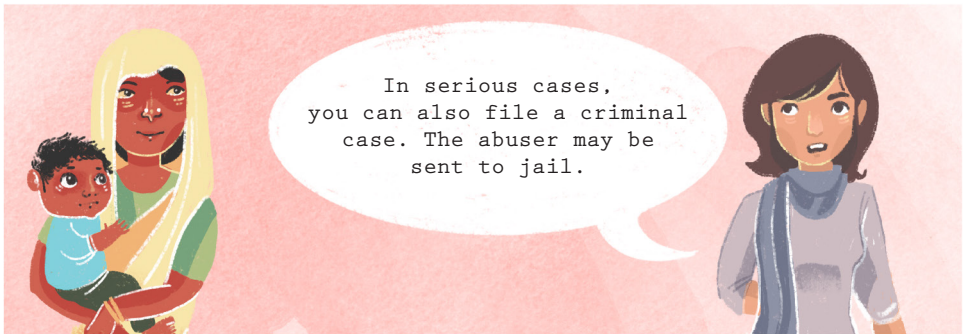


What if I need a lawyer but cannot afford one?

If you need a lawyer, you can be assigned one for free.



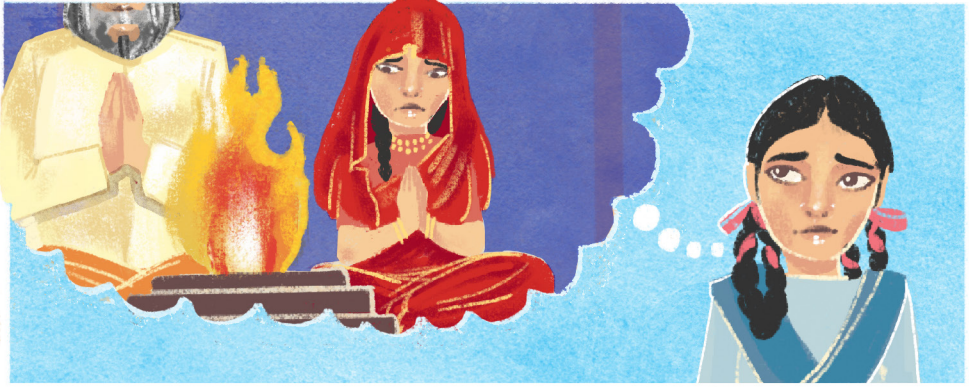
If the abuser does not follow the magistrate's order, they can be sent to jail and/or fined.



In serious cases, you can also file a criminal case. The abuser may be sent to jail.

# FORCED MARRIAGE

If a girl or woman is being forced to get married against her will, this is a form of abuse under the **Domestic Violence Act**. If she is kidnapped to be forced to marry against her will, this is a crime.



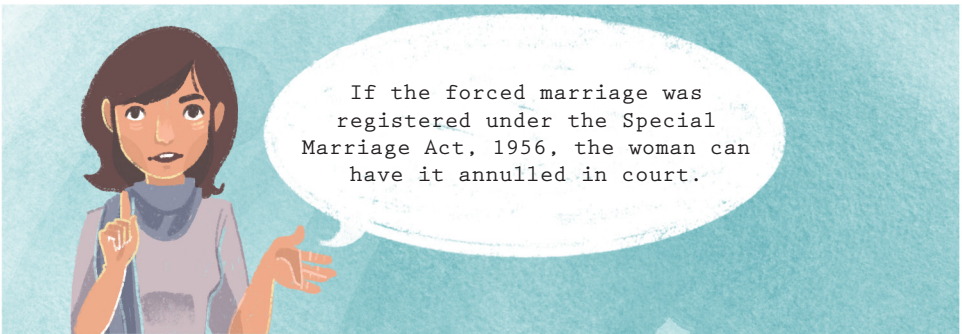
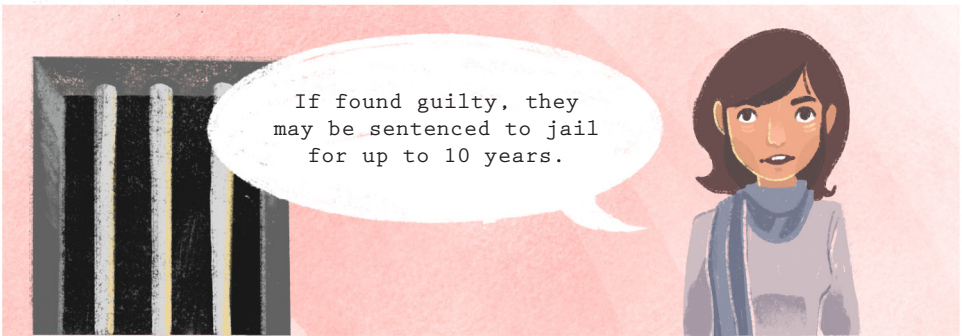
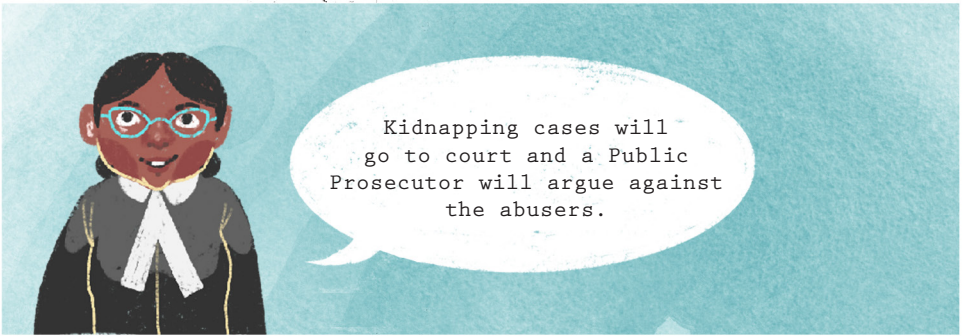
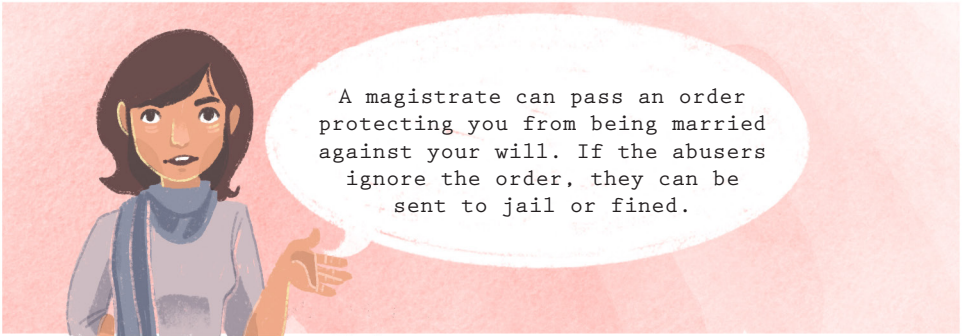
What should I do if I am being forced to get married?

You can call: i) the Women Helpline (1091), or ii) an NGO, or iii) the police, and ask for the Protection Officer of your area. You can also approach the local magistrate.



If you or someone else has been kidnapped to be forced into marriage, you can go to the nearest police station to file an FIR. You can also approach an NGO or lawyer for help.





# SEXUAL HARASSMENT AT THE WORKPLACE

Sexual harassment at the workplace includes unwelcome behaviour like:

unwanted  
physical  
contact



demands for  
sexual favours



sexual  
comments




showing  
or sending  
pornography



It may also be a promise or threat of differential treatment in employment, or the creation of a difficult work environment.






You can file a written complaint yourself or through any other person. File it within 3 months and include details and names of witnesses.



The complaint and all proceedings shall be kept confidential.



You can file the complaint with the Internal Complaints Committee (ICC), if none - the Local Complaints Committee (LCC) or, if none - the Metropolitan Magistrate or the Judicial Magistrate.

If the complaint is upheld you can get relief including disciplinary action against the harasser, a written apology from him, the withholding of his promotion, or the termination of his employment.

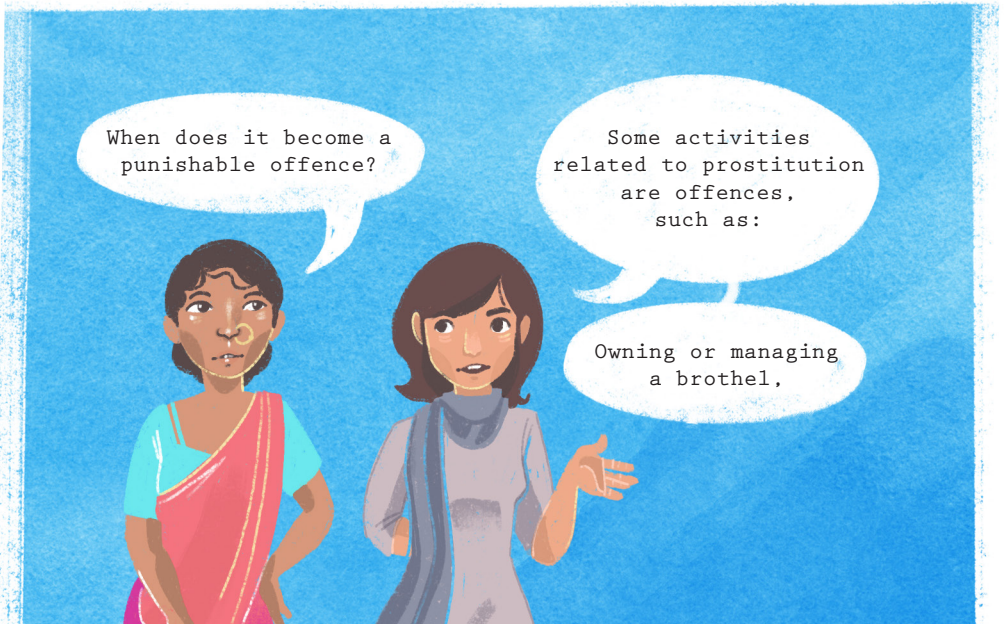
You may also receive monetary compensation from the harasser.

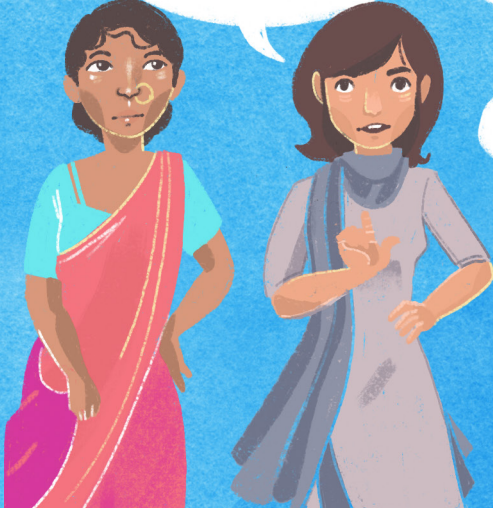
# PROSTITUTION



Prostitution is when sexual acts are done for payment of any kind, be it money, food or rent. Women sometimes feel forced to resort to prostitution as a means of survival when they have no other income.

The act of prostitution itself is not a punishable offence in India.







Controlling prostitutes and arranging clients in exchange for a part of their earnings,

Procuring or trafficking a person for the purposes of prostitution, or


Soliciting clients in a public place.




A person paying for sexual acts commits an offence if these acts take place near a public place or under the age of 18 years.




An adult male who lives with or survives off the earnings of a woman who makes her living through prostitution is usually assumed to be guilty as well.




Where should I go if I or someone I know is in such a situation?




**The police** will take your statement, file an FIR and then take you to a hospital for a free medical examination.



An **NGO or lawyer** will help you to go to a police station or a hospital.



Next, the police will search the premises where the prostitution is taking place, and will rescue the women and children forced into this activity.

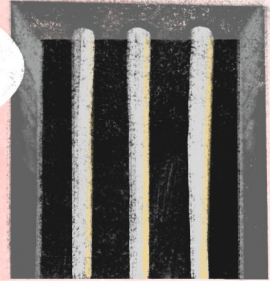


Women and children who were forced into prostitution will be examined by a medical professional.



A magistrate can pass an order for their safe custody. They can also make an application to the magistrate to be kept in a protective home.

If found guilty the offenders can be sent to jail.



## **EMERGENCY NUMBERS**

Police: 100

Ambulance: 102

Women's Helplines:

1091 (Emergency help for women in distress)

181 (Domestic abuse)

Children's Helpline: 1098

Anti Obscenity/Anti Stalking Helpline: 1096

## **OTHER RESOURCES**

National Commission for Women: 011-2322845

National Human Rights Commission: 011-23385368 / 9810298900

## **HELPLINES IN DELHI**

Delhi Commission for Women: 011-23370597 / 23379181

Delhi Commission for Women Rape Helpline: 011-23370557

Delhi Commission for Women Mobile Helpline: 1800-11-9292

## **ORGANISATIONS IN DELHI**

Doctors Without Borders

(24 hour medical assistance, women's shelter and counseling):

18001021075 / 011-27642481

Shakti Shalini (women's shelter, crisis intervention and counseling):

011-24373737 / 011-24372437

Jagori (counseling and support services for women):

011-26692700 / 8800996640

HAQ Centre for Child Rights (sexual abuse of children):

011-26677412

Naz Foundation (services and support for LGBTQI persons  
and for persons with HIV/AIDS):

011-26321830 / 011-40793156



## UNHCR PARTNERS

### **Socio-Legal Information Centre (SLIC)**

576, Masjid Road, Jangpura,  
New Delhi - 110014

Phones: 011-24374501 / 011-24379855

Email: [contact@hrln.org](mailto:contact@hrln.org)

### **Bosco**

Building No. 1-1/6A, Temple Road,  
Bhogal, Jangpura,  
New Delhi – 110014

Phones: 011-24377910

Email: [suiningr@gmail.com](mailto:suiningr@gmail.com)

147-A Khirki Village,  
Opposite Select Citywalk Mall,  
New Delhi – 110017

Phones: 011-29542507

Email: [afatima07@gmail.com](mailto:afatima07@gmail.com)

WZ- 83 Budella, Vikaspuri,  
Near DG-2 Flats,

Opposite Community Centre,  
New Delhi – 110084

Phones: 011-45724804 / 011-45724805  
/ 011-45724806

## OUR CONTACT INFORMATION

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