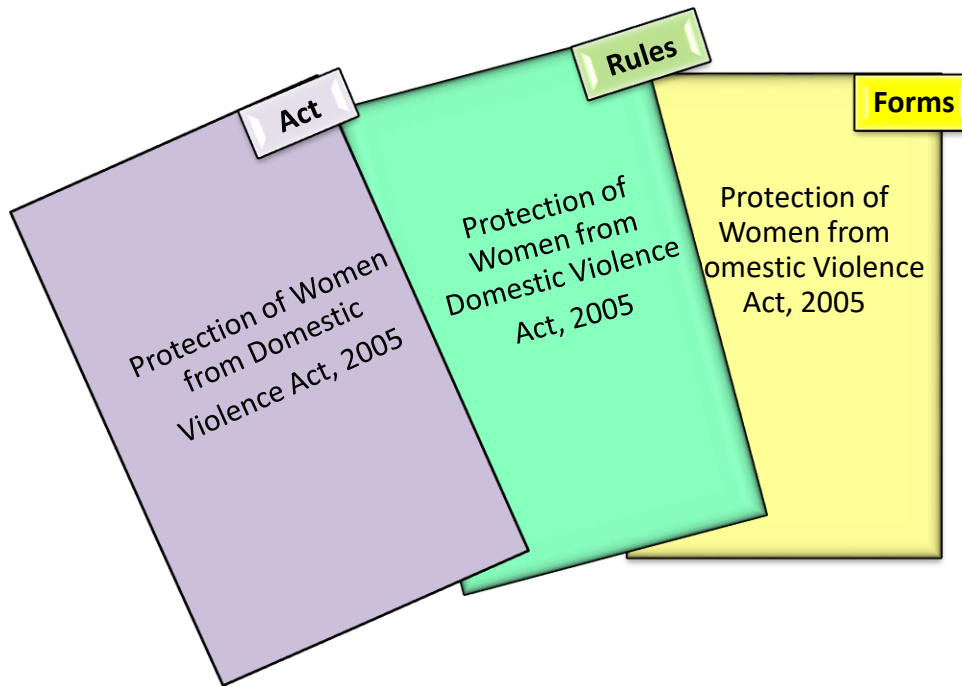


MANUAL 6

Protection of Women from Domestic Violence Act, 2005

ROLE OF THE POLICE

ASSISTING A DOMESTIC VIOLENCE SURVIVOR



Authors: Medha Deo, Trupti Panchal
RCI-VAW Tata Institute of Social Sciences,
Mumbai

And

Women's Studies Centre
ILS Law College, Pune.

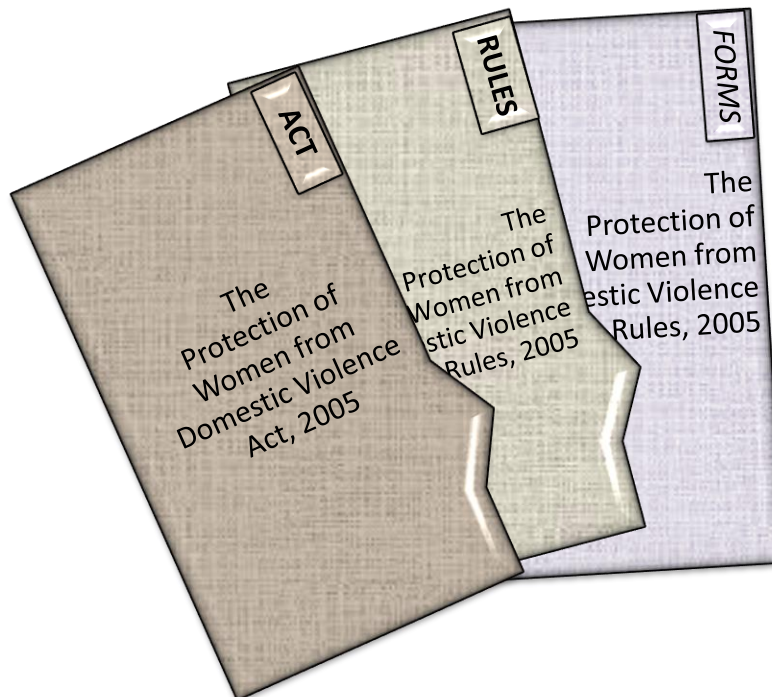


MANUAL 6

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Authors: Medha Deo, Trupti Panchal
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The Protection of Women from Domestic Violence Act, 2005.
(PWDVA)

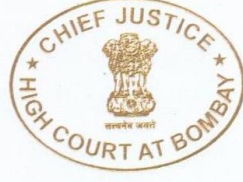
The seven manuals for stakeholders appointed/ notified under PWDVA to provide assistance and services to women (and children) suffering domestic violence are as follows:

Manual 1	Gender and Domestic Violence	Milind Chavan
Manual 2	Role of the Magistrate	Jaya Sagade
Manual 3	Role of the Protection Officer	Prasanna Invally
Manual 4	Role of Lawyers	Rama Sarode
Manual 5	Role of the Medical Facility	Sangeeta Rege Padma Deosthali Sujata Ayarkar
Manual 6	Role of the Police	Medha Deo Trupti Panchal
Manual 7	Role of the Service Providers	Prasanna Invally

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23.12.2019

The message dated 16th Oct 2018 from the then Chief Justice of the Bombay High Court, Hon'able Shri Naresh H. Patil



संदेश

कौटूंबिक हिंसेपासून स्त्रियांच्या संरक्षणाचा कायदा, २००५ हा दिवाणी स्वरूपाचा महत्वाचा कायदा आहे. ह्या कायद्याची परिणामकारक अंमलबजावणी होण्यासाठी अनेक घटकांवर जबाबदारी टाकलेली आहे. त्यातील न्यायाधिश आणि न्याययंत्रणा हा एक महत्वाचा घटक आहे.

कौटूंबिक हिंसेची समस्या गंभीर, गुंतागुंतीची आहे. पुरुषप्रधान आणि पितृसत्ताक समाजरचनेत, लिंगभावाधीष्टीत होणारी हिंसा (शारीरिक, मानसिक, लैंगिक, आर्थिक, शाब्दिक) स्त्री-पुरुषामध्ये भेदभाव निर्माण करते. ही हिंसा स्त्रीच्या मानवी हक्कांचे आणि राज्यघटनेने दिलेल्या मूलभूत हक्कांचे उल्लंघन करते. ह्या पार्श्वभूमीवर कौटूंबिक हिंसेपासून स्त्रियांच्या संरक्षणाच्या कायद्याखालील येणाऱ्या प्रकरणांमध्ये न्यायालयांचा दृष्टीकोन अधिक संवेदनशिल असणे अपेक्षित आहे असे माननिय सर्वोच्च न्यायालयाने कृष्णा भटाचारजी वि. सारथी चौधरी (किमिनल अपिल नंबर.१५४५/२०१५ निर्णय दिनांक २० नोव्हेंबर, २०१५) या न्यायनिर्णयात नमूद केलेले आहे.

कौटूंबिक हिंसेपासून स्त्रियांच्या संरक्षणाचा कायदा, २००५ हा कायदा स्त्रियांच्या हितासाठी केलेला आहे. त्यामुळे कायद्यातील तरतुदीचा अन्वयार्थ लावताना एकापेक्षा जास्त अर्थ निघत असतील तर कायद्यांच्या उद्दिष्टाला पूरक असा अर्थ निवडला पाहिजे. स्त्रियांना तो त्यांना जास्तीत जास्त न्याय्य कसा ठरेल ह्याचा विचार व्हायला हवा.

आयएलस विधी महाविद्यालयाच्या स्त्री अभ्यास केंद्राने पुढाकार घेऊन दंडाधिकाऱ्यांच्यासह संरक्षण अधिकारी, पोलीस, वैद्यकीय अधिकारी, सेवा देणाऱ्या संस्था आणि वकील ह्यांच्यासाठी तयार केलेल्या मार्गदीपिकांचे मी स्वागत करतो. या सर्व मार्गदीपिका कौटूंबिक हिंसेपासून स्त्रियांच्या संरक्षणाचा कायदा, २००५ मधील तरतुदीबाबत सर्वसमावेशक आहेत. विशेष म्हणजे 'लिंगभाव आणि कौटूंबिक हिंसा' ह्याविषयावरील स्वतंत्र मार्गदीपिका सर्व संबंधित घटकांना उपयुक्त ठरेल असा मला विश्वास वाटतो.

सर्व हितसंबंधाना माझ्या शुभेच्छा !

१६ ऑक्टोबर २०१८

HL - 5
(न्यायमुर्ती नरेश ह. पाटील)

English translation of the message dated 16th Oct 2018 from the then Chief Justice of the Bombay High Court, Hon'able Shri Naresh H. Patil is as below:

Message

The Protection of Women from Domestic Violence Act, 2005, is a very important law that is civil in nature. The responsibility for its effective implementation has been put on several stakeholders, including the Magistrates and the legal system.

The issue of domestic violence is serious and complex. Gender-based violence (physical, mental, sexual, economic, verbal) that is prevalent in a male dominated patriarchal society creates inequality between men and women. This violence results in violation of women's human rights and her fundamental rights enshrined in our constitution. In such circumstances, the Hon'able Supreme Court, in the case of *Krishna Bhattacharji vs. Sarathi Chaudhary (Criminal Appeal no. 1545/2015 order dated 20th November 2015)*, has noted that Magistrates/ Courts dealing with cases under the Protection of Women from Domestic Violence Act need to be extremely sensitive.

The Protection of Women from Domestic Violence Act, 2005, has been legislated for the benefit of women. Although its provisions may have several interpretations, one needs to interpret the provisions in such a manner that it fulfils the objective of the law and be just to the woman.

I welcome the initiative that Women's Studies Centre, ILS Law College, Pune, has taken in preparing manuals for Magistrates as well as for Protection Officers, Police, Medical Facilities, Lawyers, Service Providers. These manuals comprehensively address all provisions under the Protection of Women from Domestic Violence Act, 2005. Especially, the independent manual on the topic of 'Gender and Violence', I believe, would be extremely useful.

I extend my best wishes to all stakeholders!

Sd/-
(Justice Naresh H. Patil)

26th October, 2018

Message dated 23/12/2019 from Dr. Hrishikesh Yashod, former Commissioner, Women and Child Development, Government of Maharashtra, Pune.

महिला व बाल विकास आयुक्तालय

महाराष्ट्र शासन

२८, राणीचा बाग, जुन्या सर्किट हाऊस शेजारी, पुणे- ४११००१

फोन : ०२०- २६३३००४० Email : commissionerwcd@ymail.com



क्र. : मबाविआ/ ६२०५

दिनांक : २३/१२/२०१९

"संदेश"

महाराष्ट्र राज्याने महिलांच्या विविध प्रश्नांवर व त्यांच्यासाठी करण्यात आलेल्या उपायांवर अनेक योजनांवर प्रगत पाऊले उचलली आहेत.राज्यपातळीवर कौटुंबिक हिंसेपासून महिलांचे संरक्षण अधिनियम २००५ ची अंमलबजावणी महिला व बाल विकास विभागामार्फत सुरु आहे.या कायद्याच्या प्रभावी अंमलबजावणीसाठी संरक्षण अधिका-यांच्या नियुक्त्या करणे, त्यांचे प्रशिक्षण,त्यांच्या कार्यालयांना सोयी सुविधा पुरविणे, कायद्याच्या सनियंत्रणासाठी मुल्यांकन पध्दती विकसीत करून सांख्यिकी माहिती जिल्हा व तालुकास्तरावर अदयावत ठेवणे इ.अनेक महत्वाची कामे विभागामार्फत पार पाडली जात आहेत.

PWDVA २००५ कायद्याची अंमलबजावणीची जबाबदारी जरी विभागाची असली तरी या कायद्यांतर्गत निश्चित केलेले सर्व स्टेकहोल्डर्स / सहभागी यंत्रणा यांची ही तितकीच महत्वाची जबाबदारी आहे. आय एल एस विधी महाविद्यालयाच्या स्त्री अभ्यास केंद्राने सर्व सहभागी यंत्रणा / स्टेकहोल्डर्स जसे की, संरक्षण अधिकारी, वकील,पोलीस,वैद्यकीय सेवा देणारे,सेवादायी संस्था आणि मा. न्यायदंडाधिकारी यांच्यासाठी तयार केलेल्या मार्गदर्शिका ह्या अत्यंत उपयुक्त असून त्याचा वापर सर्व स्टेकहोल्डर्सनी स्वतःच्या दैनंदिन कामात करणे आवश्यक आहे.जेणे करून पिडीत महिलेला लवकरात लवकर सर्व सेवा देणे शक्य होईल.

या मार्गदर्शिकेमध्ये दैनंदिन कामातही उदाहरणे देऊन टप्प्या टप्प्याने सर्व स्टेकहोल्डर्सच्या / सहभागी यंत्रणांच्या भूमिका व जबाबदा-या अधिक स्पष्ट करून सांगण्यात आल्या आहेत व त्या प्रत्येकासाठी उपयुक्त आहेत.

याबदल आय एल एस् विधी महाविद्यालयाच्या स्त्री अभ्यास केंद्राचे विशेष आभार व PWDVA २००५ या कायद्याच्या अंमलबजावणीसाठी काम करणा-या सर्व सहभागी संस्था / यंत्रणा यांना पुढील वाटचालीसाठी शुभेच्छा !


(डॉ.हृषीकेश यशोद)

आयुक्त
महिला व बाल विकास
महाराष्ट्र राज्य,पुणे

English translation of the message dated 23/12/2019 from Dr. Hrishikesh Yashod, former Commissioner, Women and Child Development, Government of Maharashtra, Pune.

Date: 23/12/2019

The Maharashtra Government has taken several steps to find solutions to the various women's issues and formulate progressive schemes. The Protection of Women from Domestic Violence Act, 2005 is being implemented by Department of Women and Child Development. For its effective implementation, the Department has appointed Protection Officers, conducted their trainings, provided their offices with the necessary facilities; developed monitoring and evaluation methods through which statistical data at the district and the taluka levels is gathered; and undertaken other such important tasks.

Although the responsibility of implementation of PWDVA, 2005, lies with the Department, all stakeholders recognised under this law are equally responsible for its effective implementation. The manuals for stakeholders such as Protection Officers, Police, Medical Facilities, Service Providers and the Hon'able Magistrates that the ILS Law College has prepared are extremely useful and should be used by all stakeholders in their day-to-day practice so that the aggrieved woman is able to get all appropriate services.

The manuals clearly elaborate the roles and responsibilities of all stake holders step-by-step and are substantiated with examples from the day-to-day experiences. They are therefore useful for every stakeholder.

Thanks to the Women's Studies Centre, ILS Law College for this and best wishes for the future progress to all stakeholders!

Sd/-

(Dr. Hrishikesh Yashod)
Commissioner
Women and Child Development
Govt. of Maharashtra, Pune

Acknowledgments

We thank SWISSAID for the financial support in preparing the user manuals for stakeholders under PWDVA and also for the assistance it extended in developing the conceptual framework.

We are also grateful to the then Chief Justice of Bombay High Court Hon'able Justice Shri Naresh Patil for his message regarding the manuals.

We are also thankful to the then Commissioner, Department of Women and Child Development, Government of Maharashtra, for his message about the manuals.

We also thank the following participants of this project, with whose cooperation we successfully completed it:

Authors:

- Manual on 'Gender and Domestic Violence' – Milind Chavan, gender trainer, Pune.
- Manual on 'Role of the Magistrate' – Dr. Jaya Sagade, former Director, Women's Studies Centre, ILS Law College, Pune.
- Manual on 'Role of Lawyers' – Adv. Rama Sarode and her colleague Asim Sarode, 'Sahayog', Pune and its other lawyers.
- Manual on 'Role of the Protection Officer' – Prasanna Invally, former coordinator of Womens's Studies Centre, ILS Law College, Pune and currently an independent consultant on women, gender and law. Special thanks to the Women and Child Development Commissionerate, Pune and the Protection Officers, appointed in cities as well as the rural areas who shared their experiences, provided the required information and also gave their suggestions and comments on the draft manual.
- Manual on 'Role of the Police' – Medha Deo and Trupti Panchal, Tata Institute of Social Sciences, Mumbai, and its RCI-VAW department and its personnel – Nandakishore Dahale, Sheetal Deosthali and Sunita Pawar.
- Manual on 'Role of Medical Facility' – Sangeeta Rege, Padma Deosthali, Aarthi Chadrashekhar, Sujata Aryakar from CEHAT, Mumbai; and Chitra Joshi, Mrudula Sawant and Sanjana Chiklekar from 'Dilaasa Centre'.
- Manual on the 'Role of Service Providers' – Prasanna Invally currently an independent consultant on women rights issues.

Translation support:

Sushama Deshpande, Tejali Shahasane and Adv. Nandini Shahasane

Administrative support:

Manavlok, Ambajogai, Dist: Beed, Maharashtra, for the administrative support that it provided in preparing the English versions of the seven manuals.

Coordinator:

Prasanna Invally for coordinating the process of preparing the manuals English versions of the manuals

Other assistance:

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Once again, our sincere thanks to all!

To begin with...

a few thoughts to share...

Violence against women is a serious social issue prevalent not only in India, but also across the world. Domestic violence, not only has serious consequences on women's lives, but also on their families as well as on the society in the long run.

Until the year 2005, in India, the issue of domestic violence was addressed only through the criminal law that punished the perpetrators woman, with imprisonment. These perpetrators were in fact her own family members. As a result, the woman who had filed such a criminal case drifted further and further away from the family. It was therefore difficult, or rather impossible for her to live with her own family and that too without facing violence, even if she genuinely wished so. Hence, women's organizations across the country, came together and voiced their demand for a civil law that would get her certain reliefs and benefits. The NGO - 'Lawyer's Collective' took the initiative in drafting such a law that would provide women the necessary protection from domestic violence. It held country-wide consultations with various women's organizations, made appropriate changes in the said draft and presented it to the Government. Subsequently, the draft was approved in both the houses of the parliament and the 'Protection of Women from Domestic Violence, 2005, (PWDVA) came into being. The Rules were then formulated and on 26/10/2006, the law was enforced.

The law has several special features; one of them being the implementation machinery built in it. This machinery consists of the following key personnel (stakeholders) – the Magistrates, Protection Officers, lawyers, medical professionals, service providers and the police.

To bring better clarity about their roles, responsibilities and duties, Women's Studies Centre, ILS Law College, Pune, had conducted several training workshops for these personnel with the financial support of SWISSAID, India. A dedicated session on the topic of 'Gender' was held in every such workshop. At that time, several organizations across the country were also conducting such workshops. They had even prepared training manuals for each of the stakeholders. However, such manuals were not available in Marathi (in the context of Maharashtra). Also, in such manuals, an exhaustive explanation was required, such as - details regarding the steps that a stakeholder needs to undertake during the various stages of a case for ensuring justice to the woman suffering domestic violence, the precautions to be taken, and other such efforts. Hence, Women's Studies Centre, ILS Law College, Pune, with the support of the grants from SWISSAID, undertook a project for preparing separate user manuals in Marathi for each of the following stakeholders - 1. **Magistrates**, 2. **Protection Officers**, 3. **Lawyers**, 4. **Medical Facility**, 5. **Police** and 6. **Service Providers**.

PWDVA has been formulated from a feminist perspective so as safeguard and promote a woman's fundamental rights and human rights. Since domestic violence violates a woman's right to live with dignity and creates inequality between women and men, there arises a need for understanding the domestic violence issue through a gender lens/perspective. Obviously, therefore, a conceptual clarity on 'gender' and how it

operates in a relationship and day-to-day living is absolutely necessary. Therefore, it was decided that a separate manual on '**Gender and Domestic Violence**' be prepared.

We decided to request experts who have worked intensely with each of these stakeholders with respect to PWDVA, to write these manuals. Accordingly, we approached the organization 'Sahayog' to prepare the manual for lawyers; CEHAT (Mumbai) for Medical Facility; and Tata Institute of Social Sciences, Mumbai, for the Police. For preparing the manual on 'Gender and Domestic violence' we requested Milind Chavan, a specialist in conducting training on the topic of 'gender'. The experts readily accepted our request. Women's Studies Centre decided to prepare the manuals for the Magistrate, Protection Officer and Service Provider, in-house.

Subsequently, in 2019, the Commissionerate, Department of Women and Child Development, Government of Maharashtra, Pune, through a Committee appointed for reviewing these manuals, approved them. A few revisions, as suggested by the Committee, were made in the process. The said manuals have been currently published on its website <https://www.wcdcommmpune.com/dvact-module.php>.

Further, several government and non-government organizations requested for the English version of these manuals for the use of non-Marathi speaking stakeholders. Hence, the NGO – Manavlok, Ambajogai, (in Dist: Beed, Maharashtra) a field based partner of SWISSAID, undertook the administrative responsibility for preparing the English versions of these manuals. The financial support for this was extended by SWISSAID. ILS Law College as well as the authors readily gave their consent and also made the necessary revisions to the original versions of the manuals. They were then reviewed by experts and finalised.

We are thankful to Manavlok, Ambajogai for providing the administrative support for preparing the English versions of the manuals and the financial support from SWISSAID.

With great pleasure, we now present the seven manuals in English. We trust that these manuals would be useful to stakeholders as well as to trainers. These manuals may be used freely, with due acknowledgment to the 'Women's Studies Centre, ILS Law College, Pune; the individual authors of the manuals and SWISSAID.

Dr. Jaya Sagade
Former Hon. Director
Women's Studies Centre
ILS Law College, Pune

Prasanna Invally
Former Coordinator
Women's Studies Centre
ILS Law College, Pune

Dt: 10th Dec, 2022

Manual 6
Protection of Women from Domestic Violence Act, 2005
Role of the Police

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Manual 6
Protection of Women from Domestic Violence Act, 2005
Role of the Police

1.0 INTRODUCTION

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is the first statute to recognise and define 'domestic violence'. This definition takes into consideration various forms of abuse that women experience in its manifold forms.

It is a gender-specific, civil law enacted to protect women against violence of any kind occurring within the family or in a shared household at the hands of relatives (both male and female) including her husband, his relatives and members from her own (natal) family.

Prior to the enactment of this law, only married women could seek relief for violence inflicted by their husbands and marital families under Section 498-A of the Indian Penal Code, 1870 (IPC). The remedy under this provision was limited to giving punishment to the perpetrator of violence and did not provide any support to the woman as a survivor of violence. Further, being governed by a criminal law, punishing the perpetrator was very difficult as 'proof beyond reasonable doubt' could not be given for incidents of domestic violence which mostly took place behind closed doors in a house and had no unbiased witnesses. Section 498-A was also limited to violence on women within a lawful marriage. Thus, women suffering violence in other relationships like natal relationships (brother, father etc.) marriage-like (live-in) relationships, void marriages etc. could not seek recourse under Section 498-A.

PWDVA fills in several gaps. It provides an umbrella to women to seek immediate relief of various kinds (protection against domestic violence, right to reside in household, custody of child and maintenance) through a single window.

The PWDVA recognizes five important rights of women against wrong doers:

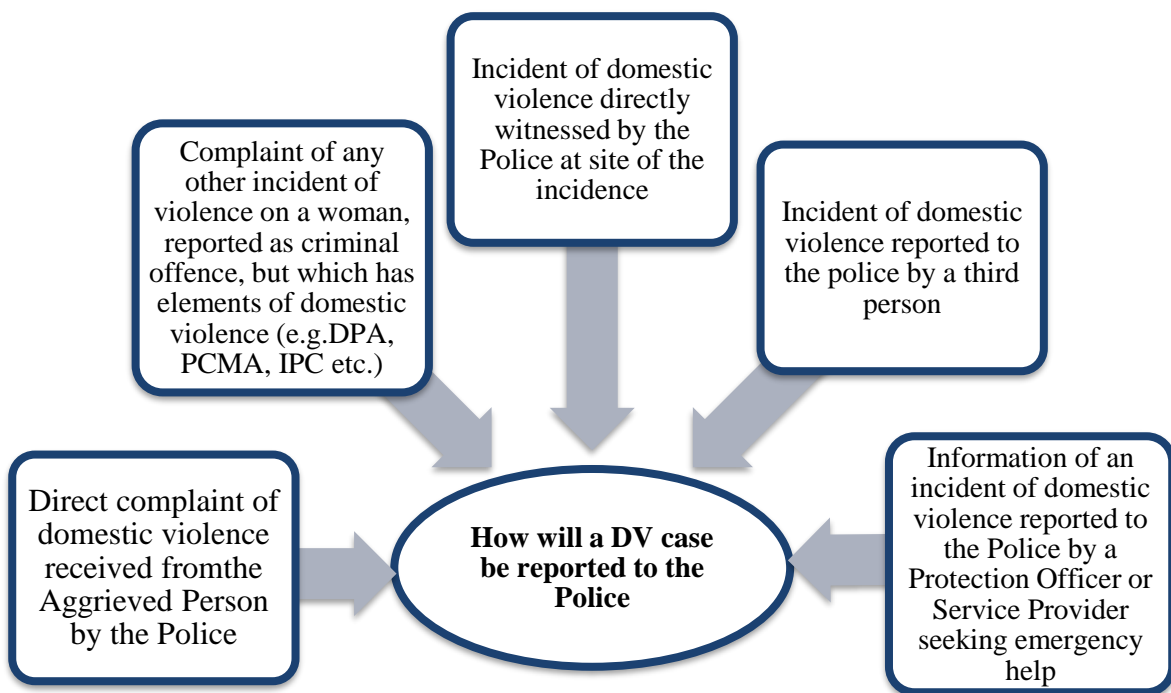
- Right to be free from domestic violence
- Right to reside in the shared household
- Right to seek maintenance
- Right to custody of her children
- Right to receive compensation for injuries

Thus, the PWDVA looks at domestic violence of any kind as a violation of a woman's fundamental rights and therefore casts duty on the State and its machinery to provide her relief from all such forms of violence. Women have the choice of seeking support from various stakeholders under PWDVA for pursuing their rights. Additionally, being gender-specific, beneficial legislation, different duty bearers working under the PWDVA are also expected to work on cases with a women-centric approach i.e. giving preference to the women's choice and safety in the process of pursuing the case.

1.1 Ways in which domestic violence cases get reported to the police

Police being the most visible and accessible arm of state is usually the first point of contact for reporting violation of rights by any individual. Thus, survivors of violence (Aggrieved Persons as per law) are likely to approach the police for reporting /seeking relief from incident of violence that they may have suffered in any space. It is a common understanding that an act of VIOLENCE IS A CRIME and the police will respond and protect a survivor (Aggrieved Person) from further abuse and violence.

Figure below indicates the ways in which incidents of domestic violence are likely to be reported to the police, and may fall within the purview of PWDVA, which is a civil law.



Please note: Some of these incidents which are originally reported as criminal offences under legislations like the IPC, Cr.P.C, The Prohibition of Child Marriage Act, 2006 (P CMA), Juvenile Justice (Care and Protection of Children) Act, 2015 (JJAct), Dowry Prohibition Act, 1961 (DPA), Protection of Children from Sexual Offences Act, 2012 (POCSOA) etc. may indicate “domestic violence”.

Table below sets out an indicative list of criminal offences which can be treated as cases of “domestic violence” that can be addressed under PWDVA.		
Sr.no.	Type of offence	Legal Provision
1.	Cruelty by the husband or his relatives	Sec 498-A of IPC
2.	Abetment of suicide	Sec 306 of IPC
3.	Causing miscarriage and infanticide	Sec 312-316 of IPC
4.	Causing hurt and grievous hurt	Sec 319-329, 336-338 of IPC
5.	Rape and sexual offences	Sec 375-377 of IPC, POCSO Act
6.	Criminal breach of trust, if the husband refuses to return belongings and <i>stridhan</i>	Sec 405 and 406 of IPC
7.	Culpable homicide and murder and attempt to murder	Sec 299-304 of IPC
8.	Wrongful confinement	Sec 340 of IPC
9.	Assault or criminal force to wrongfully confine a person	Sec 357 of IPC
10.	Assault or criminal force to women with intent to outrage her modesty	Sec 354 of IPC
11.	Deceitful marriage and bigamy	Sec 493 to 496 of IPC
12.	Taking dowry or even asking for dowry	Dowry Prohibition Act
13.	Actions relating to child marriages	Prohibition of Child Marriage Act
14.	Offences relating to sex selection and sex selective abortions	PCPNDT

If in any of the above cases there is ‘domestic violence’, a case under PWDVA can be made simultaneously along with the criminal complaint under the respective law, and one action will not bar the other.

2.0 IMPORTANT DEFINITIONS UNDER PWDVA

Let us first understand what ‘domestic violence’ is, as defined by section 3 PWDVA.

2.1 What is “Domestic Violence”

‘Domestic violence’ means any of the following that is conducted by the alleged perpetrator (the **‘Respondent’**), on the person who is making the allegation (the **‘Aggrieved person’**)

- any form of abuse which affects physical and /or mental health, wellbeing or safety of a woman.
- any harassment for dowry, property or valuables or to meet any other unlawful demand.
- any threat to cause injury or harm.

Such abuse may be in the form of physical, verbal, emotional, sexual and economic violence that has been inflicted upon her. Form IV of PWDV Rules also spells out these acts of violence in the four categories. (Please refer to the Form IV in appendix 1)

The various forms of abuse that constitute domestic violence are illustrated in the figure below:

<p>Physical Abuse</p>	<ul style="list-style-type: none"> • Acts that cause bodily hurt e.g beat, kick, punch, push, bite, forceful confinement etc. • Over-burdening with work • Instigation of violence • Threat to kill, driven to commit suicide • Violence during pregnancy, causing miscarriage • Causing Burns
<p>Sexual Abuse</p>	<ul style="list-style-type: none"> • Any humiliating or degrading sexual act • Forced sexual intercourse with husband • Forced to perform sexual acts against her will • Making a woman watch pornography against her will • Using a woman to entertain others for commercial gain or otherwise • Forcing a woman to give sexual favours to others
<p>Emotional/ verbal abuse</p>	<ul style="list-style-type: none"> • Insults, ridicule and threat to cause harm or injury- e.g. name calling, ostracizing, blaming a woman for not having a male child, criticizing/picking/ demeaning at her recurrently, threatening to kill • Verbal abuses • Not giving enough food, money for expenses, denying medical treatment • Not allowing her to meet her parents, criticising them recurrently • Alcoholism, drug abuse by the perpetrator causing mental agony • Adultery / out of marriage relationship of perpetrator • Aspersion on the character of the woman
<p>Economic abuse</p>	<ul style="list-style-type: none"> • Deprivation of the basic necessities and other basic rights resulting in harm or injury to the woman. E.g. denial of food, disposing off household assets to the detriment of the women, disposing off her assets (such as <i>stridhan</i>) forcefully/ against her will, taking possessions and control of her bank accounts and related ATM/credit cards etc. • Dowry harassment • Demand for money, taking away her salary, • Dispossession from house or throwing her out of the house or denying entry into the house or not paying rent or loan of the house where the woman is staying • Not allowing the woman to take up a job or do business or any other work by which she an earn money

A woman facing violence can file a case under PWDVA only if this woman is in a **‘domestic relationship’** with the alleged perpetrator and is living or has lived in the **‘shared household’**.

Let us understand these two concepts before we proceed further.

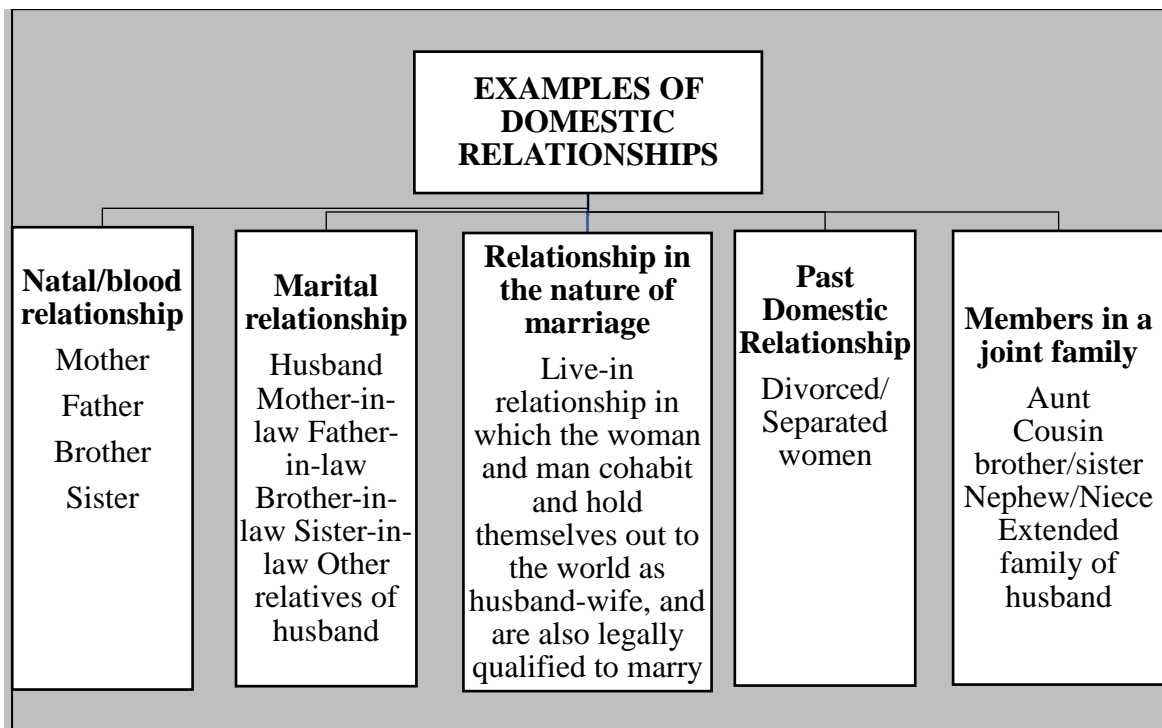
2.2 What is 'domestic relationship'?

Domestic relationships are relationships between a woman and a man living in a shared household. Domestic relationships¹ can be through

1. Marriage – such as wives, daughter-in-laws, sister-in-laws, widows etc. and as relatives of the matrimonial family
2. Blood relationships – such as mothers-sons, sisters-brothers, daughters-fathers, widows etc.
3. Other relations – through adoption, relationships in the nature of marriage

The following categories of women are intended to be covered under 'relationship in the nature of marriage'²:

1. Women who is legally qualified to marry a man but they have not married and are living together like husband and wife.³
2. Women who are living with a man in a shared household in a conjugal relationship without contracting marriage.⁴
3. Women who have been cohabiting with a man for a number of years and have held themselves out to the world as being husband and wife.⁵
- 4.



¹ Lawyers Collective, Frequently Asked Questions on the Protection of Women from Domestic Violence Act, 2005

² Ibid

³ Velusamy v. Patchaiammal AIR 2011 SC 479 (Supreme Court)

⁴ Velusamy v. Patchaiammal AIR 2011 SC 479 (Supreme Court)

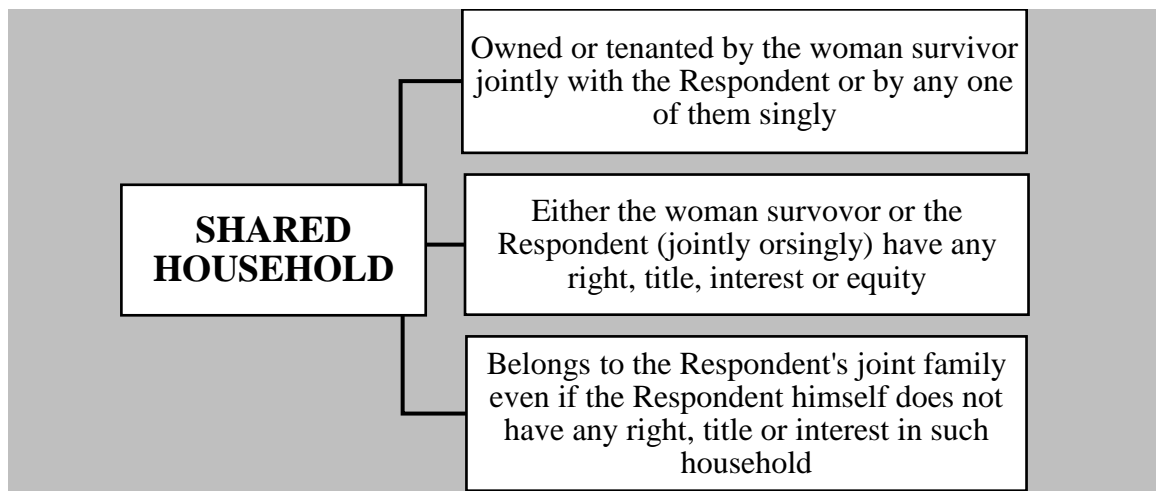
⁵ ibid Also see Indra Sarma v. V.K.V. Sarma AIR 2014 SC 309

The following factors may be considered in arriving at a conclusion on whether or not a relationship can be deemed to be a relationship in the nature of marriage between the parties⁶:

- The use of a common name, common ration card, same address, etc.
- The commitment of the parties to the shared household.
- The existence of a significant period of cohabitation.
- The existence of financial and other dependency between the parties including significant mutual financial arrangements vis-à-vis the household.
- The existence of children of the relationship
- The role of the partners in maintaining the household and in the care of the children.
- They must be qualified to enter into a legal marriage

2.3 What is a ‘shared household’?

A ‘shared household’ is a household where the survivor (Aggrieved Person) and the perpetrator live together or may have lived together in a ‘domestic relationship’ in the past. It includes a household where the house is on lease / license or rent or is part of a joint family property and ownership of the house by either party is not necessary. For the purpose of determining ‘shared household’ all that has to be proved is that the woman lives or has lived with the perpetrator of violence in this home in a conjugal relationship; or in a familial relationship as described above.



2.4 Who is an ‘aggrieved person’?

An “aggrieved person” under PWDVA means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent. Under the Act, a man cannot be an Aggrieved Person and hence no protection under the PWDVA can be afforded to a man under PWDVA as has been ruled in the case of *Dennison Paulraj v. Union of India*⁷.

⁶ <http://pib.nic.in/newsite/feacontent.aspx?relid=119820>

⁷ (2009) DMC 252 (Madras H.C.) (03.04.2009)

2.5 Who is a ‘respondent’?

“Respondent” means any adult male person who is, or has been, in a domestic relationship with the survivor (Aggrieved Person) and against whom the aggrieved person has sought any relief under this Act: Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.

Subsequent to the judgement of Supreme Court in Hiral P Harsora and ors Vs. Kusum Narottamdas Harsora & Ors⁸, a woman can also be a respondent under the Act.

To sum up: If any of the above mentioned (or similar) acts of **domestic violence** have been inflicted on a woman (**aggrieved person**) by another man or woman (**respondent**) who is in a ‘**domestic relationship**’ with her and has lived with her in a ‘**shared household**’ then the aggrieved person is eligible to file a case under PWDVA.

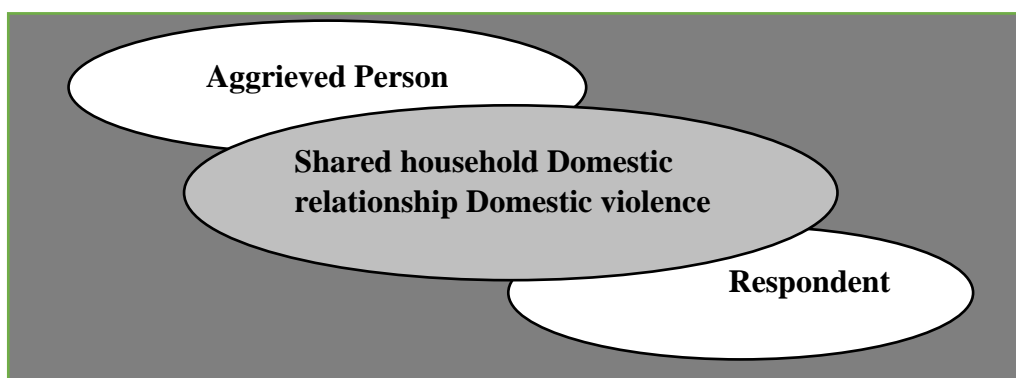
This understanding of the ‘domestic violence’ within ‘domestic relationships’ in ‘shared household’ will enable the police officer to screen a case that indicates domestic violence for eligibility under PWDVA.

3.0 HOW TO SCREEN A CASE FOR ELIGIBILITY UNDER PWDVA?

Ask the following three questions, viz.-

- Does the act complained of constitute an act of “domestic violence”?
- Is there a ‘domestic relationship’ between the survivor and the alleged perpetrator?
- Do the survivor and perpetrator live or have lived in a ‘shared household’?

If the answer to these three questions is ‘yes’, the woman has a right to file a case under PWDVA. In this way a police officer can screen the case for eligibility under PWDVA.



If the woman is eligible to file a case under PWDVA, then as per section 5 of PWDVA, the Police Officer is duty-bound to inform the DV survivor about this law – as explained further down in this manual.

⁸(2016) 10 SCC 165

4.0 SOME MYTHS AND FACTS ABOUT DOMESTIC VIOLENCE AND PWDVA

MYTHS	FACTS
PWDVA only covers cases of violence perpetrated by husband against wife.	It covers all cases of violence in a domestic relationship i.e. violence by father, brother, brother in law, father in law etc.
A domestic violence survivor (Aggrieved Person) can either file a case under PWDVA or file a criminal complaint under Section 498-A of IPC	Both criminal and civil proceedings can be simultaneously initiated and neither Act bars proceedings under the other
Men from a certain castes or religious groups are more likely to be violent towards women as it is common in their culture.	Violence against women is a problem faced equally in all cultures across caste, class and religious divides.
Majority of the women who are survivors of domestic violence are uneducated and/or financially dependent on their family.	Well educated and financially independent women are at an equal risk of facing domestic violence
Men who perpetrate violence on women are very aggressive persons who behave violently in their day to day behaviour	Most men who inflict violence on their wives may not behave violently with other people in general.
Women sometimes instigate or provoke a man to behave violently towards them and therefore face violence due to their own fault	Violence is non-negotiable and no behaviour of the woman can justify violence inflicted on her

Now let us understand step-by-step how the police should help this DV survivor at all stages of the procedure, in the next section of this manual – ‘Duties and responsibilities of the Police under PWDVA’.

5.0 DUTIES AND RESPONSIBILITIES OF THE POLICE UNDER PWDVA

PWDVA was formulated taking into consideration that what women really want. They want the domestic violence to stop, and want support and remedy to deal the consequences of violence. Although Police personnel are more concerned with criminal law, provisions under PWDVA (law that is civil in nature) lay down specific roles and duties for police in dealing with cases of Domestic Violence.

Based on these provisions, several state governments have passed Government Resolutions and/or circulars⁹ that spell out the duties and responsibilities of the Police under PWDVA.

In this manual, the duties and responsibilities of the Police are explained step-by-step through three stages:

1. Before the litigation process commences - THE PRE-LITIGATION STAGE
2. During the period of litigation – DURING LITIGATION STAGE
3. After the court passes the order – POST ORDER STAGE

The key duties and responsibilities of the Police in each of the three stages pertain to three important aspects viz. -

- Providing direct support/ assistance to the survivor (Aggrieved Person),
- Working with the Protection Officer
- Co-ordinating with stakeholders under the Act for complying with procedures prescribed under the PWDVA.

CASE ILLUSTRATION

Radha is a widow whose husband passed away three years ago. After her husband's death her marital family forced her to move out of the joint family property where she was residing with her husband and in-laws for over ten years before his death. This forced her to move into a room attached to the shop which was being run by her husband for business during his lifetime. Radha continued to live peacefully in this room for past two years without much contact from her marital family. However, since last one year, Radha's brother in law has been harassing her and threatening her to give him possession of the shop and the room. He visits the shop and abuses her loudly, physically damages the goods kept in the shop, threatens to hit her and throw her out of the shop.

In this case, it is likely that Radha approaches the police seeking relief to peacefully enjoy her property. However, police should be able to point out that given the facts of the case, she will also be entitled to relief under the PWDVA. Thus, in addition to reporting criminal offences under IPC, Radha will also have a right to pursue a case under PWDVA and seek Protection Order (and any other relevant relief) against her brother-in-law.

⁹For e.g. Government of Maharashtra vide Circular No. DVA 0208 dated November 14, 2008, has spelt out the duties and responsibilities of the Police under PWDVA.

5.1 PRE-LITIGATION STAGE

Chapter scheme

5.1.1 Providing direct support to the DV survivor (Aggrieved Person)

- Receive the DV survivor
- Inform the (Aggrieved Person) about PWDVA
- Initiate parallel procedure under criminal law if the DV survivor decides to
- Take measures to ensure safety of the DV survivor

5.1.2 Working with the Protection Officer (in the pre-litigation stage)

- Referrals to Protection Officer
- Receive DIR from PO and maintain in a separate file
- Appropriate criminal proceedings be initiated if required
- Provide help in case of emergency situation

5.1.3 Co-ordination with other stakeholders under the PWDVA (in the pre-litigation stage)

5.1.1 Providing direct support to the DV survivor (Aggrieved Person)

➤ Receive the DV survivor

Appreciate that coming to the police and the court is a very difficult experience for a woman survivor of violence. She may be embarrassed and ashamed to talk about her ordeal, afraid of being disbelieved and worried about social repercussions of making this complaint. Therefore police need to be extra careful while working with women and remember the needs of a survivor:

Empathy: Offer her patient listening and try to understand her needs and suffering

Confidentiality and privacy: Provide woman a safe space so that she can share her history of violence without fear.

Respect: She has been already going through a lot. If a police officer listens to the woman with respect and belief then her confidence to seek help will be very high.

Avoid doing the following:

- Do not act as a conciliator or mediator for reaching ‘compromise’ on the case;
- Do not attempt to counsel any party for withdrawing the case or for seeking alternate remedies in the nature of conciliation;
- Do not judge and assess whether the complaint of the woman is genuine or false
- Do not ask questions which have the effect of blaming the woman survivor

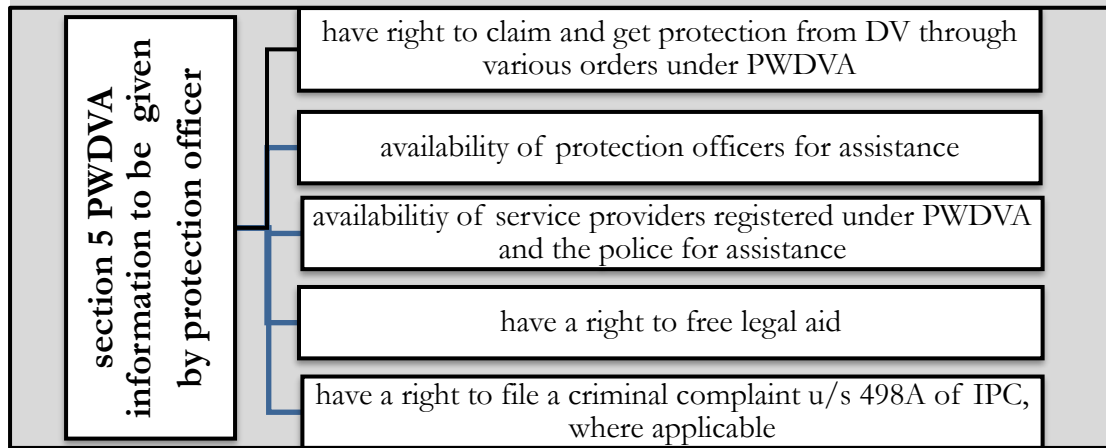
GUIDELINES FOR ASKING QUESTIONS

DO NOT ASK THE FOLLOWING QUESTIONS ¹⁰

- ‘YES or NO’ Questions** (unless you want a simple yes or no answer) E.g. ‘Do you have a problem?’
- Complicated Questions** E.g. ‘What do you think will be the long term effects of such a complaint on your children?’
- Vague Questions** E.g. ‘What do people generally believe to be the value of motherhood?’
- Several Questions all at Once** E.g. Are you willing to separate from your husband? Will you be able sustain yourself financially? Will your parents support you with this decision?’
- Problem or threatening or culturally sensitive Questions** E.g. ‘Do you accept that in you caste the men are violent by nature?’
- Judgmental Questions** – E.g. ‘Aren’t you ashamed of what you have done?’
- Questions that imply an answer or a point of view** E.g. ‘If you want to do something, wouldn’t it be helpful to leave your husband?’
- Name calling, ridiculing** E.g. ‘Don’t be so selfish, think about your family.’
- Interpreting, analysing** E.g. ‘You are reacting this way because of your ego. Why don’t you keep your ego aside and think about this’(she may feel quite different)
- Withdrawing, humouring** E.g. ‘Why don’t you talk about something else?’

➤ **Inform the (Aggrieved Person) about PWDVA**

Inform the woman – the aggrieved person about her rights and support available to her under PWDVA. Please note that this is a mandatory duty. under Section (5) PWDVA.:



• **About her Rights :**

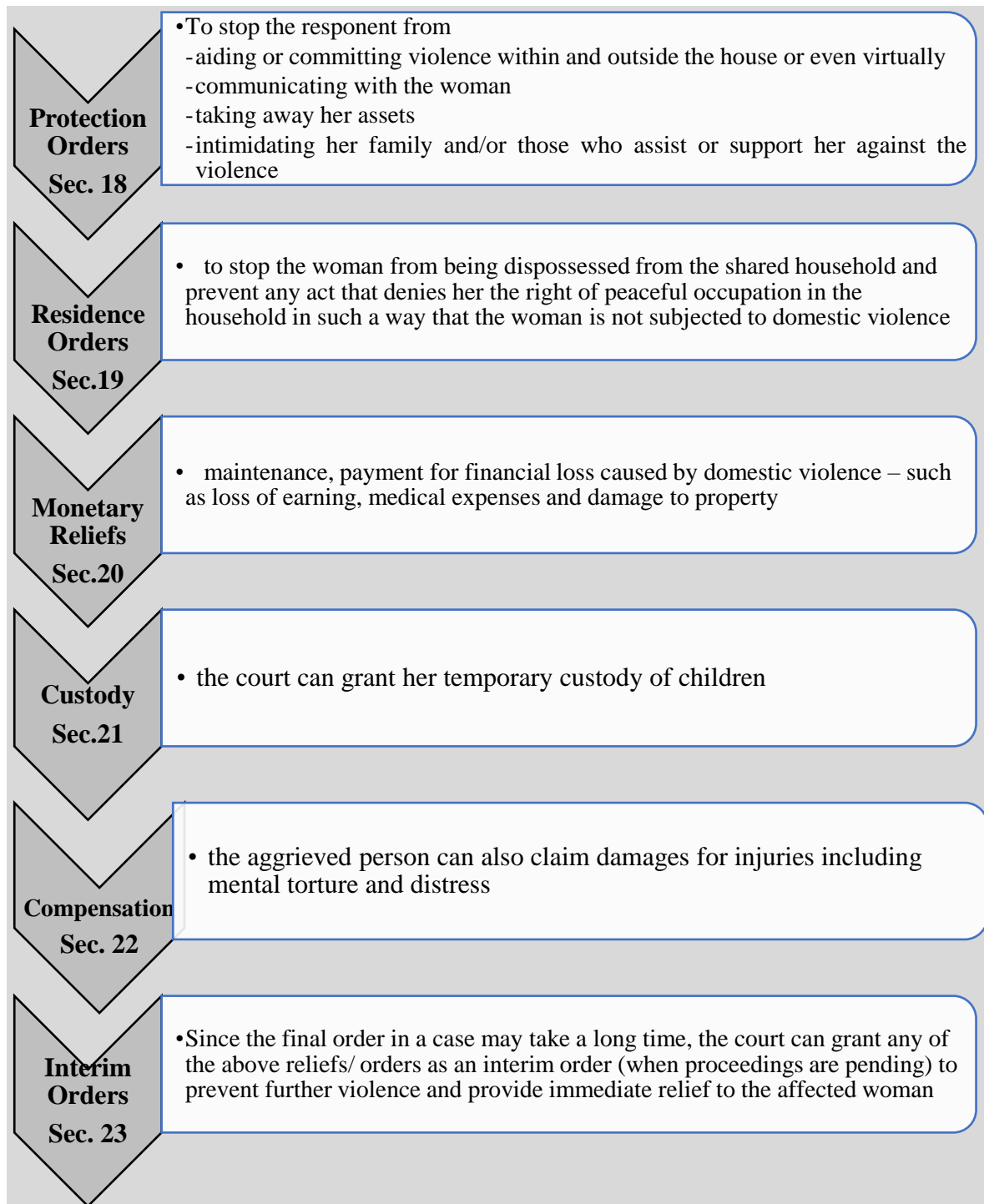
Inform her of her right to make an application under the PWDVA and details of reliefs that she can seek from the court under the PWDVA (i.e. protection order, order for monetary relief, custody order, residence order, compensation order or more than one such order under this Act). The police, however, cannot absolve themselves by only giving information about PWDVA and her rights. If they receive information about a cognizable offence then they have to register a criminal case against the alleged offender.¹¹

¹⁰ List of questions drawn from Laying the Foundation – Training handbook of RCI-VAW

¹¹ State Governments who have issued specific guidelines on the duties of the Police under PWDVA have also stated so; e.g. Maharashtra Govt. vide circular no. DVA0208/PrKr176/visha-6

- **Reliefs available under PWDVA**

Inform her details of reliefs available under PWDVA. It provides six specific reliefs to a survivor (Aggrieved Person). They are summarized below:



Inform her that validity of protection order continues even after her case is closed. An order passed by the court under the PWDVA continues to remain effective until the woman herself applies for alteration or discharge of such order¹². This ensures that the woman's rights granted by the court are protected in perpetuity until she chooses to alter the order.

ILLUSTRATION

Nagma has successfully got a Protection Order from the court for protection against violence by her husband. This order will remain effective unless altered by the court on Nagma's application. If there is an act of violence by Nagma's husband even 10 years after the date of the order, it will amount to breach of order and Nagma can initiate criminal action against her husband for such breach.

- **Inform her about her right to apply for alteration of order**

A survivor (Aggrieved Person) may apply to the court for altering or modifying the order under Section 25(2) of the PWDVA, if there is any change in circumstances.

ILLUSTRATION

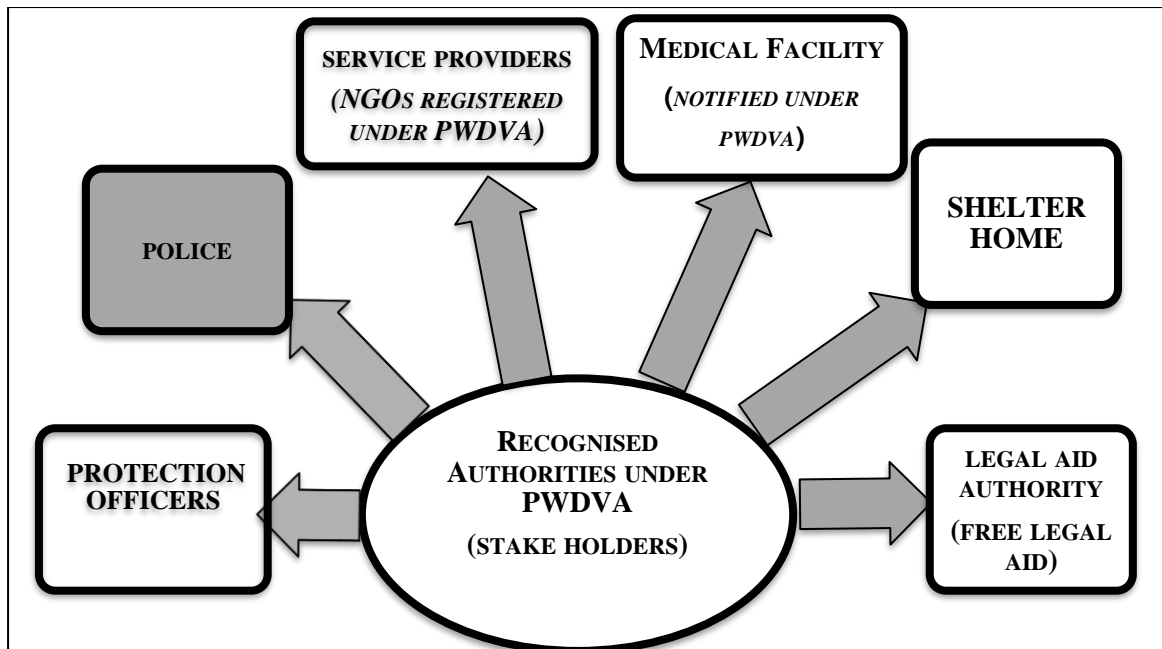
Sunita had obtained a maintenance order directing her husband to pay Rs. 5000 per month towards expenses for her and her daughter. Her daughter subsequently developed a chronic medical condition which required frequent hospitalisation for treatment. She may apply for alteration of order on a later date asking for increase in the maintenance amount owing to the additional expenditure due the medical expenses for her daughter.

Diya has got an order for temporary custody of her son. But in the meantime, there was also pending litigation for permanent custody under guardianship law. The court in that case has given her permanent custody of her son. She can now go to court and ask for discharge of the temporary custody order under PWDVA.

- **PWDVA uses the multi-agency co-ordinated approach in response on DV cases**

The PWDVA recognises a set of duty bearers who may provide support to a woman upon an incident of violence. Inform the Aggrieved Person about these duty bearers. They include Protection Officer, Service Providers, Police, the person-in-charge of a Medical Facility and/or a Magistrate's Court. Under the Act, these duty bearers are bound to provide support to the woman as per her needs like medical assistance, shelter facilities, pre-litigation counselling and handholding etc.

¹² Section 25PWDVA



- **Provide her with a list of registered Service Providers** in the area along with their contact details and details of services provided by them for supporting victims of domestic violence.

In the context of the PWDVA, a **Service Provider** is a voluntary association which is registered under the PWDVA (with state governments) for providing assistance and support to the survivor (Aggrieved Person). The survivor (Aggrieved Person) may seek assistance from a registered Service Provider as per her needs which may include making a complaint under the Act, legal aid, medical care, counselling or any other support.

[In addition to the registered Service Providers, there may be other unregistered organisations providing support services to women, but these unregistered organisations do not have the power to lodge complaints under the PWDVA and only a Service Provider can lodge a complaint under the PWDVA, if so required.]

- **Provide information regarding the availability of services of the Protection Officer**– i.e.

Provide address and contact details of the office of the Protection Officers in the area concerned and inform the Aggrieved Person about their role and duties in assisting victims of domestic violence. Inform her that:

- For focused work on DV cases, the PWDVA has provided for the position of Protection Officer who is the key implementing authority under the Act. The Protection Officer has the duty of helping a survivor (Aggrieved Person) in making complaints, filing an application before the Magistrate for orders, helping her in getting support like medical aid, counselling etc., and making sure that the orders passed by the court are enforced.

- If the survivor (Aggrieved Person) chooses to initiate proceedings under the PWDVA, instead of or in addition to criminal proceedings, she may be escorted by a lady constable to the Protection Officer’s office for necessary action. Alternately, police may communicate with the Protection Officer and refer the women to the Protection Officer’s office for filing of DIR and seeking further assistance. (Please refer Appendix 3 for the format of the DIR as per Form I of PWDVR)

- **Right to avail free legal aid**

Inform her that if she chooses to approach the Court she has the right to avail free legal aid Legal Services Authority of the concerned district.

- **Right to file a complaint under 498A of IPC**

Also inform the survivor (Aggrieved Person) of her right to file a complaint under section 498A of the IPC, wherever relevant.

➤ **Initiate parallel procedure under criminal law if the DV survivor decides to do so**

The role of the police under PWDVA does not end at duties set out under Section 5 of the Act. Based on the needs of the survivor (Aggrieved Person) and the facts of the case parallel procedure under criminal laws should be initiated. A survivor has the option of proceeding under the PWDVA and under the Criminal law simultaneously.

- Where the act complained of by the survivor (Aggrieved Person) also constitutes a cognizable offence, prima facie under the provisions of the IPC or any other legislation like POCSO, PCMA, DPA etc, she should be informed of her right to initiate criminal proceedings by lodging an FIR and subject to her consent, criminal proceedings must be initiated.
- In all other cases where the reported incident is not serious enough to amount to a cognizable offence, the incident complained of should be recorded in the Non Cognizable Offences Register as it creates a trail of evidence for every incident of violence that the woman has suffered.

ILLUSTRATIONS
<p>Where the survivor (Aggrieved Person) is under the age of 18 and is complaining of violence from her husband and marital family, proceedings under PCMA should be initiated by Police as offences under PCMA are cognizable.</p> <p>Similarly, in cases of complaints of sexual violence within marital or natal family where the survivor is under 18 years of age, proceedings under POCSO should be initiated.</p>



What should the Police do if the survivor (Aggrieved Person) does not want to initiate criminal proceedings?

Make an entry in the daily diary of the Police station as per the information contained in the DIR with a remark that due to the intimate nature of the relationship with the accused, the Aggrieved Person has requested that on the basis of the information received by her, the matter has be kept pending for appropriate enquiry before registration of an FIR¹³.

(Please note: The DIR format under PWDV rules 5(1) and 5(2) and 17(3) is given in Form I of PWDVR. Please find the same in Appendix 3 of this manual .

➤ Take measures to ensure safety of the DV survivor

In most cases, there will be an urgent need to stop the continuing violence on the survivor (Aggrieved Person) and therefore the need to preventive steps so as to ensure her safety. This can be done in the following manner:

- Use powers conferred upon police under various laws. For example –
 - for executing bond by the respondent for good behaviour under Sections 107, 109, 110, 111 of the Cr.P.C,
 - powers to arrest the respondent for prevention of commission of a cognizable crime under Section 151 of the Cr.P.C and
 - demand of security for good behaviour under Section 93 of the Maharashtra Prohibition Act for ensuring that violence against the survivor (Aggrieved Person) stops immediately and her safety is ensured.

Please note: Such powers must be used at all stages in a reported case of Domestic Violence, to stop violence on the women and ensure the safety of her and her children

- Plan for safety of the survivor (Aggrieved Person) based on the level of duress and threat on her from the accused. This entails assisting the survivor (Aggrieved Person) in assessing the risks faced by her and developing a practical plan to keep safe.
- In cases of high risk, regular follow ups should be done by home visits/phone calls, checking with sources in the community etc. to ensure the safety and well being of the survivor (Aggrieved Person) from the time of registering the complaint. Co-ordination with Protection Officer/ Service Provider may also be used for preparing a Safety Plan and effectively executing it.

¹³ Clause 8 of FORM I under PWDV Rules 2006

PREPARING A SAFETY PLAN (BY POLICE)

- When a survivor (Aggrieved Person) reports an incidence of violence, ensure that she and her children are protected from facing any further abuse and support her in seeking the relief that she wants.
- Appropriate referral may be made to the PO for preparing a Safety Plan. However, where immediate assistance is required and /or the services of the PO are not available, Police may prepare the Safety Plan for the survivor (Aggrieved Person) under Form V of the PWDV Rules (Please refer Appendix 2 - Form V).
- Form V lays down the details of forms of violence, the consequences of such violence and apprehensions of the survivor (Aggrieved Person) persons under Columns A, B, and C. Column D under FORM V (“Measures required for safety”) is for recording options that can be resorted to by survivor (Aggrieved Person).
- When a Police Officer is assisting the survivor (Aggrieved Person) in providing details in FORM V, the details in columns C and D are to be filled in by such Police Officer in consultation with the survivor (Aggrieved Person) and with her consent.
- One of the purposes of the Safety Plan is to identify ways in which the survivor (Aggrieved Person) can safeguard herself during and after a violent incident and reduce the risk of serious harm. To do this, the Protection Officer must conduct a risk assessment with the aggrieved person and exercise extreme care for the woman’s safety. Pointers in risk-assessment include¹⁴
 - If the parties are in a matrimonial relationship and have been recently separated or if the aggrieved person is attempting a separation.
 - The aggrieved woman strongly believes that she is in imminent danger.
 - History and pattern of violence: factors like frequency, severity and timing of violent incidents in the past can often be strong indicators of present and future threats.
 - Threats by the perpetrator.
 - Previous incidents of stalking, harassment, intimidation and similar behaviour.
 - History of assaulting behaviour or taking the law into own hands by the perpetrator.
 - Alcohol or substance abuse.
 - Particular vulnerability of the woman, for example: pregnancy, complete financial dependency, no support system etc.

¹⁴ Adapted from Lawyers’s Collective, Ending Domestic Violence Through Non–Violence : A Manual for PWDVA Protection Officers, 128 (1 st edn. 2009)

- A Safety Plan should provide multiple options and be prepared considering a variety of different situations in which the aggrieved person may find herself, such as during a violent incident, when she is preparing to leave, after leaving, at her place of employment, etc. Each of these situations would be associated with different risks. The Police officer concerned should assist the aggrieved person in assessing risks in each of these contexts and generate options to meet the specific situation. Hence, if a particular plan does not work out, then the aggrieved person should be able to change her plan and use other options.
- Safety planning should be formulated to¹⁵:
 - Assist in reducing the risk of further harm to the survivor (Aggrieved Person);
 - Reinforce the fact that violence may recur and make her aware of the levels of danger the victim and children may face;
 - Reflect and supply information to any risk identification and assessment processes;
 - Build on existing coping strategies;
 - Assist victims to focus on their own needs as opposed to the needs of the suspect and inform/refer to organisations providing services that would help her;
 - Give victims and children a wider range of options, particularly, for example, while staying in their own home;
 - Encourage victims and children to take measures to increase their own safety;
 - Keep the safety plan confident and ensure that it is not revealed to the suspect;
 - Being a police officer, continue to be part of a safety and protection process (rather than just assisting during a single occurrence of violent episode);
 - Make the safety plan for all domestic violence survivors irrespective of their level of contact with the suspect, e.g. whether they are separated or living with the suspect.

Illustrations of Options for Safety in Particular Situations¹⁶

During a violent incident :

Determine how best to exit the home or find lower risk places to which the aggrieved person can go if an argument occurs. Places with no exits (such as bathrooms or wall closets) or places that provide access to weapons (such as kitchens), are unlikely to be safe places.

¹⁵ Ibid

¹⁶ Adapted from Lawyers' Collective, Ending Domestic Violence Through Non-Violence : A Manual for PWDVA Protection Officers, 128 (1 st edn. 2009)

Preparing to leave:

Make a list of people whom the aggrieved person may contact in an emergency or places to which she might go if she leaves. She should be asked to memorise emergency numbers and keep aside some money to make phone calls at all times.

After leaving:

The aggrieved person's economic dependence makes her more vulnerable to violence. In such situation, the Safety Plan should include options for her to become economically independent.

At her place of employment :

With the consent of the aggrieved person inform co-workers (or tell her to inform co-workers) about her situation so that they can assist in screening calls and inform her if the respondent attempts to find or contact her. Other options may be to travel to work with another person, change routes used to travel to work, etc.

5.1.2 Working with the Protection Officer (in the pre-litigation stage)

➤ **Contact/ refer to a Protection Officer**

Upon receiving a case of DV make appropriate referrals in the case to Protection Officer for filing of DIR and providing further support to the survivor (Aggrieved Person).

➤ **Maintain the DIR copies received from the Protection Officer**

In all cases of domestic violence, a copy of DIR filed by the Protection Officer will be sent to the police station concerned. Such copies must be received and maintained in a separate file for DIRs. If the survivor (Aggrieved Person) chooses to initiate criminal proceedings later, such DIR can also be used as documentary evidence for establishing history of violence on the survivor (Aggrieved Person).

➤ **File a criminal case if required, against the respondent**

Police may receive referrals from Protection Officers in cases which were directly reported to the Protection Officer but have criminal implications. Appropriate criminal proceedings should be initiated in all such cases. Additionally, even in these cases police should use their inherent powers under Cr.P.C for stopping violence immediately and work with the Protection Officer on safety planning of the survivor (Aggrieved Person).

➤ **Extend assistance to the Aggrieved Person during emergency situation**

As stated above, a Protection Officer (or a Service Provider) may also seek police help in an emergency situation for reaching out to a survivor (Aggrieved Person) at her home for initiating procedure under PWDVA. Adequate support, should be provided in all such cases. Additionally, police may also use their inherent powers under Cr.P.C (as described above) for stopping violence on the survivor (Aggrieved Person) immediately and ensuring her safety both during the process of recording the DIR and later.

5.1.3 Co-ordination with other stakeholders under the PWDVA (in the pre-litigation stage)

In addition to providing the information, if the survivor (Aggrieved Person) reports of any physical injury or pain, immediate medical assistance must be provided to her and she should be referred to the nearest medical facility for emergency medical care/examination¹⁷. Reports of such examination including details of injury and treatment given should be brought on record as part of the FIR/NC Register entry.

Assess if the survivor (Aggrieved Person) needs additional support services like shelter, counselling etc. and connect her to the relevant Service Providers in the area through referrals and as far as practicable, ensure that the Aggrieved Person has received appropriate assistance from the Service Provider concerned.

GOOD PRACTICE
<p>In situations where any stakeholder under the PWDVA does not perform its duties, Police should as the agency responsible for law enforcement ensure that such services are made available to the women. For e.g. where a Shelter Home has denied entry to a woman, police should ensure that the woman is provided shelter.</p>

In case the woman needs counselling, make appropriate referrals to Service Providers for providing her emotional and mental support and hand hold her through the process, including use of special services within police system like pre-litigation counselling at Special Cell for Women and Children, Mahila Dakshata Samiti, Mahila Suraksha Samiti (PS Level), Women's Cell, Mahila Vishesh Sahay Kaksh (SP Office), Mahila Dakshata Samiti, Complaints resolution cell for women or any other unit that addresses violence against women.

As mentioned above, in case of an emergency, a Service Provider may seek police help for reaching out to a survivor (Aggrieved Person) at her home and initiating procedure under PWDVA. Immediate support (as explained above) must be provided to them in such cases for ensuring safety of the woman and helping them in recording the DIR and presenting the same before the magistrate at the earliest¹⁸.

To provide information and available support under PWDVA to the aggrieved woman it is essential that they themselves should have all necessary information about the names, addresses and mobile/phone numbers of protection officers, service providers, medical facility etc. Such information is available with the Department of Women and Child Development, a nodal agency appointed under PWDVA by the Government.

¹⁷ Clause 8 of FORM I under PWDV Rules 2006.

¹⁸ Ibid

5.2 DURING LITIGATION STAGE

Chapter scheme

5.2.1 Providing direct support/ assistance to the survivor (Aggrieved Person)

- Right to receive police response at any stage
- A fresh complaint of violence is a separate violation under the law
- FIR and/or non-cognizable offences should be recorded
- Assist in implementing interim order
- Framing charges for breach of order under Section 31 including criminal charges

5.2.2 Working with the PO (in the ongoing litigation stage)

- Police Assistance for Service of Notice
- Assistance for Implementation of Order
- Assistance in Retrieval of *Stridhan*
- Assistance in Confiscation of Weapon
- Provide help in emergency situations

5.2.3 Co-ordination with other stakeholders under the PWDVA (in the ongoing litigation stage)

5.2.1 Providing direct support/ assistance to the survivor (Aggrieved Person)

It is possible that the survivor (Aggrieved Person) approaches the police for assistance during the pendency of an ongoing case under the PWDVA. She may have been subjected to violence from the perpetrator despite having complained under PWDVA and may approach the police for seeking help to stop violence (for her safety) even at this stage. In such cases, the police should do the following -

- **Acknowledge the survivor's (Aggrieved Person's) right to receive police response and assistance.**

If a fresh incidence of violence has occurred even when a case under PWDVA is going on, record the incidence as a complaint appropriately. Reference to the DIR that the Protection Officer may have submitted in a particular case may also be made while recording the fresh complaint.

- **Every fresh incidence of violence is a separate violation under the law.**

Even if a DV survivor's case is pending under PWDVA, every fresh incidence attracts action under criminal law. Hence appropriate action may be taken.

- **Record the incidence of violence as non-cognizable offences or FIR as may be fit and take action.**

Subject to the consent of the survivor (Aggrieved Person), record actions amounting to cognizable offences prima facie as an FIR. If the complaint amounts to non-cognizable offences record it so in the NC register. If the survivor (Aggrieved Person) does not wish to initiate criminal proceedings, a note in the daily diary must be made (as explained above), to create a chronological record of the history of violence faced by the survivor (Aggrieved Person).

➤ **Check with the survivor (Aggrieved Person) and/or her lawyer if there was any prevailing interim protection order**

Call upon the survivor (complainant) to check and confirm if such order has already been passed by the Magistrate under the ongoing PWDVA proceedings. If so, any act of violence is a breach of such interim order and should be treated as cognizable offence under Section 31 of the PWDVA and Rule 15(4) of the PWDVR and criminal proceedings should be initiated accordingly.

➤ **File a criminal case of breach of order under Section 31 PWDVA**

While framing charges for breach of order under Section 31, if the facts of the case indicate prima facie that the incident of violence constitutes an offence under any law in force like Section 498-A of IPC, DPA, POCSO, PCMA or any other provision of the IPC, then such charges should also be included.¹⁹

5.2.2 Working with the PO (in the ongoing litigation stage)

➤ **Provide Police Assistance for Service of Notice**

A Protection Officer may request for police assistance in serving notice to the respondent especially in cases where there is possibility of violence from the respondent and/or his family at the time of serving notice. The Police may provide such assistance at the request of the Protection Officer. If the Protection Officer obtains a Court order directing the police to serve notice or to provide assistance at the time of serving notice to the respondent, it is mandatory for the police to comply with such court orders.

BEST PRACTICE
There are good examples of collaboration between the Protection Officers and the police in cases under PWDVA. An arrangement is worked out between the Protection Officer/s and police stations wherein on request for police assistance directly before the SHO of the police station concerned and availability of personnel, appropriate police assistance for serving of notice, execution of orders etc. is provided This practice affords more flexibility and is less time consuming. Thus, it works in the best interest of the survivor (Aggrieved Person).

➤ **Assistance for Implementation of Order**

An interim order passed by the Court may include instruction for the local police to provide assistance to the Protection Officer for implementation of the order²⁰. In all such cases appropriate assistance must be provided to the Protection Officer and/or the survivor (Aggrieved Person) for effective implementation of the order. Such assistance may include giving protection to the survivor (Aggrieved Person) during implementation of the order, helping in taking possession of a house in case of a residence order, ensuring implementation of a protection order etc.

¹⁹ As per Rule 15 PWDV Rules, 2006

²⁰ Section 19(5), 19(7) and 20(4) of the PWDVA

➤ **Assistance in Retrieval of Stridhan**

In cases where the survivor (Aggrieved Person) has left her belongings, especially stridhan items, in her marital home and the respondent refuses to return such items, the Protection Officer may seek police help for recovery of such items. In all such cases, a complaint under Section 406 of the IPC may be recorded and separate criminal procedure can be initiated by the police to retrieve the items. In cases where there may be threat of violence, police may also provide assistance by accompanying the survivor (Aggrieved Person) and the Protection Officer and ensuring their safety when they go to receive the stridhan items.

➤ **Assistance in Confiscation of Weapon**

Similarly, court may direct the Protection Officer to seek police assistance in confiscation of weapon involved in incidence of violence reported²¹. In all such cases, police should provide necessary support during the process of confiscation. Police may also make entries of the details of the weapon in their diary in relation to the case of the survivor (Aggrieved Person), as maintained under police records. Also, if the Protection Officer does not have a safe place to keep the confiscated weapon, the police can keep it at police station.

➤ **Assistance in emergency situations**

PO may seek help in emergency situations and assistance and it should be provided in all emergency cases.

5.2.3 Co-ordination with other stakeholders under the PWDVA (in the ongoing litigation stage)

In addition to initiating criminal procedures, assess the immediate needs of the survivor (Aggrieved Person) and make appropriate referrals to Service Providers, Shelter Homes and/or Medical Facilities.

²¹ Rule 10(1) (f) of PWDV Rules, 2006

5.3 POST LITIGATION STAGE

Chapter scheme

5.3.1 Providing direct support/ assistance to the survivor (Aggrieved Person)

Enforcement of Orders:

- Residence Order
- Monetary Order
- Temporary Custody Orders
- Compensation

Breach of Orders

Criminal Implication for breach of court orders

5.3.2 Working with the Protection Officer

For enforcement of order

After enforcement of order ensuring safety of survivor

5.3.1 Providing direct support/ assistance to the survivor (Aggrieved Person)

➤ **Enforcement of Orders**

The orders passed by the court may include Protection Order, Order for maintenance, Residence Order, Temporary Order for Custody of Children and Order for Compensation. In all these cases police should assist the Protection Officer.

Assist the survivor (Aggrieved Person) in enforcement of any order passed under PWDVA by the Court against the respondent, specifically in cases where the Respondent is not readily complying with the orders.

Section 28(1) and Rule 6(5) of the PWDVA and Rules provide that the enforcement procedure under Section 125 Cr.P.C may be used for enforcement of orders. Since this involves criminal procedure, Courts may direct the police for assistance in the enforcement of orders. However, even in cases where such express order is not given, support should be provided to the PO in enforcement, if so requested.

- Residence Orders:

- In case of residence orders, the Court may direct the police to provide protection and support to the survivor (Aggrieved Person) during the process of implementation of residence order.

- In addition, Courts may also direct the respondent to execute a bond, with or without sureties²², for preventing domestic violence. Such a direction by the court, will constitute an order under Chapter VIII of the Cr.P.C (i.e. Security for keeping the Peace and Good Behaviour).²³ Upon any breach of such a bond, police should use powers under Chapter VIII of the Cr.P.C to enforce the residence order effectively

Case Illustration : Enforcement of Residence Order
<p>Saraswathy had obtained a residence order from the court allowing her to continue staying in the 'shared household' with her husband and in-laws. However, her husband was not allowing her to enter the house by putting a lock on the door despite the residence order. She approached the court for seeking help in enforcing the residence order, the Magistrate Court directed the officer in charge of the nearest police station to implement residence and protection orders by breaking the door of the said house in the presence of the Revenue Inspector and make accommodation for Saraswathy.</p> <p>In a similar case the Madras High Court enforced the protection order by giving directions to the police to break open the lock of the house ²⁴, as locking the house was depriving the woman from enjoying the protection order.</p>

- Monetary Orders:

- A copy of any order for monetary relief will be sent by the Court to the in-charge of the police station where the respondent resides. Such order must be received by the police and followed up for enforcement.
- An order for monetary relief under Section 20 of the PWDVA will be executed in accordance with the procedure prescribed under Section 128 of Cr.P.C. i.e. the same as the procedure for execution of Maintenance Orders (under sec.125 of Cr.P.C). As mentioned above, this being part of the criminal procedure, Police must upon request provide adequate support to the survivor/PO as the case maybe in execution of such order.
- Additionally, where the Court has passed an order attaching the salary of a respondent who disobeys an order for monetary relief under Section 20(1), such orders may also be enforced in accordance with the manner set out under Section 431 of Cr. P.C (Money to be recovered as fine).

- Temporary Custody Orders:

- The Survivor (Aggrieved Person) may seek police assistance against threats and violence from the respondent.

²² Section 19(3) of PWDVA

²³ Section 19(4) of PWDVA

²⁴ P. Babu Venkatesh v. Rani, AIR 2008(NOC)1772(Madras H.C.)

- Compensation

- An order for Compensation may be executed similar to monetary reliefs based on directions of the Court.

➤ **Breach of Orders**

As per rule 15(7) of the PWDV Rules, a violation of any order or the respondent's resistance to enforcement of the order shall call for any of the following actions:

- It would be presumed that a protection order or an interim protection order has been breached and therefore shall be considered to be a cognizable under Section 31 of PWDVA. In other words, any complaint of breach of an order of the court passed under the PWDVA would be a criminal offence under Section 31 of PWDVA and criminal proceeding for the same should be initiated against the respondent. As per Section 32 such breach of order would be a non-bailable and cognizable offence.
- A survivor (Aggrieved Person) can make a complaint of such breach directly to police under Rule 15(4) of the PWDV Rules, 2006.
- Such complaints should be followed up with regular criminal investigation, arrest of the Respondent and production before the Magistrate.
- Where violence has continued despite existing Court orders, register them as fresh complaints/FIR for such incidents and initiate criminal proceedings as prescribed.

BREACH OF OTHER ORDERS

Meera had obtained interim order for payment of maintenance by her husband. However, he defaulted in paying her the interim maintenance and did not pay her any money for a period of one year from the date of order. She obtained the courts under Section 31 of the PWDVA and the courts eventually ordered her husband to pay her the outstanding amount of the interim maintenance.

It is established that "...Non-payment of interim maintenance is a continuous wrong wherein the limitations period begins on the date on which the maintenance became due..."²⁵

➤ **Criminal Implications for breach of a Court Order**

While the PWDVA is primarily a civil legislation, it includes penal provisions for violation or breach of an existing order of the Court. Thus, if any order passed by court is violated by the Respondent, a woman applicant can report such violation as an offence to the Police either directly or through the Protection Officer and then initiate criminal proceedings. The violator can be immediately arrested in accordance with applicable provisions of Criminal Procedure Code, 1973 ("Cr.P.C"), as it is a criminal offence.

²⁵ Anil Solanki v. Ila Solanki RLW 2010 (3) Raj 2533

5.3.2 Working with the Protection Officer

➤ **For enforcement of order-**

Protection Officer can seek assistance of police in enforcement of any order passed under PWDVA by the Court. If the court has given clear direction in the order to assist Protection Officer, then in such case police are required to give assistance to Protection Officer.

➤ **After enforcement of order ensuring safety of survivor**

Role of police does not ends with enforcement of order. There could be a need to prepare safety plan along with Protection Officer; e.g. If survivor has to stay in the house of respondent then there has to be planning regarding how to stay safe and in case of any need how and whose help can be sought.

CONCLUSION

Many a times, the Police serve as the first point of contact for a DV survivor seeking help. Although PWDVA is a law that is civil in nature, the Police, as one of the stakeholders under PWDVA, have a very important role to play in assisting a DV survivor. Their duties and the assistance that they can provide have been described in this manual and summarized as below:

- proactively reach out to such women who suffer DV (especially in emergency situations),
- provide information about her rights under PWDVA and as well as the services available under it,
- help her access support services of multiple authorized stakeholders under PWDVA,
- assist her in accessing legal remedies under PWDVA as well as under criminal law (both trials can go simultaneously),
- support her for her safety/protection,
- assist in implementing court orders,
- file criminal case against the respondent under section 31 PWDVA for breach of Protection Order,
- Work in close coordination with the Protection Officer and also with other stakeholders,
- and such other assistance as described in this manual.

We hope that this manual would be useful to you.

Wishing you the best towards your effort for the effective implementation of PWDVA.

APPENDIX

FORM IV

(See rule 8(1)(ii)]

INFORMATION ON RIGHTS OF AGGRIEVED PERSONS UNDER THE
PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

1. If you are beaten up, threatened or harassed in your home by a person with whom you reside in the same house, then you are facing domestic violence. The Protection of Women from Domestic Violence Act, 2005, gives you the right to claim protection and assistance against domestic violence.
2. You can receive protection and assistance under the Act, if the persons (s) with whom you are/were residing in the same house, commits any of the following acts of violence against you or a child in your care and custody—
 1. Physical Violence:

For example -

 - (i) Beating,
 - (ii) Slapping,
 - (iii) Hitting,
 - (iv) Biting,
 - (v) Kicking
 - (vi) Punching,
 - (vii) Pushing,
 - (viii) Shoving or
 - (ix) Causing bodily pain or injury in any other manner.
 2. Sexual Violence:

For example -

 - (i) Forced sexual intercourse,
 - (ii) Forces you to look at pornography or any other obscene pictures or material;
 - (iii) Any act of sexual nature to abuse, humiliate or degrade you, or which is otherwise violative of your dignity or any other unwelcome conduct of sexual nature,
 - (iv) Child sexual abuse.
 3. Verbal and Emotional violence:

For example -

 - (i) Insults;
 - (ii) Name-calling;
 - (iii) Accusations on your character conduct etc.,
 - (iv) Insults for not having a male child,
 - (v) Insults for not bringing dowry etc,
 - (vi) Preventing you or a child in your custody from attending school, college or any other educational institution,
 - (vii) Preventing you from taking up a job,
 - (viii) Forcing you to leave your job,
 - (ix) Preventing you or a child in your custody from leaving the house,
 - (x) Preventing you from meeting any person in the normal course of events,

- (xi) Forcing you to get married when you do not want to marry,
- (xii) Preventing you from marrying a person of your own choice,
- (xiii) Forcing you to marry a particular person of his/their own choice,
- (xiv) Threat to commit suicide,
- (xv) Any other verbal or emotional abuse.

4. Economic Violence:

For example -

- (i) Not providing you money for maintaining you or your children
- (ii) Not providing food, clothes, medicines etc, you or your children,
- (iii) Stopping you from carrying on your employment
- (iv) Disturbing you in carrying on your employment
- (v) Not allowing you to take up an employment or,
- (vi) Taking away your income from your salary, wages etc;
- (vii) Not allowing you to use your salary, wages etc,
- (viii) Forcing you out of the house you live in
- (ix) Stopping you from accessing or using any part of the house,
- (x) Not allowing use of clothes, articles or things or general household use,
- (xi) Not paying rent if staying in a rented accommodation, etc.

3. If an act of domestic violence is committed against you by a person/s with whom you are/were residing in the same house, you can get all or any of the following orders against the person(s) -

(a) Under section 18:

- (i) To stop committing any further acts of domestic violence on you or your children;
- (ii) To give you the possession of your *stridhan*, jewellery, clothes etc.;
- (iii) Not to operate the joint bank accounts or lockers without permission of the Court.

(b) Under section 19:

- (i) Not to stop you from residing in the house where you were residing with the person/s;
- (ii) Not to disturb or interfere with your peaceful enjoyment of residence;
- (iii) Not to dispose off the house in which you are residing;
- (iv) If your residence is a rented property then either to ensure payment of rent or secure any other suitable alternative accommodation which offers you the same security and facilities as earlier residence;
- (v) Not to give up the rights in the property in which you are residing without the permission of the Court;
- (vi) Not to take any loan against the house/property in which you are residing or mortgage it or create any other financial liability involving the property;
- (vii) Any or all of the following orders for your safety requiring the person/s to.

- (c) General order:
 - (i) Stop the domestic violence complained /reported.
- (d) Special orders:
 - (i) Remove himself/stay away from your place of residence or workplace
 - (ii) Stop making any attempts to meet you;
 - (iii) Stop calling you over phone or making any attempts to communicate with you by letter, e- mail etc;
 - (iv) Stop talking to you about marriage or forcing you to meet a particular person of his/ their choice or marriage;
 - (v) Stay away from the school of your child/children, or any other place where you and your children visit;
 - (vi) Surrender possession of firearms, any other weapon or any other dangerous substance;
 - (vii) Not to acquire possession of firearms, any other weapon or any other dangerous substance and not to be in possession of any similar article;
 - (viii) Not to consume alcohol or drugs with similar effect which led to domestic violence the past;
 - (ix) Any other measure required for ensuring your or your children's safety.
- (e) An order for interim monetary relief under section 20 and 22 including—
 - (i) Maintenance for you or your children;
 - (ii) Compensation for physical injury including medical expenses;
 - (iii) Compensation for mental torture and emotional distress;
 - (iv) Compensation for loss of earning;
 - (v) Compensation for loss caused by destruction, damages removal of any property from your possession or control.

Note - I. Any of the above relief can be granted on an interim basis, as soon as you make a complaint to domestic violence and present your application for any of the relief before the Court.

II. A complaint for domestic violence made in From I under the Act is called a “Domestic Incident Report”

4. If you are a victim of domestic violence, you have the following rights:
- (i) The assistance of a Protection Officer and service providers to inform you about your rights and the relief which you can get under the Act under section 5.
 - (ii) The assistance of Protection Officer service providers of the officer-in-charge of the nearest police station to assist you in registering your complaint and filing and application for relief under section 9 and 10
 - (iii) To receive protection for you and your children from acts of domestic violence under section 18.
 - (iv) You have right to measures and orders protecting you against the particular dangers or insecurities you or your child are facing.
 - (v) To stay in the house where you suffered domestic violence and to seek restraint on other persons residing in the same house, from interfering with or disturbing

peaceful enjoyment of the house and the amenities, facilities therein, by you or your children under section 19.

- (vi) To regain possession of your stridhan, jewellery, clothes, articles of daily use and other household goods under section 18.
- (vii) To get medical assistance, shelter, counselling and legal aid under sections 6, 7, 9 and 14.
- (viii) To restrain the person committing domestic violence against you from contacting you or communicating with you in any manner under section 18.
- (ix) To get compensation for any physical or mental injury or any other monetary loss due to domestic violence under section 22.
- (x) To file complaint or applications for relief under the Act directly to the court under sections 12, 18, 19, 20, 21, 22 and 23.
- (xi) To get the copies of the complaint filed by you, applications made by you, reports of any medical or other examination that you or your child undergo.
- (xii) To get copies of any statements recorded by any authority in connection with domestic violence.
- (xiii) The assistance of the Protection Officer or the Police to rescue you from any danger.

5. The person providing the form should ensure that the details of all the registered service providers are entered in the manner and space provided below. The following is the list of service providers in the area:

Name of Organization	Service Provided	Contact Details

Continue the list on a separate sheet, if necessary.....

FORM V
(See rule 8(1)(iv)]
SAFETY PLAN

1. When a Protection Officer, Police Officer or any other service provider is assisting the woman in providing details in this form, then details in columns C and D are to be filled in by the Protection Officer, Police Officer or any other service provider, as the case may be, in consultation with the complainant and with her consent.
2. The aggrieved person in case of approaching the court directly may herself provide details in columns C and D.
3. If any aggrieved person leaves columns C and D blank and approaches the Court directly, then details in the said columns are to be provided by the Protection Officer to the court, in consultation with the complainant and with her consent.

	A	B	C	D	E
Sl. No.	Violence by the Respondent	Consequences of violence mentioned in column A suffered by the aggrieved person	Apprehensions of the aggrieved person regarding violence mentioned in Column A	Measures required for safety	Orders sought from the court
1.	Physical violence by the Respondent	Complainant’s perception that she and her children are at risk of repetition of physical violence	(a) Repetition (b) Escalation (c) Fear of injury (d) Any other, specify		
2.	Any sexual act abusing, humiliating or degrading, otherwise violative of your dignity	(a) Depression (b) At risk of repetitio of such an act (c) Facing attempts to commit such acts	(a) Repetition (b) Escalation (c) Any other, specify		
3.	Attempts at strangulation	(a) Physical injury (b) Mental ill health (c) Any other, specify	(a) Repetition (b) Any other, specify		

4.	Beatings to the children	(a) Injury to the children (b) Adverse mental effect of the same on the children (c) Any other, specify	(a) Repetition (b) Adverse effect of violent behaviour/environment on the child		
5.	threats to commit suicide by the Respondent	(a) Violent environment in the house (b) Threat to safety (c) Any other, specify	(a) Actually trying to commit the same (b) Repetition (c) any other, specify		
6.	Attempts to commit Suicide by the Respondent	(a) Violent environment in the house (b) Insecurity, anxiety, depression, Mental trauma (c) Any other, specify	(a) Repetition, escalation, aggravation of the same (b) Mental trauma, pain (c) Any other, specify		
7.	Psychological & emotional abuse of the Complainant like insults, ridicule, name calling, insults for not having a male child, false accusation of unchastity, etc.	(a) Depression (b) Mental trauma, pain (c) Unsuitable atmosphere for the child/children (d) Any other, specify	(a) Repetition, escalation, aggravation of the same (b) Mental trauma, pain (c) Any other, specify		
8.	Making verbal threats to cause harm to the aggrieved person/ her children/Parents/relatives	(a) Living in constant fear (b) Mental trauma, pain (c) any other, specify	(a) Respondent may carry out the mentioned threats (b) Mental trauma, pain (c) any other, specify (d)		
9.	Forcing not to attend school/college/any other educational institution	(a) Depression (b) Mental trauma, pain (c) Any other, specify	(a) Repetition (b) Mental trauma, pain (c) Any other, specify		

10.	Forcing to get married when do not want to/ forcing not to marry a person of choice/forcing to marry a particular person of Respondent/s choice	(a) Depression (b) Mental trauma, pain (c) Fear of being married forcibly (d) Any other	(a) Repetition (b) Mental trauma, pain (c) Any other		
11.	Threatening to kidnap the Child/children	(a) Living in constant fear (b) Threat to the child/ children's safety (c) any other, specify	(a) Children might be kidnapped (b) Any other, specify		
12.	Actually causing harm to the aggrieved person/children/ relatives	(a) Living in constant fear of further harm (b) Any other, specify	(a) Repetition (b) Escalation (c) Fear of injury (d) Any other, specify		
13.	Substance abuse (drugs/alcohol)	(a) Living in constant fear of abusive and violent behaviour by the Respondent due to substance abuse (b) Deprived of leading a Normal life (c) Any other, specify	(a) Physical violence after consuming the same (b) Abusive behaviour after consuming the same (c) Non-payment of maintenance/ household expenses (d) Any other, specify		
14.	History of criminal behaviour	(a) Constant fear of violence (b) Fear of revenge by the Respondent	(a) Respondent has a tendency to violate law and is likely to flout orders passed by the Court against him (b) Respondent might cause harm to the aggrieved person/children for filing any further proceedings (c) Any other, specify		

15.	Not provided money towards maintenance, food, clothes, medicines etc.	(a) Driven towards vagrancy and destitution (b) Any other, specify	(a) Have to face great hardship to fulfill the needs and requirements of her child/children and herself (b) Any other, specify		
16.	Stopped, disturbed from carrying on employment or not allowed to take up the same	(a) Not able to fulfill the basic needs for yourself and your children (b) Any other, specify	(a) Have to face great hardship to fulfill the needs and requirements of her child/children and herself (b) Any other, specify		
17.	Forced out of the house, stopped from accessing or using any part of the house or prevented from leaving the same	(a) Having no place to stay for yourself and your children (b) Being restricted to a particular area of the house	(a) Safety of her child/children and herself (b) have to face great hardship in providing shelter for her (c) Any other, specify		
18.	Not allowed use of clothes, articles or things of general household use	(a) Losing possession of the same (b) Not having resources to replace the same	(a) The same may be disposed of by the Respondent (b) Any other		
19.	Non-payment of rent in case of a rented accommodation	(a) Being asked to leave the same by the owner on such non-payment (b) No alternate accommodation to go to (c) No income to afford a rented accommodation	(a) Losing shelter (b) Facing great hardship (c) Any other, specify		

20.	Sold, pawned <i>stridhan</i> or any other valuables without informing or without consent	(a) Loss of valuables or property (b) Any other, specify	(a) The same may be disposed off by the Respondent (b) Any other, specify		
21.	Dispossessed of <i>stridhan</i>	(a) Deprived of the property in her possession (b) Any other, specify	(a) The same may be disposed of by the Respondent (b) Feat of never receiving the same again (c) Any other, specify		
22.	Breach of civil/criminal court order, specify order	Please specify	Please specify		

.....
 Signature Signature
 Aggrieved person Service Provider/Protection
 Officer/Police Officer

FORM 1

[See rules 5(1) and (2) and 17(3)]

DOMESTIC INCIDENT REPORT UNDER SECTION 9 (B) AND 37 (2) (C) OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (43 OF 2005)

1. Details of the complainant/aggrieved person:

- (1) Name of the complaint /aggrieved person:
- (2) Age:
- (3) Address of the shared household:
- (4) Present Address:
- (5) Phone Number, if any:

2. Details of Respondent:

S. No.	Name	Relationship with the aggrieved person	Address	Telephone No. if any

3. Details of children, if any, of the aggrieved person:

- (a) Number of Children:
- (b) Details of children:

Name	Age	Sex	With whom at present residing

4. Incidents of domestic violence:

S. No.	Date, place and time of violence	Person who caused domestic violence	Types of violence	Remarks
			Physical violence	
			Causing hurt of any kind, please specify	
<i>(i) Sexual violence</i> Please tick mark [√] the column applicable.				
			<input type="checkbox"/> Forced sexual intercourse. <input type="checkbox"/> Forced to watch pornography or other obscene material <input type="checkbox"/> Forcibly using you to entertain others <input type="checkbox"/> Any other act of sexual nature, abusing,	

			humiliating, degrading or otherwise violative of your dignity (please specify details in the space provided below):	
<i>(ii) Verbal and emotional abuse</i>				
			<input type="checkbox"/> Accusation/aspersion on your character or conduct, etc. <input type="checkbox"/> Insult for not bringing dowry, etc. <input type="checkbox"/> Insult for not having a male child. <input type="checkbox"/> Insult for not having any child. <input type="checkbox"/> Demeaning, humiliating or undermining remarks/ statement. <input type="checkbox"/> Ridicule. Name calling. <input type="checkbox"/> Forcing you to not attend school, college or any other educational institution. <input type="checkbox"/> Preventing you from taking up a job. <input type="checkbox"/> Preventing you from leaving the House. <input type="checkbox"/> Preventing you from meeting any particular person. <input type="checkbox"/> Forcing you to get married against your will. <input type="checkbox"/> Preventing you from marrying a person of your choice.	

			<input type="checkbox"/> Forcing you to marry a person of his/their own choice. <input type="checkbox"/> Any other verbal or emotional abuse. (please specify in the space provide below)	
<i>(iii) Economic violence</i>				
			<input type="checkbox"/> Not Providing money for maintaining you or your children <input type="checkbox"/> Not providing food, clothes, medicine, etc., for you or your children <input type="checkbox"/> Forcing you out of the house you live in <input type="checkbox"/> Preventing you from accessing or using any part of the house <input type="checkbox"/> Preventing or obstructing you from carrying on your employment <input type="checkbox"/> Not allowing you to take up an employment <input type="checkbox"/> Non-payment of rent in case of a rented accommodation <input type="checkbox"/> Not allowing you to use clothes or articles of general household use <input type="checkbox"/> Selling or pawing your <i>stridhan</i> or any other valuables without informing you and without your consent	

			<input type="checkbox"/> Forcibly taking away your salary, income or wages etc. <input type="checkbox"/> Disposing your <i>stridhan</i> <input type="checkbox"/> Non-payment of other bills such as electricity, etc. <input type="checkbox"/> Any other economic violence <input type="checkbox"/> (please specify in the space provided below)	
<i>(iv) Dowry related harassment</i>				
			<input type="checkbox"/> demands for dowry made, please specify <input type="checkbox"/> Any other details with regard to dowry, please specify. Whether details of dowry items, <i>stridhan</i> , etc. attached with the form <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>(v) Any other information regarding acts of domestic violence against you or your children</i>				

(Signature or thumb impression of the complainant/aggrieved person)

5. List of documents attached

Name of document	Date	Any other detail
Medico-legal certificate		
Doctor's certificate or any other prescription		
List of <i>stridhan</i>		
Any other document		

6. Order that you need under the Protection of Women from Domestic Violence Act, 2005.

S. No.	Order	Yes/No	Any other
(1)	(2)	(3)	(4)
(1)	Protection order under section 18		
(2)	Residence order under section 19		
(3)	Maintenance order under section 20		
(4)	Custody order under section 21		
(5)	Compensation order under section 22		
(6)	Any other order (specify)		

7. Assistance that you need

Sl. No.	Assistance available	Yes/No	Nature of assistance
(1)	(2)	(3)	(4)
(1)	Counsellor		
(2)	Police assistance		
(3)	Assistance for initiating criminal proceedings		
(4)	Shelter Home		
(5)	Medical Facilities		
(6)	Legal aid		

8. Instruction for the Police officer assisting in registration of a Domestic Incident Report:

Wherever the information provided in this Form discloses an offence under the Indian Penal Code or any other law, the Police Officer shall—

- (a) inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1974)
- (b) if the aggrieved person does not want to initiate criminal proceedings, then make daily diary entry as per the information contained in the domestic incident report with a remark that the

aggrieved person due to the intimate nature of the relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of an FIR

- (c) if any physical injury or pain being reported by the aggrieved person, offer immediate medical assistance and get the aggrieved person medically examined.

Place:.....

Date.....

.....

(Counter signature of Protection
Officer/Service Provider)

Name:.....

Address:.....

(Seal)

Copy forwarded to:—

1. Local Police Station
2. Service Provider/ Protection Officer
3. Aggrieved person
4. Magistrate