

Domestic Violence- Questions and Answers
(with feedback)

1. Which law/act covers the issues of domestic violence in India?

The Protection of Women from Domestic Violence Act, 2005 (PWDV Act or commonly known as the DV Act) is the primary law which provides for protection of the rights of women who are the victims of violence of any sort that occur within the family/domestic-setup. The Constitution of India guarantees these rights and the protection of women.

2. What is domestic violence (DV) as per the law?

Domestic Violence is defined as any of the following forms of violence committed against a woman by her partner, a partner's family (marital family), or her family member (natal family) who are in a domestic relationship:

- harm, injury or danger to her health, safety, life, physical and emotional well-being, whether mental or physical, of an aggrieved woman. It includes causing physical, sexual, verbal and emotional and economic abuse; or
- harassment, harm, injury or danger to the aggrieved woman to pressure her or any other person related to her to meet any unlawful demand for dowry or other property or valuable asset; or
- any person related to her, or the woman herself has received threats;
- has been injured or harmed, whether physically, mentally, emotionally, sexually or economically.

3. My husband hits me, who can help me?

or

My natal family harasses me, what can I do?

or

What kinds of relief I can seek from court under the PWDV Act?

(i) No one has the right to hit/abuse you physically, mentally, emotionally and/or financially. You have the right to be safe from these kinds of abuse and threats. If you are experiencing any form of violence, please reach out for help. Any act of physical, sexual, verbal, emotional or economic abuse against a woman by her husband/partner or any family member is considered domestic violence under the PWDV Act.

(ii) To protect yourself from abuse and violence, besides filing a complaint with the police, you also have the right to file a case in the court. You can ask the court for a protection order to prevent the perpetrator/attacker/abuser/offender from committing any further acts of violence against you (protection order).

(iii) As compensation, you can also apply for financial relief from the court for any financial losses or expenses (e.g.: medical bills) paid as a result of violence.

(iv) You may also ask the court for a residence order from the court, which would compel your husband/family member to leave the shared house and/or provide you with a separate residence to live.

(v) You can also ask the Court to stop your husband from entering your workplace or the school of your children; to stop all communication with you; to stop operating joint bank accounts held with you; and to not alienate any assets.

(vi) You might want to consider counselling services, and you can visit one stop centres (OSC's), which support women affected by violence and abuse.

4. What are one stop centres?

(i) One-Stop Centre is a scheme of the central government which establishes centres across the country to provide holistic support and assistance to women who have experienced violence (in both in private and public spaces), under one roof.

(ii) The aggrieved women, including those affected by violence along with their children (girls of all ages and boys up to 12 years of age), can get temporary shelter at the One Stop Centre for a maximum of 5 days at the discretion of the Centre Administrator.

5. How do I contact a one-stop centre? Where is the nearest one-stop centre to me?

You can find details of 733 functional One Stop Centres across different states here-

<https://wcd.nic.in/sites/default/files/733%20OSCs%20Directory%2021.03.2023%20%282%29.xlsx>

6. What are the different services (medical, legal, procedural, psychosocial etc.) that can be availed at the one-stop centre?

One Stop Centres provide support and assistance to women who have experienced violence and are in need. It facilitates immediate emergency and non-emergency access to a variety of services including medical, legal, temporary shelter, police assistance, psychological and counselling support to fight against any forms of violence against women. One-Stop Centres allow aggrieved women and their children (girls of all ages and boys up to 12 years of age) to avail temporary shelter for a maximum of 5 days. The admissibility of any woman to the temporary shelter would be at the discretion of the Centre Administrator.

7. Will I need to incur any expenses in availing assistance from the one-stop centre?

The One Stop Centre scheme is a scheme of the central government. The women approaching the One Stop Centre do not have to pay any fees/money to get the assistance.

8. I know someone who is being abused by her family. What can I do to help her?

- (i) If you have reasons to believe that any form of domestic violence has been, or is being, or is about to be subjected to anyone you know, you can inform the Police/ concerned Protection Officer. You can call 1091 (women helpline) or the National Commission For Women 24x 7 Helpline 7827-170-170 or any other relevant helplines on this NCW list here [-http://www.ncw.nic.in/helplines](http://www.ncw.nic.in/helplines)
- (ii) You can call the police at 112/100 for emergency response. Anyone who provides information to the authorities in good faith will face no action/ liability.
- (iii) You can also meet and counsel the woman and inform her about the protection the law and different agencies provide . For Delhi, you can also reach out to NGOs and other service providers listed below:
 - Shakti Shalini
 - Jagori
 - ALL INDIA WOMEN'S CONFERENCE (Emancipation, Education and Empowerment of Women , Across 10 states) <http://www.aiwc.org.in/> 011-43389100 , 011-43389101 ,011-43389102 011-43389103
 - Rahi Foundation https://www.rahifoundation.org/know_someone_sexually_abused.html
- (iv) You can also reach out to the Delhi Commission For Women Helpline at 181.
- (v) NGO Involved in Combating Violence against women- <https://spuwac.in/ngoscombat.php>
- (vi) List of Women Institutions run by the Government & NGO- http://wcddel.in/pdf/Wome%20InstitutionsNGO_WEC2021.pdf

9. Who is a service provider?

or

Who can register as a service provider under PWDV Act?

Service provider is any legally registered NGO in India with the objective of lawfully protecting the rights and interests of women including providing legal aid, medical, financial or other assistance. These NGOs register themselves with the State Government as a service provider.

10. To make a complaint with the National Commission for Women, what details will have to be given?

To make a complaint with the National Commission for Women, the following details will have to be given:

- (i) Contact details of the aggrieved woman (mandatory) and the perpetrator (whichever is available)
- (ii) Brief description of the incident

- (iii) Details of any other remedies already exhausted
- (iv) Supporting documents (If any)

11. What are the basic rights of an aggrieved woman under the PWDV Act?

(i) You have the right to be protected from domestic violence, immediately and in the long term as well. For this you have to take certain steps such as approaching the competent authority like the Magistrate or the Police. An aggrieved woman can file an application for relief to the Court/magistrate with the assistance of the Protection Officer, a service provider or a police officer. This application will be filed before the Court/magistrate of the district where the aggrieved woman ordinarily or temporarily resides/carries on business/is employed, or where the perpetrator resides/carries on business/is employed, or where the incident of domestic violence took place. The term 'Magistrate' refers to the Judicial Magistrate of the First Class, or as the case may be, the Metropolitan Magistrate.

(ii) Receive medical aid and shelter, counselling and legal aid.

(iii) In terms of documents you can be entitled to get:

- free copies of any FIRs that you might have filed, if you have filed a criminal complaint;
- free copies of any Domestic Incident Reports that you might have filed, application for relief, and medical reports, if you have approached the Protection Officer.

(iv) You can seek specific assistance from the court in the form of counselling, police assistance, assistance for initiating criminal proceedings, shelter home, medical facilities, and legal aid. An aggrieved woman can seek a protection order, a residence order, monetary relief (maintenance order), compensation and damages, custody, and interim relief on any of the orders mentioned.

12. Can a complaint be filed against an aggrieved woman under the Domestic Violence Act (PWDV Act)?

or

Against whom can an aggrieved woman file a complaint under the PWDV Act?

or

Can a complaint be only filed against the partner under the PWDV Act?

- (i) A complaint can be made against anyone (woman/women or man/men) who has/continues to commit any form of domestic violence on the aggrieved woman and has a domestic relationship in a shared household with the aggrieved woman.
- (ii) You can also complain against a minor (anyone below the age of 18) who is subjecting you to domestic violence. These relationships include, for example, the husband, the son, daughter, mother, father, brother, sister and her in-laws like her mother-in-law, father-in-law, brother-in-law, sister-in-law etc.

13. What is defined as a “domestic relationship” ?

Domestic relationship is a relationship between two persons who live or have, at any point of time, lived together in a shared household. These persons should be related through marriage or in a relation in the nature of marriage (i.e. long-term live in relationship), consanguinity, adoption or are family members living together as a joint family. These relationships include, for example, the husband, the son, daughter, mother, father, brother, sister and her in-laws like her mother-in-law, father-in-law, brother-in-law, sister-in law etc.

14. What is a “shared household”?

‘Shared household’ refers to a household where an aggrieved woman lives or has lived at any point of time in a domestic relationship with the abuser/perpetrator. The household can be shared either singly or jointly with other people. It includes such a household whether:

- owned/rented either jointly by the aggrieved woman and the abuser/perpetrator, or
- owned/rented by either of them in which either the aggrieved woman or the perpetrator or both have any right, title, interest or equity. The claim to right, title, interest or equity may be jointly or solely enjoyed by either of them.
- a household which may belong to the joint family of which the perpetrator is a member, irrespective of whether the perpetrator or the aggrieved woman has any right, title or interest in the shared household.

15. Are women in live-in-relationships protected under the PWDV Act?

Yes, an aggrieved woman can file a complaint against her long-term live-in partner because she shares a domestic relationship in the nature of marriage with her partner and they reside in a shared household.

16. Where can an act of domestic violence take place?

Domestic violence can happen anywhere. It need not always be confined to the house you are living in. Two things are to be considered, firstly, that you must have been subjected to domestic violence by someone with whom you have shared a domestic relationship and secondly, you should also have shared a household with that person.

17. What is the time limit to filing an application against domestic violence under the PWDV Act?

There is no specific time limit for filing a complaint against domestic violence. However, you should be able to prove that you were in a domestic relationship with the perpetrator at the time the violence took place. If there is a delay in complaining about the domestic violence faced by you, you might be asked to explain the reason behind the delay.

18. Can a man file a case against his wife for domestic violence?

The PWDV Act only provides protection to women so a man cannot file a domestic violence complaint. There are other laws which he can use in case he is being hurt/abused by the actions of his wife.

19. Can transgenders or anyone who identifies themselves as a woman be covered under the purview of this Act?

Transgenders or anyone who identifies themselves as a woman should be able to file a domestic violence complaint but it depends on the discretion of the court. Recently, the Bombay High Court held that a transgender woman who has undergone sex reassignment surgery can be a “woman” under the PWDV Act and has the right to apply for interim maintenance in a domestic violence case.

20. If you are divorced or judicially separated from your husband, can you still seek relief under the PWDV Act?

- (i) If you are divorced or judicially separated from your husband you can still complain and apply for relief under the PWDV Act. Even if a marriage comes to an end, the scope of the PWDV Act is not constrained by time and space. The caveat is that the PWDV Act should have taken place during the time the parties were in a domestic relationship. Even if they are living separately, economic abuse, mental/emotional abuse can be complained against.
- (ii) Even though you are divorced, if your ex-husband/adult male partner is continuing to verbally abuse you through phone calls, you can file a complaint with the police or seek assistance from a protection officer or a service provider to take necessary action against your ex-husband/adult male partner. They can help you file an application in court and you may seek appropriate relief, such as a restraining order to stop your ex-husband /adult male partner from contacting you. It is important to gather any evidence of the abuse, such as call records or audio recordings, to support your case.

21. If you are a widow, can you still seek relief under the PWDV Act?

If you are a widow, and you continue to live with your in- laws after the death of your husband, it is viewed as domestic relationship, as your relationship with your in-laws does not comes to an end with the death of your husband. In such a case, if you face domestic violence from any member in that home, you can file a complaint against them.

22. What is physical abuse under domestic violence?

Physical abuse/violence means any act or conduct which causes bodily pain, harm, or danger to life, limb, or health or impair the health or development of an aggrieved woman and includes assault, criminal intimidation and criminal force.

23. Does the PWDV Act cover “economic abuse”?

or

Does the aggrieved woman have any remedy under the PWDV Act if she is deprived of financial assistance by her family?

Economic abuse briefly means not offering any kind of financial assistance to an aggrieved woman for household expenditures or taking over her land or other possessions. Economic abuse includes actions like depriving the aggrieved woman of the necessary financial resources she requires, stopping her from working or accessing employment, or not allowing her to use her skills and qualifications to earn a living. Demanding dowry before or after marriage is also an offence under the PWDV Act. It includes:

- depriving the aggrieved woman of all or any economic or financial resources to which she is entitled or which she requires out of necessity including - household necessities for the aggrieved woman and her children, *stridhan*, property, jointly or separately owned by the woman, payment of rent for the shared household and maintenance;
- disposing household items/goods, any selling/giving of assets whether movable or immovable, valuables, shares, securities, bonds, and the like, or other property in which the aggrieved woman has an interest or is entitled to use by virtue of the domestic relationship, or which may be reasonably required by the aggrieved woman, or her children, or her *stridhan*, or any other property jointly or separately held by the aggrieved woman; and
- prohibiting or restricting continued access to resources or facilities which the aggrieved woman is entitled to use or enjoy as a result of the domestic relationship including access to the shared household.
- not allowing/disturbing her to take up employment, or not paying rent in a rented accommodation

24. I am not financially independent and which is why I fear that if I make a complain I will have no money or I will be evicted from my house. What should I do?

or

My husband says that I cannot take any action against him since I have nowhere to go or no money of my own. What should I do?

or

My in-laws kicked me out of the house in the middle of the night, where do I go?

- (i) If you are in immediate danger or seriously injured, call for emergency services, or ask a friend, family member, or neighbour for help. You can also call the police at 112/100 for emergency response. One-Stop Centres allow aggrieved women and their children (girls of all ages and boys up to 12 years of age) to avail temporary shelter for a maximum of 5 days. The admissibility of any woman to the temporary shelter would be at the discretion of the Centre Administrator. Service providers/NGOs can also help women to avail services like temporary or long-term shelter as well as financial and legal help.
- (ii) Even if a woman does not have any place to stay or does not earn independently and so is heavily dependent on the perpetrator's family, she can still file a complaint under the PWDV Act and get protection. Upon filing the application before the court, such woman can get:
 - The PWDV Act grants right to residence in the shared household to an aggrieved woman. The court can order that the aggrieved woman cannot be evicted from her

house. The court may, on being satisfied that domestic violence has taken place, pass the following residence orders

- restraining the perpetrator from dispossessing or in any other manner disturbing the possession of the aggrieved woman from the shared household, whether or not the perpetrator has a legal or equitable interest in the shared household;
- directing the perpetrator to remove himself from the shared household;
- restraining the perpetrator or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
- restraining the perpetrator from alienating or disposing off the shared household or encumbering the same;
- restraining the perpetrator from renouncing his rights in the shared household except with the leave of the Magistrate; or
- directing the perpetrator to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:
- The court may direct the perpetrator to return the aggrieved woman's stridhan or any other property or valuable asset to which she is entitled to.

(iii) A woman can also get financial support under the PWDV Act. Once an application for compensation is made before the court, it can pass an order directing the perpetrator to pay monetary relief to meet the expenses and losses suffered by the aggrieved woman and any child of the aggrieved woman as a result of the domestic violence. Such relief can include:

- the loss of earnings;
- the medical expenses;
- the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved woman; and
- the maintenance for the aggrieved person as well as her children, if any, including an order
- under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.
- The monetary relief should be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved woman is used to.
- The court can also decide how the maintenance needs to be paid i.e. either by way of an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case require.

(iv) Besides monetary relief, once an application for compensation is made before the court, it can pass an order directing the perpetrator to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that perpetrator.

25. Does the PWDV Act cover “emotional abuse” and “verbal abuse”?

or

What are the different forms of abuse/violence under Domestic Violence (DV)?

or

Does the PWDV Act only cover “physical violence/abuse?”

or

My husband/in-laws do not give me money/ ridicule and humiliate me. Is this covered by the PWDV law?

Yes, the PWDV Act covers physical, sexual, economic, emotional and verbal abuse. Verbal and emotional abuse includes insults, ridicule, humiliation, name calling of the aggrieved woman e.g. insulting an aggrieved woman for not having a child or a male child or repeated threats to cause physical pain to any person in whom the aggrieved woman is interested, preventing the woman from taking a job or marrying a person of her choice, threats to commit suicide etc.

26. What are signs of physical domestic violence?

Some signs of physical violence could be:

- You are being hurt physically and your health, physical development or wellbeing is threatened. For example, beating, slapping, hitting, biting, kicking, punching, pushing, shoving etc.
- You are being hurt physically, and it is causing danger to your life
- Someone makes any gestures that make you believe that they are going to physically hurt you. For example, if your husband/adult male partner shakes his fist at you while knowing that it will likely make you believe that he is going to punch you.
- Verbal or physical threats to harm you or your loved ones, in order to:
 - Scare you or alarm you or make you feel annoyed.
 - Make you do something you don't legally have to do. For example, if your in-laws threaten to hurt you if you don't quit your job.
- Prevent you from doing something you are legally entitled to do. For example, if your husband/adult male partner threatens to hurt you if you want to file a complaint against him.

27. What are signs of Verbal and Emotional domestic violence?

Some signs of verbal and emotional domestic violence could be:-

- You are insulted, humiliated or ridiculed. For example, if your husband/adult male partner calls you abusive names because you did not bear a child/ male child, or because you did not bring dowry.
- The perpetrator threatens to commit suicide. For example, if you state that you want to divorce your husband/adult male partner, and he threatens to commit suicide if you do so.

- Separating you from your child. For example, if you are separated from your new born child because your in-laws believe you cannot take care of him
- Preventing you from taking a job, or forcing you to leave your job.
- Preventing you, or any child in your custody, from leaving the house.
- Preventing you from meeting any person, like family members or friends.
- Forcing you to get married to someone or preventing you from getting married.
- Threats to cause physical pain to your loved ones.
- Threats to commit suicide.
- Taunt/insults for giving birth to a disabled child
- Finding faults with the domestic chores being performed, repeatedly taunting.

28. What are signs of Economic/Monetary domestic violence?

Some signs of economic violence could be:-

- You are not allowed to access the financial assets and resources of your or your partner's family. For example, if you are a widow living in a joint family, and are not allowed to access the assets and resources belonging to the joint family.
- Restricting access to resources that you normally use and share with the perpetrator, such as access to any part of the house that you live in.
- Dispossess you from your assets, or assets held jointly. For example, if your husband/adult male partner sells off the property that both of you own together.
- Removing your personal items from the household, such as your clothing, utensils, etc.
- Not allowing you to use items of general household use, such as preventing you from entering the kitchen.
- Not giving you enough money to maintain yourself/your children, such as money for food, clothes, medicines, etc.
- Not letting you take up a job, or disturbing you in carrying out your job.
- Taking away your salary/income, or not letting you use your salary/income.
- Forcing you to leave the house.
- Not paying rent, if living in a rented accommodation.

29. What are the physical and mental consequences of domestic violence on women?

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

(i) Physical: Injuries ranging from minor cuts to bruises; burns, chronic pain, and malnutrition in the girl child. Severe violence may cause fractures, leading to disability and sometimes even death.

(ii) Psychological or Mental: The psychological and emotional effects of Violence against women are far more damaging than the physical ones. They hamper a women's self –esteem, leading to other mental health problems and may lead to women actually committing suicide or attempts to commit suicide. This

can also lead to depression, anxiety and headaches. Adolescent girls' and adult women's reproductive health is affected by sexual coercion. Battered women syndrome: These can be seen in women who are survivors of long-term abuse.

(iii) Reproductive: Unwanted pregnancies, and or sexually transmitted diseases are a common manifestation. Other effects include injuries to the reproductive tract, trauma during pregnancy leading to complications, such as abortions, premature births and even maternal deaths.

30. Who has the authority to report an incident or make a complaint as per the PWDV Act?

or

How do I make a DV complaint?

or

If I happen to visit a different police station which does not have jurisdiction for my case, will my FIR be registered?

- (i) An aggrieved woman can go to the nearest police station or to a protection officer or to a service provider to make a domestic violence complaint/ report an incident of domestic violence or any for support. She can also directly make a complaint before the court court/magistrate of the district having jurisdiction over where the aggrieved woman temporarily or permanently resides/carries on business/is employed, or the person against whom the complaint is filed resides/carries on business/is employed, or where the incident of domestic violence took place. (Magistrate means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate).

You can check/find out about the nearest district court for your location here-

<https://districts.ecourts.gov.in/>

- (ii) Every district in the country is also supposed to have a Protection Officer assigned to assist who they can approach as well and who will support the aggrieved woman throughout the application process. A list of Protection Officers of the State is available on the website of the respective State Women and Child Department. The list of protection officers for Delhi is available here: <https://spuwac.in/listsocialwelfare.php>
- (iii) Do note that the PWDV Act provides for very specific reliefs and not every complaint or form of domestic violence involves criminal charges. So the Police may not necessarily have to register an FIR unless a criminal offence is made out. However, they do have to inform the woman of her rights and specifically her right to file a criminal complaint under section 498A of the Indian Penal Code, wherever relevant.
- (iv) In case, you want to make a criminal complaint under Indian Penal Code then the Police will register an FIR. If the police tell you the case does not fall under their jurisdiction, you can ask them to register a zero-FIR. A Zero-FIR can be filed by any police station, irrespective of place of incident/jurisdiction. The same is later transferred to the appropriate police station which then gets an FIR Number.

31. Who all can an aggrieved woman call to make a complaint?

- (i) An aggrieved woman can contact the women's helpline by dialling **1091** to report/make a complaint under the PWDV Act. She can also approach any NGO registered as a service provider. A list of these service providers is maintained by the Protection Officer.
- (ii) An aggrieved woman in distress can also reach out to sources on this link - <http://www.ncw.nic.in/helplines>
- (iii) Assistance can also be sought from the respective State Commission for women. List of state women's commission - <http://ncw.nic.in/important-links/list-state-women-commissions>
- (iv) State wise helplines: <https://indianhelpline.com/women-helpline>
- (v) An aggrieved woman can also dial 100, PCR and report to the police and seek help to guide her to DV remedies.

32. What information do I need to share when I call any helpline/NGO/officer?

or

What should I say on the helpline?

- (i) Mention your name, relation to the aggrieved woman (if calling on behalf of the aggrieved woman), and location where the counsellor can meet you.
- (ii) State clearly why you are calling and what help you expect from the helpline.
- (iii) If you are facing a threat to your or your family's life and safety, please mention this clearly and request for immediate help.

E.g. - "I am Rashi, calling from Gali no. 17, Sangam Vihar, Delhi. My in-laws have been demanding dowry for the last 2 years and have been abusing me mentally, verbally and physically. Today, they have forced me out of their house and told me to come back only when I can fulfil their demands. I do not have any place to go to and have suffered injuries because of the beatings. Please help me."

33. What kind of help can I expect after calling the helpline?

- (i) Counselling services
- (ii) Immediate support: Sending a counsellor along with a PCR van/Ambulance.
- (iii) Support in making a complaint with the local Police Station.
- (iv) Support in getting a Medico-Legal-Case Examination (MLC) done.
- (v) Help in getting Legal Aid services
- (vi) Any other support as may be requested by the aggrieved woman /person calling on behalf of the aggrieved woman.

34. If an aggrieved woman does not want to file a complaint with the police, what can she do? Can she opt for counselling?

- (i) Report/make a complaint online with the National Commission for women - <https://ncwapps.nic.in/onlinecomplaintsv2/> or call NCW 24x7 Helpline: 7827-170-170. They can provide options for mediation or counselling depending upon the case.

- (ii) Approach the One Stop Centre (OSC) of her district to avail counselling services. The OSC can also provide her with medical/legal assistance and shelter. The list of OSCs across India can be accessed <https://wcd.nic.in/schemes/one-stop-centre-scheme-1>
- (iii) The court may, at any stage of the proceedings direct the abuser/perpetrator or the aggrieved woman either solely or jointly, to undergo counselling with any member of a service provider/NGO who possesses such qualifications and experience in counselling. In which case, the next date of hearing of the case shall be fixed by the court within a period not exceeding two months.

35. If I feel uncomfortable talking to a male police officer about my case, can I get a female police officer?

If a woman feels uncomfortable talking to a male police officer, she can request to get a female police officer assigned. Women Help Desks are present in all Police Stations with female staff.

36. I am afraid to make a complaint. What if my husband or his family take revenge on me?

- (i) In case you are afraid to make a complaint because your husband or his family might try to harm you or take any other action against you or your loved ones then you should know that:-
 - The Protection Officer or service provider can support you and provide a stay in a safe shelter home if you decide to report.
 - You can also get protection by way of court orders from any violence or threats. However, this does not eliminate the risk entirely, as court orders can be flouted. However, flouting court orders is also punishable.
 - You have the right to get legal, medical and shelter support free of cost if required.
 - The court can also direct the police or protection officer to ensure all the protection orders are implemented so that you don't face any form of violence or harassment. Also, in case the perpetrator breaches the court orders they can be arrested and put in jail.
 - You also have the right to get monetary relief for the expenses or losses suffered and compensation for the injuries as well as the mental and emotional distress as a result of the violence. In addition, if you decide to separate/get a divorce from your husband, you can separately apply for maintenance for you and your children in addition to the monetary reliefs under the PWDV Act.
- (ii) You can try to turn to support systems that are present to help you, including the police, NGOs in your area, or your own family or friends.

37. What do I do if the police do not cooperate or take any action on the domestic violence complaint?

There are times when police officers do not take the necessary steps. In such a situation, it is important to know that there are other avenues you can take to get protection and it is not necessary to complain to the police only for a domestic violence case. Some of these could be-

- (i) You can approach a protection officer from your district and ask for assistance. A list of Protection Officers of the State is available on the website of the respective State Women and Child Department.
- (ii) You can also directly go to the court i.e. Magistrate in your jurisdiction and make a complaint. You can check/find out about the nearest district court for your location here- <https://districts.ecourts.gov.in/>
- (iii) The aggrieved woman can avail the services of a legal aid counsel without any cost. She can approach the District State Legal Service Authority (DSLISA) of her district to avail legal aid. Contact details of the nearest DSLISA can be obtained on <https://districts.ecourts.gov.in> or the e-courts app.
- (iv) You can also call 1091 (women helpline) or the NCW 24x7 Helpline : 7827-170-170 or any other relevant helplines on this NCW list here- <http://www.ncw.nic.in/helplines>. You can also contact the women commission of your state (contact details for each state is here-<http://ncw.nic.in/important-links/list-state-women-commissions>) or a local NGO that can help you.

38. What are the rights of an aggrieved woman under the PWDV Act that she needs to be informed of?

After a complaint of domestic violence is made, a police officer, Protection Officer, service provider or Magistrate/Court who has received a complaint of domestic violence shall inform the aggrieved woman—

- of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under the PWDV Act;
- of the availability of services of service providers;
- of the availability of services of the Protection Officers;
- of her right to free legal services;
- of her right to file a complaint under Section 498A of the Indian Penal Code (IPC) ,wherever relevant. Section 498A of IPC: If the husband or the relative of the husband of an aggrieved woman subjects her to cruelty, they shall be punished with imprisonment under the criminal laws. Cruelty under the IPC means:
 - any deliberate conduct which is of such nature that it is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
 - harassment of the woman where such harassment is done to pressure her or any person related to her to meet any unlawful demand for any property or valuable asset or is on account of failure by her or any person related to her to meet such demand.

39. Who is a protection officer?

Every district in the country has a Protection Officer assigned to assist and protect women as soon as they are notified of the complaint. The role of the Protection Officer is to inform the aggrieved woman about their rights under the PWDV Act and support them till the issue is resolved. The Protection

Officers shall as far as possible be women. The Department of Women & Child Development website for every state has a list of protection officers of their particular districts. Every police station also needs to keep a list of protection officers. The list of protection officers for Delhi is available here:

<https://spuwac.in/listsocialwelfare.php>

40. What assistance can a protection officer give an aggrieved woman once a complaint is made?

or

How does a protection officer support an aggrieved woman who has made a DV complaint?

A protection officer:

- assists the Magistrate in the discharge of his functions under this Act;
- makes a domestic incident report to the Magistrate;
- makes an application claiming relief for issuance of a protection order if the aggrieved woman so desires. In case the aggrieved woman is illiterate, the Protection Officer shall read over the application and explain to her the contents thereof;
- ensures that the aggrieved woman is provided legal aid and made available free of cost the prescribed form in which a complaint is to be made;
- maintains a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area and help them access these services.

41. What is a “domestic incident report”?

Once the protection officer or service provider receives a domestic violence complaint, they will make a Domestic Incident Report (DIR) in the prescribed form. The DIR includes details like:

- Personal information and contact details of aggrieved woman or person making the complaint on behalf of the woman;
- -Details of perpetrator/s;
- -Details of children of aggrieved woman, if any
- -Details of incidents of sexual, verbal, emotional or economic violence;
- -Harassment through dowry demands;
- -Details of documents (medico legal certificate/doctor’s prescription/list of *stridhan*, if any) accompanied with the complaint;
- -Prayers/orders/assistance needed by the aggrieved;

(Note-even in the absence of a Domestic Incident Report, a court is empowered to pass orders under the provisions of the PWDV Act.)

42. What are shelter homes?

Shelter homes are homes set up by the State Government to provide a safe space for women to stay in. Any aggrieved woman who has suffered from any kind of violence including rape, sexual crimes, domestic violence, etc. can stay in a shelter home. If you are unable to go back to your house because the harasser(s) who harmed you is/are still living there, then the Protection Officer or

service provider may ask you to go to a shelter home. If you want to find a shelter home, you can approach a Protection Officer who would maintain records of the shelter home in his or her district.

43. How can service providers or NGOs help women?

or

What support can NGOs provide?

- (i) They can record the domestic incident report and forward a copy to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place
- (ii) They can help in getting the aggrieved woman medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;
- (iii) They can ensure that the aggrieved woman is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved woman in the shelter home to the police station within the local limits of which the domestic violence took place.
- (iv) They can also help in getting legal representation, counselling and/or medical services

44. Do I have to pay a fee to the Protection Officer or Service Provider that I have found to help me deal with domestic violence?

No, you do not have to pay anything to any of them. It is the duty of the Protection Officer and the Service Provider to help you under the protection of Domestic Violence Act.

45. What are the kinds of relief an aggrieved woman can get from the court?

The court can provide relief in the form of protection orders, residence orders, compensation orders and other monetary reliefs as well as custody orders to the aggrieved woman.

46. How can the court protect women through their orders?

or

What protection orders can the court give?

or

Can an aggrieved woman receive protection under the PWDV Act in case of any threat by the accused or his/her family?

or

What remedy is available to an aggrieved woman if the accused or his/her family harms or threatens to harm her?

The court can give a protection order in favour of the aggrieved woman and direct that the perpetrator shall not –

- committing any act of domestic violence;
- aiding or abetting in the commission of acts of domestic violence;
- entering the place of employment of the aggrieved woman or, if the person aggrieved is a child, its school or any other place frequented by person;

- attempting to communicate in any form, whatsoever, with the aggrieved woman, including personal, oral or written or electronic or telephonic contact;
- alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved woman and the perpetrator or singly by the perpetrator, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- causing violence to the dependants, other relatives or any person who gives the aggrieved woman assistance from domestic violence.
- The woman can also get compensation, maintenance orders under the PWDV Act.

47. What happens if the perpetrator breaches a protection order?

If the perpetrator at any time violates a protection order, the aggrieved woman shall seek assistance from the protection officer who shall immediately provide assistance to her by seeking help from the local police station and assist the aggrieved woman to report to the local police authorities in appropriate cases. In such cases, where the perpetrator breaches a protection order it is considered to be an offence for which the court can punish him/her with imprisonment of a term which can extend to one year, or with fine which can extend to twenty thousand rupees, or with both.

48. If I file a complaint before the court, how long will it take for resolution?

Once you file an application before the court, the court shall fix the first date of hearing which shall be within three days of receiving your application. It is the court's duty to attempt to complete the proceedings within two months. However, in practice, the matter usually takes much longer, depending on the specific court.

49. Will my husband go to jail if I file a complaint? What action will be taken against them?

or

I don't want my husband/partner to go to jail, I only want the police to threaten him once.

- (i) If an aggrieved woman makes a complaint against her husband, it does not mean that he will necessarily end up in jail. Do note that the PWDV Act provides for very specific reliefs and not every complaint or form of domestic violence involves criminal charges. The consequences will depend upon the nature and extent of the abuse and also on the fact that if a criminal complaint is made in addition to the complaint under the PWDV Act. So if your abuse is severe and you make a criminal complaint then against your husband then he may also be charged under Indian Penal Code which will then result in an arrest.
- (ii) Under the PWDV Act, the court may issue a protection order against your husband which will stop him from coming near you. In case your husband doesn't follow the protection order then he may face penalties like fine and imprisonment for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

50. What criminal action can be taken against the perpetrator for domestic violence or cruelty?

or

I feel suicidal because of the stress/ torture by my husband, what should I do?

- (i) In addition to filing a case for domestic violence, where you can seek, among other things, protection or monetary relief, you can also file a criminal case with the Court against the perpetrator if the violence you faced is severe. Do note that the PWDV Act provides for very specific reliefs and not every complaint or form of domestic violence involves criminal charges. By filing a criminal case separately, the perpetrator would be punished for the act of violence committed with jail-time and a fine. Before filing the criminal case, you will have to go to the police station and file an FIR. For e.g. You can file an FIR with the police under Section 498A of the Indian Penal Code, 1860 (against your husband or relative of your husband) which is an offence including Acts like:
 - If the perpetrator drives an aggrieved woman to commit suicide.
 - If the perpetrator causes or tries to cause any grave injury to the aggrieved woman or danger to the life or health of an aggrieved woman.
 - If the perpetrator affects the mental health of an aggrieved woman to such a degree that it is a danger to her life.
 - If the perpetrator through any words or physical actions causes any mental stress or psychological distress to the aggrieved woman.
 - If the perpetrator forces an aggrieved woman to give dowry or unlawful demand for any property or valuable security.
- (ii) If convicted by the Court for any of the crimes given above, the perpetrator will have to pay a fine to the Court and face imprisonment for up to 3 years.
- (iii) A case for cruelty under Section 498A of the Indian Penal Code can only be made against your husband or the relative your husband.
- (iv) A case under the PWDV Act and the criminal case under Indian Penal Code can run simultaneously and an aggrieved woman has a choice to take action in either or both. An aggrieved woman has a right to get protection under both depending upon her situation, the facts as well as the outcome and relief she wants.

51. Can an aggrieved woman receive compensation under the PWDV Act?

or

Is any financial assistance available to women under the PWDV Act?

or

What kinds of monetary reliefs can a woman get under the PWDV Act?

There are two types of financial reliefs a woman can get under the PWDV Act:-

- (i) Monetary reliefs-Once an application for compensation is made before the court, it can pass an order directing the perpetrator to pay monetary relief to meet the expenses and losses suffered by the aggrieved woman and any child of the aggrieved woman as a result of the domestic violence. Such relief can include-
 - the loss of earnings;

- the medical expenses;
- the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved woman; and
- the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.
- The monetary relief should be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved woman is used to.
- The court can also decide how the maintenance needs to be paid i.e. either by way of an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case require.

(ii) Compensation- Once an application for compensation is made before the court, it can pass an order directing the perpetrator to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that perpetrator.

52. What factors will the court consider while granting financial/monetary relief?

- (i) While deciding an application for monetary relief or compensation, the court may order the perpetrator to pay for the expenses incurred and losses suffered by the aggrieved woman and any child of the aggrieved woman as a result of the domestic violence. Such relief may include, but is not limited to —
- the loss of earnings;
 - the medical expenses;
 - the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved woman; and
 - the maintenance for the aggrieved woman as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(Maintenance under Section 125 of the Code of Criminal Procedure is a right under which a wife can get maintenance for her and/or her children. This can be given to a woman in situations where a husband having sufficient resources/income neglects or refuses to maintain--

(a) his wife who is unable to maintain herself, or

(b) his legitimate or illegitimate child, whether married or not, unable to maintain itself, or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or

-When there is sufficient proof of the neglect or refusal to maintain, the court can order the husband to make a monthly allowance for the maintenance of his wife or such child. To get benefit under the law, the "wife" includes a woman who has been divorced and has not remarried.

-No wife shall be entitled to receive an allowance for the maintenance under this section if she is living in adultery/infidelity, or if, without any sufficient reason, she refuses to live with her husband, or if they are

living separately by mutual consent

- (ii) The maintenance under Section 125 of the Code of Criminal Procedure and other laws as applicable can be given in addition to the maintenance under the PWDV Act.
- (iii) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved woman is accustomed.
- (iv) In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved woman, pass an order directing the perpetrator to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that perpetrator.

53. What happens if the perpetrator fails to comply with the court order for monetary relief and does not make the payment?

In case the perpetrator fails to make the payment in terms of the court's order, the court can direct the employer or a debtor of the perpetrator, to directly pay to the aggrieved woman or to deposit with the court a portion of the wages or salaries or debt due to the respondent which can then be adjusted towards the monetary relief payable.

54. Can an aggrieved woman file a complaint under the PWDV Act from her home/residence without having to worry about being displaced from their home?

or

What are residence rights in domestic violence cases?

or

If the persons who commit domestic violence against the aggrieved woman threaten to remove her from the household, what is the remedy available to her?

- (i) The PWDV Act grants right to residence in the shared household to an aggrieved woman. No women can be removed from the shared household without due process of law that is a court order.
- (ii) Once an application is made to court, it can order that the aggrieved woman cannot be evicted from her house. The court may, on being satisfied that domestic violence has taken place, pass the following residence orders:-

- restraining the perpetrator from dispossessing or in any other manner disturbing the possession of the aggrieved woman from the shared household, whether or not the perpetrator has a legal or equitable interest in the shared household;
- directing the perpetrator to remove himself from the shared household;
- restraining the perpetrator or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;

- restraining the perpetrator from alienating or disposing off the shared household or encumbering the same;
- restraining the perpetrator from renouncing his rights in the shared household except with the leave of the Magistrate; or
- directing the perpetrator to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:
- The court may direct the perpetrator to return the aggrieved woman's *stridhan* or any other property or valuable asset to which she is entitled to.

(iii) The court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved woman or to assist her or the person making an application on her behalf in the implementation of the order.

55. Can eviction orders be passed against the perpetrator if she's a woman too?

If the perpetrator of the abuse is a woman, such as the mother, sister, mother-in-law, mother or sister-in-law etc. of the aggrieved woman, then an order of eviction cannot be passed against them.

56. What happens to the child/children after a complaint is filed? Can an aggrieved woman get custody? /Can an aggrieved woman who is the victim of domestic violence claim for the custody of her child/children?

The aggrieved woman has the right to be granted temporary custody of her children. The court, at any stage of hearing of the application for protection order or for any other relief under the PWDV Act, may grant temporary custody of any child or children to the aggrieved woman or the person making an application on her behalf and specify arrangements for visitation by the perpetrator. If the court is of the opinion that any visit of the abuser/perpetrator may be harmful to the interests of the child or children, the court can refuse to allow such visit.

57. How can an aggrieved woman victim of domestic violence avail these remedies if she does not have means to engage a lawyer?

The aggrieved woman can avail the services of a legal aid counsel without any cost. She can approach the District State Legal Service Authority (DSLISA) of her district to avail legal aid. Contact details of the nearest DSLISA can be obtained on <https://districts.ecourts.gov.in> or the e-courts app. She can also approach the Protection Officer, or NGO (service provider) for assistance on how to avail legal assistance. A list of Protection Officers of the State is available on the website of the respective State Women and

Child Department. The list of protection officers for Delhi is available here:

<https://spuwac.in/listsocialwelfare.php>

58. How can an aggrieved woman get free legal aid?

- (i) A woman in need of free legal services can approach the District State Legal Service Authority (DSLISA) through an application either made in written form, or by filling up the forms prepared by authorities, stating in brief, the reason for seeking legal aid. The application can be made orally as well, in which case a legal services officer or a paralegal volunteer can assist the person.
- (ii) A woman can also apply online to seek Legal Aid from any Legal Services Institution in the country by filling up the Legal Aid Application form available online at NALSA's website- <https://nalsa.gov.in/lsams/nologin/applicationFiling.action?requestLocale=null>
- (iii) Various State Legal Services Authorities/District Legal Services Authorities/Supreme Court Legal Services Committee/High Court Legal Services Committees/Taluk Legal Services Committees also have application forms available on their websites.

59. If the aggrieved woman is injured as a result of domestic violence, how can she get medical assistance?

- (i) Each State Government has notified a list of medical facilities that the aggrieved woman can approach for medical assistance. This list can be accessed on the website of the respective State Government's Women and Child Development Department. She can also make a request to the medical facility through the protection officer or the service provider.
- (ii) The aggrieved woman can approach the nearest government hospital and get a Medico-Legal-Case (MLC) examination conducted. The MLC shall record the injuries, if any, which may be used as evidence in the DV case. The Protection Officer or the service provider can support in this process.

60. What are the most important things for me to tell my lawyer?

If you are an aggrieved woman and you are trying to seek help from a lawyer, firstly it is important to keep in mind that your lawyer is there to assist you and that everything you tell them is confidential. You need to be honest with your lawyer throughout the process.

- Tell them what kind of abuse you have suffered whether it is physical, emotional, economic or sexual;
- Give them the relevant documents, for example a medical report, any video or audio etc that can support your case (see list below);
- Tell your lawyer if the abuse is still going on or has it stopped;
- Give detailed information of each incident when you have gone through any kind of abuse.

61. What are some of the documents/proofs that are important for a case under the PWDV Act?

For a domestic violence case/complaint, the following are some of the important and relevant documents/ proofs:

- Statement from the victim and witnesses, if any
- Medico-Legal Certificate
- Documents/certificates issued by any treating doctor pertaining to the relevant act/s of domestic violence or which record injuries sustained as a result of domestic violence.
- Documents issued by a mental health professional pertaining to the aggrieved woman's psychological status.
- Any First Information Report (FIR) alleging domestic violence previously registered by the aggrieved woman (if applicable).
- Copies of complaints received by any other authorities that the aggrieved woman may have approached for assistance. For example: complaint letters to the perpetrator's employer, petitions submitted to panchayats or other adjudicatory/administrative bodies, petitions filed before the State Commission for Women or other statutory bodies, records of service providers/NGOs approached earlier.
- Correspondence between the aggrieved woman and other family members in which she records incidents of domestic violence (preferably dated).
- Audio or video clip , texts, Whatsapp chats etc
- List of *stridhan* articles
- Documents needed to support claims for relief, particularly on 'domestic relationship' including: Ration card, passport, photograph with mangal sutra, wedding invitation cards, bills of the marriage hall, photographs or video recordings of the marriage, certificate from the temple or priest who performed the marriage.
- For proving the aggrieved woman's standard of living: joint bank accounts, salary statements, rent receipts, bills and other pertinent financial matters such as pay slips of the perpetrator, income tax returns, bank papers, share or bond certificates, receipts for significant purchases; documents of tuition fees and other expenses of children.

62. What if I don't have any proof of the violence?

If there is no proof of the violence as from the list above then the statement of the aggrieved woman and or any witness giving all the facts and details of the violence is sufficient to make a

complaint/application. The protection officer will assist the court in preliminary enquiries to gather all necessary documents and make a report to the court.

63. What if I don't have any proof of my wedding with my husband?

or

I don't have any pictures of my wedding with my husband. How can I prove my marriage?

If there is no proof of the wedding/marriage certificate, other documents showing the marital relationship would be useful like Ration card, Passport, Photograph with mangal sutra, wedding invitation cards, Bills of the marriage hall, Photographs or video recordings of the marriage, Certificate from the temple or priest who performed the marriage. Other financial documents may also be helpful like joint bank accounts, salary, rent receipts, bills and other pertinent financial matters such as pay slips of the perpetrator, income tax returns, bank papers, share or bond certificates, receipts for significant purchases; documents of tuition fees and other expenses of children. Besides this, the statement of the aggrieved woman and/or witnesses like family, friends, neighbours etc would also be helpful.

64. What happens after I file a case before a court?

or

What does the process of a court proceeding look like?

- (i) To file a case, you need not directly approach the court. You may approach the protection officer, a service provider, or the police to file a complaint. They in turn can assist you in filing an application in court. The protection officer will file a domestic incident report regarding the violence which will be accompanied by the DV application seeking relief.
- (ii) Once a domestic violence incident report is prepared by the protection officer/police/service provider, and a copy of the same has to be forwarded to the officer in charge of the police station and Magistrate. Meanwhile, the perpetrator and others are summoned, and the case proceeds further before the Magistrate.
- (iii) Some of the reliefs that you can apply for are:
 - an order restraining the abuser from committing domestic violence,
 - an order restraining the abuser from dispossessing you from the shared household;
 - an order on compensation;
 - an order granting you custody of your children, and
 - an order granting you maintenance or money for your medical expenses, loss of earnings etc.
- (iv) Once the application is filed, the court issues a notice to the parties against whom the reliefs are being claimed so that they may appear before the court.
- (v) The court shall fix the first date of hearing, ordinarily not beyond three days from the date of receipt of the application by the court.

- (vi) Once both the parties appear before the court, the court shall proceed to record the evidence. You may request the court to hold in camera proceedings, in which case other members of the public present in the courtroom would be asked to vacate the courtroom and your case will be heard in private.
- (vii) The court can also pass interim relief orders if it is satisfied that an application based on first impression discloses that the perpetrator is committing, or has committed some form of domestic violence or that there is a likelihood that he/she may commit domestic violence. Such orders can be passed in the absence of the perpetrator as well.
- (viii) After recording the evidence, the court will pass a final order. The court may require the Protection Officer and police to assist the court while the case is being heard and also in ensuring the order is enforced.
- (ix) The court shall try to dispose of every application within a period of sixty days from the date of its first.

65. How does a Magistrate ordered counselling take place?

The court may, at any stage of the proceedings direct the abuser/perpetrator or the aggrieved woman either solely or jointly, to undergo counselling with any member of a service provider/NGO who possesses such qualifications and experience in counselling. In which case, the next date of hearing of the case shall be fixed by the court within a period not exceeding two months.

66. My husband physically abuses my daughter. What should I do?

If your husband/adult male partner has physically abused/beaten your daughter it is essential to seek help and protection for your daughter. You may consider filing a complaint, contacting a helpline, or seeking help from a local service provider or NGO.

(i) If your daughter is a child/minor (under 18 years of age) and is being beaten by your husband then a case can be filed against him under the PWDV Act and other additional criminal charges can also be levied against him. Additionally, you may consult with a lawyer to explore legal options for protection and possible criminal proceedings against your husband/adult male partner. Remember, it's crucial to prioritise the safety and well-being of your daughter and yourself in this situation.

(ii) If your daughter is a child/minor (under 18 years of age) and has been sexually abused by your husband, then you must report the same under the Protection of Children from Sexual Offences Act, 2012.

67. Is Marital rape a form of domestic violence?

Marital rape can be considered a form of domestic violence as well as cruelty. In the context of the PWDV Act, sexual abuse, including forced sexual intercourse, is considered a form of domestic violence. Any conduct of a sexual nature that abuses, humiliates, or degrades you or violates your dignity is prohibited under the law

68. Is it mandatory for the aggrieved woman to reside with those persons against whom the allegations have been levied at the point of commission of violence?

It's not mandatory for the aggrieved woman to reside with the perpetrator at the time of making the complaint/application. However, the aggrieved woman should have lived and had a domestic relationship with the perpetrator/s at some point of time.

69. How can I get a copy of the order made by the judge? Do I need to pay for it?

You can get a copy of the order by filing an application in court. Your lawyer or the Protection Officer can assist you in making this application. You are not required to make any payment for the same, as you are entitled to get a free copy of the order.

70. Can I file an appeal against the Magistrate's order?

Yes, you can appeal a Magistrate's order under the PWDV Act before the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved woman or the perpetrator (whichever is later).

71. How can I know my case status? Where can I find the next date of hearing?

You can request your lawyer to update you about your case status and next date of hearing. Additionally, you may download the e-courts app on your mobile phone or visit their website here- https://services.ecourts.gov.in/ecourtindia_v6/ and enter your case details to find out all information related to your case.

72. What is a vakalatnama?

A vakalatnama is a document through which you appoint/authorize a lawyer to represent you before court.

73. Do I have to go to court for every hearing? Can I be exempted?

You are expected to be there at each hearing but in case you cannot, the court can move an application for exempting you from appearing in court. It is good to go to court for the hearings as you will be up to date with your case and will know what is happening.

74. What happens if the other party/perpetrator does not appear before the Court in the proceedings?

If the other party/perpetrator does not appear before the court, and the court is convinced that an incident of domestic violence has taken place or there is likelihood of the same, they can pass an

order/give relief to the woman on the basis of the complaint and proof provided by the woman. This is called an ex-parte order. If the other party consistently fails to appear, then the Court will proceed without them, and decide the case based on your application.

75. How much will it likely cost me to deal with a case before the court?

If you apply and get representation from legal aid services then a lawyer will be provided to you free of cost for your domestic violence case. An aggrieved woman can also approach a private lawyer whose fee will be subjective and will be based on many criteria like their experience, seniority, location etc.

76. Does domestic violence guarantee divorce?

No, a domestic violence case might not always guarantee divorce. Divorce proceedings will be separate.

77. What are the recourses an aggrieved married woman has who is facing domestic violence?

Depending upon what you want to do, the nature/extent of the domestic violence and abuse and relief you are seeking, you can take multiple recourses under law. After speaking to your lawyer and discussing the recourses available you can choose which ones to take-

- Application under the PWDV Act
- A criminal complaint under the Indian Penal Code
- Divorce proceedings

You have the right to all these options and all three can run parallelly.

78. My husband has filed for divorce and I am worried that he may evict me from our house. Can the PWDV Act help me?

Yes. Under the PWDV Act evicting or attempting to evict a woman from the shared household is domestic violence. The woman can file an application in the family court where the divorce case is going on for the same relief as under PWDVA , that is not being evicted from the shared household. She does not have to file a separate case.

79. I have filed for divorce on grounds of cruelty and I fear my husband will take away the children. Can the PWDV Act help me?

Yes . You can file an application for relief under PWDV Act in the family court divorce proceedings itself and seek a protection order against him taking away the children . You do not have to file a separate case.

80. What is the basis of the court deciding the maintenance?

The court takes multiple factors into consideration, including the income of both partners. It does

not matter if the wife/woman partner is educated and can support herself, or whether her parents are able to support her.

81. Do I have to pay the lawyer?

- (i) If you are not able to afford legal help and need free legal services you can approach the OSC's or your protection officers to help you file necessary applications for free legal aid.
- (ii) She can go and approach the District State Legal Service Authority (DSLISA) of her district to avail legal aid. Contact details of the nearest DSLISA can be obtained on <https://districts.ecourts.gov.in> or the e-courts app.
- (iii) You can also apply online for getting Legal Aid to any Legal Services Institution in the country by filling up the Legal Aid Application form available online at NALSA's website- <https://nalsa.gov.in/lsams/nologin/applicationFiling.action?requestLocale=null>
- (iv) Various State Legal Services Authorities/District Legal Services Authorities/Supreme Court Legal Services Committee/High Court Legal Services Committees/Taluk Legal Services Committees also have application forms available on their websites.
- (v) If you can afford a private lawyer, you would have to pay them and their fee will be subjective.

82. Do I have to pay for any court orders/documents?

- (i) You are entitled to get:
 - To get free copies of any FIRs that you might have filed, if you have filed a criminal complaint;
 - To get free copies of any DIRs that you might have filed, application for relief, and medical reports, if you have approached the Protection Officer.
 - Free copies of the order given by the Court.
- (ii) If you have a legal aid lawyer, then you are not required to pay anything to them as fees nor for any court documents/filing. In case, you do not get free copies of the above documents, you can inform the same to the court during your hearing directly or you can also inform your lawyer/protection officer who can then take appropriate steps.

83. Do I have to pay court fees?

Court fee is very nominal for a domestic violence application and varies from state to state. It can be anywhere between Rs.10-50. However, if you have legal aid services then you will not be required to pay any court fee or even lawyer's fee.

Important resources (besides those linked with the answers above):

1. PWDV Act: .<https://wcd.nic.in/sites/default/files/wdvact.pdf>
2. PWDV Rules (with forms)-
https://upload.indiacode.nic.in/showfile?actid=AC_CEN_13_14_00008_200543_1517807325788&type=rule&filename=17-Oct-2006%20Rules%20Ext.pdf