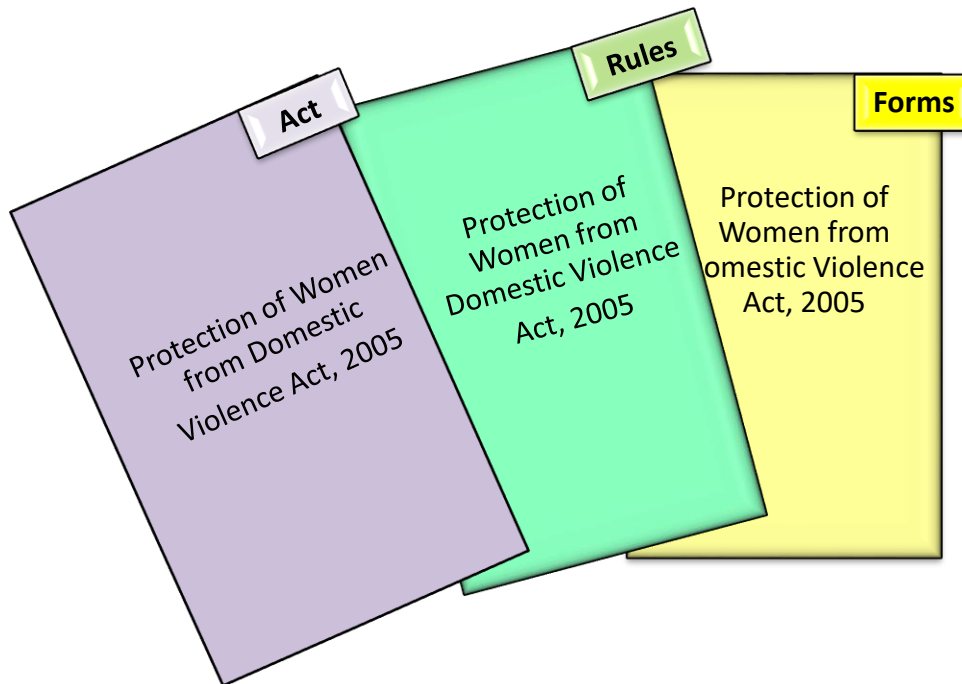


MANUAL 7

Protection of Women from Domestic Violence Act, 2005

ROLE OF THE SERVICE PROVIDER

ASSISTING A DOMESTIC VIOLENCE SURVIVOR



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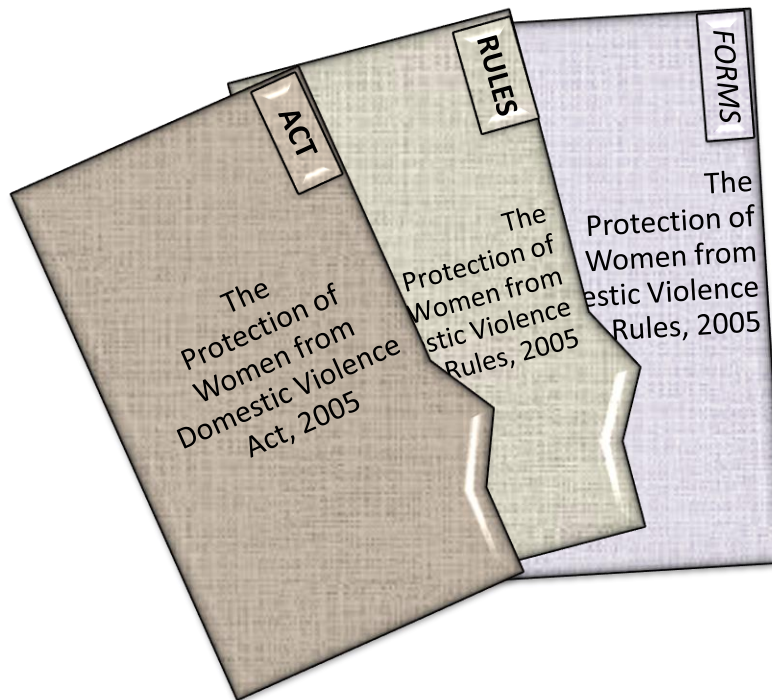


MANUAL 6

Protection of Women from Domestic Violence Act, 2005

ROLE OF THE SERVICE PROVIDER

ASSISTING A DOMESTIC VIOLENCE SURVIVOR



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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. हया 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, लिंगभावाधीष्ठीत होणारी हिंसा (शारीरिक, मानसिक, लैंगिक, आर्थिक, शाब्दिक) स्त्री-पुरुषामध्ये भेदभाव निर्माण करते. ही हिंसा स्त्रीच्या मानवी हक्कांचे आणि राज्यघटनेने दिलेल्या मूलभूत हक्कांचे उल्लंघन करते. हया पार्श्वभूमीवर कौटूंबिक हिंसेपासून स्त्रियांच्या संरक्षणाच्या कायद्याखालील येणाऱ्या प्रकरणांमध्ये न्यायालयांचा दृष्टीकोन अधिक संवेदनशिल असणे अपेक्षित आहे असे माननिय सर्वोच्च न्यायालयाने कृष्णा भटाचारजी वि. सारथी चौधरी (क्रिमिनल 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 हयाचा विचार व्हायला हवा.

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

सर्व हितसंबंधाना माझ्या शुभेच्छा !

१६ ऑक्टोबर २०१८

HL - 5
(न्यायमुर्ती नरेश ह. पाटील)

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

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, Maharashtra Government, 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 एस 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. ह्रीषीकेश 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, Maharashtra Government, 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.
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- Manual on 'Role of Medical Facility' – Sangeeta Rege, Padma Deosthali, Aarthi Chadrashekar, 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.

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Coordinator:

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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.wcdcompune.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 7
Protection of Women from Domestic Violence Act, 2005
Role of the Service Provider

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Manual 7
Protection of Women from Domestic Violence Act, 2005
Role of the Service Provider

1.0 INTRODUCTION

The Manual 1 on ‘Gender and Domestic Violence’ of this series, discusses the meaning of ‘gender’ in our patriarchal society and how ‘gender-power relations’ that emerge out of it are primarily responsible for perpetuating domestic violence (DV). Power politics of the patriarchal system that sanctions power to men (as male gender) to exercise control over ‘women’ is at the root of domestic violence. It is therefore important to note, that DV is not merely a demonstration of aggression or anger by one person on the other, but use of violence to control the other.

Global as well as national level surveys on DV establish the vulnerability of women to DV. A 2018 analysis of prevalence data from 2000-2018 across 161 countries and areas, conducted by WHO on behalf of the UN Interagency working group on violence against women, found that worldwide, nearly 1 in 3, or 30%, of women have been subjected to physical and/or sexual violence by an intimate partner or non-partner sexual violence or both¹. In India, the National Family Health Survey -5, 2019-2021, records DV at 31.2% (one in three ever married women in the age group of 18 to 49 years have faced DV).

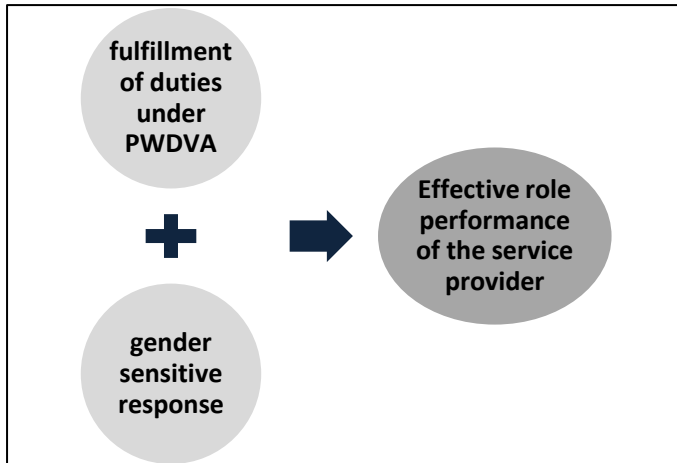
Domestic Violence is therefore recognized as a ‘gender-based violence’. International Human Right Treaties and Conventions, such as the Convention for Elimination of all forms of Discrimination Against Women (CEDAW) regards DV as a gross human rights violation and discrimination against women.

Going by this understanding of DV as a ‘gender based violence’, we as ‘Service Providers’ need to sensitively address the vulnerabilities of the woman aggrieved by DV (herein referred to as the ‘DV survivor’) who has come to us for help, including her fear, anxiety, anger, sadness, her uncertainties, her confusions about her self-identity and her life, and such other issues.

PWDVA was formulated considering DV as a form of gender-based violence. Therefore, its provisions are gender-responsive and sensitive to the vulnerabilities of the ‘woman’ being. It addresses the ‘immediacy’ need for stopping violence through a ‘protection order’ of the court. It also provides a single window for seeking reliefs through various kinds of court orders as well as assistance of officially recognized personnel, institutions/ organizations to support and assist the DV survivor – the woman². Only a woman (and her children) can seek redress with the help of this law. It is therefore regarded as a ‘beneficial legislation’.

¹ <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>

² PWDVA defines ‘aggrieved person’ as a **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.

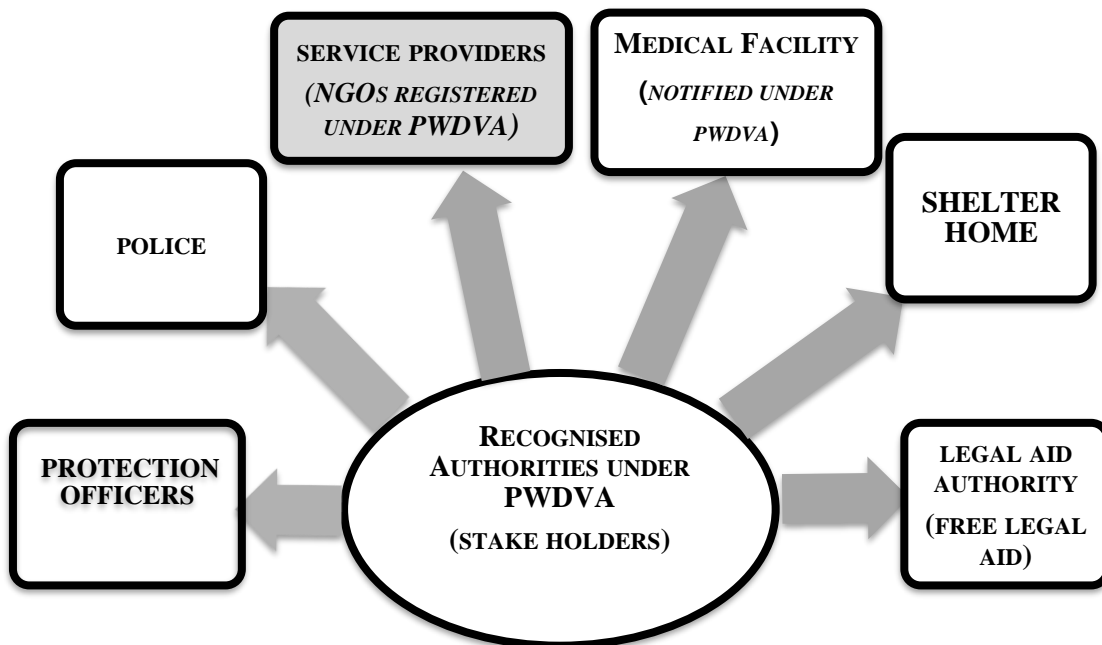


In other words, we may say that Protection of Women from Domestic Violence Act, 2005 (PWDVA) provides the legal space for all stakeholders who are expected to assist her (including Magistrates, Protection Officers, Service Providers and other) to respond ‘gender-sensitively’ to DV survivor, so that the violence stops and she gets justice. If all such stakeholders fulfill the duties and

responsibilities laid down in the PWDVA) meticulously and in a gender sensitive manner, we may say that the **PWDVA** has been implemented in letter and spirit. It would in effect also mean that a Service Provider has performed her/his role appropriately.

PWDVA understands that the family/community alienates a woman who resists violence, goes against societal practices/ norms and takes a legal recourse for claiming her rights. She is almost left alone and therefore becomes more vulnerable. PWDVA is sensitive to such situations. It provides to the DV survivor (defined as ‘aggrieved person’ in the law) a plethora of services of authorized personnel as well as institutions/ organizations that she can rightfully access. Together, these services become her support system that can help her deal with her physical and psychological health issues, reduce risk to her life, provide temporary shelter, legal aid and other. The kind of services that she can avail under PWDVA are presented in the diagram below.

Diagram: Support services available under PWDVA for DV survivors



For several decades women’s group/ collectives, voluntary associations and NGOs have been providing valuable services to women survivors of DV – such as shelter or temporary homes to stay, medical aid, financial aid, vocational training, legal aid, psychological support, counselling etc. PWDVA appreciates and values the passion, the rich experience and competence of these entities. In recognition of the crucial role they play, PWDVA provides for registering these under law as ‘Service Providers’ so as to give them legal recognition and certain powers to intervene and support DV survivors. These entities can get registered as ‘Service Providers’ only through a formal approval of their application made to the state government. Such Service Providers are deemed ‘public servants’ who are bound by certain duties under PWDVA, about which we would discuss in detail in this manual.

The table below presents at-a-glance information on services available to a DV survivor, other than those of the Protection Officer and Police

Table 1: Details on appointment of services available under PWDVA to the DV survivor

Sr. no	Type of service	Service is provided by	Appointed by	Mode of appointment	Applicable section of the Act/Rules
1	Legal Aid	Legal Aid Authority	PWDVA	Legal Services Authorities Act	S.5(d), 9(1)(d)
		Service Provider	State Govt. DWCD	Registration (through application) and Certification	S.10(1), 10(2)
2	Shelter home	Government run homes	State Govt.	Notification	S.2(t), S.6 9(1)(f)
		Government aided homes	State Govt.	Notification	S.2(t), S.6, 9(1)(f)
		Service Provider	State Govt.	Registration (through application) and Certification	S.10(1), 10(2)
3	Medical Facility	Public health	State Govt.	Notification	S.2(j)
		Service Provider	State Govt.	Registration (through application) and Certification	S.10(1), 10(2)
4	Counsellor	Service Provider	Magistrate (for a particular case)	Member of Service Provider from the list of counsellors	S.10(1), 10(2) Rule 13
5	Financial Aid	Service Provider	State Govt.	Registration and Certification	S.10(1), 10(2)
6	Counsellor	Member of registered Service Provider	Magistrate	From among list provided by Protection Officer	S.14, Rule 13, Rule 14

7	Welfare expert	Any person Magistrate thinks fit	Magistrate	Any person Magistrate thinks fit	S.15
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Please note: The state government is the body responsible for appointing service providers (section 10 PWDVA).

PWDVA provides for the DV survivor’s (aggrieved person’s) right to free ‘legal aid’ services of the State Legal Services Authority (Section 5(d)), access to ‘Medical facility’ services of public health centers (Section 2(j)) and state government notified ‘Shelter homes’ services (Section 2(t)).

Others who provide various services and appointed by the state government through registration and certification are termed as ‘Service Providers’ under the Act. For Registration/ Certification interested entities are required to make an application to the state government. In this manual, we would discuss the registration procedure of such ‘Service Providers’ and about their duties and role in assisting and supporting the aggrieved woman.

Please note: For the purpose of this manual, the provisions of the ‘Protection of Women from Domestic Violence Act, 2005’ (PWDVA) are referred to as ‘sections’; and provisions of ‘Protection of Women from Domestic Violence Rules, 2006’(PWDVR) are referred to as ‘rules’. If reference is made to sections/rules under any other law, the name of that law is mentioned.

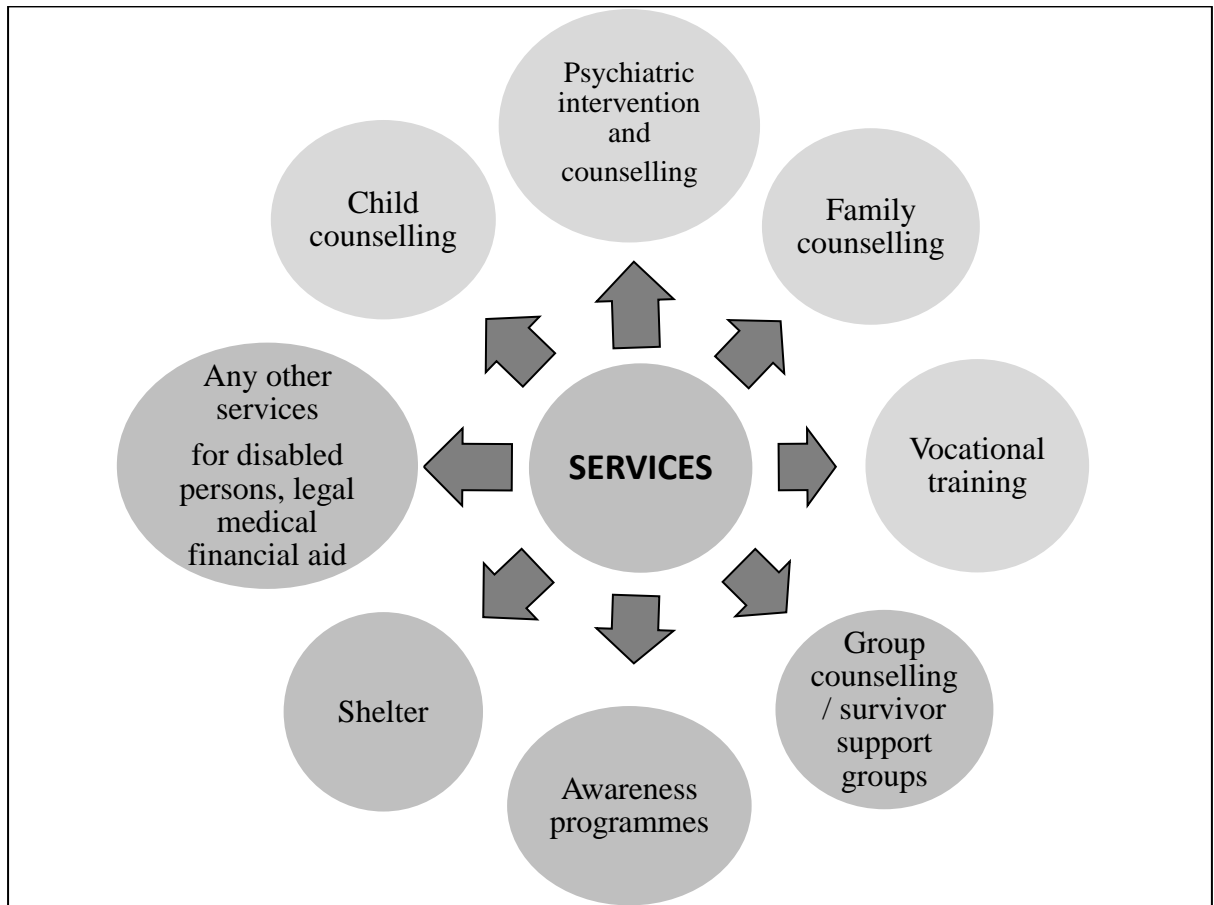
2.0 WHO ARE ‘SERVICE PROVIDERS’

Section 2(r) defines a ‘Service Provider’ as an entity registered under section 10(1) of PWDVA with the state government after approval of the entity’s application. The entity is required to make an application in a given format to the designated department of the state government; the conditions of eligibility being

- the entity should be a voluntary association registered under Societies Registration Act, 1860 or a company registered under the Companies Act, 1956, or any other law that is in force
- the objective of such an institution/entity should be about protecting legal rights and interests of women by lawful means
- services should include legal aid, medical, financial, shelter, psychiatric counseling, family counselling, vocational training, legal awareness, group counselling for survivors of domestic violence and such other.

Under section 30 of PWDVA, members of such ‘Service Providers’ are deemed to be ‘public servants’ as defined in section 21 of the Indian Penal Code, 1860.

Diagram: The range of useful services that deserve to be registered as 'Service Providers'



3.0 HOW DOES AN ORGANIZATION REGISTER ITSELF AS A 'SERVICE PROVIDER'?

The application format is provided in the Form VI under rule 11(1) of PWDVR. (Please refer appendix 5 in this manual for the format)

This does not mean that an organization/ association/ company not registered under the Act is barred from providing services to domestic violence survivors; it only means that the power given to 'Service Providers' as per section 10(2) are not available to those organizations not registered under PWDVA as 'Service Providers'.

Besides giving basic details about the organization, the applicant has to mention the specific service/s from among its various services that is/are to be registered under the 'Service Provider' category. The application has to be submitted to the state government at its designated department. In Maharashtra, the state government has designated the Commissioner, Women and Child Development to receive such applications.

Rule 11(3) specifies three major conditions for granting an application:

1. The applicant organization should have a record of providing the service for three consecutive years prior to the date of application.
2. It has to be registered with the respective regulatory authority.

3. If the organization is providing shelter facilities, it is mandatory for the state government to inspect it through any authority it appoints. This authority prepares a report with details of its maximum capacity, security arrangements, and communication facilities for inmates such as telephone etc.

In practice, state governments spell out conditions, in addition to the above, for the purpose of registering as Service Providers.

Once the application is submitted (after complying with all the conditions), the state government makes an enquiry and scrutiny (Rule 11(2)). If application is rejected, the government is required to give a hearing to the applicant Service Provider.

If registration is granted to the applicant Service Provider, the state government issues a certificate of registration.

The state government is also expected to provide the list of Service Providers to protection officers, police, Magistrates and others and also publish the list in newspapers and/or website

The Protection Officer is expected to maintain indexed registers containing the list of Service Providers.

4.0 WHAT POWERS DOES PWDVA PROVIDE TO 'SERVICE PROVIDERS'

As Service Provider registered under PWDVA has the powers to:

1. Record the Domestic Incident Report (DIR) **only if the woman suffering domestic violence wishes to** and forward a copy to the Magistrate and Protection Officer (section 10(2)(a)).
2. To get the woman **medically examined** and obtain the medical examination report for forwarding it to the Protection Officer and the local Police station (Section 10(2)(b))
3. **Receive a copy of the DIR** from the Protection Officer who has prepared it (section 9(b)) and who is in the same jurisdiction as the Service provider.
4. **Receive a copy of the Court's orders** under PWDVA free of cost from the Magistrate within whose jurisdiction the Service Provider is situated.

Please note: By registering as a 'Service Provider' under PWDVA, the organization does not lose the right to conduct activities as per its own objects and methods. Registration as Service Provider gives powers as mentioned above as well as certain specific responsibilities.

PWDVA lays down certain duties and responsibilities common to all types of Service Providers (explained in point 5.0 below). It also describes duties that specific and unique to certain Service Providers such as 'Medical Facility', 'Shelter Home' and 'Counsellors'. Duties and responsibilities for Shelter Home and Counsellors are presented in this manual at point 6.0 and 7.0. For details on Medical Facility please refer to the manual no. 5.

5.0 DUTIES AND RESPONSIBILITIES COMMON TO ALL TYPES OF SERVICE PROVIDERS

5.1 TAKE COGNIZANCE ON RECEIVING INFORMATION ABOUT DV ON A WOMAN AND/OR HER CHILDREN

- ✓ INFORMANT MAY BE BY **THIRD PARTY** OR **AGGRIEVED PERSON HERSELF**

By phone, e-mail, in person, etc.



- ✓ **TAKE COGNIZANCE**

Whether DV 'has been', 'is being', or 'is likely' to be inflicted

CHECK IF THERE IS AN EMERGENCY



If emergency follow PWDVR rule 9:

1. seek police assistance to go to the site,
2. take immediate safety measures – rescue, medical aid etc.
3. file Domestic Incident Report and Application under section 12 to the Magistrate for protection (Please refer appendix 1 and 2 for DIR and Application formats)

Note: Whenever emergency arises, before, during or after period of litigation, follow this rule 9



If there is no emergency the Service Provider has to do the following:

1. Provide information as per section 5,
2. Prepare with her an appropriate safety plan (see Rule 8(i)(iv)),
3. Prepare the Domestic Incident Report if she so desires (Section 10(2)(a))
4. If required, get the woman medically examined and obtain the medical examination report (Section 10(2)(b))
5. Ensure that she gets shelter in a shelter home where necessary (Section 10(2)(c))
6. Refer her to the Protection Officer in the jurisdiction applicable to her
7. And any other assistance that she may require for her safety and protection; if necessary seek assistance of the Protection Officer for this purpose.

The Service Provider may also receive a referral from a Protection Officer and/ or from the Magistrate for assisting/ helping a DV survivor

A detailed account on how to assist the DV survivor is as below.



How would the Service Provider know whether the woman is eligible to file a case under PWDVA?

Seek answers to the following questions:

1. Is the woman being/has been subjected to ‘domestic violence’ in which the respondent harasses, harms, injures, endangers, and/or threatens the woman physically / psychologically / emotionally / sexually / economically?
2. Is she in or has she been in a ‘domestic relationship’ with the ‘respondent’?
3. Is she or has she lived in the ‘shared household’?

If the answer to these questions is ‘Yes’, the woman is eligible for filing a case under PWDVA.

In Manual 1, we have already discussed about acts/behaviours that constitute domestic violence under PWDVA. To reiterate, domestic violence is an act that harms or injures the person on which it is inflicted, whether it is done intentionally or not by abuser/ perpetrator. It includes all forms of violence – physical, emotional, economic and sexual inflicted by a person in a domestic relationship.

Now, before we proceed further let us understand important definitions of the key words mentioned above – ‘domestic relationship’, ‘respondent’, ‘shared household’.

Some important definitions under PWDVA

WHAT IS ‘DOMESTIC RELATIONSHIP’?

A ‘*domestic relationship*’ is when

- two persons in a relationship are related by consanguinity (blood relations), marriage or through a relationship in the nature of marriage, and adoption
- the two persons who live or have, at any point of time, lived together in a shared household
- or are family members living together as a joint family

WHAT IS A ‘RELATIONSHIP IN THE NATURE OF MARRIAGE’?

A “relationship in the nature of marriage” has been understood in law as being akin to common law marriage. Also case law (Supreme Court judgments) has spelt out certain conditions for recognizing a *relationship in the nature of marriage*. Some of these conditions are as follows:

- the community around them recognises/ regards them as husband-wife or as spouses
- they have voluntarily cohabited for a significant period of time.
- they are adults of marriageable age.
- they must be otherwise qualified to enter into a legal marriage, including being unmarried
- if the woman is unaware or was unaware at the time when they began to cohabit that the man is married.

WHO IS A 'RESPONDENT' UNDER PWDVA?

- As per definition under section 2(q) PWDVA, a *respondent* means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought reliefs under this Act
- However an adult female can also be a *respondent*, but only within marital or marriage-like relationships, if this female is a relative of the husband or the male partner.
- Also, through a recent judgement of the Supreme Court³, any woman in a domestic relationship with the aggrieved woman can also be a *respondent*, whether or not she is related to the respondent husband or male partner.

WHAT IS 'SHARED HOUSEHOLD'?

Section 2(s) PWDVA, defines *shared household* as a household in which the DV survivor lives or at any stage has lived in a domestic relationship either singly or along with the perpetrator. It includes:

- Owned or tenanted by either or both the perpetrator and survivor
- Whether or not either person or both have any right, title, interest or equity

Household that may belong to the joint family of which the perpetrator is a member whether or not either of them has any right, title or interest in it.

WHAT IS A 'RELATIONSHIP IN THE NATURE OF MARRIAGE'?

A "relationship in the nature of marriage" has been understood in law as being akin to common law marriage. Also case law (Supreme Court judgments) has spelt out certain conditions for recognizing a *relationship in the nature of marriage*. Some of these conditions are as follows:

- the community around them recognises them as a husband-wife as if they are spouses
- they have voluntarily cohabited for a significant period of time.
- They are adults of marriageable age.
- they must be otherwise qualified to enter into a legal marriage, including being unmarried
- if the woman is unaware or was unaware at the time when they began to cohabit that the man is married.

Evidence to prove the above mentioned conditions are required for seeking the benefit under PWDVA.

³ Hiral P Harsora and ors Vs. Kusum Narottamdas Harsora & Ors
(<https://indiankanoon.org/doc/114237665/>) decided by SC on 6th Oct 2016

5.2: RECEIVE THE AGGRIEVED PERSON AND HELP HER MAKE INFORMED CHOICES IN USING PWDVA

If the woman suffering domestic violence approaches any service provider, or if the member of a Service Provider is present at the time of occurrence of DV, they are required to provide her with information as per section 5 PWDVA and Form IV at appendix 3 in this manual. The very existence of such a provision implies that it recognizes and respects the right to choose and aims to enable the woman make an informed choice.



How to help the aggrieved woman make an informed choice?

A person's choice may said to be an "informed choice" when

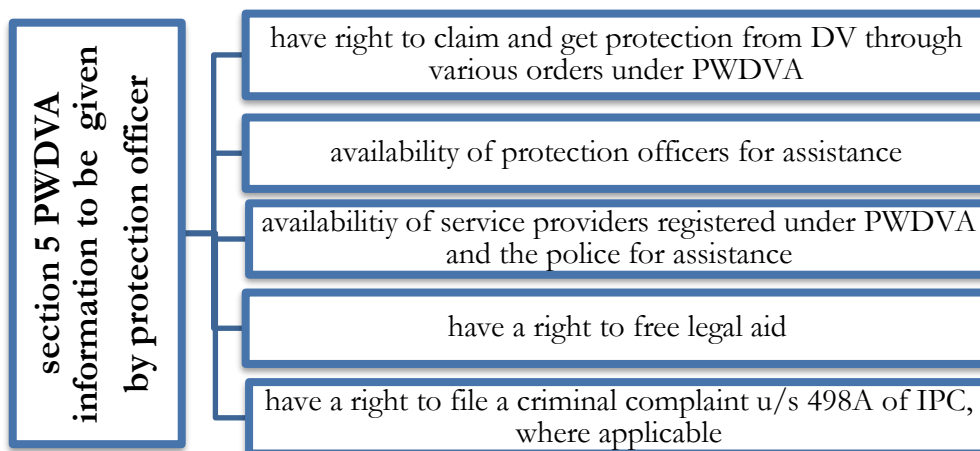
1. She has information about - a. her rights, b. the options for seeking redress and c. various resources/services available under PWDVA
2. She is aware of the probable consequences of the options/ choices she would make
3. She is willing to face/ deal with the consequences of that choice

Going by the above understanding, the service provider in order to assist the woman make an 'informed choice' should do the following:

5.2.1 Provide Information about PWDVA

✓ What information to provide?

PWDVA believes in the aggrieved woman's right to make informed choices and decisions. It therefore puts the duty on the protection officer (and others) through section 5 PWDVA to inform, her about her and her children's rights and services she can avail under PWDVA.



✓ **How to inform her about her rights and resources as per section 5 of PWDVA**

The service provider may -

- Use Form IV under PWDVA to provide the information
- Explain contents of Form IV to her in the language that she understands.
- Enquire whether she has any doubts or questions and clarify them

✓ **In addition, the service provider may also**

- Brief her about the stages and the time limits set in the PWDVA, as well as the practical delays that can take place in legal proceedings.
- Ask her what she expects from the Service Provider and the law and assess whether her expectations are reasonable and within the frame work of the PWDVA.
- Clarify what the law and service provider has to offer – example
 - what the Service Provider is authorized to as per provisions of the PWDVA.
 - what the PWDVA can and cannot provide – (e.g. the law can provide her with a protection order, but not a person 24x7 to protect her, and that she would have to take initiative for taking certain safety measures and at the same time seek protection orders. The Service Provider can help her chalk out the safety plan.)
 - inform her about the importance of a Protection Order and that breach of a protection order is an offence under PWDVA (section 31) for which criminal proceedings will be instituted against the respondent
- Share with her any informative material that is useful for her; such as booklets published by the State Department of Women and Child on the PWDVA that contains area-wise contacts of protection officers, and names and addresses of services of shelter homes, counselling centres and other service providers, police stations etc.

5.2.2 Help her think about the consequences of the actions that she may take under PWDVA and how to face these

For example – Discuss....

- What will happen when the respondent comes to know that she has made a complaint or filed an Application under PWDVA? **Is the violence likely to escalate?** And if so what **safety measures can be taken?**
- **What will happen if she asks for particular orders** – such as an order of residence in the shared household? What options under right to residence give her better safety and are most suited and why?
- Under what circumstances can she avail **services of shelter home, legal aid, counselling and of other Service Providers?**
- And many more questions that are unique to the aggrieved woman and her situation

This process will help her make appropriate choices.

Remember, she is the best judge of her situation. The Service Provider may discuss her fears about filing a case in the court, its consequences on her so that she may overcome them, etc. s/he should not thrust her/his opinion on her or give her over-assurance of any sort.

5.3 RECORD THE ‘DOMESTIC INCIDENT REPORT’ (DIR)

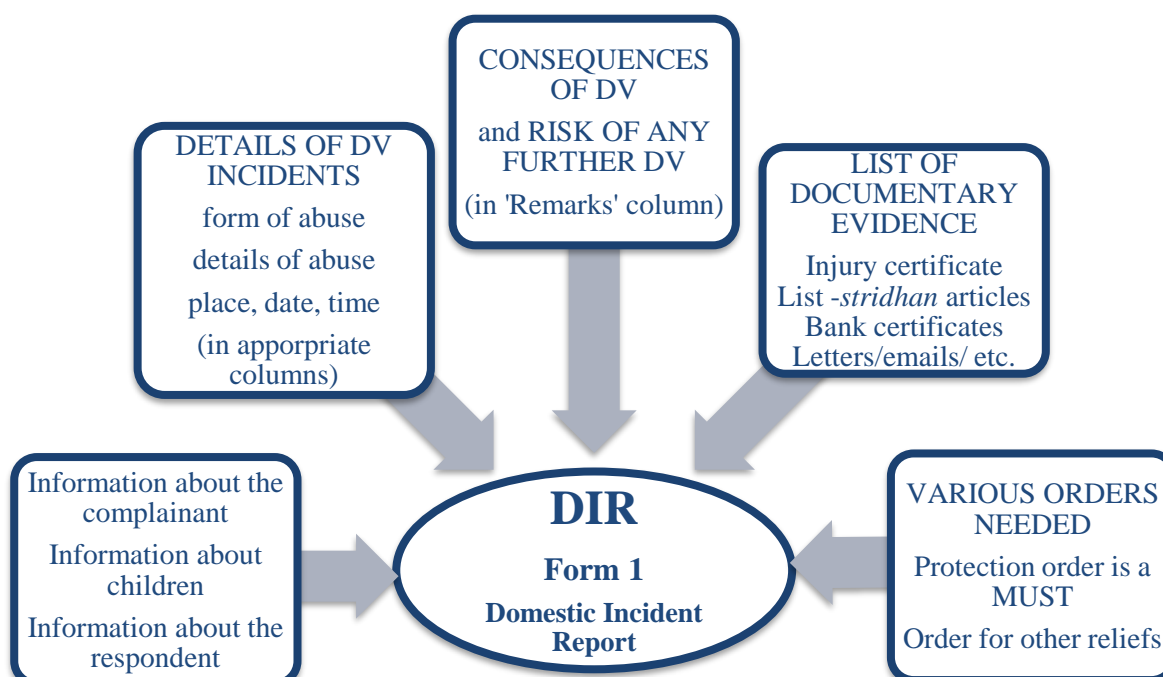
The Service Provider is authorized to prepare the ‘Domestic Incident Report’ **if the aggrieved person so desires**, as per Section 10(2)(a), **or if the aggrieved person requests so**, as per rule 5(2). The format for the same is in Form no. 1 in the PWDV Rules. Please note that it is not mandatory for the Service Provider to prepare and file DIR.

5.3.1 ‘What is Domestic Incident Report (DIR)?’

<u>WHAT IT IS</u>	<u>WHAT IT IS NOT</u>
<ul style="list-style-type: none"> Record of the DV complaint of the aggrieved woman made to the Protection Officer or a Service Provider It is to be made in ‘Form I’ provided in the PWDVR rule 5(1). 	<ul style="list-style-type: none"> It is not a report of an investigation conducted by the Protection Officer or Service Provider It is not a document that would begin the litigation process

THE DIR PROVIDES A HOLISTIC PICTURE OF THE AGGRIEVED WOMAN AND HER SITUATION

Diagram: Contents of the DIR



5.3.2 How to prepare DIR

INFORM THE AGGRIEVED WOMAN :

- about what is DIR, nature of its contents, and
- its importance in impressing upon the Magistrate the seriousness of the DV she is facing
- copies of DIR will be submitted to the Magistrate, Police and the relevant Service Provider in the jurisdiction where the DV incident is alleged to have occurred.

BE ACCURATE:

- Ensure to fill the DIR on the basis of what the aggrieved woman tells about her experience. Do not make assumptions, but get facts clarified before noting down incidents of DV.
- Fill Form I given in the PWDVR

How to fill the DIR Form I

(Please refer DIR Form I at Appendix 1 in this manual)

- **Fill Items 1, 2, 3** as indicated in the form
- **Fill Item 4:** as indicated in each column for each form of violence physical, sexual, verbal or emotional economic, dowry-related and other acts of DV
 - use the ‘Remarks’ column to highlight information that needs to be brought to the notice of the court – example the consequence that the particular incident has had on the woman or its severity, its frequency or the risk to life or about the allies in the incident etc.
 - In item 4 subsection ‘v’ – ‘any other information regarding acts of DV’ write about violent acts – such as those on children, her parents, supporters etc. that are to be brought to the notice of the court and in ‘remarks’ column write impact of violence on children’s – emotional health, school performance, physical health etc. and other such information
- **Fill item 5:** as indicated in the form
- **Fill item 6:**
 - Under column 2 ‘orders that you need’ ALWAYS WRITE ‘YES’ against Protection Order under sec.18,
 - Under column 4 ‘any other’, specify the kind of orderExample:
 - For Protection Order - specify from which form of violence – whether economic/ emotional/ sexual/ physical abuse - the AP needs the protection order: such as “Protection from economic and emotional abuse” etc.
 - For residence order – specify whether payment of rent, or use of portion of shared household or other etc.
 - For maintenance order - specify the amount and for whom
 - For custody order – specify the child/ children whose custody AP wants or visitation rights that she may want
- **Fill Item 7:** “Assistance that you need” as indicated in the columns and ensure to specify the nature of assistance that she may need.



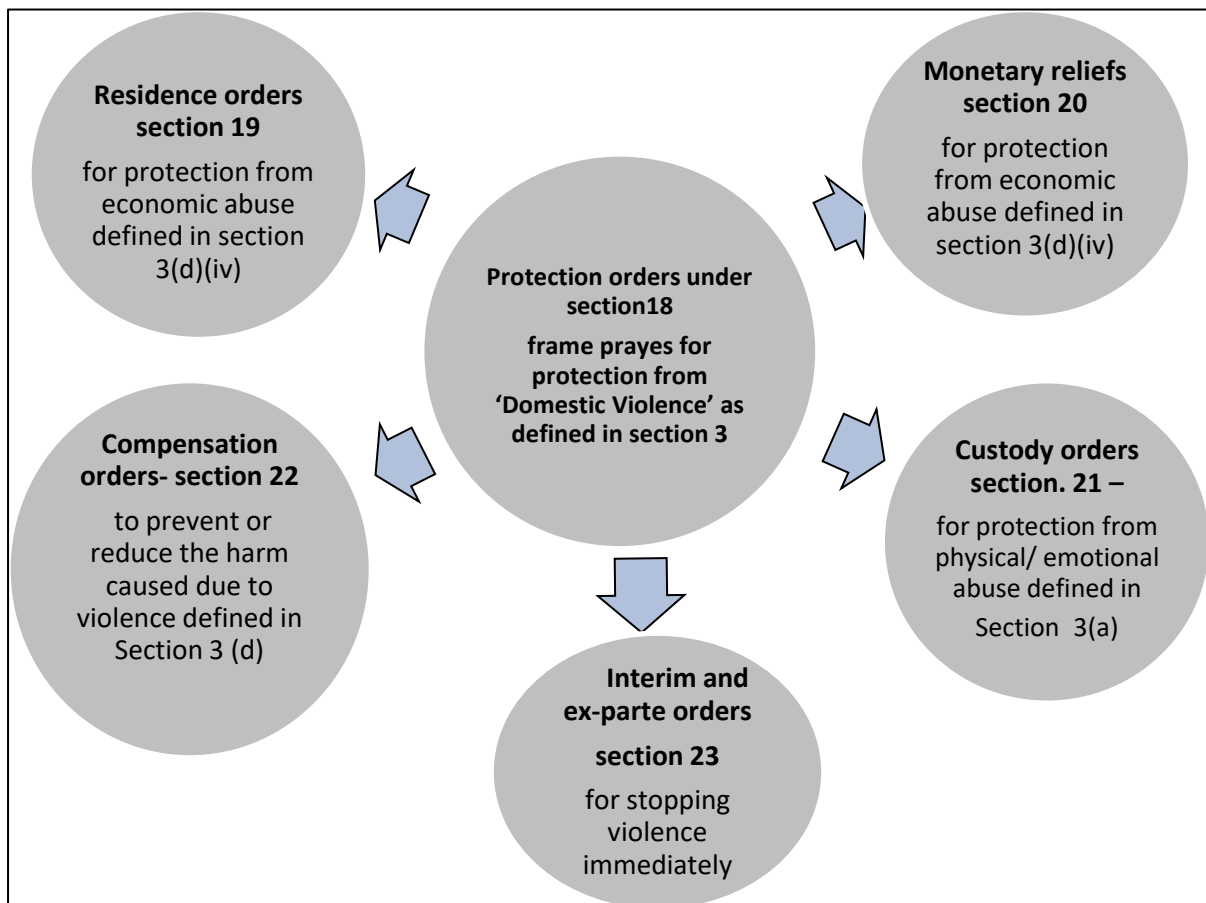
What if the woman does not remember the date, time, place of the incidents of DV that have occurred in the past?

- Write details of those incidents about which she is sure
- The woman may remember the details of latest incident, but not the past ones. In that case, write the details of incident she is sure about, and in the remarks column mention the approx. frequency of such violence or how many times it has occurred in the past.

In order to fill item 6 of the DIR, let us understand the kind of orders that can be sought under PWDVA and their significance

5.4 WHAT KIND OF ORDERS CAN BE SOUGHT UNDER PWDVA?

The orders that can be sought for under PWDVA are presented in the figure below. Protection orders are “stop violence” orders under section 18 and are the soul of the PWDVA. All other orders sought under sections 19 to 21 are reliefs or remedies to ensure that the DV does not continue, occur or recur.



Interim and ex-parte orders can be sought for protection as well as reliefs under sections 18, 19, 20, 21 and 22.

5.4.1 Protection orders – Section 18 of PWDVA:

- Protection orders are the “stop-violence” orders; i.e. to stop any form of violence, be it physical, emotional, sexual, or economic. Therefore, prayer for this order, in each application is must!
- They are orders to stop the violence that is currently occurring and to stop/prevent the recurrence/ occurrence of any form of violence.
- The Magistrate can grant any of the orders as specified in section 18. Some of these are also listed in item 3(i) of Form II – the format for Application to the Magistrate under section 12 of PWDVA (Please refer Appendix 2 in this manual for the format)
- Orders specific to the act of violence but not listed in item 3(i) of Form II can be asked for in the “any other order” section.

Tip: Please refer to the section 3 PWDVA – and use definition of Domestic Violence to frame the prayers. This will ensure protection orders for all forms of violence and justify the reliefs that are prayed for.

Some examples of prayers that can be added to the existing list are:

A general order of ‘*Prohibiting the respondent from committing any form of domestic violence*’ may be prayed for.

Examples of certain specific orders that can be prayed for -

- *Prohibiting the respondent from committing economic abuse that deprives the Aggrieved Person/ woman of household necessities and her right to maintenance*
- *Preventing the respondent from emotional abuse caused due to continuous criticism over household work by the respondent/s and verbal abuses to Aggrieved Person’s parents*
- *Order for the parents to stop the marriage that they are forcing on their daughter*

Five reasons why a Protection order is a must for every case of DV

1. A Protection Order (passed under section 18) is valid or in force until the aggrieved person applies to the Magistrate for a discharge; meaning that it applies until the woman feels/ thinks that the perpetrator’s violent behaviour/ actions have ceased and she is feeling safe.
2. It helps promote or reinforce the belief that
 - a. DV is something that should not be tolerated,
 - b. that a woman (and her children) has a right to a violence free, peaceful and dignified life, for which she can claim this right through remedies under PWDVA
3. The aggrieved person/woman wants the violence to stop. And the Respondent is likely to conform to a stop violence order because it is given by a supreme authority.
4. Breach of ‘Protection Order’ makes it an offence under section 31 PWDVA that attracts a punishment with imprisonment of up to 1 year and/or fine up to Rs.20,000/-
5. If protection order is breached, the testimony of the aggrieved person is sufficient for invoking section 31, and so it is easy for her to file a complaint under this section.

5.4.2 Residence orders – Section 19 PWDVA

Section 17 of the PWDVA recognizes the right of every woman in a domestic relationship to reside in a shared household whether or not she has any right, title or beneficial interest in it. When a woman is not allowed entry to the shared household or its residents make it impossible for her to stay in it, it amounts to economic abuse, and this is DV. Refer Section 3(4)(c).

This section recognises that most titles – to the households whether owned or leased are in the name of the head of the family, mostly male members. As per property laws, this head has the option of allowing or restraining any member of the household who do not hold any stake in it. In such circumstances, women become most vulnerable. PWDVA is sensitive to this situation.

Through section 17 PWDVA, the law provides a legal stake to the DV survivor in the shared household because of the domestic relationship with the respondent. Even if she or her husband/ respondent do not have any title to the shared household, yet she has the right to reside in it. She cannot be evicted from it or excluded from it or from any part of the shared household.

It also provides that “every woman in woman in a domestic relationship shall have the right to reside in the shared household”. This means that a woman, be it the aggrieved woman or even a respondent woman, cannot be evicted from the shared household. PWDVA recognizes the vulnerabilities of being a ‘woman’ in a patriarchal set up through this provision and protects the right of every woman to reside in the shared household.

In order that this right be exercised meaningfully, it is necessary for the DV survivor to pray for Residence Orders together with Protection Orders. Remember, Protection Orders if breached become an offence punishable u/s 31 PWDVA.

For the purpose of prevention or protection from DV, some of the residence orders that can be sought for include:

1. **Restraining orders:** Restraining the respondent and/or his relatives from one or more of the following -
 - Dispossessing or disturbing possession of the DV survivor from the shared household, whether or not the respondent legally owns/ rents or otherwise [Section(19)(1)(a)]
 - From entering any portion of the shared household where the DV survivor resides [Section (19)(1)(c)]
 - Alienating or disposing off the shared house or encumbering it [Section (19)(1)(d)]
 - Renouncing (abandoning) respondent’s rights from the shared household [Section(19)(1)(e)]

2. **Orders directing the respondent to remove himself** from the shared household. [Section(19)(1)(b)]. The law being sensitive to women’s status in society, prohibits removal of any woman who may also be a respondent from the shared household [Section(19)(1) proviso]

3. **Other orders**
 - to execute a bond with or without sureties for preventing the respondent from committing DV
 - for directing the Police to provide protection or assist DV survivor or a person on her behalf in implementation of residence orders

Tip: The DV survivor in her Application may specify the need for such directions to be given to the police, including the direction to assist the DV survivor in breaking open the lock of the residence and enter it, if found locked, etc.
 - for directing the Police in implementing the protection order
 - for directing the Respondent to find an alternate accommodation, similar to that of shared household for the DV survivor, and paying rent for it where required [Section (19)(1)(f)]
 - for imposing obligations on respondent for paying rent, or other payments for fulfilling financial needs and resources
 - any other orders as necessary for protection and safety of the DV survivor and her children while claiming their right to residence

5.4.3 Monetary reliefs - Section 20 PWDVA

Domestic Violence has immediate monetary implications for the DV survivor; the family in the short run; and the community, the state and the nation in the long run.

Important points to note

- PWDVA takes cognizance of the monetary losses incurred due to DV.
- Going by the definition of ‘Domestic Violence’ (section 3), monetary loss or deprivation is regarded as DV in the form of economic abuse.
- In order to protect the aggrieved person and her children from economic abuse (form of DV), monetary reliefs are granted.
- The aggrieved woman should therefore pray for an order for ‘*protection from economic abuse*’ under section 18, in the Application made under section 12 as well as for monetary relief under section 20.

PWDVA grants powers to the Magistrate to direct the respondent to provide monetary relief towards –

- medical treatment of the aggrieved person,
- loss of earnings because the aggrieved woman is unable attend employment
- losses because of destruction, damage, of property

- monetary losses due to removal of any property from the control of the aggrieved woman
- expenses incurred in taking safety measures – such as travel to safe place, or expenses for lodging herself in a hotel, for phone calls, etc.
- maintenance for aggrieved woman and her children even if she is getting or has applied for maintenance under section 125 CrPC or any other law, including personal laws
- any other losses or expenses incurred by the aggrieved woman and her children due to DV

Keeping this in mind, at the stage of preparing the Application under section 12, the Service Provider may advise the aggrieved woman to ask for any of the above monetary reliefs.

Section 20 values the standard of living of the aggrieved woman and her children and empowers the Magistrate to decide

- **the quantum of relief based on the standard of living**
- **how maintenance is to be paid - whether in lump-sum or monthly payment**
- **the specific period within which the monetary relief should be paid**

The Magistrate has the discretion to accordingly pass orders for monetary relief by specifying the quantum, the manner of payment, the time line, and other details.

In case the Respondent does not pay or comply with the monetary order, the Magistrate has the power to direct Respondent's employer or debtor to directly pay to the aggrieved woman out of the wages/ salary or the credit of the respondent.

5.4.4 Custody orders –Section 21 PWDVA

Section 2(b) of PWDVA defines “child” to mean any person below the age of eighteen and includes in its definition adopted, step and foster children of the aggrieved person.

In recognition of women's vulnerable position in our society, Section 21 PWDVA provides for custody orders for the following reasons:

- to protect the children from domestic violence
- to ensure that they are not used as pawns to coerce the woman to stay in a violent domestic relationship

Custody orders passed under section 21 are of temporary nature; meaning she can get temporary custody of children. For permanent custody (in case of dispute) the Aggrieved Woman or the Respondent would have to use the Guardianship and Wards Act or the Personal Law as applicable to them.

The Magistrate also has the power to grant visitation and specify arrangements for visit of the child/ children by the respondent.

However, the Magistrate can refuse to allow such visits if s/he is of the opinion that such visitation is harmful - in the best interests of the child.

In deciding a case for temporary custody, the court considers what are in the best interest of the child/children. Criteria for 'best interest' focus more on factors conducive for the healthy psycho-social care and growth of the child rather than economic or material factors. Manual for Protection Officers prepared and published by Lawyer's Collective, New Delhi, have listed the following questions to assess the 'best interest' of the child:

- Who would have better care and consideration for the welfare of the child;
- Where is the child more likely to be happy;
- By whom the mental and physical development and comfort of the child can be better looked after;
- Who has the desire, determination, concept and capacity to provide for better education and round-the-clock nursing of the child; and
- Who would be available by the side of the child when the child needs love and affection, care, counselling and protection

5.4.5 Compensation orders – Section 22 PWDVA

PWDVA recognises that the aggrieved person has a right to be compensated for the pain that she had to undergo/tolerate due to physical injury, mental torture and other emotional distress.

Section 22 recognises that losses to a woman facing DV are much beyond the actual material losses/ expenses she has incurred due to DV. Hence compensatory orders under this section are different from monetary orders under section 20.

In other words, a compensation order is over and above monetary orders granted under PWDVA. The aggrieved woman can apply for a compensation order in addition to any other claim that she may have made under any other civil law.

If she has received compensation in other civil cases, it has to be disclosed to the court under item 3(iv) of the Form II.

The amount of compensation is determined by the Court after assessing the facts and circumstances of the case, the extent of injuries sustained etc.

5.4.6 Interim and ex-parte orders – Section 23 PWDVA

These are extremely important orders that **immediately address the risk of DV** to the aggrieved woman. In other words, such orders are passed to ensure an immediate halt to the DV and is a quick preventive measure.

It helps the aggrieved woman to proceed with the litigation in a less threatening or non-threatening environment.

What is an interim order?

An interim order is an order that is passed during the period of trial; i.e. prior to passing of the final order. (The final order is passed after completion of the trial.) Under PWDVA - a law that is civil in nature, provision for interim orders is primarily to

prevent any further domestic violence during the period of trial and thus prevent any kind of harm to the aggrieved woman and her children.

When can an interim order be prayed for?

If the circumstances of the aggrieved woman call for immediate relief from violence or for preventing recurrence of violence, interim orders – for protection and/or residence/ monetary relief/ custody can be sought for under section 23 PWDVA.

How can an interim order be obtained?

The risk or the threat to the aggrieved person who is being subjected to violence needs to be clearly written in the Application made under section 12 itself, and interim orders can be asked for. No separate application is required⁴.

Interim orders can also be passed on the basis of affidavits and/ or oral arguments. The format of Form III can be used to seek interim orders as well. How to fill Form III is explained further in this document.

When can the Magistrate pass an interim order?

An interim order can be passed any time during the trial period.

If the Magistrate on her/his own finds that immediate relief is required, s/he may pass an interim order, even the aggrieved woman has not prayed for it.

On the basis of an affidavit (in Form III) which if submitted along with the Application under section 12, an interim order may be passed even before the notice is served on the respondent or even before the respondent appears in court. This is termed as an ex parte interim order.

What is an ex-parte order?

An ex-parte order is one that is granted without prior notice to the respondent or in the absence of the respondent. Ex-parte orders may be granted when the aggrieved person's application prima facie shows that the respondent is committing or is likely to commit domestic violence.

These orders may also be granted when the respondent fails or refuses to appear in Court despite written notice being served.

Ex-parte orders may be passed as interim orders and also as final orders, as the case may be.

⁴ Vishal Damodar Patil vs. Vishakha Vishal Patil 2009 CrLJ 107 (Bombay High Court).

How can ex-parte orders be obtained?

For applying for an ex-parte order (interim or final) Affidavit in Form III as prescribed in PWDV Rule 6(4), should be used. It has to be signed by the aggrieved person or other person who on her behalf has made an Application u/s12 PWDVA as the 'Deponent'⁵.

Note: Section 28(2) empowers the Court to lay its own procedure. It can use these powers to grant *ex-parte* orders and direct the protection officer about the manner in which it is to be enforced/implemented.

5.5 WHAT TO DO AFTER FILLING THE DIR IN FORM I?

- **Read the DIR over again for the aggrieved woman or ask her to read the DIR** carefully so as to ensure that she has understood and consents to all the written contents.
- Ensure that the aggrieved woman has **signed the DIR** and the Service Provider has countersigned.
- **Inform** the aggrieved woman **the copies of said DIR would be submitted** to the Magistrate and Protection Officer.
- Give a **copy of the DIR to the aggrieved woman free of cost**, and advise her to show the copy if and when she feels the need of approaching the Police and/or Protection Officer and/or Service Provider
- **Submit copies of DIR to** Magistrate (through the Registrar or judicial clerk of the Court), the Police and the Service Provider in the jurisdiction where the DV incident is alleged to have occurred.
- Even if the aggrieved woman has not filed / or does not want to file an Application u/s 12 PWDVA, the copy of DIR is required to be submitted to the Magistrate, the Police and Service Provider in the jurisdiction where violence has occurred.
- Take an **acknowledgement receipt** of the DIR copies from the aggrieved woman and the above mentioned authorities and keep record of it
- **Preserve copy of DIR along with copies of related documents in separate files for every aggrieved woman**
- **assure the woman of help/ assistance at any point of time**

Please note: The Magistrate takes into consideration the contents of the DIR while deciding the DV case (proviso of Section 12)

⁵ The 'Deponent' is the aggrieved person, or any person on her behalf if the woman is not in a position to sign because of physical or mental trauma. A verification statement that the contents of the affidavit are true to the best of the deponent's knowledge is also required to be given along with the affidavit.



What is the purpose of submitting copies of DIR to the Magistrate and Protection Officer?

DIR copies are required to be submitted to the Magistrate and Protection Officer primarily for the purpose of keeping a record. The history of DV will enable them to help the woman whenever she approaches them in an emergency situation, or to register a police complaint/ FIR or provide shelter, legal aid, counselling and other. Hence it is important to abide by a system of maintaining records of DIRs so that they can be retrieved easily

5.6: PREPARE A SAFETY PLAN

The Service Provider may prepare a safety plan so that the DV survivor is safe and violence does not occur/recur. The Service provider can have its own methods for preparing safety plans.

Also, the Safety Plan can be prepared in Form V of PWDVR (please refer Appendix 4 in this manual). It serves as a tool that the protection officer and the aggrieved woman can use in order to assess risk, especially the dangers she is likely to face because she has made a complaint under PWDVA, and thereby device safety measures.

5.6.1 What is a safety plan?

Safety planning is a common practice among organizations and counsellors who work with DV survivors.

It has two components –

1. There is a risk assessment component that identifies dangers involved in the woman's situation.
2. There are concrete and feasible strategies/ measures for safety that are worked out with the woman, so that she is able to follow them. Seeking Protection Orders is a legal measure for safety.

Please note: The Safety Plan format in Form V additionally includes specific legal measures – such as, seeking Protection Orders and other orders from the Magistrate for purpose of safety. It is not mandatory to submit the said Form V to the Magistrate. However, if submitted, it can work as an effective tool for seeking desired and immediate orders because it can help the Magistrate understand the gravity of the domestic violence that the woman faces.

Safety plan is important as it helps develop a sense of control and motivation for self-protection in the woman. **It is based on the belief “my safety is my responsibility as well”.**

Technically under PWDVA, the “Safety Plan” is prepared in Form V in consultation with the aggrieved person/woman. It is used to identify and note down -

1. the ways in which the aggrieved person can protect herself during a violent incident or when she anticipates a violent incident and reduce the risk of harm.
and
2. the court orders she should pray for so that she is protected from recurrence of DV.

In Form V the details are to be written under each of the 5 columns – A to E, see the table below. (For the full version of the Safety Plan format please refer appendix 4 of this manual)

A	B	C	D	E
Violence by the Respondent (various forms)	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 Court

5.6.2 How to prepare the Safety Plan in Form V?

The information in columns A, B, and C helps in assessing risk

How to make a risk assessment -

Column C is where the risk is to be noted

Few indicators for risk of violence are as below:

- Frequency of violence
- Escalation of violence and its severity over the past years
- Violence extended not just to aggrieved woman but also to children and other supporters of aggrieved woman over time
- Use of objects or weapons
- The aggrieved woman has suicidal thoughts or has attempted suicide; she is in depression, has lost all hope, is extremely angry and talks of committing injury/ hurt to self or others
- Respondent has attempted or threatened suicide
- Threat to murder, or attempts to murder in the past
- Past experiences of being locked in house, or thrown out of the house even at odd hours
- The time and place of violence - whether violence happens during night time and or when nobody is around when drunk or even when sober etc.
- Respondent is in the habit of throwing objects, creating a ruckus, and injures animals

Column D is where safety measures are to be written.

How to decide safety measures

Column D aids the aggrieved person and the Service Provider to discuss and decide the kind of measures she can take for safety from the perpetrator/s at the anticipated site of violence – whether she is living with the perpetrator/s or not.

Examples of some strategies that can be planned with the aggrieved woman are as under:

- Believe in your instincts, and be alert if you anticipate violence

- Keep important documents in safe place
- Keep handy, or memorize contact numbers of person/s who she can approach for help during such emergency, including the closest police station
- Keep mobile phone handy, if available
- Keep some money handy – to use it for travel to safe place, food etc.
- Inform immediate neighbours/ friends/ family who are supportive and take their help – e.g. shout loudly for help when the abuser threatens violence
- Identify a safe place to go, even if temporarily, in event of expected violent episode
- Keep away easy access to any weapon or substance that can be used to harm/hurt - such as knives, sickle, kerosene etc.
- Plan about what the aggrieved person should do in case she needs to leave the site of violence for her safety – e.g. taking her children, her documents, clothes, the timing, etc.

Column E aids the aggrieved woman and the Service Provider to think of and decide the orders that need to be prayed for to the Court for her safety.



Is it mandatory to submit the safety plan to the Magistrate?

- It is not mandatory to submit the safety plan to the Magistrate. Once submitted to the court, it becomes accessible to the perpetrator if the case has been filed. If he comes to know of personal safety measures she would be taking (written in column D of Form V), for example of keeping the mobile handy, or taking help of neighbours, or hiding objects that can be used as weapons, he is likely to misuse this information and do everything to foil her plan. If the safety plan is to be submitted to the Magistrate, such information that could increase her risk, should not be noted.
- Safety Plan in the Form V can be used for impressing upon the Magistrate the severity of violence and the pressing need and urgency for certain specific orders for preventing DV. Few illustrations of its use are given below.

5.6.3 Important points to note

- Preparing/ submitting the Safety Plan in Form V is not a pre-condition for obtaining orders under the PWDVA.
- The safety plan is primarily for the use of the aggrieved person and protection officer/ Service Provider.
- However, the Aggrieved Person/ Protection Officer/Service Provider may submit such the “Safety Plan” in Form V to impress upon the magistrate the necessity and urgency of particular kind of orders.
- Safety plan can be prepared at any time – before and during litigation or even after orders are passed

5.6.4 Best practice - how safety plan can be used under PWDVA

Following are two examples about how safety plan was used in order to get quick and appropriate orders from the Magistrate.

Case 1 - Rupali's case : Below is an example about how the protection officer made use of safety plan Form V during the period of litigation

Rupali who was working in a rural hospital as an ANM, after an episode of violence from her husband, approached the protection officer for protection and remedies under PWDVA. Since then she, for sake of safety, along with her 5 year old child, had begun to live separately from her husband. She did not want to break the marriage; she only wanted the violence to stop. DIR and Application u/s 12 were filed, and interim protection orders and maintenance for child were prayed for.

After she started living separately, her husband began to stalk her, and tell her colleagues in the hospital and even the tea stall vendor outside the hospital that she is of a loose character.

The hearings in the court had begun, but harassment continued.

The Service Provider who was helping Rupali, sought help of the Protection officer who brought the stalking to the notice of the court during the hearings and pressed for interim orders. However no interim orders were passed.

On the advice of the Protection Officer, Rupali then filled form V – Safety Plan, and submitted it to the Magistrate. The risk she faced emerged clearly out of this safety plan and the Magistrate without delay passed interim protection orders restraining the husband from stalking her or visiting her place of work.

Case 2 – Mangal's case: Here is an example of how the Magistrate made use of the safety plan to doubly ensure that the protection order and other orders for reliefs are justified.....

Mangal and Rajendra's was an inter-caste marriage and against the wishes of either of the families. Within a period of seven years, Rajendra died in an accident leaving behind Mangal and three young children.

Mangal's tried to negotiate with her in-laws for staying in the joint-family household in which Rajendra had a rightful share. The in-laws soon began to harass and threaten her and her children of dire consequences if she ever tried to enter the house. Mangal filed a case against her in-laws under PWDVA for protection and residence orders.

*While the case was being heard, **the Magistrate directed the PO to prepare a safety plan for Mangal and her children.** Based on the details of violence and risk noted in the safety plan of emotional violence, economic violence, dispossession of shared household and threats to life, the Magistrate directed the Protection Officer to make a home visit to check availability of a separate portion in the joint family household that could be demarcated for Mangal's exclusive use.*

With the help of the Protection Officer's report, the Magistrate passed a residence order for providing two rooms on the first floor for use of Mangal and her children together with order of protection from DV against the respondents. The Protection Officer, who followed up her case for 4 years, reported Mangal is living peacefully along with her children in the shared household.

These 2 cases are real-life examples (with names of persons changed), in which Safety Plan was used to doubly justify necessity and urgency of protection orders, residence orders and other specific orders for reliefs.

5.7 SERVICE PROVIDER TO WORK AS A COLLABORATIVE TEAM MEMBER OF THE MULTI-AGENCY SUPPORT SYSTEM

A Service Provider is an important player in the multiple level supports that a DV survivor can access under PWDVA. A coordinated effort is more likely to help stop domestic violence and help her towards self-reliance. For mobilizing the support system, the Service Provider may do the following:

1. Know and maintain the list and contacts of resources such as
 - a. Protection Officers – for any immediate, protection related and court related matters, support to the woman during and after litigation of her case in the court etc.
 - b. Police officers, police stations, and other services under the police department such as the Mahila Dakshata Samiti etc.
 - c. Medical facility – for getting a DV survivor medically examined and obtain the medical examination report (Section 10(2)(b))
 - d. Shelter homes – both, notified by the state government as well as those registered as Service Providers, for Ensuring that the DV survivor gets shelter where necessary (Section 10(2)(c))
 - e. Any other Service Provider in the area – such as those providing financial aid, hostel facilities for children, etc.
2. Refer her for assistance from of other organizations/ individual experts etc. even if these are not registered as Service Providers.
Please note: By registering as ‘Service Provider’ under PWDVA, it does not restrict the entity or organization to provide other services as per its own mandate/ objectives.
3. Undertake any other activity as per the entity’s/organization’s own mandate – such as community out-reach, awareness activity, survivor support group etc. so as to assist a DV survivor’s safety and protection.

6.0 ROLE OF ‘SHELTER HOME’

6.1 HOW ARE ‘SHELTER HOMES’ UNDER PWDVA APPOINTED?

Through notification : The Department of Woman and Child Development of the respective State Governments have notified Shelter Homes. They may be Homes that are run by or aided by the State or Central Government or the State Women’s Commissions through it various schemes.

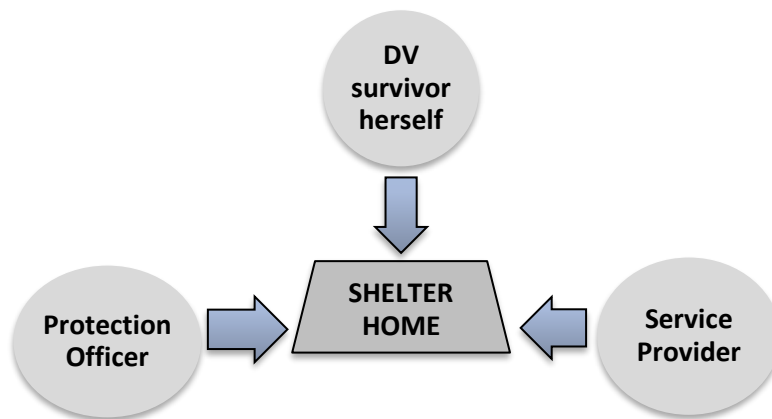
Through Application and Registration as per section 10 of PWDVA: Voluntary organizations/ associations who run shelter homes or hostels can register themselves as “Service Providers” for accommodating women facing domestic violence. (The procedure has already been explained in this manual at point 3.0 - “How does an organization register as ‘Service Provider’?)

Shelter services that have applied for being registered under PWDVA as Service providers have to be licensed by a regulatory body – Central or the State Government, and follow certain conditions – such as the area of the premises, the adequacy of space, the number of rooms and their area, functional telephone services for inmates, medical facility available in the vicinity and visits of medical professional. The details can be obtained from Department of Women and Child Development, of the respective states.

6.2 WHO CAN REQUEST FOR SHELTER?

A DV survivor herself or a Protection Officer or Service Provider, can request for shelter in the ‘Shelter Home’ that is notified or registered under the Act, and section 6 of the Act, obligates the shelter home to provide it; meaning that shelter cannot be refused.

Figure 1: Who can request for shelter in a Shelter Home



If a woman who faces DV comes directly to the shelter home, it will have to follow the duties mentioned in the part on ‘Duties common to all Service Providers’ – from providing information about PWDVA to connecting her with other stakeholders for support and/or for legal action.

6.3 BY WHAT MEANS AND IN WHAT FORM DOES THE SHELTER HOME RECEIVE THE REQUEST?

A DV survivor may directly approach a Shelter Home, wherein the Shelter Home may be the first point of contact. The Shelter Home, as per its usual formal procedure may seek a request in writing from her.

A Shelter Home may receive a written request from a Protection Officer or any other Service Provider for accommodating a DV survivor in the Shelter Home and clearly stating that shelter is being sought under section 6 of PWDVA (Rule 16(1)). **A written request for placing a DV survivor in a Shelter Home is not mandatory.**

If a Service Provider has made a request for sheltering the DV survivor, the request letter may or may not be accompanied with a copy of the DIR.

If a Protection Officer has made a request for sheltering the DV survivor, the request letter MUST be accompanied with a copy of the DIR that s/he has prepared. (Rule 16(2)).

However, if the DIR has not been prepared by the Protection Officer before making the written request, the Shelter Home **cannot refuse shelter**. Such a situation can happen in ‘emergency cases’ in which due to the trauma of the violence, the DV survivor is not able to give information necessary for preparing the DIR, or due to paucity of time (proviso Rule 16(2)).

6.4 WHAT IS TO BE DONE AFTER THE DV SURVIVOR IS LODGED IN THE SHELTER HOME?

If a Protection Officer has made shelter available to a DV survivor through a request to the Shelter Home, section 9(1)(f) of PWDVA puts the duty on her/ him to prepare a report of her having been lodged there to the Police Station and the Magistrate in its jurisdiction where she has filed or where she can file a case under PWDVA.

It is the duty of the Shelter Home to not disclose her identity or inform the perpetrator that she is lodged in the shelter home if she so wishes (Rule 16(3)).

7.0 ROLE OF THE PWDVA-COUNSELLOR UNDER PWDVA

7.1 WHO IS THE ‘COUNSELLOR’?

PWDVA defines ‘Counsellor’ in section 14. This ‘Counsellor’ is a trained and experienced member of a Service Provider and to whom the Magistrate directs the respondent or the aggrieved person, singly or jointly for counselling at any stage of the case proceedings.

For the purpose of this manual and for the sake of clarity in this manual, we would call such a ‘Counsellor’ as PWDVA-Counsellor.

The Magistrate appoints a counsellor as the PWDVA-Counsellor for a particular case from among the list of counsellors that the Protection Officer provides.

This means that the PWDVA-Counsellor comes into the picture only after the woman files an Application under section 12, and when the Magistrate directs the respondent and/or aggrieved woman in a particular case to undergo counselling.

This does not mean that the counsellor is barred from counselling persons who come to her/him directly out of their own free will prior to litigation or even during litigation.

In other words, a person who practices counselling may play two roles – one of an ordinary counsellor and the other of a PWDVA-Counsellor, but not for the same case.

In order that PWDVA-Counsellor’s services are accessed, it is advisable for the concerned Service Provider (of whom the counsellor is a member) to ensure that the Protection officer has the names of counsellors in the list s/he has prepared (refer Rule 13) and that the list has been forwarded to the Magistrates/ court.

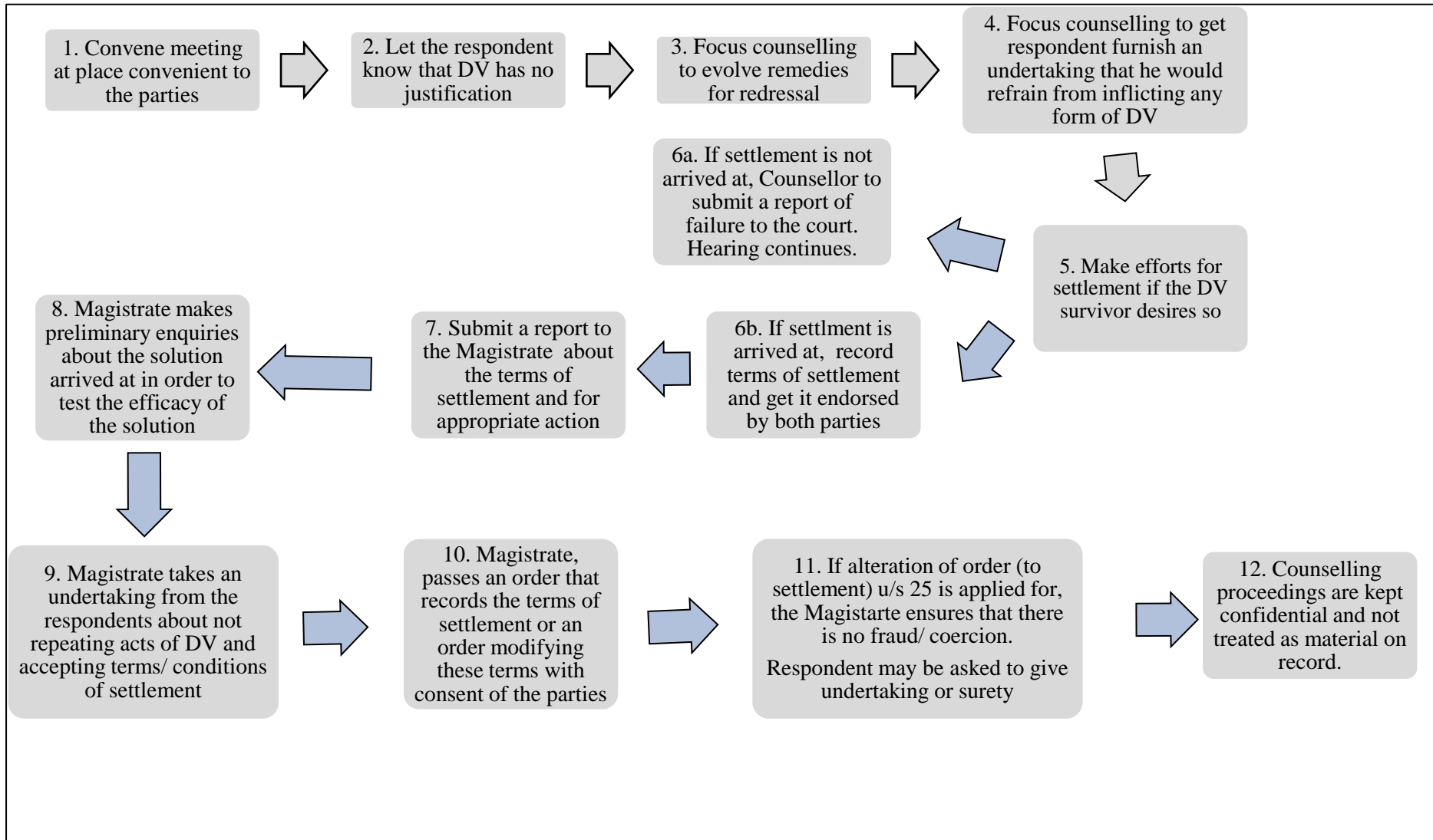
7.2 WHO IS ELIGIBLE TO BE APPOINTED AS PWDVA-COUNSELLOR IN ANY CASE PROCEEDING?

1. A person from among the list of counsellors (who are members of Service Providers) that the Protection officer has forwarded to the Magistrate.
2. As far as possible the PWDVA-Counsellor should be a woman (Rule13(3))
3. A counsellor who is interested or connected with the case under dispute or is related to either party (unless waived in writing by them) CANNOT be appointed as PWDVA-Counsellor for that particular case.
4. Any legal practitioner who has appeared for the respondent in the current or any other legal suit CANNOT be appointed as a 'Counsellor'.

7.3 THE COUNSELLING PROCEDURE THAT PWDVA-COUNSELLOR IS REQUIRED TO FOLLOW

A PWDVA-Counsellor has to mandatorily follow the counselling procedure as laid down in Rule 14, and under the supervision of the Court or the Protection Officer. Given below is a flow chart that illustrates this procedure.

Flowchart - Procedure that PWDVA-Counsellors have to follow



It is important to note that step 5 in the procedure takes place only if the DV survivor wants a ‘settlement’ – whether reconciliation or separation; the counselling process would then be directed towards this.

However, it does not prevent the Magistrate to direct a case for counselling even if the DV survivor does not want a settlement. The Magistrate can direct a perpetrator (respondent) as the only counselee, in which case, the Counsellor’s role would be to get respondent refrain from any form of DV (as mentioned in step 4). In practice, to the best knowledge of the author of this manual, not many referrals are being made to a ‘Counsellor’; majority of referrals are made to mediators for mediation.

One must understand that mediation is different from counselling. In mediation settlement of differences/ disputes is the ONLY aim or the expected outcome. Whereas, in counselling, settlement of differences/ disputes is just ONE OF THE outcomes (refer Rule 14(7)) and not the ONLY outcome.

Let us look at the difference between ‘PWDVA-Counselling’ and ‘Mediation’.

7.4 HOW IS PWDVA-COUNSELLING DIFFERENT FROM MEDIATION?

If one studies the counselling procedure laid down in Rule 14 of PWDVR, it clearly states

1. Effort for a settlement is made only if the DV survivor desires so (Rule 14(7))
2. The focus is on arriving at a settlement in which **complete assurance that DV will not be repeated is taken from the respondent in the form of an undertaking.**(Rule 14(3) and 14(6))

This means that PWDVA-Counselling is founded on the belief that there is no tolerance or excuse for domestic violence, whether or not the parties arrive at a settlement.

In other words, the goal of PWDVA-counselling is to ensure that the respondent does not commit or repeat DV. If the differences/ disputes between the two parties cannot be settled, such counselling will not result in a settlement, but a ‘no-violence’ undertaking from the respondent is expected.

Mediation on the other hand is different.

In the case of ‘mediation’ its very goal is to arrive at a settlement, and in the process, an assurance for ‘no-violence’ may or may not be taken – it is left to the discretion of the mediator – PWDVA does not mandate so.

This does not mean that in mediation assurance from the respondent about not committing/ repeating DV is not taken, but it is not mandatory for a mediator as for a PWDVA-Counsellor. PWDVA per-se does not provide for mediation (and therefore no rules). Magistrate can use its power under section 28 to develop and follow its own procedure, and

hence s/he can direct a case for mediation as per the 'mediation rules' laid down by the High Courts of the respective states.

Primarily, the difference between the two is both in the perspective as well as the process.

PWDVA-Counselling parallels principles of feminist counselling. The focus as per Rule 14 (3) and 14(6) is on counselling the respondent so that he does not commit/ repeat violence. It implies that the counsellor engages the counselee (perpetrator) to **explore and reflect on the origins of his violent behaviours** so as to bring about changes in himself (his attitude, thinking and behaviour). The Counsellor also focusses on the relationship issues between the two in which she/he facilitates in negotiating with the perpetrator for the DV survivor's rights, such as - right to residence, maintenance etc. as necessary. Counselling of such nature would improve communication between the perpetrator and DV survivor which is likely to lead to an amicable settlement - whether reconciliation or separation.

In mediation the focus is equally on the aggrieved woman as it is on the respondent, in which **negotiation is used for aiming at a settlement**. This also means that parties, including the DV survivor, are expected to make certain compromises. Therefore, in this kind of intervention, the mediator has to take extra care to ensure that a DV survivor does not compromise the 'no-violence' position. If a mediator does not have a feminist approach he/she will not be able to tackle the deeply impregnated origins of violence in the counselees. Therefore, the outcome is likely to be more superficial and whatever improvement in the relationship between the DV survivor and the perpetrator that it may result in, would be purely incidental.

Part 1 of the series of manuals, elaborately discusses the root cause of DV, the power politics that play between two genders due to factors such as patriarchal values, mindsets, patriarchal controls exercised by the perpetrator and much more. This understanding needs to be applied in counselling or in mediation. **If not there is a danger of perpetuating and strengthening patriarchal attitudes in the counselees.**

For example - A counsellor or mediator may advise a woman "*why can't you ask (permission from) your mother-in-law or husband if you want to visit your parents?*" If this becomes a pre-condition for settlement in return for 'no-violence', the patriarchal control on her choice for mobility gets strengthened. Indirectly, such a pre-condition gives a sense of justifying violence.

In Counselling, the PWDVA- counsellor would consciously aim at helping the perpetrator (man) deal with emotions of anger, refrain from behaviours of aggression, and change attitudes of being 'superior' and his notions of the 'ideal man' as laid down by gender and patriarchy (discussed at length in part 1). In mediation this may not happen consciously; rather a commons-sense approach may be used.

The differences between counselling and mediation described above are summarized in the table below:

Table 2: Difference between PWDVA-Counselling and Mediation

Feature	PWDVA-Counselling	Mediation
Referral	Under section 14 of PWDVA Rule 14 of PWDVR	Under Rules that High Court's of various states have passed for Civil Procedure Alternative Dispute Resolution And under section 28 of PWDVA (Court can adopt its own procedure)
Primary Goal	Stop violence	Arrive at a settlement (between disputing parties.)
Focus	More on respondent so that he stops violence	On both parties so that both make compromises for reaching a settlement
Principles used	Feminist counselling	Negotiation
Perspective	Mandates a gender-sensitive and feminist perspective	Does not mandate a gender-sensitive perspective
Direction of Change	From inside/ internal (may derive motivation for change due to force of law)	External (internal change may occur by chance)
Provision in PWDV Act and Rules	Section 14 and Rule 14	No specific provision in PWDVA. Magistrate can use power under section 28, and High Court Rules on Mediation, if any for a particular state.
Direction of counselling	Aims at change in internal factors of individuals (in the abusive relationship) – such as values, attitudes, emotions, motivation and skills, to unlearn violent responses and learn non-violent responses to undesirable situations.	Direction of change is external. Emphasis is on formulating and following terms and conditions of settlement. (e.g. providing money for household expenses, providing residence; taking proper care of the house, not insulting in-laws etc.)
What it addresses	Addresses patriarchal controls	Addresses issues of dispute / differences
Assurance for not repeating violence	As per rule 14(6) a written undertaking of 'no-violence' is required (mandated) to be taken from the respondent at the beginning of the counselling process itself.	Taking a written assurance for 'no-violence' is not mandated by law. It may be included as one of the terms of settlement.

Facilitation	Engages the perpetrator/ DV survivor to explore the origins of violent behaviour and negotiating a non-violent relationship.	Negotiation between the two parties in dispute.
Use of principles of fairness	Guided by Rule 14(10) PWDVR - being non-judgmental. In the efforts at ending violence, giving due regard to the wishes and sensibilities of DV survivor (principle of self-determination)	Principles of mediation – guided by Rules on mediation passed by High Courts of respective states
Expected Outcome	May or may not arrive at a settlement. Note: Rule 14(7) states that efforts for settlement be made only if the DV survivor desires so	The process is expected to end in a settlement

Let us look at factors that can stop the respondent from committing DV. There are two important factors that a PWDVA-Counsellor has to work with in counselling the respondent.

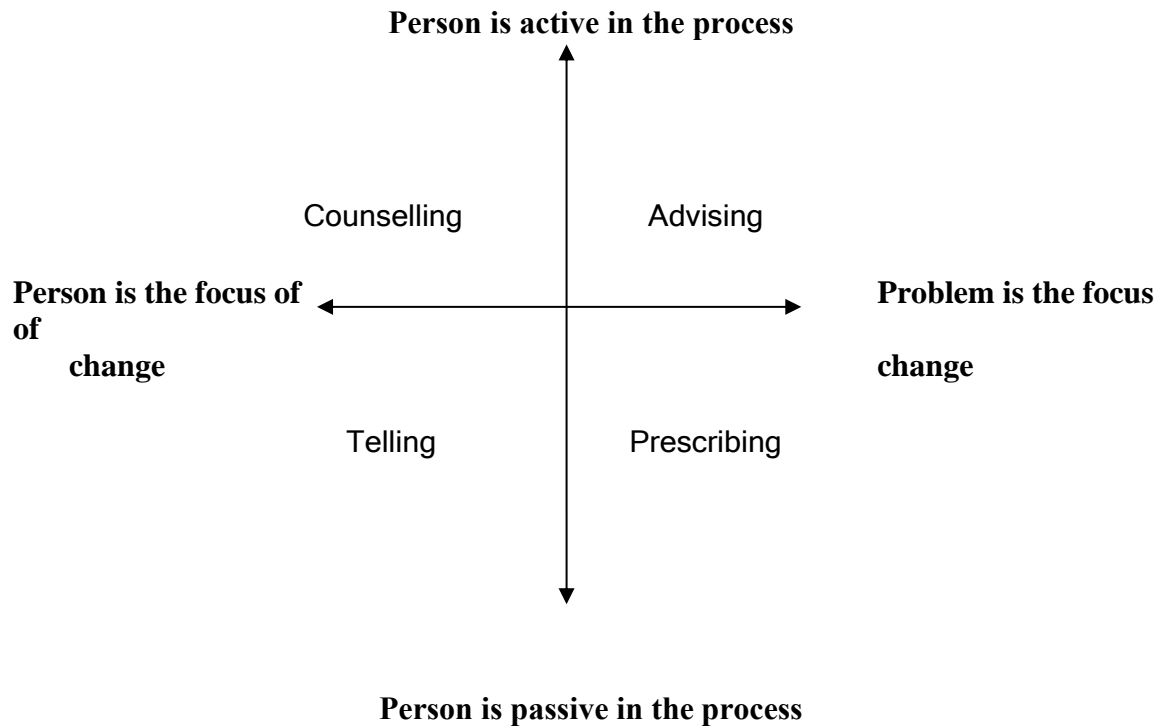
1. Force of law – PWDVA, by passing the Protection order (a stop-violence order) gives a second chance to the respondent who has been violent. In spite of the order, if he continues to inflict DV – meaning ‘breaches’ the order, he can be punished for contempt of court through conviction for up to one year and/or a fine up to Rs.20,000. The Protection Order therefore acts as a deterrent.
Hence, it is always advisable for the Magistrate to direct the party/ parties for counselling only after the protection order is passed.
This force of law that tells the perpetrator that violence is not tolerated, will be a likely factor that can motivate the perpetrator to change.
2. The PWDVA-Counsellor then can help facilitate change through Counselling by addressing factors from which violence has originated so the respondent is able to express or deal with differences with the DV survivor in a non-violent manner.

7.5 WHAT IS COUNSELLING?

The term ‘Counselling’ is often used as a synonym for advice, guidance, support, mediation and so on. Even marketing or advising for admissions in educational institutes or colleges is also called counselling. This manual, however, refers and understands counselling as a helping process based on psychological theories and concepts.

Let us understand ‘Counselling’ as one among the various ways of helping with the aid of the diagram below. It shows four ways of helping illustrated by using two axes. The X-axis represents what is the focus of change and Y-axis represents how active or passive the person is in the change process.

7.6 THE VARIOUS WAYS OF HELPING



The four ways illustrated in this diagram are ‘telling’, ‘prescribing’, ‘advising’ and ‘counselling’.

- a. **Telling:** In this process person is focus of change but person is passive in the process. E.g. If there are disputes in a joint family telling a person to stay separately.
- b. **Prescribing:** Problem is the focus of change and person is passive in the change. E.g. A doctor performing a surgery or prescribing a medicine to treat an ailment.
- c. **Advising:** Problem is focus of change and person is active in the process. E.g. A tax consultant advising about investments.
- d. **Counselling:** Person is focus of change and person is active in the process. To bring about a change in person, equip the person, to resolve problems and take decisions is the objective of counselling process.

Let us take an example to better understand these four ways of helping. A married working woman cooks food for the family after a tiring day at work. She does this every single day. However, the in-laws keep criticizing the food she makes and as a result there are quarrels every day. This is her presenting complaint with which she has come to the counsellor. Let us understand the helping processes in this context –

- a. **Telling:** saying to her “don’t pay attention” or “don’t cook for the family”. Here the woman is focus of change but she is passive in the process.
- b. **Prescribing:** If the helping person talks to the in-laws and tries to draw a solution, then problem is focus of change and the person (woman) is passive in the process.
- c. **Advising:** If a helping person tells a woman to appoint a cook, then problem is focus of change and person is active in the process.
- d. **Counselling:** Various aspect of the situation are considered in counselling. For e.g. whether she needs to acquire skills for taking the responsibility of cooking and if so, make a plan for the same; or whether she expects help from a family member, and if so, how she can state her expectations; or discussing ways of handling the criticism in an assertive manner and being able to state her limitations. Here, the woman is the focus of change and is also active in the process. Any such objective which can lead to long term constructive change not only regarding this issue but for developing healthy relationship within the family is counselling.

Every situation requires a different kind of help. A person in crisis situation probably might need help in the form of ‘advising’ or ‘telling’ because the situation is too overwhelming, and the person is unable to think clearly or is emotionally disturbed. A helping professional in such situation has to think about options and decide what might work better for that individual. An advice which is not workable for a woman, can demotivate her and she might even stop seeking help

Please note: Since PWDVA-Counselling seeks for the respondent to refrain from committing violence, this manual emphasizes on counselling the perpetrator. Certain tips are also given on relationship counselling in cases of marital violence and where the DV survivor and the perpetrator want reconciliation. For more about counselling in DV situations please refer to the Manual for Counsellors – “Journey towards Empowerment”– prepared and published by Women Studies Centre, ILS Law College, Pune. (2018) (It is also available in Marathi - प्रवास सक्षमतेकडे)

7.7 WORKING WITH THE PERPETRATOR/ MAN

A ‘perpetrator’ or the abuser is the person against whom the DV survivor has made a complaint of domestic violence. Violence is also an ‘offence’, and the abuser therefore is the ‘offender’. However, a Counsellor has to regard the perpetrator as a ‘counselee’ and not as an ‘offender’ and someone who has come for counselling because the Magistrate has directed him. The expected end result of the PWDVA-counselling is that he stops the violence, irrespective of whether or not there is reconciliation or any other form of settlement.

Getting to know the perpetrator is the first step in counselling.

7.7.1 Knowing the perpetrator

Talk to the perpetrator. By talking to the perpetrator, the counsellor would be able to -

- a. to know the perpetrator better – his mind-set, including his thoughts, values and beliefs that have led to violent behaviour.

A tip for the counsellor - It is commonly observed that a triggering incident precedes a domestic violence incident. Initiating a discussion around this trigger serves as a good starting point for exploring into his mind-set. This will help the counsellor to decide the focus of counselling.

- b. to empathize with the perpetrator and understand what makes him behave violently.
- c. to identify the barriers (value, motivation, skill level) that come in the way of change in the perpetrator.

FEW TIPS FOR COUNSELLORS TO KNOW THE PERPETRATOR BETTER

A. Determine to what extent the perpetrator conforms to and/or believes in patriarchal norms and values

Make a note of the kind of statements the perpetrator makes when the counsellor asks him about the abuse/ violence he has inflicted,

For example, he may say any of the following :

- I will not do it again
- My wife crosses her limits, she does not ‘behave’ well with me
- It is all her fault
- She is useless
- She is arrogant and extremely egoistic
- I just hit her once because she questioned me, argued with me
- I provide her everything, but still she does not do her duty well
- Despite repeated warnings, she does things her own way
- She thinks too high about herself
- I actually did not intend to do so but did it to make my parents happy
- I have done everything for her; now what is only left is worshipping her
- The laws now-a-days (like PWDVA) are in women’s favour
- I know that you (counsellor), being a woman will take her side
- It’s a women’s organization (*sanghatan*)- you people will never understand us men

Each of the statements that the perpetrator makes tells us about his values and beliefs, and the controls that he exercises on her.

Statements such as - “*My wife crosses her limits, she does not ‘behave’ well with me*”, “*It is all her fault*”, “*Despite repeated warnings, she does things her own way*”, indicate that if she makes mistakes she is bound to face violence as a ‘punishment’. She should

do what he expects her to do or what she is expected to do, else it becomes her mistake and she is liable to be punished.

Statements such as – “*She is arrogant*”, “*She thinks too high about herself*”, “*I just hit her once because she questioned me, argued with me*”, indicate that he believes that she has no freedom to question him or express an opinion against his or any other person holding greater power than her (such as mother-in-law or elder brother-in-law etc.). If she dares to question/ argue with him/ them, she is punished with violence.

Statements such as - “*I provide her everything*”, “*I have done everything for her; now what is only left is worshipping her*”, indicate that he is reassuring his role as the ‘provider’ or ‘protector’, a ‘benefactor who provides everything and therefore expects the beneficiary to be grateful and oblige by obeying him.

B. Empathize with the perpetrator

The counsellor takes a position of ‘no tolerance for violence’ and perceives the act as an act of rights violation, offence under law, and an act of wrong doing. S/he would therefore consider the perpetrator as being an ‘offender’, an ‘abuser’, a therefore a ‘bad’ person. With this position, the counsellor may find it difficult to empathize with him and therefore would be a hurdle in counselling.

Empathizing with the perpetrator, we must remember, does not mean that the counsellor is in agreement with him or is justifying his act of violence. Rather empathy will enable the counsellor identify the perpetrator’s beliefs (patriarchal and other) and the areas of power-control relationship that were challenged due to which he inflicted violence. Empathy will help the counsellor map his privileges and vulnerabilities and identify the sources of stress that led to his violent behaviour. Only then will the counsellor be in a position to address these issues in counselling.

For example, a man who believes that ‘*women are worthless*’ will never be able to respect his wife, and this will reflect in almost every action or behaviour towards her; it is a value level issue that would have to be tackled in the counselling, and one that will take time to change.

WHAT IS EMPATHY

Empathy is an important counselling principle. To understand the meaning of empathy, let us take the analogy of an optometrist who tests her/his client’s eyes. When a person goes to an optometrist, the optometrist does not impose the lenses she/he thinks are correct. Instead she/he gives options of various lenses and asks the client to choose the most appropriate lens that gives a clear vision. Similarly, a counsellor would have to provide the counsellee with options, and the counsellee will chose the one that best suits him/her. A counsellor will be able to provide appropriate options only if s/he sees her world through the counsellee’s eyes. This is ‘empathy’. Empathizing will enable the counsellor steer the counselling process efficiently and effectively.

Points to remember about Empathy:

- **Empathizing will enable the counsellor to identify the barriers** (at the belief, motivation and skill levels) that counselee faces in bringing about a change.
- **Empathy is not agreement.** ‘Empathy’ does not mean that the counsellor agrees with the counselee’s view point but this is the only way by which a counsellor can understand the counselee’s barriers in bringing about a change and for determining the pace of counselling.
- **In counselling perpetrators** empathy would help the counsellor understand the reason behind committing the act of violence. Probing into the reasons is not to justify violence, but to identify the barriers in the way of change.
- **The counsellor has to demonstrate empathy** in a counselling situation through her/his behaviour, such as careful listening, gestures, supportive talk, expressing concern etc.

An effective counsellor is able to establish empathy quickly - within initial 10-15 minutes of the session.

C. Identify the power-control areas that are getting challenged

Let us briefly revise what has been discussed in the section on causes of violence in Manual 1 on ‘Gender and Domestic Violence’ of this series of seven manuals, so that we understand the issues underlying violence better.

- Violence is used as tool to preserve and establish the abuser’s power.
- When the power is challenged, the one who is in power is also challenged. It results in violence. For example, the teacher beats the student who disagrees with her. This happens because the student challenges the teacher’s authority (power) of being knowledgeable.
- Violence helps to create and strengthen power.
- The perpetrator is well aware of the power that ‘patriarchy’ has offered him
- The perpetrator’s sense of being powerful is learnt from his socialization process

Patriarchal power and control over women operate majorly in five areas

- Power and control over **mobility**
- Power and control over **labour/ production**
- Power and control over **resources/ property/money**
- Power and control over **reproduction**
- Power and control over **sexuality**

Let us take up two case illustrations and try to identify the power-control areas that were challenged

Case 1: There is a family of five – husband, wife, their son and the husband’s parents. The husband is unemployed and the wife is employed in a garment factory. The husband has kept the bank passbooks and his wife’s ATM card in his possession. He gets hold of her salary, and expects her to ask him for money whenever she needs it. On his two-wheeler, he drops her and picks her up from her workplace. Before going to office she cooks for all members and prepares her son for school. After she returns home from work she does all other household jobs. She feels tired at the end of the day. In the night, the husband demands

sex. If she refuses he blames her for not loving him enough and suspects her of having an extra-marital affair. He visits her friends and checks her phone. The wife has come to the counselling centre with the complaint that her husband is suspicious about her and does not trust her.

Let us identify the power-control areas

1. Power-control over women's work/labour – The husband does not think that household work such as cooking, child care is his responsibility. The wife is expected to do all this work
2. Power-control over resources including money – He gets hold of her salary. The wife does not have any control over her salary. She has to ask him for money or rather has to seek his permission to use the money.
3. Power-control over mobility – He drops and picks up the wife for work. He visits her friends, checks her phone.
4. Power control over sexuality – He demands sex whenever he wants and does not ask or care about his wife's consent

In the above case, the wife is challenging his power-control over her sexuality. This has led to 'violence' that the wife now cannot tolerate and she has come to the counsellor for help. She is not complaining about the control over her finances, and doesn't seem to think it is violence. However, the counsellor may need to eventually address this as well, although at present, it is not a priority.

Every case is interplay of all these power-control factors. For effective intervention, the counsellor should focus on the predominant power-control aspect among these.

Case 2: A man working in a Government department wanted to marry a fair looking, beautiful woman. But he married to a woman who had a dark complexion and was ten years younger to him. He married her because she was qualified as a teacher, and was earning good money. The wife has come to the counsellor because her husband's fault finding behaviour is increasing day-by-day. The previous night he has slapped her for not serving dinner on time and 'wasting' her time talking on phone. The details of where and how power-control operated in the relationship in this case is described below:

1. Power control over woman's work –She would do all the domestic work. She would get up at 5:30 in the morning, cook food, go to the school for her job from 7 am to 12:30 pm, come home do the rest of the work and go to bed at 11:30 pm. One day when she had not cleaned the bathroom, he complained to her parents and called them over to witness the lapse. The parents explained to her how the husband is right.
2. Power control over resources including money – She was expected to keep her salary in the cupboard from where he would take it so that he would not feel embarrassed to 'ask' her for money. Besides, if she needed money she had to provide the reason with all details. Although she has contributed financially in purchasing the house, he is the owner of the house/ property, and her name is nowhere in the records.
3. Power control over mobility – He does not approve her visiting her parents. She has to plead with him for his permission.

4. Power control over reproduction – The first child was a daughter. Hence, the next time she conceived, she was forced to terminate her pregnancy fearing that it would be a girl again.

Being able to identify the power-control that operates in the violent relationship will help the counsellor to identify and prioritize issues for counselling. In the above case her present complaint is physical violence – in his attempt to have control over her labour –viz.- how, what, when she ‘must’ be doing work assigned to her. The counsellor can start the discussion from this incident.

From the reasons the perpetrator gives for violence, the counsellor can identify which aspect of power has been challenged. For example, when the husband complains that his wife visits her parents too often and spends “too much” time talking with friends, it means he feels that his power to control her mobility and her resources (human) is being challenged.

There is a risk of strengthening patriarchal beliefs if a counsellor fails to or does not analyse the case in terms of power-control. For example, the husband complains to the counsellor that his wife visits her parents without ‘asking’ him. In response, the counsellor may advise the woman to henceforth ‘ask’ the husband beforehand so as to reduce misunderstanding and disagreements. Unintentionally the counsellor endorses the husband’s control over his wife’s mobility and further strengthens this patriarchal belief that a husband has the right (power) to control his wife.

‘Wife going out without seeking his consent’, becomes an issue because the husband believes that it is his privilege to grant permission and is angry because she has now challenged this privilege. He may also fear that others will interpret it as him not being able to control her and that therefore his masculinity is at stake; he cannot take it!

In such a case counselling would need to be directed at

- a. changing his perception that violence is not the solution to a problem; in fact it can worsen it and
- b. enhancing his motivation and skill at being able to deal with anger and fear (of losing power/ masculinity) – as a better way of resolving the problem. The focus has to be shifted from fear to what he can gain out of this change.

This exercise of identifying power control areas in the particular case is useful because it helps to -

- To unravel the main source of violence
- To analyse the dynamics better
- To work with men more concretely on the power-control areas that make him a vulnerable abuser

D. Map the privileges and vulnerabilities of the perpetrator

As discussed earlier in Manual 1, patriarchy provides certain ideals about the role that men should play and the role that women should play. These ideals provide certain privileges to men. At the same time if the man is unable to meet these ideals, it creates stress. His vulnerabilities come to the fore while he tries to deal with these stressors.

For identifying such vulnerabilities, the counsellor may probe into the perpetrator's perception of an 'ideal man' or his notion of being 'manly'.

Certain vulnerabilities have their roots in patriarchy, but certain vulnerabilities arise out of self-created stresses. Let us look at both of these.

7.7.2 Identify vulnerabilities that are rooted in patriarchy:

Patriarchy, as we have discussed earlier, provides certain role models.

Some of the characteristics of an 'Ideal Man' as laid down by patriarchy include:

- a. One who is the head of the family
- b. One who looks after all the transactions / deals
- c. One who earns money (bread winner)
- d. One who dictates terms
- e. One who takes all the decisions
- f. One who is aggressive, dominating, protective
- g. One who is physically strong

The above mentioned characteristics provide the patriarchal role model of the 'ideal man' and the parameters for measuring the man's manliness. When the man is unable to abide by one or more of these characteristics (for various reasons), he begins to feel he is less of a man, and as if moving away from his ideal. His self-concept is shaken and this creates stress. What then does he do to get closer to his ideal?

Let us understand this through the example given below:

A woman who was given a loan of Rs.5000/- was interviewed as part of the evaluation of a micro-credit women's group. With the loan she had put up a vegetable stall and soon she started earning well. When she was asked about the impact that the financial support has had on her life, she rated it as the worst decision she had ever taken! In her opinion, because she started earning money, her husband had left his job. He was harassing and beating her for the money she earned. She told the researchers that when she was not earning, although she had other problems, he had never beaten her.

Let us understand where the dynamics changed and how it resulted in physical violence. The conflict was with his ideal self (as the bread winner) and the real self (a situation where he had left his job). Not having finances in his hands was like losing economic power and to compensate this loss he was trying to seek control over her earnings through force. He resorted to muscle power and sought the privilege of expressing aggression like the 'real/ideal man' by beating her when she refused to hand over the earnings to him.

Such examples depict the **financial vulnerabilities** men have, and the fear of losing out on a stereotypical role expectation of being a bread winner. It is then **very simple to displace fear and anger** on the wife and children and **experience that sense of power**.

This example also indicates that as women progress they are likely to experience more violence. Traditionally, the society favours men. **If women get empowered and men continue to live in the patriarchal world, the resultant conflict is inevitable.**

Here is another example about vulnerabilities that arise in the pursuit of reassuring masculinity. As a 'man' whose role is that of a bread winner, he is expected to start earning soon after completing education. He feels his masculinity is under threat if he fails to do so. He is asked questions by others (relatives and friends) that embarrass him and as a result he feels pressurised. This creates stress, meaning this is a vulnerability that men experience. This is the price that men pay for maintaining their 'masculinity'. Most women do not experience such pressure. It's okay for them to remain unemployed even after completing education. For them getting married is the 'must' for becoming the 'ideal woman'.

Let us take another example – a case in which the man was homosexual. He blamed his wife for being 'cold' due to which he could not perform. She does not love him, he felt. He therefore used to verbally abuse her as being worthless and wanted to break the marriage. Although his predominant role model was patriarchal, it **did not sanction homosexual relationships**. Therefore, he experienced conflict between his 'ideal-self' and 'real self'. In order to hide his homosexual orientation, he was trying to safe guard his masculine image by blaming his wife and verbally abusing her.

In a study that was conducted on unemployed men, it was found that where there were differences of opinions and arguments, men tended to get physically violent. The study observed that men generally **lacked communication and negotiation skills, and the motivation to negotiate** (especially in the intimate partner relationship). They would rather use force to meet the end. Also aggression in men is sanctioned by patriarchy. Hence men did not seem to feel the need to take pains/ efforts in negotiating. This may be said to be another form of vulnerability.

Both privileges and vulnerabilities of men emerge from their experiences of being in power and being powerless. Therefore, men should be understood in terms of privileges as well as vulnerabilities.

7.7.3 Help the perpetrator identify his problem and to deal with it

A. Talk about the reasons of the perpetrator for being violent.

Although patriarchy has provided power and privileges to men, experiences of powerlessness bring vulnerabilities to the fore, as discussed above. Only if the counsellor addresses the stressors associated with his vulnerabilities and feelings of powerlessness with empathy, will he express these feelings and open up; and after which he is most likely to change. The counsellor will be able to help him understand that violence is used to gain the sense of power. If the counsellor looked down upon him as being an "accused" or an

“offender” he will never be open to talking about his violent behaviour or accepting counselling.

In order to facilitate change in the perpetrator, the counsellor would need to 1. educate him about the source of his stress that is derived from his notions of being the ‘real man’. (The Counsellor could help him reflect on getting rid of this very source of stress arising out of his notions of ‘manliness’ that is resulting in his abusive behaviour or violence.) 2. teach him techniques to manage stress, and 3. help him learn healthy communication skills, emotion management skills, problem solving skills and such other skills that would replace violent behaviour.

The counsellor should also be well versed with issues of mental health and illness. She/he should be able to identify symptoms of mental illness, if any, that contribute to violence. If the counsellor suspects a mental health issue, she/he should inform the court for seeking an order directing him to a mental health expert or psychiatrist.

B. Discuss with him the effects of violence and the benefits of a non-violent relationship

Help the perpetrator speak about the current quality of his relationship with his wife and the effect his violent behaviour has on it. Help him reflect upon the loss arising out of violent behaviour and that he loses out on love, affection and respect from his near and dear ones.

Discuss about a relationship of respect, love, affection and one based on equality would be like and how it is the key to happy life. Discussing about the benefits reaped out of an intimate relationship in which there is no power play (no coercion, no domination, shared responsibilities and decision making) is extremely important. Only if the perpetrator begins to perceive benefits from a non-violent relationship will he think about changing himself.

Suggest to him to try out / experiment with small changes and have a taste of this change.

The counsellor may reassure that it is possible to develop a healthy relationship if consciously worked upon and for which she/he can facilitate the process.

C. Ways of helping the perpetrator stop his abusive/violent behaviour

Just as we expect the woman to be assertive about her rights and say ‘NO’ to violence, so also should the man (perpetrator). The counsellor would need to underpin the fact that violence is about violating a woman’s human rights and also a crime under law; the consequences of which can be very serious. This has to be communicated with great tact so that he does not feel that the counsellor regards him as an ‘offender’, but rather an expert willing to help.

Reinforce the fact that the court has directed him for counselling in order to avail professional counselling that would help him manage the factors that drive him towards violent behaviour. Emphasize that every person is responsible for his/her own behaviour and therefore is responsible for changing it. Making a conscious effort for such change is

entirely his responsibility and that he would be accountable to the court and the also his family and society at large.

For example, the counsellor will have to help the perpetrator to think about factors that result in his violent act. For example, in case of an alcoholic, discuss that if he determines to work on his addiction and seeks help of experts, he would be in a better position to control his violent behaviour. Another example – The perpetrator expects his wife and daughter to do things/ behave in the way he thinks right. He believes that he owns them and therefore he is responsible for the consequences of their actions/ behaviours. He gets so blinded by the sense of ownership that he doesn't even notice that because of his demanding nature, he is violating their rights and straining their relationship. He uses violence as a tool to ensure that he does not lose his ownership over them. In such as case discuss with him about how his socialization in a patriarchal society has nurtured this belief that has manifested into violent behaviour.

Help him identify areas where he exercises power to control others and has used violence to attain his expectations. Discuss about the possible ways of changing his perception about power and control.

Once he decides to work on the factors that result into violent acts discuss about possible solutions. Suggest to him that he tries out small changes and experience the result.

Help him draw up and action plan in order to implement the solutions he has agreed to try out.

Assure the perpetrator that the counsellor would hand-hold during his effort for change though a follow up plan. Provide the required access to him so that he can revert whenever required.

It other words, the counsellor should be able to help him develop a new way of looking at the same situation, equip him with more problem-solving skills, and help bring about a change in himself.

Points to remember

Patriarchy which provides men with a sense of power, entitles them to enjoy certain privileges.

Privileges and vulnerabilities of men emerge from their experiences of being in power and being powerless.

Experiences of powerlessness or threat to loss of power, exposes their vulnerabilities.

Much vulnerability is self-created built on their notions and illusions of the 'ideal man', some of which do have roots in patriarchy.

The counsellor will have to discuss about both these kind of stressors – self created as well as those arising out of patriarchal values that make him vulnerable to perpetrate violence.

By using the framework of privileges and vulnerabilities, it does not mean that the counsellor is justifying violence or supporting violent behaviour.

Rather, the counsellor directs the counselling for dealing with such stressors and helps him find solutions and ways of changing himself. This will help the perpetrator understand that violence is not the solution for his problem.

It is important for counsellors/ activists to teach men to refuse the ‘masculinity’ that is thrust on them by patriarchal beliefs - because the roots of violence lie here.

Teaching men to refuse the experience of power and the privileges that come along with it, is the focal point of intervention while working with men.

This can be done if the counsellor is able to show the man (perpetrator) the hazards of holding on to power and his notions of masculinity, as compared to the benefits if he changes (refuses the masculinity thrust by patriarchy).

Only if change is perceived as being beneficial will the person be motivated to change. If the counsellor ‘blames’ the man then he would defend himself and perceive change as depicting his failure.

Counsellor’s role is to help him think on the benefits of change.

7.8 WORKING ON THE SPOUSAL RELATIONSHIP

Most cases that are filed under PWDVA are those of marital violence, and hence certain tips for working on the marital relationship are provided here.

The PWDVA-Counsellor may be required to work on the abusive relationship too (if the Magistrate has directed so) in order to change it to a healthy and mutually rewarding one.

The first step would be to identify the stresses and its sources in the strained marital relationship.

When the couple comes to seek help, the counsellor can identify broad areas where the strain is visible – such as in parenting style, finances, house work responsibilities etc. However, the counsellor would have to go beyond the face value and check the roots of the strain – whether it lies in the individual’s values, motivation or limitations of skills. This would help decide the severity of the issues (the depth of counselling, approx. time resources required, etc.) and the scope of work for the Counsellor.

Identify stresses and its’ sources in the strained marital relationship using a tool

The goal of the PWDVA-Counsellor is to help counselees turn their abusive relationship into a healthy and mutually rewarding one – whether the end result is a reconciliation with cohabitation or separation.

In order to help the Counsellor identify factors to be worked upon in the strained relationship, a simple tool* in the form of a table has been prepared – as below

Areas of symptom formation* *	Household chores and responsibilities	Intimacy	Financial transactions	Parenting	Relation with extended family	Work-life balance	Health issues
Sources of stress*** ↓							
Values <i>'should I be doing it?'</i>							
Motivation <i>Do I want to do it?</i>							
Capability <i>Am I capable of doing it?</i>							
<p>*This tool may be filled in separately for the man and woman. It will help identify areas for intervention in each or them</p> <p>**Areas of symptom formation means – areas in day-to-day life of the couple that indicate a strain in the relationship – external factors</p> <p>*** Sources of stress means - behavioural factors that need to be changed for the purpose of creating a healthy relationship</p> <p>We can understand human behaviour under three broad categories.</p> <ol style="list-style-type: none"> a. 'Should I be doing this?' is a value based question b. 'Do I want to do this?' is a motivation based question c. 'Am I capable of doing this?' is a capability based question 							

Prioritize issues to be addressed

Once the areas that need intervention are identified, the counsellor along with the counsees would prioritize the issues to be addressed. Capability and skill level issues are easier to handle than value-level issues. Motivation-level issues are also much easier to handle than value-level issues. As a strategy, the counsellor may direct the counselling at bringing about change in issues that are relatively easy to handle. If they taste success in making the desired changes, it will help the counsees gain confidence that change is possible.

Make an action plan for change and implement it. The Counsellor and the Counselee/s agree to work out the steps making necessary changes in their behaviours, practice healthy communication skills, etc.

For more details on counselling the DV survivor, the perpetrator and relationship counselling; use of psychological techniques that may be used in counselling; mental health issues and how to address them, and law on DV, please read - Manual for Counsellors – “Journey towards Empowerment” – prepared and published by Women Studies Centre, ILS Law College, Pune, (2018)

Submit a report to the Court within a period of two months from the commencement of counselling as per section 14(2). If the parties under counselling are able to arrive at a settlement, the Counsellor may submit a report to stating the terms of settlement.

However, if the counsellor finds that there is extreme resistance and settlement is not possible, a report of failure of settlement has to be submitted (rule15), and in such case the trial in the court continues.

7.9 PWDVA-COUNSELLOR’S SCOPE FOR COUNSELLING

Section 14(2) and Rule14(8) poses certain limitations on the ‘Relationship Counselling’ process.

Section 14(2) puts a time limit of two months for the PWDVA-Counsellor to present a report to the Court. The time period of 2 months is inadequate because for behavioural and attitudinal change, hand-holding and follow up is necessary.

Section 14, Rule 14(8) states that the aim is to ‘evolve remedies’ to redress the DV survivor’s ‘grievances’. It implies that PWDVA-counselling can end once the remedies are evolved, and are written out in the form of a ‘settlement’. Although it may be possible to prepare an ‘action plan’ in the form of ‘remedies’ in the given time limit of two months, on going counselling and support required for implementing the action plan/remedies requires more time.

If the couple/perpetrator wants to continue with the counselling beyond two months, the Counsellor can request the Magistrate to extend the time. In such a case a PWDVA-Counsellor may submit a report mentioning the remedial plan, but stating that counselling is not yet complete. The Magistrate has the discretion (under section 28(2)) to allow the request for extension.

8.0 CONCLUSION

The contents on the subject of counselling in this manual are derived out of the training workshops in counselling conducted by Women's Studies Centre, ILS Law College, Pune, and from various discussions with activists and their experiences in helping DV survivors.

Excerpts from the manual for counsellors - "Towards Empowerment" published by Women's Studies Centre, ILS Law College, Pune have been used 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 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

FORM II
(See rule 6(1)]

APPLICATION TO THE MAGISTRATE UNDER SECTION 12 OF THE
PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (43 of 2005)

To

The Court of Magistrate

.....
.....
.....
.....

Application under section.....of the
Protection of Women from Domestic
Violence Act, 2005 (43 of 2005)

SHOWETH:

1. That the application under section.....of Protection of Women from Domestic Violence Act, 2005 is being filed along with a copy of Domestic Incident Report by the:—
 - (a) Aggrieved person
 - (b) Protection Officer
 - (c) Any other person on behalf of the aggrieved person
(tick whichever is applicable)

2. It is prayed that the Hon’ble Court may take cognizance of the complaint/Domestic Incident Report and pass all/any of the orders, as deemed necessary in the circumstances of the case,
 - (a) Pass protection orders under section 18 and/or
 - (b) Pass residence orders under section 19 and/or
 - (c) Direct the respondent to pay monetary relief under section 20 and/or
 - (d) Pass orders under section 21 of the Act and/or
 - (e) Direct the respondent to grant compensation or damages under section 22 and/or
 - (f) Pass such interim orders as the Court deems just and proper;
 - (g) Pass any orders as deems fit in the circumstances of the case.

3. Orders required:

(i) Protection Order under section 18

- Prohibiting acts of domestic violence by granting an injunction against the Respondents from repeating any of the acts mentioned in terms of column 4(a)/(b)/(c)/(d)/(e)/(f)/(g) of the application
- Prohibiting Respondent (s) from entering the school/college/workplace
- Prohibiting from stopping you from going to your place of employment
- Prohibiting Respondent (s) from entering the school/college/any other place of your children
- Prohibiting from stopping you from going to your school
- Prohibiting any form of communication by the Respondent with you
- Prohibiting alienation of assets by the Respondent
- Prohibiting operation of joint bank lockers/accounts by the Respondent and allowing the aggrieved person to operate the same.
- Directing the Respondent to stay away from the dependants/relatives/any other person of the aggrieved person to prohibit violence against them
- Any other order, please specify.....
.....

(ii) Residence Order under section 19

- An order restraining Respondent(s) from
- Dispossessing or throwing me out from the shared household
- Entering that portion of the shared household in which I reside
- Alienating/disposing/encumbering the shared household
- Renouncing his rights in the shared household
- An order entitling me continued access to my personal effects An order directing Respondent(s) to
 - * Remove himself from the shared household
 - * Secure same level of alternate accommodation or pay rent for the same
- Any other order, please specify
.....

(iii) Monetary reliefs under section 20

- Loss of earnings, Amount claimed
- Medical expenses, Amount claimed
- Loss due to destruction/damage or removal of property from the control of the aggrieved person, Amount claimed
- Any other loss or physical or mental injury as specified in clause 10(d) Amount claimed
- Total Amount claimed
- Any other order, please specify

(iv) Monetary reliefs under section 20

- Directing the Respondent to pay the following expenses as monetary relief:
 - Food, clothes, medications and other basic necessities, Amount.....per month
 - School fees and related expenses Amount.....per month
 - Household expenses Amount.....per month
 - Any other expenses Amount.....per month
 - Totalper month
 - Any other order, please specify

(v) Custody Order under section 21

Direct the Respondent to hand over the custody of the child or children to the —

- Aggrieved Person
- Any other person on her behalf, details of such person

4. Details of previous litigation, if any

- (a) Under the Indian Penal Code, sections.....Pending in the Court of
- Disposed off, details of relief
- (b) Under Code of Criminal Procedure, sections.....Pending in the Court of
- Disposed off details of relief
- (c) Under the Hindu Marriage Act, 1955, sections.....Pending in the

- Court of
- Disposed of, details of relief.....
- (d) Under the Hindu Adoptions and Maintenance Act, 1956, sections.....
 Pending in the Court of.....
 Disposed of, details of relief.....
- (e) Application for maintenance, under section.....underAct
 Interim maintenance Rs.p.m.
 Maintenance granted Rs.....p.m.
- (f) Whether Respondent was sent to Judicial Custody
 For less than a week
 For less than a month
 For more than a month
 Specify period
- (g) Any other order
-

Prayer:

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to grant the relief(s) claimed therein and pass such order or orders other order as this Hon'ble Court may deem fit and proper under the given facts and circumstances of the case for protecting the aggrieved person from domestic violence and in the interest of justice.

Place:.....

Dated:.....

COMPLAINANT/AGGRIEVED PERSON
 THROUGH
 COUNSEL

VERIFICATION

Verified at.....(place) on thisday of..... that the contents of paras. 1 to 12 of the above application are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

DEPONENT

.....
 Counter-signature of Protection Officer with date.

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.

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
SI. 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		
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	<ul style="list-style-type: none"> (a) Living in constant fear of further harm (b) Any other, specify 	<ul style="list-style-type: none"> (a) Repetition (b) Escalation (c) Fear of injury (d) Any other, specify 		
13.	Substance abuse (drugs/alcohol)	<ul style="list-style-type: none"> (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 	<ul style="list-style-type: none"> (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	<ul style="list-style-type: none"> (a) Constant fear of violence (b) Fear of revenge by the Respondent 	<ul style="list-style-type: none"> (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.	<ul style="list-style-type: none"> (a) Driven towards vagrancy and destitution (b) Any other, specify 	<ul style="list-style-type: none"> (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
Aggrieved person

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

FORM VI
 [See rule 11(1)]
 FORM FOR REGISTRATION AS SERVICE PROVIDERS UNDER
 SECTION 10 (1) OF THE PROTECTION OF WOMEN FROM
 DOMESTIC VIOLENCE ACT, 2005

	Name of the applicant	
2	Address along with phone number, e-mail address, if any	
3	Service being rendered	<input type="checkbox"/> Shelter <input type="checkbox"/> Psychiatric counselling Family counselling Vocational Training Centre Medical Assistance Awareness Programme <input type="checkbox"/> Counselling for a group of people who are victims of domestic violence and family disputes <input type="checkbox"/> Any other, specify.
4	Number of persons employed for providing such service:	
5	Whether providing the required services in your institution requires certain statutory minimum professional qualification? If yes, please specify and give details.	
6	Whether list of names of the persons and the capacity in which they are working and their professional qualification is attached?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	Period for which the services are being rendered:	<input type="checkbox"/> years <input type="checkbox"/> years <input type="checkbox"/> years <input type="checkbox"/> years <input type="checkbox"/> More than 6 years
8	Whether registered under any law/regulation	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, give the registration number	

	Whether requirements prescribed by any regulatory body or law fulfilled?	
	If yes, the name and address of the regulatory body:	
Note: —In case of a shelter home, details under column 10 to 18 are to be entered by registering authority after inspection of the shelter home		
	Whether there is adequate space in the shelter home	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Measured area of the entire premise	
	Number of rooms	
	Area of the rooms	
	Details of security arrangements available	
	Whether a record available for maintaining a functional telephone connection for the use of inmates for the last 3 years	
	Distance of the nearest dispensary/ clinic/medical facility	
	Whether any arrangement for regular visits by a medical professional has been made?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, name of the Medical Professional Address Contact number Qualification Specialisation	
	Any other facilities available, specify	

	<p>Note:—In case of a counselling centre, details under column 19 to 25 are to be entered after inspection by registering authority</p>
	<p>Number of counsellors in the centre</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>Minimum qualification of the consellers, specify</p> <p><input type="checkbox"/> Under graduate</p> <p><input type="checkbox"/> Graduate</p> <p><input type="checkbox"/> Post graduate</p> <p><input type="checkbox"/> Diploma holder</p> <p><input type="checkbox"/> Professional degree</p> <p><input type="checkbox"/> Any other, specify</p>
	<p>Experience of the counsellors</p> <p><input type="checkbox"/> Less than a year</p> <p><input type="checkbox"/> 1 year</p> <p><input type="checkbox"/> 2 years</p> <p><input type="checkbox"/> 3 years</p> <p><input type="checkbox"/> More than 3 years</p>
	<p>Professional qualification/experience of counsellors</p> <p><input type="checkbox"/> Professional degree</p> <p><input type="checkbox"/> Experience in family counselling as a.....(designation) in the.....(Name of the organization)</p> <p><input type="checkbox"/> Experience in psychiatric counselling as.....(designation) in the.....(Name of the organization)</p> <p><input type="checkbox"/> Any other relevant experience, please specify</p> <p>.....</p> <p>.....</p> <p>.....</p>
	<p>Whether a list of names of counsellors along with their qualifications has been annexed</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
	<p>(a) Type of counselling provided</p> <p><input type="checkbox"/> Supportive one-to-one counselling</p> <p><input type="checkbox"/> Cognitive behavioural therapy (CBT) (Mental Process that people use to remember, reason, understand, solve problems and judge things)</p> <p><input type="checkbox"/> Providing counselling to a group of people suffering</p> <p><input type="checkbox"/> Family counselling</p>

24.	<p>(b) Facilities provided</p> <ul style="list-style-type: none"> <input type="checkbox"/> Offering personal professional and confidential counselling sessions <input type="checkbox"/> A safe environment to discuss problems and express emotions <input type="checkbox"/> Information on counselling services, support groups and mental health care resources <input type="checkbox"/> One to one counselling and group work <input type="checkbox"/> Therapies, ongoing counselling and health related support <input type="checkbox"/> Any other, please specify <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
24.	<p>(c) Any other service</p> <p>(1) Services being provided</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(2) Personnel appointed</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(3) Statutory minimum qualifications required for providing such service</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(4) Whether a list of names of Personnel engaged for providing service along with their professional qualification is annexed</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes <input type="checkbox"/> No <p>(5) Any other details which the service provider desirous of registration may provide</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>..... If necessary continue on a separate sheet</p>

Place:.....
Date:.....
official

Signature of authorised
Designation
(Seal)