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This book is a publication of **LexisNexis**

(A Division of RELX India Pvt Ltd)

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LexisNexis, *Legal Literacy – Empower*, 2026

ISBN: 978-81-69439-14-5

Printed by: Sai Printo Pack

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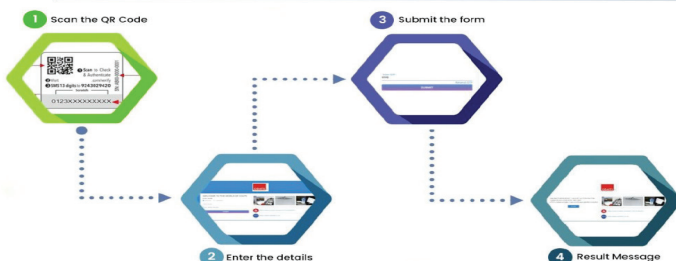
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PREFACE

The Protection of Women from Domestic Violence Act, 2005 (the ‘Act’) and the Protection of Women from Domestic Violence Rules, 2006 (the ‘Rules’) give women impacted by domestic violence important rights and remedies. Under the Act, domestic violence is not only physical violence. It can include emotional abuse, verbal abuse, sexual abuse, economic abuse, threats, harassment, dowry-related pressure and conduct that harms a woman’s physical or mental well-being. The rights and remedies afforded to women under the law include protection from violence, the right to live in the shared household, financial relief, custody orders, compensation, shelter, medical help and support from Protection Officers and service providers.

This booklet is primarily in plain language, and its objective is to help anyone, who is not legally trained, understand the tenets of the Act. The provisions of the Act and related provisions of the Rules have been structured into the format of ‘Frequently Asked Questions’ to make it easier to understand.

This booklet is meant to help readers understand:

- what domestic violence means;
- who is protected;
- who can help;
- what orders the court can pass;
- how to approach the Magistrate;
- what happens after an order is made;
- what can happen if an order is breached;
- where urgent help may be available.

DISCLAIMER AND SAFETY INFORMATION

This booklet explains the law in simple language and is for general information only. It is not legal advice. Domestic violence cases can be urgent, personal and complex. The law, procedures and authorities may differ from state to state. They may also change over time.

For help with a specific case, you should contact one or more of the following:

- a lawyer;
- a legal aid authority;
- a Protection Officer;
- the police;
- a registered service provider;
- a shelter home;
- a medical facility;
- a trusted support organisation.

If you or someone else is in immediate danger, seek urgent help. You may contact:

- the police;
- emergency services;
- a trusted person nearby;
- a Protection Officer;
- a registered service provider;
- a shelter home;
- a medical facility;
- a legal aid authority;
- a local NGO or support organisation.

These FAQs are based on the provisions of the Protection of Women from Domestic Violence Act, 2005 and the Protection of Women from Domestic Violence Rules, 2006. They do not take into account any State-specific

legislation, rules, amendments, notifications, or judicial directions. For State-specific information, readers are advised to refer to the relevant Government websites.

Please note that any reference to the IPC or the CrPC shall be construed as a reference to the BNS or the BNSS, respectively.

Emergency Contacts

Service/Helpline	Number	Purpose
Emergency Response Support System (ERSS)	112	National emergency number for immediate police, ambulance, and emergency assistance.
Women Helpline	181	24×7 support for women facing domestic violence, abuse, harassment, or other forms of violence. Connects callers with police, Protection Officers, One Stop Centres, medical services, legal aid, and counselling.
Police Emergency	100	Direct police assistance (available in many areas alongside 112).
Women Police Helpline	1091	Assistance for women in distress, including domestic violence and harassment.
National Commission for Women (NCW) Helpline	7827170170	Information, guidance, and assistance in filing complaints relating to violence against women.
Child Helpline	1098	For children affected by domestic violence, abuse, neglect, or exploitation.
National Ambulance Service	102	Medical emergencies and ambulance services

Note: Helpline numbers and services may change from time to time. Please verify the current details through the official website or other official sources of the relevant State Government or the Government of India before using them. If it is unsafe to keep this booklet, search history, notes, messages, or legal papers at home or on your phone, consider keeping them with a trusted person or in another safe place.

HOW TO USE THIS BOOKLET

You do not need to read this booklet from beginning to end. You can go directly to the chapter that matches your situation.

You may also use the Glossary if you want to understand an important word used in the Act, such as “aggrieved person”, “domestic relationship”, “shared household”, “Protection Officer”, “service provider”, “protection order”, “residence order”, or “monetary relief”.

For example:

- To understand what counts as domestic violence, read Chapter 1: What Is Domestic Violence?
- To know who may be protected under the Act, read Chapter 2: Who Can Seek Help?
- To understand domestic relationships, shared households, and the right to live in the shared household, read Chapter 3: What Is a Domestic Relationship and a Shared Household?
- To understand what a Protection Officer can do, read Chapter 4: Protection Officers.
- To understand help from service providers, shelter homes, and medical facilities, read Chapter 5: Service Providers, Shelter Homes, and Medical Facilities.
- To understand how to apply to the Magistrate, read Chapter 6: Applying to the Magistrate.
- To understand the different court orders and remedies available, read Chapters 7 to 13.
- To understand urgent or temporary court orders, read Chapter 12: Urgent Orders: Interim and *Ex Parte* Relief.
- To understand what happens after an order is made, including free copies, duration, changes, and enforcement, read Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders.

- To understand appeals, read Chapter 14: Appeal.
- To understand breach of a protection order and possible penalties, read Chapter 15: Breach of Protection Order and Penalties.
- To understand what you can do if officials or support providers do not act, read Chapter 16: If Officials or Support Providers Fail to Act.

If you are unsure where to begin, you may start with Chapter 1 to understand domestic violence, Chapter 2 to understand who can seek help, and Chapter 6 to understand how to apply to the Magistrate.

If you are in immediate danger, seek urgent help from the police, emergency services, a Protection Officer, service provider, shelter home, medical facility, legal aid authority, lawyer, or trusted support organisation.

GLOSSARY

This section explains important words used in the Act.

Aggrieved person

An “aggrieved person” means a woman who is, or has been, in a domestic relationship with the respondent and says she has faced domestic violence from the respondent.

Example: A wife who says her husband has beaten her, threatened her, or stopped her from using money for household needs may be an aggrieved person.

Source: section 2(a) of the Act

Child

A “child” means a person below 18 years of age. This includes an adopted child, step-child, or foster child.

Example: A woman may ask the court for temporary custody or protection relating to her child.

Source: section 2(b) of the Act

Compensation order

A compensation order is an order directing the respondent to pay compensation and damages for injuries caused by domestic violence.

This can include mental torture and emotional distress.

Source: section 22 of the Act

Custody order

A custody order is an order giving temporary custody of a child or children to the aggrieved person or to a person applying on her behalf.

The Magistrate may also decide whether and how the respondent may visit the child.

Source: section 21 of the Act

Domestic relationship

A domestic relationship means a relationship between two people who live together, or have lived together at any time, in a shared household and are connected by:

- blood relationship;
- marriage;
- a relationship in the nature of marriage;
- adoption; or
- living together as members of a joint family.

This means that the Act can apply not only to a current marriage, but also to certain family, household, adoption, joint family, or marriage-like relationships where the people live or have lived together in a shared household.

Source: section 2(f) of the Act

Domestic violence

Domestic violence means conduct by the respondent that harms, injures, endangers, threatens, harasses, or otherwise causes physical or mental harm to the aggrieved person.

It includes:

- physical abuse;
- sexual abuse;
- verbal and emotional abuse;
- economic abuse;
- dowry-related harassment;
- threats;
- harm to mental or physical well-being.

Source: sections 2(g) and 3 of the Act

Dowry

Dowry has the same meaning as in the Dowry Prohibition Act, 1961.

In simple terms, it refers to property or valuable security connected with marriage demands, as defined by law.

Dowry-related harassment may amount to domestic violence under the Act.

Source: sections 2(h) and 3 of the Act

***Ex parte* order**

An *ex parte* order is an order passed without first hearing the respondent. The Magistrate may pass this kind of order in urgent situations if the legal requirements are met.

The woman may need to file an affidavit in the prescribed form.

Source: section 23 of the Act; rules 6 and 7 of the Rules

Good faith

Good faith has the same meaning as in the General Clauses Act, 1897

An act is considered to be done in good faith if it is done honestly, even if it is done negligently.

Source: section 4(2) of the Act

Interim order

An interim order is a temporary order passed while the case is still going on.

It is meant to give protection or relief before the final decision.

Source: section 23 of the Act

Magistrate

The Magistrate is the court officer who can hear applications and pass orders under the Act.

Depending on the area, this may be a Judicial Magistrate of the first class or a Metropolitan Magistrate.

Source: section 2(i) of the Act

Medical facility

A medical facility is a facility notified by the State Government for the purposes of the Act. If medical aid is requested by the aggrieved person, or on her behalf by a Protection Officer or service provider, the person in charge of the medical facility must provide medical aid.

Source: sections 2(j) and 7 of the Act; rule 17 of the Rules

Monetary relief

Monetary relief means money that the Magistrate may order the respondent to pay for expenses or losses suffered because of domestic violence.

This may include:

- loss of earnings;
- medical expenses;
- damage to property;
- maintenance for the woman and her children.

Source: section 20 of the Act

Relationship in the nature of marriage

This phrase refers to a relationship that is not a legal marriage but may be treated like a marriage for the purposes of the Act, depending on the facts. It is often used for certain live-in relationships where the couple lived together in a way similar to a married couple.

Example: A woman who lived with a man as his partner for a period of time may need legal advice on whether her relationship is covered.

Source: section 2(f) of the Act

Respondent

The “respondent” is the person against whom help or orders are sought under the Act. This is the person the woman says has committed domestic violence, or the person against whom she asks the Magistrate to pass an order.

Source: section 2(q) of the Act

Protection Officer

A Protection Officer is an officer appointed by the State Government under the Act.

A Protection Officer can help the woman access the court, legal aid, shelter, medical help and other services. The Protection Officer also assists the Magistrate.

Source: sections 8 and 9 of the Act; rules 3, 8, 9, and 10 of the Rules

Service provider

A service provider is an organisation registered under the Act to help protect the rights and interests of women.

A service provider may provide legal aid, medical help, financial help, shelter support, counselling, or other assistance.

Example: A registered NGO working with women facing domestic violence may be a service provider.

Source: section 10 of the Act; rule 11 of the Rules

Shared household

A shared household means a household where the aggrieved person lives, or has lived at any stage, in a domestic relationship.

It may include a home that is:

- owned or rented by both parties;
- owned or rented by either party;
- connected with rights, title, interest, or equity of either party;
- part of a joint family household of which the respondent is a member.

A woman may have rights under the Act even if the house is not in her name.

Source: section 2(s) of the Act

Shelter home

A shelter home is a shelter notified by the State Government for the purposes of the Act.

If help is requested by the aggrieved person, or on her behalf by a Protection Officer or service provider, the person in charge of the shelter home must provide shelter.

Source: sections 2(t) and 6 of the Act; rule 16 of the Rules

Stridhan

Stridhan generally refers to property that belongs to a woman, often including jewellery, gifts, money, or other property given to her before, during, or after marriage.

The Act mentions *stridhan* in connection with economic abuse, protection orders and residence orders.

Example: If jewellery given to a woman at marriage is taken away from her or withheld, she may be able to ask for help under the Act.

Source: sections 3, 18 and 19 of the Act

Protection order

A protection order is an order made by the Magistrate to stop the respondent from committing domestic violence or doing certain harmful acts. It may stop the respondent from contacting the woman, entering her workplace, entering a child's school, using certain property, or threatening people who help her.

Source: section 18 of the Act

Residence order

A residence order is an order about the shared household or accommodation.

It may stop the respondent from throwing the woman out, disturbing her possession, selling or dealing with the shared household, or entering certain parts of the home. It may also direct alternate accommodation or rent in appropriate cases.

Source: section 19 of the Act

CHAPTER 1

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is not only physical violence. It can also be words, threats, control, pressure, or behaviour that makes a woman feel unsafe, afraid, humiliated, or unable to live with dignity.

The law recognises that abuse can affect a woman's body, mind, safety, health, money, home, children, and daily life.

1. What does “domestic violence” mean?

Domestic violence means abuse by a person with whom a woman is, or has been, in a domestic relationship.

It can include:

- physical abuse;
- sexual abuse;
- verbal abuse;
- emotional abuse;
- economic abuse;
- dowry-related harassment;
- threats;
- harm to mental or physical well-being.

It may be domestic violence if the person's behaviour hurts you, puts you in danger, makes you afraid, or affects your health, safety, dignity, or everyday life.

*Relevant legal provisions: section 2(g);
section 3(a)–(d) of the Act.*

2. Is domestic violence only when someone hits me?

No.

Hitting is one form of domestic violence, but the law covers much more than that.

Domestic violence may also include sexual abuse, insults, humiliation, threats, controlling money, taking away your property, forcing dowry demands, or stopping you from using the home or resources you are entitled to.

You do not have to wait until there is physical injury before seeking help.

*Relevant legal provisions: Section 3(a);
Explanation I to section 3 of the Act.*

3. What is physical abuse?

Physical abuse means any act that causes pain, injury, or danger to your life, body, health, or safety.

It may include hitting, slapping, kicking, pushing, choking, burning, hurting you with an object, locking you in, or threatening to physically harm you.

It may also include behaviour that puts your health or life at risk.

Relevant legal provision: Explanation I(i) to section 3 of the Act.

4. What is sexual abuse?

Sexual abuse means sexual behaviour that violates your dignity or makes you feel unsafe, humiliated, degraded, or forced.

This may include forcing or pressuring you into sexual acts, treating you in a sexually degrading way, or using sexual conduct to control, punish, or shame you.

If you need medical help or urgent protection after sexual abuse, you may approach the police, a medical facility, a Protection Officer, a service provider, or a trusted support organisation.

*Relevant legal provisions: Explanation I(ii) to
section 3; sections 5, 7, 1(g) and 10(2)(b) of the Act.*

5. What is verbal and emotional abuse?

Verbal and emotional abuse can include words or behaviour that repeatedly insult, shame, ridicule, frighten, or humiliate you.

For example, it may include:

- repeatedly calling you names;
- insulting your character;
- humiliating you in front of others;
- mocking you because you do not have a child;
- taunting you because you do not have a son;
- repeatedly threatening to hurt someone you care about.

Emotional abuse can be just as serious as physical abuse. You do not need visible injuries for the abuse to matter.

Relevant legal provisions: Explanation I(iii)(a)–(b) to section 3 of the Act.

6. What is economic abuse?

Economic abuse means controlling or taking away money, property, resources, or basic needs that you are entitled to use or need for daily life.

It may include:

- refusing to give money for household needs;
- refusing maintenance;
- stopping you from using your own money;
- taking away your salary, jewellery, documents, or property;
- taking or holding back your *stridhan*;
- selling or giving away property in which you have a right or interest;
- stopping you from entering or using the shared household;
- stopping you from using things you need for daily life.

Economic abuse is still abuse, even if no one has physically hurt you.

Relevant legal provisions: Explanation I(iv)(a)–(c) to section 3 of the Act.

7. Is taking away my jewellery, salary, documents, or *stridhan* domestic violence?

It can be.

If someone takes away or withholds your money, jewellery, salary, bank documents, property, or *stridhan*, this may amount to economic abuse.

You may be able to ask for help to recover property or to seek financial relief, depending on the facts.

Relevant legal provisions: Explanation I(iv)(a)–(c) to section 3; sections 18(e) and 19(8) of the Act.

8. Does dowry harassment count as domestic violence?

Yes.

If you or your family are being hurt, threatened, pressured, or harassed because of a dowry demand, property demand, or demand for something valuable, this may be domestic violence.

This can include pressure before, during, or after marriage.

Relevant legal provisions: Section 2(h); section 3(b) of the Act.

9. Are threats also domestic violence?

Yes.

Threats can be domestic violence if they make you afraid or are used to control, pressure, or harm you.

For example, threats to hurt you, your children, your parents, your relatives, your property, or people helping you may be covered.

A threat does not have to be carried out before it becomes serious.

Relevant legal provisions: Section 3(c); Explanation I(i) and Explanation I(iii)(b) to section 3 of the Act.

10. Are threats against my children or parents covered?

Yes.

If threats against your children, parents, relatives, or other people close to you are used to frighten or pressure you, this may be domestic violence.

The law recognises that abuse can happen through threats to people you care about.

Relevant legal provisions: Section 3(c); Explanation I(iii)(b) to section 3; section 18(f) of the Act.

11. Is mental harm enough, even if I was not physically injured?

Yes.

Domestic violence can include harm to your mental well-being. You do not need to show physical injury for the law to recognise abuse.

Repeated fear, humiliation, pressure, control, or emotional distress may be relevant.

Relevant legal provisions: Section 3(a), section 3(d), and Explanation II to section 3 of the Act.

12. How many times must the abuse happen before I can seek help?

There is no fixed minimum number.

Even one serious incident may be enough. A repeated pattern of smaller incidents may also be serious.

The court can look at the whole situation, including what happened, how often it happened, and how it affected your safety, health, dignity, and daily life.

Relevant legal provisions: Section 3; Explanation II to section 3; section 23(2) of the Act.

13. What if I am not sure whether what happened to me is domestic violence?

You can still ask for help.

You do not need to know the exact legal words before speaking to someone. You may explain what happened to a Protection Officer, service provider, lawyer, legal aid authority, police officer, medical facility, or trusted support organisation.

They may be able to help you understand your options.

Relevant legal provisions: Sections 4, 5, 9, 10 and 12 of the Act.

CHAPTER 2

WHO CAN SEEK HELP?

The Domestic Violence Act protects women who are, or have been, in a domestic relationship and who are facing domestic violence.

You do not have to face the situation alone. Help may be available through the police, a Protection Officer, a service provider, a Magistrate, a shelter home, a medical facility, a legal aid authority, or a trusted support organisation.

Someone else who is worried about your safety may also give information or help you seek support.

1. Can a married woman seek help against her husband?

Yes.

A wife can seek help under the Act if she faces domestic violence from her husband.

She may be able to ask for protection, residence-related help, money for expenses or maintenance, temporary custody orders, compensation, or urgent orders, depending on the facts.

Relevant legal provisions: Sections 2(a), 2(f), 2(q), 12, 18, 19, 20, 21, 22 and 23 of the Act.

2. Can a woman seek help against her in-laws or her husband's relatives?

A woman may be able to seek help where her husband's relatives are involved in domestic violence, depending on the facts and the current legal position.

For example, this may be relevant where relatives are involved in dowry harassment, threats, verbal abuse, economic abuse, or forcing her out of the shared household.

Relevant legal provisions: Proviso to section 2(q); sections 3, 4, 12 and 18–23 of the Act.

3. Is the Act only for wives?

No.

The Act is not limited only to wives.

A woman may be protected if she is, or has been, in a domestic relationship covered by the Act.

This may include, depending on the facts:

- a wife;
- a mother;
- a sister;
- a daughter;
- a daughter-in-law;
- an adopted daughter;
- a widow;
- a woman in a relationship in the nature of marriage;
- another woman living in a covered domestic relationship.

*Relevant legal provisions: Proviso to section 2(q);
sections 3, 4, 12 and 18–23 of the Act.*

4. Do we have to be living together now, or can I seek help if I have already left?

No. You do not always have to be living together now.

The Act can apply if you are, or have been, in a domestic relationship with the respondent. This includes situations where you lived together at any point of time in a shared household, if the relationship is covered by the Act.

If you have already left the home because of violence, threats, pressure, fear, or being forced out, you can explain this when seeking help.

Depending on the facts, you may still be able to ask for protection and other remedies under the Act.

*Relevant legal provisions: Sections 2(a), 2(f), 2(s),
17 and 19 of the Act.*

5. Does the Act apply to live-in relationships?

It may apply to some live-in relationships.

The Act refers to a “relationship in the nature of marriage”. This means a relationship that is not a legal marriage but may be treated like a marriage for the purposes of this Act, depending on the facts.

Not every live-in relationship will automatically be covered. It may depend on how the relationship worked, whether the parties lived together, and other facts.

*Relevant legal provisions: Section 2(f);
proviso to section 2(q) of the Act.*

6. Can a woman seek protection from her children?

A woman may be able to seek help if she faces domestic violence from a person in a covered domestic relationship, including children above the age of 18 years, depending on the facts and the current legal position.

For example, an elderly mother facing violence, threats, economic abuse, or eviction by an adult child may need legal help to understand her options under this Act and other laws.

*Relevant legal provisions: Sections 2(a), 2(f), 2(q),
3, 4 and 12 of the Act.*

7. Can I make a complaint against a female relative?

Complaints under the Act are not limited only to adult men.

The Supreme Court of India has struck down the words “adult male” from section 2(q) of the Act. This means that, depending on the facts, a complaint may be made against a male or female relative who commits domestic violence.

*Relevant legal provision: Section 2(q) and
proviso to section 2(q) of the Act; current case law.*

8. Can I make a complaint against my ex-husband?

Yes, a former husband may be covered as a respondent under the Act.

This is because the law can apply where the woman is, or has been, in a domestic relationship with the respondent.

Relevant legal provisions: Sections 2(a) and 2(q) of the Act.

9. Can I make a complaint against my ex-boyfriend?

It depends on the relationship.

The Domestic Violence Act does not cover every dating relationship. To use this Act, the woman must be, or must have been, in a “domestic relationship” with the person she is complaining against.

A domestic relationship may include a relationship in the nature of marriage. In simple words, this may cover some relationships where a couple lived together in a shared household in a way similar to marriage.

So, you may be able to make a complaint against an ex-boyfriend if, depending on the facts:

- you lived together or had lived together in a shared household; and
- the relationship can legally be treated as a relationship in the nature of marriage; and
- you faced domestic violence within that relationship.

If the relationship was only a dating relationship and you never lived together in a shared household, the Act and Rules do not give enough basis to say that a complaint can be made under the Domestic Violence Act.

This does not mean that no help is available at all. Other laws may apply depending on what happened, such as threats, stalking, sexual violence, harassment, assault, cheating, blackmail, or online abuse. A lawyer, legal aid authority, police officer, Protection Officer, or service provider may be able to guide you on the correct option.

*Relevant legal provisions: Sections 2(a), 2(f), 2(q),
3, 4 and 12 of the Act.*

10. Do I have to make the complaint myself?

No.

You do not have to make the complaint yourself.

A Protection Officer, a service provider, or another person may help you. Someone who knows about the domestic violence may also give information. This may be useful if you are afraid, injured, unable to travel, being watched, or otherwise unable to seek help safely on your own.

Relevant legal provisions: Sections 4(1), 9(1)(c), 10(2)(a) and 12(1) of the Act; rule 6 of the Rules.

11. What if I am being pressured because I reported domestic violence?

Tell the Protection Officer, Magistrate, police, legal aid authority, service provider, lawyer, or trusted support organisation if you are being pressured, threatened, watched, followed, or stopped from getting help.

The Rules say that the Protection Officer should provide all possible assistance to ensure that the aggrieved person and children are not victimised or pressured because domestic violence was reported.

You may also ask the Magistrate for appropriate protection or urgent orders, depending on your situation.

Relevant legal provisions: Sections 9, 18 and 23 of the Act; rule 8(1)(xii) of the Rules.

12. Will someone get into trouble for reporting domestic violence?

A person who gives information in good faith is protected from civil or criminal liability for giving that information.

In simple words, if someone honestly reports domestic violence because they are concerned, the law protects them from being sued or prosecuted only for giving that information.

Relevant legal provision: Section 4(2) of the Act.

13. Where can I go for help?

You may approach one or more of the following:

- the police;
- a Protection Officer;

- a registered service provider;
- a Magistrate;
- a shelter home;
- a medical facility;
- a legal aid authority;
- a trusted support organisation.

For court orders under the Act, an application can be made to the Magistrate.

Relevant legal provisions: Sections 5, 6, 7, 9, 10, 12 and 27 of the Act.

14. Is it compulsory to report domestic violence?

The Act allows a person to give information about domestic violence. It does not create a general punishment for a person who does not report.

If you are unsure or afraid, you may speak to a trusted support person, Protection Officer, service provider, legal aid authority, or lawyer about safer ways to seek help.

Relevant legal provision: Section 4(1) of the Act.

15. Can someone report domestic violence without telling me first?

The Act allows any person who has reason to believe that domestic violence has happened or may happen to give information.

However, safety is important. A report should not be made in a way that increases danger to the woman.

Relevant legal provisions: Section 4(1) and section 4(2) of the Act.

Safety note: If you are helping someone, think carefully about her safety, privacy, and wishes. If possible, speak to a trained service provider, Protection Officer, or legal aid organisation about safe steps.

16. What happens after information is given?

Depending on who receives the information, steps may be taken to help the woman.

These steps may include:

- contacting the woman;
- recording what happened;
- preparing a Domestic Incident Report;
- helping her get medical help;
- helping her get shelter;
- helping her apply to the Magistrate;
- connecting her with legal aid or support services.

The exact steps may depend on the situation and the authority or organisation approached.

Relevant legal provisions: Sections 4, 5, 6, 7, 9, 10 and 12 of the Act; rules 5 and 6 of the Rules.

17. Can anonymous information be acted on?

The Act does not clearly set out a separate process for anonymous information. However, if information appears serious and credible, authorities or support services may take steps to check on safety, depending on the situation and local practice.

Relevant legal provision: Section 4 of the Act; state-specific practice to be verified.

18. Can I ask for more than one kind of help in the same application?

Yes.

You can ask the court for more than one kind of help in the same application. For example, depending on the facts, you may ask for protection, residence-related help, money for expenses or maintenance, temporary custody of children, compensation, or urgent orders.

Relevant legal provisions: Section 5(a), section 12(1), sections 18–23 and section 26 of the Act.

19. Do I need a lawyer to file an application?

A lawyer is not always required to file an application under the Act.

An application may be made by the woman herself, by a Protection Officer, or by another person on her behalf.

However, legal help may be useful, especially if the case is complex, urgent, or involves children, property, criminal complaints, maintenance, divorce, or other court cases.

Free legal aid may be available for eligible persons. You can ask a Protection Officer or a service provider to help check if you are eligible for free legal aid and apply. Free legal aid may include legal advice, help with forms, and a lawyer for court proceedings.

Relevant legal provisions: Sections 5(d), 9(1)(c), 9(1)(d), 10(1) and 12(1) of the Act.

20. Can I ask for maintenance or money for expenses?

Yes.

Through an application under the Act, you may be able to ask for monetary relief. This may include maintenance and expenses caused by domestic violence.

For example, this may include medical expenses, loss of earnings, damage to property, household expenses, or maintenance for you and your children, depending on the facts.

Relevant legal provisions: Sections 12(1), 20 and 26 of the Act.

CHAPTER 3

WHAT IS A DOMESTIC RELATIONSHIP AND A SHARED HOUSEHOLD?

The Domestic Violence Act recognises that a woman experiencing domestic violence may need protection connected to her home.

This chapter explains what a domestic relationship is, what a shared household is, and when you may ask the Magistrate for help to stay in the home or seek other residence-related support.

1. What is a domestic relationship?

A domestic relationship means a relationship between two people who live together, or have lived together at any time, in a shared household.

The relationship must also be connected in one of these ways:

- by blood relationship;
- by marriage;
- by a relationship in the nature of marriage;
- by adoption; or
- by living together as members of a joint family.

In simple words, the Act can apply not only to a current marriage, but also to certain family, household, adoption, joint family, or marriage-like relationships.

The important point is that the people must live together now, or must have lived together at some time, in a shared household.

*Relevant legal provision:
Section 2(f) of the Act.*

2. Do we have to be living together now?

No.

The Act can apply if you live together now, or if you have lived together at any time in a shared household, as long as the relationship is covered by the Act. If you have already left the home because of violence, threats, pressure, fear, or being forced out, you can explain this when seeking help.

*Relevant legal provisions: Sections 2(a), 2(f), 2(s),
17 and 19 of the Act.*

3. What is a shared household?

A shared household is a household where the aggrieved woman lives, or has lived at any stage, in a domestic relationship with the respondent.

It may include a home that is owned or rented by either person, or by both of them. It may also include a household belonging to a joint family of which the respondent is a member.

A shared household is not limited to a house that is in your name.

*Relevant legal provision:
Section 2(s) of the Act.*

4. Do I need to own the house for it to be a shared household?

No.

A house may still be a shared household even if you do not own it, do not rent it, and your name is not on the property documents.

The Act says that every woman in a domestic relationship has the right to live in the shared household, whether or not she has any right, title, or beneficial interest in it.

Whether a particular home is a shared household may still depend on the facts and the current legal position.

*Relevant legal provisions: Sections 2(s) and
17 of the Act.*

5. Do I have a right to live in the shared household?

Yes.

Every woman in a domestic relationship has the right to live in the shared household, whether or not she owns the home or has her name on the property documents.

This right is important because domestic violence may include being forced out of the home or being stopped from using the home.

*Relevant legal provisions:
Sections 3 and 17 of the Act.*

6. Can I be forced to leave the shared household?

The Act says that an aggrieved woman cannot be evicted from, or excluded from, the shared household except in accordance with the procedure established by law.

This means that the respondent cannot simply throw you out or stop you from living in the shared household by force, threats, or pressure.

If you are being forced out, stopped from entering, or disturbed in the shared household, you may ask the Magistrate for residence-related help.

See Chapter 8: Residence Orders for more information.

*Relevant legal provisions:
Sections 17 and 19 of the Act.*

Safety note

If you have been forced out of your home, or you are afraid you may be forced out, seek help as soon as it is safe to do so.

A residence order may help protect your right to stay in the shared household or may help you seek alternative accommodation. However, the Magistrate will decide what order is appropriate in your case.

If returning home would place you in immediate danger, tell the Protection Officer, service provider, police, lawyer, legal aid authority, or court about your safety concerns.

If it is unsafe to keep property papers, rent papers, identity documents, messages, or court papers with you, consider keeping copies with someone you trust or in another safe place.

CHAPTER 4

PROTECTION OFFICERS

Protection Officers are government officials appointed under the Domestic Violence Act to help women experiencing domestic violence access support and the court process.

A Protection Officer does not decide whether domestic violence has taken place. That decision is made by the Magistrate. Instead, the Protection Officer helps connect women with the services and legal process provided under the Act.

1. Who is a Protection Officer?

A Protection Officer is a government officer appointed by the State Government under the Domestic Violence Act.

A Protection Officer helps women experiencing domestic violence access the court, legal aid, medical treatment, shelter, and other support available under the Act. The Protection Officer also assists the Magistrate during proceedings.

Relevant legal provisions: Sections 2(n), 8 and 9 of the Act; rules 3, 8, 9 and 10 of the Rules.

2. Who appoints Protection Officers?

Protection Officers are appointed by the State Government.

The State Government also decides the area where each Protection Officer will work.

Relevant legal provisions: Section 8 of the Act; rules 3 and 8 of the Rules.

3. What are the duties of a Protection Officer?

A Protection Officer has important duties under the Act and Rules.

These include:

- helping the Magistrate;

- making a Domestic Incident Report after receiving a complaint;
- forwarding copies of the report to the police and service providers;
- helping you make an application if you want relief under the Act;
- helping you get legal aid;
- keeping lists of service providers, shelter homes and medical facilities;
- helping you get shelter if needed;
- helping you get medical examination if you have bodily injuries;
- helping with compliance and execution of monetary relief orders;
- giving information about your rights;
- helping with a safety plan;
- helping with medical aid, shelter, and transport where needed;
- helping prevent you from being victimised or pressured because you reported domestic violence.

Some further duties apply when the Magistrate gives written directions.

*Relevant legal provisions: Section 9 of the Act;
rules 5, 6, 8 and 10 of the Rules.*

4. How do I find the Protection Officer for my area?

You may be able to get the contact details of the Protection Officer from:

- the local police;
- the Magistrate's court;
- the District Legal Services Authority;
- a registered service provider;
- the relevant State or District Women and Child Development or Social Welfare office.

If you approach the police, a Protection Officer, a service provider, or the Magistrate about domestic violence, they should inform you about the services available under the Act.

*Relevant legal provisions: Sections 5(c), 8 and 9 of the Act;
rules 4 and 8 of the Rules.*

5. Do I have to contact a Protection Officer before going to court?

No.

The Act does not require you to contact a Protection Officer before making an application to the Magistrate.

However, many women find it helpful because a Protection Officer can explain the process and help prepare the necessary documents.

Relevant legal provisions: Sections 9 and 12 of the Act.

6. What kind of help can a Protection Officer give me?

Depending on your situation, a Protection Officer may help you:

- prepare a Domestic Incident Report;
- make or help prepare an application to the Magistrate;
- obtain free legal aid where available;
- arrange medical treatment if needed;
- help you find a shelter home;
- provide information about available support services;
- help ensure that court orders are carried out as required under the Act.

*Relevant legal provisions: Section 9(1)(a)–(h) of the Act;
rules 8, 9 and 10 of the Rules.*

7. Can a Protection Officer help me apply to the Magistrate?

Yes.

A Protection Officer can help prepare your application and may also present an application to the Magistrate on your behalf where the Act allows.

The Protection Officer can also help prepare the documents required under the Rules.

Relevant legal provisions: Sections 9(1)(b) and 9(1)(c), 12(1) and 37(2)(d) of the Act; rule 6 and Form II of the Rules.

8. What is a Domestic Incident Report?

A Domestic Incident Report (often called a DIR) is a report that records information about the domestic violence you have experienced.

A Protection Officer prepares this report after receiving a complaint. The report may then be sent to the Magistrate and to the police officer in charge of the local police station, where required under the Act and Rules.

Preparing a Domestic Incident Report can help record what has happened, but you should not be refused urgent help simply because a report has not yet been completed.

Relevant legal provisions: Sections 2(e), 9(1)(b) and 12(1) of the Act; rule 5 and Form I of the Rules.

9. Can a Protection Officer help me find a safe place to stay?

Yes.

If you need shelter, the Protection Officer can help arrange accommodation in a notified shelter home.

Relevant legal provisions: Sections 6 and 9(1)(f) of the Act; rule 16 of the Rules.

10. Can a Protection Officer help me get free legal aid?

Yes.

The Protection Officer has a duty to ensure that, where appropriate, you are provided legal aid under the Legal Services Authorities Act, 1987.

Whether you qualify for free legal aid will depend on the applicable law and your circumstances.

Relevant legal provisions: Sections 5(d) and 9(1)(d) of the Act.

11. Does a Protection Officer represent me in court?

Not necessarily.

A Protection Officer can help you prepare your application, assist the Magistrate, and perform duties under the Act.

The Act does not say that the Protection Officer becomes your lawyer or represents you in every court proceeding.

If you need legal representation, you may wish to speak to a lawyer or ask whether you are eligible for free legal aid.

Relevant legal provisions: Sections 5(d), 9 and 12 of the Act.

12. Can a Protection Officer ask me to return to the person who abused me?

The Act does not give a Protection Officer the power to require you to return to the respondent or continue living with the respondent.

The Protection Officer's role is to help you access the remedies and support available under the Act.

Relevant legal provisions: Sections 8 and 9 of the Act.

13. What if I need help urgently?

Tell the Protection Officer if you believe you are in immediate danger or need urgent medical treatment, shelter, or court protection.

Depending on your situation, the Protection Officer may help arrange medical care, shelter, legal aid, or assist you in approaching the Magistrate for appropriate relief.

If you are in immediate danger, you should also contact the police or emergency services.

Relevant legal provisions: Sections 5, 6, 7, 9 and 23 of the Act.

14. What if there is no Protection Officer available where I live?

The Act requires the State Government to appoint Protection Officers.

If you cannot contact one, you may still seek help from the police, a registered service provider, the Magistrate, a legal aid authority, a shelter home, or a medical facility.

Relevant legal provisions: Sections 5, 6, 7, 8, 10 and 12 of the Act.

Safety note

If you are afraid that contacting a Protection Officer could place you at greater risk, try to make contact from a safe place if possible. If you are in immediate danger, contact the police or emergency services without waiting for other steps. If it is unsafe to keep papers, reports, or court documents with you, consider keeping them with a trusted person or in another safe place.

CHAPTER 5

SERVICE PROVIDERS, SHELTER HOMES, AND MEDICAL FACILITIES

If you are experiencing domestic violence, you do not have to face it alone. Besides Protection Officers, the law also recognises registered service providers, notified shelter homes, and notified medical facilities that can help you access support, safety, and the court process.

These organisations have different roles. Some provide practical support, while others provide shelter, medical treatment, or help you connect with the Magistrate or other authorities.

1. What is a service provider?

A service provider is an organisation that has been registered under the Domestic Violence Act to help women experiencing domestic violence.

A service provider may be a voluntary organisation or company working to protect the rights and interests of women.

Relevant legal provisions: Section 2(r) and section 10(1) of the Act; rule 11 of the Rules.

2. What kind of help can a service provider give me?

Depending on the services it offers, a registered service provider may help you:

- record what happened;
- prepare a Domestic Incident Report if you ask;
- help you obtain medical treatment;
- help you find shelter;
- connect you with a Protection Officer, the Magistrate, legal aid, or other support services.

Some service providers may also offer counselling or other assistance, depending on the organisation.

Relevant legal provisions: Section 10(1), section 10(2)(a)–(c) and section 10(3) of the Act.

3. Can a service provider help me apply to court?

Yes.

A service provider can help you understand the process and connect you with the Protection Officer or Magistrate.

The Act also allows a service provider to present an application to the Magistrate on your behalf, where appropriate.

Relevant legal provisions: Sections 10(2)(a), 12(1) and 37(2)(d) of the Act; rule 6 of the Rules.

4. Can a service provider prepare a Domestic Incident Report?

Yes.

If you ask, a registered service provider may record a Domestic Incident Report and forward it to the Magistrate and the Protection Officer.

This report records information about the domestic violence you have experienced.

Relevant legal provisions: Sections 2(e) and 10(2)(a) of the Act; rule 5 and Form I of the Rules.

5. Do I have to go through a service provider before going to court?

No.

You may apply directly to the Magistrate if you wish.

A service provider is one way of getting help, but it is not the only way.

Relevant legal provision: Section 12(1) of the Act.

6. What is a shelter home?

A shelter home is a shelter that has been notified by the State Government for the purposes of the Domestic Violence Act.

A shelter home can provide temporary accommodation for a woman who needs a safe place to stay.

*Relevant legal provisions: Sections 2(t) and 6 of the Act;
rule 16 of the Rules.*

7. Can I ask for shelter if I am not safe at home?

Yes.

If you need a safe place to stay, you may ask for shelter.

If the request is made by you, or on your behalf by a Protection Officer or a registered service provider, the person in charge of a notified shelter home must provide shelter.

Relevant legal provisions: Section 6 of the Act; rule 16 of the Rules.

8. Do I need a court order before I can stay in a shelter home?

The Act does not require you to obtain a court order before shelter is provided under section 6.

If you need immediate safety, you should tell the Protection Officer or service provider as soon as possible.

Relevant legal provision: Section 6 of the Act.

9. Can someone else ask for shelter on my behalf?

Yes.

A Protection Officer or a registered service provider may request shelter for you if you need it.

Relevant legal provision: Section 6 of the Act.

10. What is a medical facility under the Act?

A medical facility is a hospital or other medical facility that has been notified by the State Government for the purposes of the Domestic Violence Act.

*Relevant legal provisions: Section 2(j) and section 7 of the Act;
rule 17 of the Rules.*

11. Can I get medical treatment if I have been injured?

Yes.

If you ask for medical help, or if a Protection Officer or registered service provider requests it on your behalf, the person in charge of a notified medical facility must provide medical aid.

*Relevant legal provisions: Section 7 of the Act;
rule 17 of the Rules.*

12. Can I get medical help even if I have not yet filed a court case?

Yes.

The Act does not require you to start court proceedings before receiving medical aid under section 7.

If you need urgent treatment, your health and safety should come first.

Relevant legal provision: Section 7 of the Act.

13. Will the doctor or hospital prepare a medical report?

The Act says that medical aid must be provided.

It does not set out detailed rules about preparing medical reports or how they must be used in court.

If you receive treatment, the medical records created by the hospital may be important later.

Relevant legal provision: Section 7 of the Act.

14. Do I have to pay for shelter or medical treatment?

The Domestic Violence Act requires notified shelter homes and notified medical facilities to provide shelter or medical aid when the legal requirements are met.

However, the Act and Rules do not clearly explain whether any charges may apply in every situation.

Relevant legal provisions: Sections 6 and 7 of the Act.

15. Can I get help from both a service provider and a Protection Officer?

Yes.

You do not have to choose only one.

Many women receive help from more than one organisation or authority. For example, a service provider may help you record what happened and arrange shelter, while a Protection Officer helps you prepare your application to the Magistrate.

Relevant legal provisions: Sections 5, 9, 10 and 12 of the Act.

16. What if there is no registered service provider or notified shelter home near me?

You may still seek help.

You can approach the police, a Protection Officer, the Magistrate, a legal aid authority, a medical facility, or a trusted support organisation.

They may be able to help you find the nearest available services.

Relevant legal provisions: Sections 5, 6, 7, 9, 10 and 12 of the Act.

17. Can I ask for both shelter and medical treatment at the same time?

Yes.

If you need both a safe place to stay and medical treatment, you can ask for both. Depending on your situation, a Protection Officer or service provider may help arrange both kinds of assistance.

Relevant legal provisions: Sections 6, 7, 9(1)(f), 9(1)(g), 10(2)(b) and 10(2)(c) of the Act.

Safety note

If you are injured or believe you are in immediate danger, seek medical help or contact the police as soon as it is safe to do so. If possible, tell the doctor or healthcare worker how the injuries happened. If it is unsafe to return home, ask whether a Protection Officer or registered service provider can help arrange shelter. If it is unsafe to keep medical papers or other documents with you, consider keeping copies with a trusted person or in another safe place.

CHAPTER 6

APPLYING TO THE MAGISTRATE

If you want the court to make an order under the Domestic Violence Act, you can apply to a Magistrate.

You do not have to go through the process alone. A Protection Officer, registered service provider, lawyer, or Legal Services Authority may be able to help you prepare and file the application.

Applying to the Magistrate is the step that allows the court to consider whether you should receive protection or other relief under the Act.

1. Who is a Magistrate?

A Magistrate is the court officer who hears applications under the Domestic Violence Act.

The Magistrate can consider the facts of your case and decide whether to grant one or more of the orders available under the Act.

Relevant legal provisions: Sections 2(i), 12 and 18–23 of the Act.

2. Who can apply to the Magistrate?

An application may be made by:

- you;
- a Protection Officer; or
- any other person on your behalf.

This means that if you are unable or afraid to apply yourself, someone else may be able to help you start the court process.

Relevant legal provision: Section 12(1) of the Act.

3. Do I need a lawyer to apply?

Not necessarily.

The Act does not require you to have a lawyer before making an application.

However, legal advice may be helpful, especially if your case is urgent or involves children, property, maintenance, or other court proceedings.

4. If I need a lawyer, how can the Protection Officer help me?

If you want free legal aid (such as legal advice, lawyer services, etc.), you can contact the Protection Officer. They will ensure that you receive this assistance.

*Relevant legal provisions: Sections 5(d), 9(1)(d),
9(1)(e) and 12(1) of the Act.*

5. Is there a form for making an application?

Yes.

The Rules prescribe a form for applications under the Act.

A Protection Officer or service provider may help you complete it if needed.

*Relevant legal provisions: Section 37(2)(h) of the Act;
rule 6 and Form II of the Rules.*

6. What kinds of orders/reliefs can I seek from the Magistrate?

Depending on your situation, you may ask for one or more kinds of relief under the Act.

These may include:

- a protection order;
- a residence order;
- monetary relief;
- a custody order;
- a compensation order; or
- an interim or urgent order, where appropriate.

The Magistrate will decide whether the legal requirements for the requested relief have been met.

You do not have to make a separate application for each kind of relief.

Relevant legal provisions: Sections 18–23 and 26 of the Act.

7. Do I need to present a Domestic Incident Report before I apply?

No.

The Magistrate should take into account any Domestic Incident Report received from the Protection Officer or service provider.

However, the Act does not say that you cannot apply unless such a report has been prepared.

*Relevant legal provisions: Sections 2(e), 9(1)(b),
10(2)(a) and 12(1) of the Act.*

8. What information should I give to the court?

Explain, as clearly as you can:

- what happened;
- who committed the act of domestic violence;
- when it happened (if you know);
- what help/relief you are seeking.

If you have documents, photographs, messages, medical records, or other information that supports your application, they may be helpful. However, not everyone has such evidence.

*Relevant legal provisions: Section 12(1); rule 6 and
Form II of the Rules.*

9. Can I apply even if I do not have documents or evidence?

Yes.

You should not delay asking for help simply because you do not have documents.

You can explain what happened in your application.

If you later obtain documents or other evidence, you may be able to place them before the court.

Relevant legal provisions: Section 12 of the Act; rule 6 of the Rules.

10. Which Magistrate can hear my application?

Your application may be made to a Magistrate within whose local area:

- you live, either permanently or temporarily;
- the respondent lives; or
- the domestic violence is alleged to have taken place.

Relevant legal provision: Section 27 of the Act.

11. Will the Magistrate hear my case quickly?

The Act says that the Magistrate should ordinarily fix the first hearing within three days from receiving the application.

This is the timeline stated in the Act. Actual scheduling may depend on the court and local practice.

Relevant legal provision: Section 12(4) of the Act.

12. How long will the case take?

The Act says that the Magistrate should try to dispose of the application within sixty days from the date of the first hearing.

Actual timelines may vary depending on the court, the facts of the case, and other circumstances.

Relevant legal provision: Section 12(5) of the Act.

13. Can I ask for urgent help while my case is still going on?

Yes.

If you need immediate protection or other urgent relief, you may ask the Magistrate for an interim order or, where the legal requirements are met, an ex parte order.

These are temporary orders that may be made before the case is finally decided.

The Magistrate has discretion to grant such relief if the conditions in the Act are satisfied.

See Chapter 12: Urgent Orders: Interim and Ex Parte Relief for more information.

Relevant legal provisions: Section 23 of the Act; rule 7 and Form III of the Rules.

14. Will the respondent get a copy of my application?

Yes.

The Protection Officer must arrange for notice of the date of hearing to be served on the respondent and on any other person directed by the Magistrate.

Relevant legal provisions: Section 13 of the Act; rule 12 of the Rules.

15. Can I seek relief under this Act if another court case is already going on?

Yes.

The remedies under the Domestic Violence Act are in addition to other legal remedies.

You may also seek relief under this Act in legal proceedings before a civil court, family court, or criminal court, where the law allows.

If another case relating to the same parties is already pending, you should inform the court.

Relevant legal provisions: Sections 26 and 36 of the Act.

16. What happens after I file my application?

After receiving your application, the Magistrate will fix a date for hearing.

The respondent will ordinarily be given notice of the hearing. The court will then consider the material placed before it and decide whether any relief should be granted.

If you have asked for urgent relief, the Magistrate may also consider whether an interim or ex parte order should be made before the final decision.

Relevant legal provisions: Sections 12, 13 and 23 of the Act.

Safety note

If you believe you are in immediate danger, tell the Protection Officer, your lawyer, or the court as soon as possible. You may be able to ask for urgent interim or ex parte relief while your application is pending. If attending court or receiving court papers could place you at greater risk, discuss your safety concerns with the Protection Officer, lawyer, or service provider.

CHAPTER 7

PROTECTION ORDERS

A protection order is one of the main remedies available under the Domestic Violence Act.

Its purpose is to help prevent further domestic violence. A protection order can direct the respondent not to do certain acts that may place you or others at risk.

The Magistrate will decide whether to grant a protection order after considering the facts of your case.

1. What is a protection order?

A protection order is an order made by the Magistrate to help protect a woman from further domestic violence.

If the Magistrate is satisfied that domestic violence has taken place or is likely to take place, the Magistrate may prohibit the respondent from doing certain acts listed in the Act.

Relevant legal provision: Section 18 of the Act.

2. When can the Magistrate make a protection order?

The Magistrate may make a protection order if satisfied that domestic violence has taken place or is likely to take place.

Whether a protection order is granted depends on the facts and the evidence before the court.

Relevant legal provision: Section 18 of the Act.

3. What can a protection order stop the respondent from doing?

Depending on what is appropriate in your case, a protection order may prohibit the respondent from:

- committing domestic violence;

- helping or encouraging another person to commit domestic violence;
- entering your place of work or another place you regularly visit;
- entering your child's school or another place regularly visited by your child;
- contacting or communicating with you;
- dealing with assets, bank accounts, or property that you are entitled to use, including your stridhan, without the Magistrate's permission;
- causing violence to your relatives or other people who assist you;
- committing any other act specified in the protection order.

The Magistrate will decide which restrictions are appropriate in your case.

Relevant legal provisions: Section 18(a)–(g) of the Act.

4. Can a protection order protect my child, relative or persons helping me?

Yes, it can.

As mentioned above, the Magistrate may prohibit the respondent from entering your child's school or another place regularly visited by the child, as well as violence against your relatives or other persons who assist you.

If you need temporary custody of a child, you may also be able to ask for a custody order.

See Chapter 10: Custody Orders for more information.

Relevant legal provisions: Sections 18(c), 18(f) and 21 of the Act.

5. Can a protection order stop the respondent from taking or selling my property?

Yes. By issuing a Protection order, the Magistrate can prohibit the respondent from taking or selling your property.

Relevant legal provision: Section 18(e) of the Act.

6. Can I ask for a protection order even if I have already left the home?

Yes.

If you have left the shared household because of domestic violence, you may still apply for a protection order if the legal requirements are met.

Whether the Magistrate grants the order will depend on the facts of your case.

Relevant legal provisions: Sections 2(a), 2(f), 12 and 18 of the Act.

7. Can I ask for a protection order together with other kinds of relief?

Yes.

You may ask for a protection order together with other relief available under the Act, such as a residence order, monetary relief, a custody order, or a compensation order.

Relevant legal provisions: Sections 12(1), 18–23 and 26 of the Act.

8. Can the Magistrate make a protection order urgently?

Yes.

If the legal requirements are met, the Magistrate may grant interim or ex parte relief while the case is pending.

Whether such an order is made depends on the circumstances and the Magistrate's discretion.

See Chapter 12: Urgent Orders: Interim and Ex Parte Relief for more information.

Relevant legal provision: Section 23 of the Act.

9. How long does a protection order last? Can it be changed later?

A protection order made under section 18 stays in force until the aggrieved woman applies for discharge.

An order may also be altered, modified, or revoked if there is a change in circumstances and the Magistrate is satisfied that a change is needed.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provisions: Section 25(1) and 25(2) of the Act.

10. What happens if the respondent does not obey a protection order?

See Chapter 15: Breach of Protection Order and Penalties for more information.

Relevant legal provisions: Sections 31 and 32 of the Act.

11. Will I receive a copy of the protection order?

Yes.

Free copies of orders made under the Act must be given to the parties concerned, the police officer in charge of the police station within whose jurisdiction the Magistrate has been approached, and to any service provider that has registered the Domestic Incident Report, where applicable.

Relevant legal provision: Section 24 of the Act.

12. Should the police know about the protection order?

Yes.

The Act provides that copies of orders must also be sent to the police officer in charge of the relevant police station.

Relevant legal provision: Section 24 of the Act.

Safety note

If a protection order has been made and you believe the respondent has breached it, or you are in immediate danger, contact the police as soon as it is safe to do so. If possible, keep a copy of the protection order somewhere safe and consider keeping another copy with a trusted person. A protection order is intended to reduce the risk of further violence, but you should continue to take practical steps to protect your safety.

CHAPTER 8

RESIDENCE ORDERS

The Domestic Violence Act recognises that a woman experiencing domestic violence may need protection relating to her home as well as protection from violence.

In some situations, the Magistrate may make a residence order. A residence order deals with where you can live, your right to remain in the shared household, or alternative accommodation.

Whether a residence order is granted depends on the facts of your case and the Magistrate's decision.

1. What is a residence order?

A residence order is an order made by the Magistrate about the shared household or your accommodation.

The Magistrate may make different kinds of residence orders depending on what is appropriate in your case.

Relevant legal provisions: Sections 17 and 19 of the Act.

2. What can a residence order do?

Depending on the circumstances, the Magistrate may:

- stop the respondent from dispossessing you or disturbing your possession of the shared household;
- direct the respondent to leave the shared household;
- prevent the respondent or relatives from entering part of the shared household where you live;
- stop the respondent from selling, transferring, or otherwise dealing with the shared household;
- stop the respondent from giving up rights in the shared household without the Magistrate's permission;

- direct the respondent to arrange alternative accommodation for you or pay rent for suitable accommodation.

The Magistrate will decide which, if any, of these orders are appropriate.

Relevant legal provision: Section 19(1)(a)–(f) of the Act.

3. Can the Magistrate stop someone from throwing me out of the house?

Yes.

If the legal requirements are met, the Magistrate may prohibit the respondent from dispossessing you or disturbing your possession of the shared household.

Relevant legal provision: Section 19(1)(a) of the Act.

4. Can the Magistrate order the respondent to leave the house?

The Magistrate may direct the respondent to remove himself from the shared household.

However, the Act specifically says that this kind of order cannot be made against a woman.

Relevant legal provisions: Section 19(1)(b) and the proviso to section 19(1) of the Act.

5. Can the Magistrate stop the respondent from entering part of the house?

Yes.

The Magistrate may prohibit the respondent, or any of the respondent's relatives, from entering the part of the shared household where you live.

Whether such an order is made depends on the circumstances of the case.

Relevant legal provision: Section 19(1)(c) of the Act.

6. Can the Magistrate stop the house from being sold or transferred?

Yes.

The Magistrate may restrain the respondent from selling, transferring, or otherwise disposing of the shared household or from giving up rights in it without the Magistrate's permission.

Relevant legal provision: Section 19(1)(d) and (e) of the Act.

7. Can the court order another place for me to live?

Yes.

Instead of, or in addition to, other residence orders, the Magistrate may direct the respondent to secure the same level of alternative accommodation for you or to pay rent for it, if the circumstances make this appropriate.

Relevant legal provision: Section 19(1)(f) of the Act.

8. Do I have to own the house to ask for a residence order?

No.

The Act recognises your right to reside in the shared household even if you do not own the property or have your name on the title documents.

Whether the Magistrate grants a residence order will depend on the facts of your case.

Relevant legal provisions: Sections 2(s), 17 and 19 of the Act.

9. Can I ask for a residence order if I have already left the home?

Yes.

If you have already left because of domestic violence or because you were forced out, you may still apply for a residence order.

The Magistrate will decide whether the legal requirements have been met.

Relevant legal provisions: Sections 2(a), 2(s), 17, 19 and 12 of the Act.

10. Can I ask for a residence order together with other kinds of relief?

Yes.

You may ask for a residence order together with other relief available under the Act, such as:

- a protection order;

- monetary relief;
- a custody order;
- a compensation order; or
- an interim or urgent order.

Relevant legal provisions: Sections 12(1), 18–23 and 26 of the Act.

11. Can the Magistrate make a residence order urgently?

Yes.

If the legal requirements are met, the Magistrate may grant an interim or ex parte residence order while the case is pending. Whether such an order is made depends on the circumstances and the Magistrate's discretion.

See Chapter 12: Urgent Orders: Interim and *Ex Parte* Relief for more information.

Relevant legal provision: Section 23 of the Act.

12. Can the Magistrate protect my belongings?

Yes.

When making a residence order, the Magistrate may direct the respondent to return your stridhan or other property, documents, or valuables that you are entitled to receive.

Relevant legal provision: Section 19(8) of the Act.

13. Can the Magistrate require security to prevent further domestic violence?

Yes.

When making a residence order, the Magistrate may impose additional conditions or require the respondent to execute a bond, with or without sureties, for preventing domestic violence.

Relevant legal provisions: Section 19(3) and 19(4) of the Act.

14. Can the Magistrate ask the police to help enforce a residence order?

Yes.

The Magistrate may direct the officer in charge of the nearest police station to give protection to help implement the residence order.

Relevant legal provision: Section 19(5) of the Act.

15. Can the Magistrate ask for help from a service provider?

Yes.

The Magistrate may direct a Protection Officer to assist in implementing the residence order and may also direct the respondent to pay rent or other payments directly to the service provider providing shelter to the aggrieved woman, where appropriate.

Relevant legal provisions: Sections 19(6) and 19(7) of the Act.

16. Can a residence order be changed later?

Yes.

The Magistrate may alter, modify, or revoke an order made under the Act if there is a change in the circumstances requiring such a change.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provision: Section 25(2) of the Act.

Safety note

If you have been forced out of your home or are afraid you may be forced out, seek help as soon as it is safe to do so. A residence order may help protect your right to stay in the shared household or provide alternative accommodation, but the Magistrate will decide what order is appropriate in your case. If returning home would place you in immediate danger, tell the Protection Officer, your lawyer, or the court about your safety concerns.

CHAPTER 9

MONETARY RELIEF

Domestic violence can affect more than your safety. It can also affect your ability to pay for food, housing, medical care, children's needs, and everyday living expenses.

The Domestic Violence Act allows the Magistrate to order the respondent to pay money for certain expenses or losses caused by domestic violence. This is called monetary relief.

The amount and type of monetary relief depend on the facts of each case and the Magistrate's decision.

1. What is monetary relief?

Monetary relief is money that the Magistrate may order the respondent to pay for expenses and losses suffered because of domestic violence.

The purpose is to help meet financial needs arising from the domestic violence.

Relevant legal provision: Section 20(1) of the Act.

2. What kinds of expenses can monetary relief cover?

Depending on your situation, monetary relief may include:

- loss of earnings;
- medical expenses;
- loss caused by the destruction, damage, or removal of property from your control;
- maintenance for you and your children.

The Magistrate will decide what relief is appropriate in your case.

Relevant legal provisions: Section 20(1)(a)–(d) of the Act.

3. Can I ask for maintenance under this Act?

Yes.

The Magistrate may order maintenance for you and your children as part of monetary relief.

This is in addition to any maintenance that may be available under other laws.

Relevant legal provisions: Sections 20(1)(d), 20(2), 26 and 36 of the Act.

4. Can I ask for money for medical treatment?

Yes.

If you have incurred medical expenses because of domestic violence, you may ask the Magistrate to include those expenses in monetary relief.

Relevant legal provision: Section 20(1)(b) of the Act.

5. Can I ask for money if I could not work because of the domestic violence?

Yes.

If you suffered a loss of earnings because of domestic violence, you may ask the Magistrate to consider this when deciding monetary relief.

Relevant legal provision: Section 20(1)(a) of the Act.

6. Can I ask for money if my belongings were damaged or taken away?

Yes.

The Magistrate may order monetary relief for loss caused by the destruction, damage, or removal of property from your control because of domestic violence.

The Act also provides other remedies relating to property and *stridhan* in appropriate cases.

*Relevant legal provisions: Section 20(1)(c);
sections 18(e) and 19(8) of the Act.*

7. How does the Magistrate decide the amount of monetary relief?

The Magistrate will consider the facts of your case.

The Act says that the monetary relief should be adequate, fair, reasonable, and consistent with the standard of living to which you are accustomed.

Relevant legal provision: Section 20(2) of the Act.

8. Does the Magistrate have to grant monetary relief?

Not always.

The Magistrate will decide whether monetary relief should be granted and, if so, the amount, based on the facts and the law.

Relevant legal provision: Section 20 of the Act.

9. Can I ask for monetary relief together with other kinds of relief?

Yes.

You may ask for monetary relief together with other relief available under the Act, such as:

- a protection order;
- a residence order;
- a custody order;
- a compensation order; or
- an interim or urgent order.

Relevant legal provisions: Sections 12(1), 18–23 and 26 of the Act.

10. Can the Magistrate order monetary relief urgently?

Yes.

If the legal requirements are met, the Magistrate may grant interim monetary relief while your case is still pending.

Whether such relief is granted depends on the circumstances and the Magistrate's discretion.

Relevant legal provision: Section 23 of the Act.

11. Who receives the payment?

The Magistrate may direct that the payment be made to you or, where appropriate, to another person on your behalf.

The Magistrate may also direct payments to be made directly to a service provider providing shelter to you, where appropriate.

Relevant legal provisions: Sections 19(7) and 20 of the Act.

12. When must the respondent pay?

The Magistrate's order will usually state how and when payment is to be made.

The Act says that the respondent must make payment within the period specified in the order.

Relevant legal provision: Section 20(3) of the Act.

13. What happens if the respondent does not pay?

If the respondent fails to comply with the order without sufficient cause, the Magistrate may direct the employer or a debtor of the respondent to pay part of the respondent's wages, salary, or debt directly towards the monetary relief.

The law provides this as one way of helping enforce the order.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provision: Section 20(6) of the Act.

14. Can I receive monetary relief if I already have another maintenance case?

Yes.

You should tell the court about any other maintenance or related proceedings so that the Magistrate has the full picture.

Relevant legal provisions: Sections 20(1)(d), 26 and 36 of the Act.

15. Is monetary relief the same as compensation?

No.

Monetary relief mainly covers financial expenses and losses caused by domestic violence, such as loss of earnings, medical expenses, damage to property, and maintenance.

A compensation order is a separate remedy that may be awarded for injuries, including mental torture and emotional distress. It is explained later in this booklet.

Relevant legal provisions: Sections 20 and 22 of the Act.

16. Will I receive a copy of the monetary relief order?

Yes.

Free copies of orders made under the Act must be given to the parties concerned, the police officer in charge of the relevant police station, and any registered service provider that has recorded the Domestic Incident Report, where applicable.

Relevant legal provision: Section 24 of the Act.

Safety note

If you are struggling to meet basic needs because of domestic violence, tell the Protection Officer, your lawyer, legal aid authority, or the Magistrate as early as possible. If you need urgent financial assistance for food, medicine, housing, or your children, ask whether interim monetary relief may be appropriate in your case. If discussing money with the respondent could place you at greater risk, avoid doing so without considering your safety.

CHAPTER 10

CUSTODY ORDERS

A custody order is an order about the temporary care of a child while a domestic violence case is being heard.

This chapter explains when you may ask the Magistrate for temporary custody, what the Magistrate may decide, and what can happen if contact with the respondent may harm the child.

1. What is a custody order?

A custody order is an order made by the Magistrate giving temporary custody of a child or children to the aggrieved woman, or to the person making the application on her behalf.

This means the child may be placed in the care of the woman or another person during the case, depending on what the Magistrate decides.

The Magistrate may also decide whether the respondent can visit the child, and how those visits should happen.

Relevant legal provision: Section 21 of the Act.

2. Is a custody order under this Act permanent?

The Act refers to temporary custody.

This means a custody order under the Domestic Violence Act is meant to give immediate or short-term protection and support during the domestic violence proceedings. It is not the same as a final decision on long-term guardianship or permanent custody under other family laws.

If there is a separate custody case in another court, you should tell the Magistrate about it.

Relevant legal provisions: Sections 21 and 26 of the Act.

3. When can I ask for a custody order?

You may ask for a custody order when you make an application under the Domestic Violence Act.

You may ask for it along with other reliefs, such as a protection order, residence order, monetary relief, compensation, or urgent orders.

The Magistrate may grant temporary custody at any stage of the hearing of the application for a protection order or any other relief under the Act.

Relevant legal provisions: Sections 12(1), 21 and 23 of the Act; rule 6 of the Rules.

4. Can I ask for an urgent custody order?

Yes, you may ask for urgent relief if the situation requires it.

The Magistrate may pass interim orders during the case. The Magistrate may also pass an *ex parte* order if the application shows that domestic violence has happened, is happening, or is likely to happen, and the legal requirements are met.

An *ex parte* order is an order made without first hearing the respondent.

This may be important where there is an urgent risk to you or your child. See Chapter 12: Urgent Orders: Interim and *Ex Parte* Relief for more information.

Relevant legal provisions: Section 23 of the Act; rule 7 and Form III of the Rules.

5. Can I ask for custody even if I am also asking for other orders?

Yes.

You can ask for more than one kind of help in the same application.

For example, you may ask for protection from violence, help with the shared household, money for expenses, compensation, and temporary custody of children, depending on what has happened and what you need.

Relevant legal provisions: Sections 12(1), 18, 19, 20, 21 and 22 of the Act.

6. Can someone else apply for a custody order on my behalf?

Yes.

You do not always have to make the application yourself. An application under the Act may be made by you, by a Protection Officer, or by another person on your behalf.

If you are asking for a custody order, the Magistrate may grant temporary custody of the child or children to you, or to the person who has made the application on your behalf.

A Protection Officer may also help you prepare and file an application. If the Magistrate directs it, the Protection Officer may assist you in regaining custody of children or securing visitation rights.

This may be useful if you are afraid, injured, unable to travel, being watched, or otherwise unable to seek help safely on your own.

Relevant legal provisions: Sections 12(1), 21 and 23 of the Act; rules 6, 8(1)(iii) and 10(1)(d) of the Rules.

7. Which children can a custody order cover?

The Act uses the word “child” to mean a person below 18 years of age. This includes an adopted child, step-child, or foster child.

A custody order may cover any child or children involved in the domestic violence application, if the Magistrate considers it appropriate.

Relevant legal provisions: Sections 2(b) and 21 of the Act.

8. Who can be given temporary custody of the child?

The Magistrate may give temporary custody to:

- the aggrieved woman;
- the person making the application on her behalf.

The order will depend on the facts placed before the Magistrate.

Relevant legal provision: Section 21 of the Act.

9. Can the respondent visit the child?

The Magistrate may make arrangements for the respondent to visit the child, if the Magistrate thinks this is appropriate.

The order may set out how visits should happen.

For example, the Magistrate may decide the time, place, or manner of visits, depending on the situation.

Relevant legal provision: Section 21 of the Act.

10. What if I am worried that visits may harm the child?

You can tell the Magistrate about your concern.

If the Magistrate is of the opinion that a visit by the respondent may be harmful to the interests of the child or children, the Magistrate must refuse to allow the visit.

The Act does not list every possible custody arrangement in detail. The exact order will depend on what is asked for, the facts of the case, and what the Magistrate considers appropriate under the Act.

You should explain clearly why you believe the visit may be harmful. For example, you may explain any violence, threats, fear, pressure, emotional harm, or risk to the child.

Relevant legal provision: Proviso to section 21 of the Act.

11. What if the respondent has taken the child away from me?

You can tell the Protection Officer, service provider, legal aid authority, police, or Magistrate what has happened.

Under the Domestic Violence Act, you may ask the Magistrate for temporary custody or for urgent orders, depending on the facts.

If the Magistrate gives directions, the Protection Officer may be required to assist in regaining custody of the child.

*Relevant legal provisions: Sections 12, 21 and 23 of the Act;
rule 10(1)(d) of the Rules.*

12. What if the child needs medical help or shelter?

You can ask for help.

A Protection Officer has duties relating to medical aid, shelter, and safety planning. The Rules say that the Protection Officer should assist the

aggrieved woman and any child in obtaining medical aid at a medical facility, including transport to the medical facility. The Rules also refer to assistance in obtaining transport to shelter.

If there is immediate danger, you may also seek urgent help from the police, a Protection Officer, a service provider, a shelter home, a medical facility, or a trusted support organisation.

Relevant legal provisions: Sections 6, 7 and 9 of the Act; rules 8(1)(iv), 8(1)(vi), 8(1)(vii) and 9 of the Rules.

13. Can I ask for a custody order if another case is already going on?

Yes, relief under the Domestic Violence Act may also be sought in other legal proceedings before a civil court, family court, or criminal court, if the proceeding affects the aggrieved woman and the respondent.

If you have already received any relief in another proceeding, you must inform the Magistrate.

Relevant legal provision: Section 26 of the Act.

14. Can a custody order be changed later?

It may be possible.

If there is a change in circumstances, the aggrieved woman or the respondent may apply to the Magistrate to alter, modify, or revoke an order made under the Act. The Magistrate may pass an appropriate order if satisfied that a change is needed.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provision: Section 25(2) of the Act.

15. Does a custody order mean the respondent has been finally declared unfit as a parent?

Not necessarily.

A custody order under this Act is about temporary custody and safety during domestic violence proceedings. The Act does not say that every custody order is a final decision on parental rights.

If a visit by the respondent may harm the child's interests, the Magistrate must refuse to allow such visit.

Relevant legal provision: Section 21 of the Act.

Safety note

If you believe the child is in immediate danger, seek urgent help. You may contact the police, a Protection Officer, a service provider, a shelter home, a medical facility, legal aid, or a trusted person.

If it is unsafe to keep custody papers, messages, school records, medical papers, or court documents with you, consider keeping copies with someone you trust or in another safe place.

CHAPTER 11

COMPENSATION ORDERS

A compensation order is an order asking the respondent to pay money for the harm caused by domestic violence.

This chapter explains what compensation may cover, how it is different from monetary relief, and when you may ask the Magistrate for it.

1. What is a compensation order?

A compensation order is an order made by the Magistrate directing the respondent to pay compensation and damages for injuries caused by domestic violence.

This can include compensation for mental torture and emotional distress.

In simple words, it is money ordered by the court for the harm caused by the domestic violence.

Relevant legal provision: Section 22 of the Act.

2. How do I request for a compensation order?

You can request a compensation order by making an application to the Magistrate under the Domestic Violence Act.

In the application, you can explain:

- what domestic violence happened;
- how it harmed you;
- whether you suffered mental torture or emotional distress;
- whether you suffered any physical injury or other harm;
- what compensation or damages you are asking for.

You can ask for compensation together with other orders, such as a protection order, residence order, monetary relief, custody order, or urgent order.

The application should be made in the form provided under the Rules, or as close to that form as possible. A Protection Officer can help you prepare the application and send it to the Magistrate.

If you have documents, messages, medical papers, photographs, or other material showing what happened or how it affected you, these may help. But not having all documents should not stop you from asking for help.

The Magistrate will decide whether to grant compensation, and how much, based on the facts and the legal requirements.

Relevant legal provisions: Sections 12(1), 12(2), 22 and 23 of the Act; rule 6 and Form II of the Rules.

3. What can I ask compensation for?

You may ask for compensation and damages for injuries caused by acts of domestic violence.

The Act specifically says this can include:

- mental torture; and
- emotional distress.

You do not need to have only physical injuries to ask for compensation.

The Act does not give a complete list of every injury that may be covered. The Magistrate will look at the facts of the case and the harm caused by the domestic violence.

Relevant legal provision: Section 22 of the Act.

4. Is compensation the same as monetary relief?

No. They are related, but they are not the same.

Monetary relief is mainly for expenses and losses caused by domestic violence. This may include loss of earnings, medical expenses, damage to property, and maintenance for you and your children.

See Chapter 9: Monetary Relief for more information.

Compensation is for the injury and harm caused by domestic violence. This can include mental torture and emotional distress.

Depending on the facts, you may ask for both monetary relief and compensation.

Relevant legal provisions: Sections 20 and 22 of the Act.

5. Can I ask for compensation together with other orders?

Yes.

You can ask for more than one kind of help in the same application.

For example, depending on what has happened, you may ask for a protection order, residence order, monetary relief, custody order, compensation order, or urgent order.

Relevant legal provisions: Sections 12(1), 18, 19, 20, 21, 22 and 23 of the Act; rule 6 and Form II of the Rules.

6. Do I need to file a separate case to ask for compensation?

Not necessarily.

An application under the Domestic Violence Act may include a request for compensation or damages. This means you may ask the Magistrate for compensation in the same domestic violence proceedings.

The Act also says this does not take away your right to file a separate suit for compensation or damages for injuries caused by domestic violence.

Relevant legal provisions: Sections 12(1), 12(2) and 22 of the Act; rule 6 and Form II of the Rules.

7. Who can ask the Magistrate for a compensation order?

The Act says that the Magistrate may pass a compensation order on an application made by the aggrieved person.

An application under section 12 may be made by:

- the aggrieved woman;
- a Protection Officer; or
- any other person on behalf of the aggrieved woman.

Relevant legal provisions: Sections 12(1) and 22 of the Act; rule 6 and Form II of the Rules.

8. When can I ask for compensation?

You may ask for compensation when making an application under the Domestic Violence Act.

You may also ask for it along with other reliefs, depending on your situation. The Act does not say that compensation can only be asked for after the case is over.

Relevant legal provisions: Sections 12(1), 12(2) and 22 of the Act; rule 6 and Form II of the Rules.

9. Can I ask for urgent compensation or temporary help?

The Magistrate may pass interim orders in proceedings under the Act.

The Magistrate may also pass an *ex parte* order if the legal requirements are met. An *ex parte* order is an urgent order that may be made without first hearing the respondent.

Section 23 says an *ex parte* order may be granted under section 22, which deals with compensation orders.

The court will decide whether urgent or temporary relief is appropriate based on the facts and the requirements of the Act.

See Chapter 12: Urgent Orders: Interim and Ex Parte Relief for more information.

Relevant legal provisions: Sections 22 and 23 of the Act; rule 7 and Form III of the Rules.

10. How much compensation can the Magistrate order?

The Act does not give a fixed amount or a fixed formula for compensation.

The Magistrate will decide based on the facts of the case, the harm caused, and the material placed before the court.

This means the amount may differ from case to case.

Relevant legal provision: Section 22 of the Act.

11. What information may help when asking for compensation?

You can explain what happened and how it affected you. If available, the following may help support your request:

- medical papers;

- counselling or mental health records;
- photographs;
- messages or call records;
- details of threats or abusive incidents;
- details of emotional distress or mental torture;
- proof of expenses or losses;
- witness details;
- any Domestic Incident Report.

*Relevant legal provisions: Sections 12, 20 and 22 of the Act;
rule 6 and Form II of the Rules.*

12. Can compensation include medical expenses?

Medical expenses are specifically mentioned under monetary relief.

If you have medical expenses because of domestic violence, you may ask for monetary relief under section 20. You may also ask for compensation under section 22 for injuries, including mental torture and emotional distress.

The Magistrate will decide what relief is appropriate based on the facts.

Relevant legal provisions: Sections 20 and 22 of the Act.

13. Can compensation include loss of income?

Loss of earnings is specifically mentioned under monetary relief.

If domestic violence caused loss of earnings, you may ask for monetary relief under section 20. If the violence also caused injury, mental torture, or emotional distress, you may ask for compensation under section 22.

The Magistrate will decide what order to make based on the facts.

Relevant legal provisions: Sections 20 and 22 of the Act.

14. Can I ask for compensation if I already have another case in court?

Yes.

The Act says that relief under sections 18, 19, 20, 21 and 22 may also be sought in other legal proceedings before a civil court, family court, or

criminal court, if the proceeding affects the aggrieved woman and the respondent.

If you have already received relief in another proceeding, you must inform the Magistrate.

Relevant legal provision: Section 26 of the Act.

15. What if another court has already ordered compensation or damages?

The Act says that asking for compensation under the Domestic Violence Act does not take away your right to file a separate suit for compensation or damages.

However, if another court has already passed a decree for compensation or damages in your favour, any amount paid or payable under the Magistrate's order under the Domestic Violence Act may be set off against the amount payable under that decree. The court will consider amounts already ordered so that the same amount is not recovered twice for the same harm.

Relevant legal provision: Section 12(2) of the Act.

16. Can I get a free copy of the compensation order?

If the Magistrate passes any order under the Act, a copy of the order must be given free of cost to the parties to the application, the police officer in charge of the relevant police station, and any service provider within the local limits of the court's jurisdiction. If a service provider has registered a Domestic Incident Report, that service provider should also receive a copy.

Relevant legal provision: Section 24 of the Act.

17. Can a compensation order be changed later?

It may be possible.

If there is a change in circumstances, the aggrieved woman or the respondent may apply to the Magistrate to alter, modify, or revoke an order made under the Act.

The Magistrate may pass an appropriate order if satisfied that a change is needed and must record reasons in writing.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provision: Section 25(2) of the Act.

18. Where can I file an application asking for compensation?

An application may be made to the Judicial Magistrate of the first class or the Metropolitan Magistrate within the local limits where:

- the aggrieved woman permanently or temporarily lives;
- the aggrieved woman carries on business or is employed;
- the respondent lives, carries on business, or is employed; or
- the cause of action arose.

The Act says any order made under it is enforceable throughout India.

Relevant legal provision: Section 27 of the Act.

Safety note

If asking for compensation may increase pressure, threats, or violence against you, speak to a Protection Officer, service provider, police officer, legal aid authority, shelter home, medical facility, lawyer, or trusted support organisation about safer steps.

You do not need to know the exact legal words before seeking help. You can explain what happened, how it affected you, and what support you need.

CHAPTER 12

URGENT ORDERS: INTERIM AND *EX PARTE* RELIEF

Sometimes, a woman experiencing domestic violence may need help before the main case is finally decided.

The Domestic Violence Act allows the Magistrate to pass urgent or temporary orders in appropriate cases. These orders can help protect the woman, her children, her home, her money, or her safety while the case is going on.

1. What is an interim order?

An interim order is a temporary order made while the case is still going on. It is meant to give help before the Magistrate makes a final decision in the case.

For example, an interim order may be used where immediate protection, residence-related help, money, custody-related help, or another urgent direction is needed.

The Magistrate may pass an interim order if the Magistrate thinks it is just and proper.

Relevant legal provision: Section 23(1) of the Act.

2. What is an *ex parte* order?

An *ex parte* order is an order made without first hearing the respondent.

This can happen in urgent situations, if the Magistrate is satisfied that the application shows domestic violence has happened, is happening, or is likely to happen.

The Act allows the Magistrate to make an *ex parte* order based on an affidavit filed by the aggrieved woman in the prescribed form.

*Relevant legal provisions: Section 23(2) of the Act;
rule 7 and Form III of the Rules.*

3. When can I ask for an urgent order?

You may ask for an urgent order if you need immediate protection or support while your case is still going on.

For example, you may need urgent help if:

- you are afraid that the violence may happen again;
- the violence is getting worse;
- you may be forced out of the home;
- you need urgent money for basic needs or medical expenses;
- there is a risk to your child;
- the respondent may take away property, money, jewellery, documents, or stridhan;
- waiting for the next hearing may place you or your children at risk.

The Magistrate will decide whether an urgent order should be made based on the facts and the law.

*Relevant legal provisions: Section 23 of the Act;
rule 6 and Form III of the Rules.*

4. What urgent orders can I ask for?

Depending on the facts, you may ask for urgent or temporary help connected to:

- a protection order;
- a residence order;
- monetary relief;
- a custody order;
- a compensation order.

Relevant legal provisions: Sections 18, 19, 20, 21, 22 and 23(2) of the Act.

5. Can I ask the court to stop the respondent from contacting me urgently?

Yes, you may ask for a protection order to stop the respondent from contacting or communicating with you.

This may include personal, oral, written, electronic, or telephone contact. If the situation is urgent, you may ask for this as an interim or *ex parte* order. The Magistrate will decide whether the order should be made.

Relevant legal provisions: Sections 18(d) and 23 of the Act.

6. Can I ask for urgent help to stay in the shared household?

Yes.

If you are being forced out, stopped from entering, or disturbed in the shared household, you may ask for a residence order.

The Magistrate may pass a residence order in appropriate cases. This may include stopping the respondent from forcing you out of the shared household, disturbing your possession, selling or dealing with the shared household, or entering certain parts of the shared household.

If the situation is urgent, you may ask for interim or *ex parte* relief.

Relevant legal provisions: Sections 17, 19 and 23 of the Act.

7. Can I ask for urgent money or maintenance?

Yes.

You may ask for monetary relief for expenses and losses caused by domestic violence. This may include medical expenses, loss of earnings, damage to property, and maintenance for you and your children.

If the need is urgent, you may ask the Magistrate for interim or *ex parte* relief. The Magistrate will decide what is appropriate based on the facts.

*Relevant legal provisions: Sections 20, 22 and 23 of the Act;
Form III of the Rules.*

8. Can I ask for urgent custody-related help?

Yes.

The Magistrate may grant temporary custody of a child or children to the aggrieved woman, or to the person making the application on her behalf.

If the Magistrate believes that a visit by the respondent may be harmful to the interests of the child or children, the Magistrate must refuse to allow such visit.

If the situation is urgent, you may ask for interim or *ex parte* relief.

Relevant legal provisions: Sections 21 and 23 of the Act.

9. How do I ask for an interim or *ex parte* order?

You can ask for an interim or *ex parte* order in your application to the Magistrate.

The Rules say that an application under section 12 should be made in Form II, or as close to that form as possible.

For an *ex parte* order, an affidavit under section 2(23) should be filed in Form III.

A Protection Officer can help you prepare the application and forward it to the Magistrate. If you cannot read or write, the Protection Officer must read over the application and explain its contents to you.

Relevant legal provisions: Sections 12 and 23 of the Act; rules 6 and 7 of the Rules; Forms II and III of the Rules.

10. What should I explain when asking for urgent help?

You should explain what happened and why urgent help is needed.

For example, you may explain:

- what domestic violence happened;
- whether it has happened before;
- whether you fear it may happen again;
- whether the situation is getting worse;
- whether you or your children may be in danger;
- whether you need urgent money, shelter, medical help, custody-related help, or protection;
- why waiting may make the situation unsafe.

If you have documents, messages, photographs, medical papers, witness details, or other material, these may help. But you can still ask for help even if you do not have all documents.

Relevant legal provisions: Sections 12 and 23 of the Act; rules 6 and 7 of the Rules; Forms II and III of the Rules.

11. Can someone else help me ask for urgent orders?

Yes.

You do not have to ask for urgent orders by yourself.

A Protection Officer can help you make an application. The Rules also say that a Protection Officer should help with applications, legal aid, medical aid, shelter, and safety planning where needed.

A service provider may also help you record what happened, arrange medical help or shelter, and connect you with the Magistrate, Protection Officer, or other support.

If you are afraid, injured, unable to travel, being watched, or otherwise unable to seek help safely on your own, you can ask a Protection Officer, service provider, legal aid authority, lawyer, police officer, or trusted support organisation for help.

Relevant legal provisions: Sections 9, 10, 12 and 23 of the Act; rules 6, 8 and 9 of the Rules.

12. Can the police be involved in urgent protection?

Yes, in some situations.

In an emergency, the Protection Officer or service provider must seek immediate police assistance under the Rules.

The Act also allows the Magistrate, while passing certain residence orders, to direct the officer in charge of the nearest police station to give protection to the aggrieved woman or assist in implementing the order.

Relevant legal provisions: Section 19(5) and section 19(7) of the Act; rule 9 of the Rules.

13. How quickly will the court pass an urgent order?

The Act says that after receiving an application, the Magistrate should fix the first date of hearing ordinarily within three days.

For emergency situations under the Rules, the Domestic Incident Report should be presented to the Magistrate without delay for appropriate orders.

The Act and Rules do not give one fixed time by which every interim or ex parte order must be passed. The actual timing may depend on the urgency, court practice, and facts of the case.

Relevant legal provisions: Section 12(4) of the Act; rule 9 of the Rules.

14. Will the respondent be told before the court makes an urgent order?

Usually, the respondent is given notice of the court case after the Magistrate fixes a hearing date.

However, in an urgent situation, the Magistrate may pass an ex parte order without first hearing the respondent, if the legal requirements are met. This means the respondent may not be told before that urgent order is made.

This does not mean the respondent will never be told about the case. After that, the court process will continue under the Act and Rules, and notice may be served on the respondent as required.

If you are worried that telling the respondent first may put you or your children in danger, explain this clearly when asking for urgent help.

*Relevant legal provisions: Sections 13 and 23(2) of the Act;
rule 12 of the Rules.*

15. Can an interim or *ex parte* order be changed later?

It may be possible.

If there is a change in circumstances, the aggrieved woman or the respondent may apply to the Magistrate to alter, modify, or revoke an order made under the Act.

The Magistrate may pass an appropriate order if satisfied that a change is needed, and must record reasons in writing.

Relevant legal provision: Section 25(2) of the Act.

16. What if the respondent disobeys an urgent order?

If the respondent breaches a protection order or an interim protection order, it is an offence under the Act.

A breach of a protection order or interim protection order can lead to punishment under the Act.

If an urgent order is disobeyed, you can seek help from the Protection Officer, police, service provider, legal aid authority, or the Magistrate.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15 of the Rules.*

Safety note

If you are in immediate danger, seek urgent help. You may contact the police, a Protection Officer, a service provider, a shelter home, a medical facility, legal aid, or a trusted person.

If you are asking for an *ex parte* order, try to explain clearly why waiting may be unsafe. If it is unsafe to keep papers, phone messages, or court documents with you, consider keeping copies with someone you trust or in another safe place.

Not having all documents should not stop you from asking for urgent help.

CHAPTER 13

FREE COPIES, DURATION, CHANGE, AND ENFORCEMENT OF ORDERS

After the Magistrate passes an order, it is important to understand what the order says, who should receive a copy, how long it may last, whether it can be changed, and what can be done if it is not followed.

This chapter explains these points in simple terms.

1. Will I get a copy of the Magistrate's order?

Yes.

If the Magistrate passes any order under the Act, you should receive a copy of that order for free.

Relevant legal provision: Section 24 of the Act.

2. Who else should receive a copy of the order?

A copy of the order should be given free of cost to:

- the parties to the application;
- the police officer in charge of the police station within the court's jurisdiction;
- any service provider located within the local limits of the court's jurisdiction; and
- any service provider that registered a Domestic Incident Report, if this applies.

This helps the relevant authorities and support providers know what the court has ordered.

Relevant legal provision: Section 24 of the Act.

3. What should I do after I receive the order?

Read the order carefully, or ask someone you trust to help you understand it. You may ask for help from a Protection Officer, legal aid authority, lawyer, service provider, police officer, or trusted support organisation.

Try to understand:

- what the respondent must do;
- what the respondent must not do;
- whether the order is temporary or final;
- whether any payment has to be made;
- whether there are directions about the shared household;
- whether there are directions about children;
- what to do if the respondent does not follow the order.

If it is unsafe to keep the order with you, consider keeping a copy with someone you trust or in another safe place.

*Relevant legal provisions: Sections 24 and 25 of the Act;
rules 8 and 10 of the Rules.*

4. Do all orders last for the same length of time?

The Act gives a specific rule for the duration of a protection order under section 18.

The Act does not give one single fixed duration for every type of order, such as residence orders, monetary relief, custody orders, compensation orders, interim orders, or ex parte orders.

The duration may depend on what the Magistrate says in the order and whether the order is later changed, modified, or revoked.

*Relevant legal provisions: Sections 18, 19, 20,
21, 22, 23 and 25 of the Act.*

5. Can an order be changed later?

Yes.

If there is a change in circumstances, the aggrieved woman or the respondent may apply to the Magistrate to alter, modify, or revoke an order made under the Act.

The Magistrate may change the order if satisfied that a change is needed. The Magistrate must record reasons in writing.

Relevant legal provision: Section 25(2) of the Act.

6. Can the respondent ask the court to change the order?

Yes.

The Act allows either the aggrieved woman or the respondent to apply for alteration, modification, or revocation of an order if there is a change in circumstances.

This does not mean the order will automatically be changed. The Magistrate must be satisfied that a change is needed.

Relevant legal provision: Section 25(2) of the Act.

7. What if I am being pressured to agree to change or cancel the order?

Tell the Magistrate, Protection Officer, lawyer, legal aid authority, or service provider if you are being pressured, threatened, forced, or misled into agreeing to change or cancel an order.

The Rules say that an order under section 25 should be passed only after the court is satisfied that the application is not affected by force, fraud, coercion, or any other such factor.

*Relevant legal provisions: Section 25 of the Act;
rule 14(17) of the Rules.*

8. What does “enforcement” mean?

Enforcement means taking steps to make sure that the court’s order is followed.

For example, enforcement may be needed if the respondent:

- continues to contact you despite a protection order;
- refuses to pay monetary relief ordered by the court;
- forces you out of the shared household despite a residence order;
- refuses to return property or stridhan as ordered;

- does something the court has told him not to do.

Relevant legal provisions: Sections 19, 20, 24, 25, 31 and 32 of the Act; rules 10 and 15 of the Rules.

9. Who can help me if the order is not being followed?

You may seek help from:

- the Protection Officer;
- the police;
- the Magistrate;
- a service provider;
- a legal aid authority;
- a lawyer;
- a trusted support organisation.

The Rules say that, if directed by the Magistrate, the Protection Officer must assist the court in enforcing orders made under the Act.

Relevant legal provisions: Sections 9, 19, 20, 31 and 32 of the Act; rules 10 and 15 of the Rules.

10. Can a Protection Officer help with enforcement?

Yes, if directed by the Magistrate.

The Rules say that the Protection Officer may assist the court in enforcing orders made under the Act, including orders under sections ,20 ,19 ,18 ,12 21 and 23.

The Protection Officer may also help with other steps directed by the court, such as restoring possession of personal effects, including gifts and jewellery, or assisting with custody-related directions.

Relevant legal provisions: Section 9 of the Act; rule 10(1)(c), rule 10(1)(d) and rule 10(1)(e) of the Rules.

11. Can the police help enforce an order?

In some situations, yes.

For residence orders, the Magistrate may direct the officer in charge of the nearest police station to give protection to the aggrieved woman or help her or the person applying on her behalf to implement the order.

The Magistrate may also direct police assistance in implementing a protection order.

If there is a breach of a protection order or interim protection order, the matter may be reported to the police.

Relevant legal provisions: Sections 19(5), 19(7), 31 and 32 of the Act; rule 15 of the Rules.

12. What if the respondent does not pay monetary relief?

If the Magistrate orders monetary relief, the respondent must pay it within the period stated in the order.

If the respondent does not pay, the Magistrate may direct the respondent's employer or debtor to pay a portion of the respondent's wages, salary, or debt directly to the aggrieved woman or deposit it with the court. This amount may be adjusted towards the monetary relief payable by the respondent.

The Protection Officer also has a duty to ensure that an order for monetary relief is complied with and executed according to the prescribed procedure.

Relevant legal provisions: Sections 9(1)(h), 20(5) and 20(6) of the Act; rule 6(5) of the Rules.

13. What if the respondent does not follow a residence order?

If the respondent does not follow a residence order, you may seek help from the Protection Officer, police, legal aid authority, service provider, lawyer, or Magistrate.

The Magistrate may direct police help to protect you or assist in implementing the order.

If the court has directed the Protection Officer to help with enforcement, the Protection Officer must assist in the manner directed by the Magistrate.

Relevant legal provisions: Sections 19(5), 19(7), 19(8) and 25 of the Act; rule 10(1)(e) of the Rules.

14. What if the respondent refuses to return my *stridhan*, jewellery, or property?

If the Magistrate has ordered the respondent to return your *stridhan* or other property or valuable security, and the respondent does not do so, you may ask for help in enforcing the order.

The Rules say that, if directed by the Magistrate, the Protection Officer may restore possession of personal effects, including gifts and jewellery, to the aggrieved woman.

*Relevant legal provisions: Sections 19(8) and 25 of the Act;
rule 10(1)(c) of the Rules.*

15. What if the respondent breaches a protection order?

A breach of a protection order or interim protection order by the respondent is an offence under the Act.

It may be punished with imprisonment for a term that may extend to one year, or with a fine that may extend to ₹20,000, or with both.

The offence is cognizable and non-bailable, which means that a breach of this order is a serious matter. You may report the breach to the Protection Officer, Magistrate, or police.

See Chapter 15: Breach of Protection Order and Penalties for more information.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15 of the Rules.*

16. How do I report a breach of a protection order?

You may report a breach of a protection order or interim protection order to the Protection Officer.

See Chapter 15: Breach of Protection Order and Penalties for more information.

17. What if someone tries to stop the order from being enforced?

The Rules say that any resistance to enforcement of court orders under the Act by the respondent, or by any other person acting on his behalf, will be treated as a breach of a protection order or interim protection order covered under the Act.

If someone is trying to stop the order from being carried out, seek help from the Protection Officer, police, Magistrate, legal aid authority, or service provider.

Relevant legal provision: Rule 15(7) of the Rules.

18. Is an order under the Domestic Violence Act valid outside my district or state?

Yes.

The Act says that any order made under the Act is enforceable throughout India.

This means the order is not limited only to the place where it was passed.

Relevant legal provision: Section 27(2) of the Act.

19. What if I lose my copy of the order?

The Act says that the court must give free copies of the order when the order is passed.

The Act and Rules reviewed here do not clearly state the process for getting another copy if you lose it.

You may ask the court, Protection Officer, legal aid authority, lawyer, or service provider how to get another copy.

Relevant legal provision: Section 24 of the Act.

20. Should I keep proof if the order is not followed?

If it is safe to do so, keeping proof may help. This may include:

- messages;
- call records;
- photographs;
- medical papers;
- witness details;
- payment records;
- bank records;

- police complaint details;
- dates and times of incidents.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15 of the Rules.*

Safety note

If the respondent disobeys an order or you feel unsafe, seek help quickly. You may contact the police, Protection Officer, Magistrate, service provider, legal aid authority, shelter home, medical facility, lawyer, or trusted support organisation.

If it is unsafe to keep the court order, messages, or other documents with you, consider keeping copies with a trusted person or in another safe place.

If there is immediate danger, contact the police or emergency services.

CHAPTER 14

APPEAL

If you disagree with an order made by the Magistrate under the Domestic Violence Act, you may be able to ask a higher court to look at it.

This is called an appeal.

This chapter explains what an appeal is, where it goes, how much time you have, and what points need legal help or local verification.

1. What is an appeal?

An appeal is a request to a higher court to look at an order made by the Magistrate.

An appeal is not the same as making a fresh complaint from the beginning. It is a way to challenge an order that has already been made.

Relevant legal provision: Section 29 of the Act.

2. Can I appeal against an order made by the Magistrate?

Yes.

The Act says that an appeal can be made against an order made by the Magistrate under the Domestic Violence Act.

Accordingly, if you are aggrieved by the order, you may file an appeal before the Court of Session, which is empowered to examine the correctness of the order.

Relevant legal provision: Section 29 of the Act.

3. Who can file an appeal?

Either the aggrieved woman or the respondent may appeal against an order made by the Magistrate, if they are affected by it.

Relevant legal provision: Section 29 of the Act.

4. Where do I file an appeal?

An appeal under the Domestic Violence Act is made to the Court of Session.

The Act does not give detailed step-by-step filing instructions in section 29. Local court procedure may need to be checked.

Relevant legal provision: Section 29 of the Act.

5. How much time do I have to appeal?

An appeal must be filed within 30 days.

The 30 days are counted from the date on which the Magistrate's order is served on the aggrieved person or the respondent, whichever is later.

Relevant legal provision: Section 29 of the Act.

6. What does “served with the order” mean?

“Served with the order” means that the order has been formally given or delivered to the person in the way required by law or court procedure.

The Act uses the date of service to calculate the 30-day appeal period.

If you are unsure when the order was served, ask the court, a lawyer, legal aid authority, or Protection Officer for help checking the date.

Relevant legal provision: Section 29 of the Act.

7. Can I appeal if I disagree with only part of the order?

You may be able to appeal against the part of the order that affects you.

For example, a person may disagree with the amount of monetary relief, a residence direction, a custody direction, or another part of the order.

Relevant legal provision: Section 29 of the Act.

8. Can I appeal against an *ex parte* or interim order?

Yes.

An appeal against an interim or *ex parte* order of the Magistrate, including an order under Section 23 of the Domestic Violence Act, may generally be filed before the Court of Session within 30 days from the date of service of the order on the aggrieved person or the respondent, whichever is later. The appellate court may also grant appropriate interim relief, including a stay of the impugned order, where warranted.

Relevant legal provisions: Sections 23 and 29 of the Act.

9. Can the respondent appeal against an order that protects me?

Yes.

The respondent may appeal if he is affected by an order made by the Magistrate. This does not mean the order is automatically cancelled. The order should be treated as effective unless a court changes it, sets it aside, or stays it.

Relevant legal provisions: Sections 25 and 29 of the Act.

10. Does filing an appeal automatically stop the Magistrate's order?

The Act and Rules do not say that filing an appeal automatically stops the Magistrate's order.

This means the order should be treated as still in force unless a court changes it, sets it aside, or stays it.

If you are worried about safety or enforcement during an appeal, seek help from a Protection Officer, police officer, legal aid authority, lawyer, service provider, or the court.

Relevant legal provisions: Sections 24, 25, 29, 31 and 32 of the Act.

11. Can I ask for the order to be changed instead of appealing?

Sometimes, yes.

If there is a change in circumstances, the aggrieved woman or the respondent may apply to the Magistrate to alter, modify, or revoke an order made under the Act.

This is different from an appeal.

An appeal asks the Court of Session to review the Magistrate's order. An application under section 25 asks the Magistrate to change, modify, or cancel an order because circumstances have changed.

Relevant legal provisions: Sections 25 and 29 of the Act.

12. What if I miss the 30-day time limit?

If an appeal is filed after the 30-day time limit, it is not automatically rejected. The person filing the appeal may ask the Court of Session to excuse the delay by explaining the reasons why the appeal could not be filed on time. If the court is satisfied that there was sufficient cause for the delay, it may allow the appeal to proceed. Whether the delay is excused depends on the facts of each case and the reasons given for filing the appeal late.

If the 30-day time limit has passed, seek legal advice as soon as possible.

Relevant legal provision: Section 29 of the Act.

13. Can I get legal help with an appeal?

Yes.

You can get legal help to file an appeal. You may engage a lawyer of your choice or, if you are eligible, obtain free legal aid through the District or State Legal Services Authority under the Legal Services Authorities Act, 1987. A Protection Officer can also provide information about available legal aid services.

Relevant legal provisions: Sections 5 and 9 of the Act; rule 8 of the Rules.

14. What should I do first if I am thinking about an appeal?

When the Magistrate passes an order under the Act, you should receive a free copy of the order.

If you already have the order, keep it safe and read it carefully. If it is difficult to understand, ask a lawyer, legal aid authority, Protection Officer, service provider, or trusted support organisation to explain it to you.

You may wish to:

- check the date when the order was served on you;
- check the date when the order was served on the respondent, if you can find this out;
- note the parts of the order you disagree with;
- seek legal help as soon as possible;
- keep copies of the order and related papers in a safe place.

The date of service is important because the 30-day appeal period is counted from the date the order is served on the aggrieved person or the respondent, whichever is later.

If you did not receive a copy of the order, or if you lost it, ask the court, Protection Officer, legal aid authority, lawyer, or service provider for help getting a copy quickly.

If there is a risk of violence, pressure, or retaliation because of the order or appeal, seek safety support.

*Relevant legal provisions: Sections 24 and 29 of the Act;
rule 8 of the Rules.*

15. Can an appeal be filed in another state?

The Act says that an appeal lies to the Court of Session.

It also says that orders made under the Act are enforceable throughout India.

However, the Act and Rules reviewed here do not give detailed rules on where an appeal should be filed if the parties have moved to another district or state after the order was made.

Relevant legal provisions: Sections 27(2) and 29 of the Act.

16. Do I have to face the respondent during an appeal?

The Act and Rules reviewed here do not give detailed rules on how appeal hearings are conducted.

If you are worried about safety, pressure, or intimidation during the appeal process, tell your lawyer, legal aid authority, Protection Officer, service provider, or the court.

Relevant legal provisions: Sections 14, 15, 16 and 29 of the Act.

Safety note

If an appeal is filed, or if you are thinking about filing an appeal, keep safety in mind.

If the respondent is angry about the Magistrate's order, threatens you, pressures you to withdraw, or tries to stop you from going to court, seek help quickly. You may contact the Protection Officer, police, service provider, legal aid authority, lawyer, shelter home, medical facility, or a trusted support organisation.

If there is already a protection order or interim protection order, and the respondent breaches it, this may be an offence under the Act.

See Chapter 15: Breach of Protection Order and Penalties for more information on this.

CHAPTER 15

BREACH OF PROTECTION ORDER AND PENALTIES

A protection order is meant to help keep you safe from further domestic violence.

If the respondent disobeys a protection order or an interim protection order, the Act treats this seriously. This chapter explains what a breach means, how it can be reported, and what penalties may apply.

1. What is a breach of a protection order?

A breach means that the respondent does something that the protection order, or interim protection order, tells him not to do.

For example, if the order says the respondent must not contact you, and he calls, messages, follows, threatens, or visits you, this may be a breach.

The exact meaning will depend on what the Magistrate's order says.

*Relevant legal provisions: Sections 18, 23, 31 and 32 of the Act;
rule 15 of the Rules.*

2. What is an interim protection order?

An interim protection order is a temporary protection order made while the case is still going on.

It may be made when the Magistrate thinks temporary protection is needed before the final decision in the case.

A breach of an interim protection order is also an offence under the Act. See Chapter 12: Urgent Orders: Interim and *Ex Parte* Relief for more information.

*Relevant legal provisions: Sections 23, 31 and 32 of the Act;
rule 15 of the Rules.*

3. What kinds of acts may breach a protection order?

This depends on what the order says.

A protection order may stop the respondent from doing things such as:

- committing domestic violence;
- helping someone else commit domestic violence;
- entering your workplace, or a child's school or other place you often go;
- contacting you in person, by phone, in writing, electronically, or in any other way;
- dealing with certain assets, bank accounts, lockers, stridhan, or property without the Magistrate's permission;
- causing violence to people who help you;
- doing any other act mentioned in the protection order.

If the respondent does something the order prohibits, this may be a breach.

*Relevant legal provisions: Sections 18, 23, 31 and 32 of the Act;
rule 15 of the Rules.*

4. Is breach of a protection order a criminal offence?

Yes.

A breach of a protection order or interim protection order by the respondent is an offence under the Act.

This means it can lead to criminal consequences.

Relevant legal provision: Section 31 of the Act.

5. What punishment might the respondent face for breaching a protection order?

If the respondent breaches a protection order or interim protection order, he may be punished with:

- imprisonment for a term that may extend to one year;
- a fine that may extend to ₹20,000; or
- both imprisonment and fine.

The court will decide the punishment according to law.

Relevant legal provision: Section 31(1) of the Act.

6. What does “cognizable” mean?

“Cognizable” means the police can take action in relation to the offence as allowed by criminal procedure.

The Act says that breach of a protection order or interim protection order is a cognizable offence.

In simple words, the law treats this as a serious matter that the police can act on.

Relevant legal provisions: Section 32(1) of the Act; rule 15(8) of the Rules.

7. What does “non-bailable” mean?

“Non-bailable” means bail is not automatic.

It does not mean bail can never be granted. It means the court will decide whether bail should be given, based on the law and the facts.

Relevant legal provisions: Section 32(1) of the Act; rule 15(9) of the Rules.

8. How do I report a breach?

You may report the breach to the Protection Officer.

The Rules say that the report should be in writing and signed by the person giving the information. The Protection Officer should then send a copy of the complaint, along with a copy of the protection order, to the Magistrate for appropriate orders.

You may also make a complaint directly to the Magistrate or the police if you choose.

Relevant legal provisions: Sections 31 and 32 of the Act; rule 15(1), rule 15(2), rule 15(3) and rule 15(4) of the Rules.

9. What should I include when reporting a breach?

If it is safe to do so, try to explain:

- what the protection order says;

- when the breach happened;
- where it happened;
- what the respondent did;
- whether there were threats, violence, messages, calls, visits, or pressure;
- whether any children or other people were affected;
- whether you need urgent protection, shelter, medical help, or police help.

If you have a copy of the order, messages, call records, photographs, medical papers, or witness details, these may help. But not having all documents should not stop you from seeking help, especially if you are unsafe.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15 of the Rules.*

10. Can the court act based on my statement?

Yes, it may.

The Act says that the court may conclude that the offence of breach has been committed based on the sole testimony of the aggrieved person.

This means your own statement can be important.

It does not mean the court must always decide the case only on your statement. The court will consider the law and the facts.

Relevant legal provision: Section 32(2) of the Act.

11. Can I go directly to the police?

Yes.

The Rules say that the aggrieved person may make a complaint of breach of a protection order or interim protection order directly to the police, if she chooses.

You may also approach the Magistrate or the Protection Officer.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15(4) and rule 15(8) of the Rules.*

12. Can a Protection Officer help me after a breach?

Yes.

If a protection order has been breached and you ask the Protection Officer for help, the Rules say the Protection Officer should immediately rescue you by seeking help from the local police station.

The Protection Officer should also assist you in lodging a report with the local police authorities in appropriate cases.

*Relevant legal provisions: Sections 9, 31 and 32 of the Act;
rule 15(5) of the Rules.*

13. What if the respondent keeps calling or messaging me?

If the protection order stops the respondent from contacting you, then calls, messages, emails, social media messages, or other contact may be a breach.

Keep a record if it is safe to do so. You may report the breach to the Protection Officer, Magistrate, or police.

*Relevant legal provisions: Sections 18(d), 31 and 32 of the Act;
rule 15 of the Rules.*

14. What if the respondent threatens people who help me?

A protection order may stop the respondent from causing violence to your relatives, dependants, or people who help you.

If the respondent threatens or harms someone because they helped you, this may be a breach if it goes against the protection order.

*Relevant legal provisions: Sections 18(f), 31 and 32 of the Act;
rule 15 of the Rules.*

15. What if someone else helps the respondent disobey the order?

The Rules say that resistance to enforcement of court orders under the Act by the respondent, or by any other person acting on his behalf, will be treated as a breach of a protection order or interim protection order.

If someone is helping the respondent stop the order from being carried out, you may report this and seek help.

Relevant legal provision: Rule 15(7) of the Rules.

16. What if the respondent disobeys a residence order or monetary order?

If the respondent does not pay monetary relief, the Magistrate may direct the respondent's employer or debtor to pay part of the respondent's wages, salary, or debt directly to you or deposit it with the court. This amount may then be adjusted towards the money the respondent was ordered to pay.

If the respondent does not follow a residence order, you may ask for help from the Magistrate, Protection Officer, police, legal aid authority, lawyer, or service provider. The Magistrate may direct police protection or direct the Protection Officer to help implement the residence order.

See Chapter 13: Free Copies, Duration, Change, and Enforcement of Orders for more information.

Relevant legal provisions: Sections 19(5), 19(6), 20(5), 20(6), 31 and 32 of the Act; rule 15(7) of the Rules.

17. Which court usually deals with the breach?

As far as practicable, the offence should be tried by the Magistrate who passed the order that is alleged to have been breached.

This means the same Magistrate who made the protection order may usually deal with the breach, where practicable.

Relevant legal provision: Section 31(2) of the Act.

18. Can other criminal charges also be considered?

Yes, in some cases.

The Act says that while framing charges for breach of a protection order, the Magistrate may also frame charges under certain other criminal laws if the facts show that those offences may have been committed.

This depends on the facts and the current criminal law.

Relevant legal provisions: Sections 31(3) and 36 of the Act; rule 15(6) of the Rules.

19. What conditions can the court impose if the respondent gets bail?

If the respondent is arrested under the Act and the court grants bail, the Rules say the court may impose conditions to protect the aggrieved woman and make sure the accused appears before the court.

These conditions may include orders stopping the respondent from:

- threatening or committing domestic violence;
- harassing, telephoning, or contacting the aggrieved woman;
- entering or staying near her residence or places she is likely to visit;
- possessing or using a firearm or dangerous weapon;
- consuming alcohol or other drugs.

The court may also impose other conditions needed for protection, safety, and adequate relief.

Relevant legal provision: Rule 15(9) of the Rules.

20. What if I need immediate help after a breach?

If you are in immediate danger, seek urgent help. You may contact the police, Protection Officer, Magistrate, service provider, shelter home, medical facility, legal aid authority, lawyer, or a trusted support organisation.

If you ask the Protection Officer for help after a breach, the Rules say the Protection Officer should seek help from the local police station and assist you in lodging a report in appropriate cases.

Relevant legal provisions: Sections 31 and 32 of the Act; rule 15(5) and rule 15(8) of the Rules.

21. What if the police or Protection Officer does not act?

If a breach is not being taken seriously, you may seek help from another available authority or support person, such as the Magistrate, legal aid authority, service provider, lawyer, or trusted support organisation.

The Act and Rules contain duties for Protection Officers and other authorities, but the exact local steps for complaints against officials may depend on state practice and current procedure.

See Chapter 16: If Officials or Support Providers Fail to Act for more information.

Relevant legal provisions: Sections 5, 9, 31, 32, 33 and 34 of the Act; rule 15 of the Rules.

Safety Note

If the respondent breaches a protection order, take the risk seriously.

If there is immediate danger, contact the police or emergency services. If possible, keep a copy of the protection order with you or with someone you trust. If it is unsafe to keep documents, messages, or recordings on your phone, consider storing copies in another safe place.

You do not have to wait for repeated breaches before seeking help.

CHAPTER 16

IF OFFICIALS OR SUPPORT PROVIDERS FAIL TO ACT

The Domestic Violence Act gives duties to different people and authorities, including police officers, Protection Officers, service providers, shelter homes, medical facilities and the Magistrate.

This chapter explains what you can do if someone who is supposed to help does not act, delays, refuses help, or does not explain your rights.

1. Who has duties under the Domestic Violence Act?

Several people and bodies have duties under the Act and Rules.

These include:

- police officers;
- Protection Officers;
- service providers;
- shelter homes;
- medical facilities;
- the Magistrate;
- Central and State Governments.

Their duties are not all the same. Some must give information about your rights. Some must help with applications, shelter, medical aid, emergency action, or enforcement of orders.

Relevant legal provisions: Sections 5, 6, 7, 8, 9, 10 and 11 of the Act; rules 4, 5, 8, 9, 10, 16 and 17 of the Rules.

2. What should officials tell me when I seek help?

If a police officer, Protection Officer, service provider or Magistrate receives a complaint of domestic violence, is present at the place of domestic violence,

or receives a report of domestic violence, they must inform the aggrieved woman about certain rights.

They must tell her about:

- her right to ask for orders under the Act;
- the availability of service providers;
- the availability of Protection Officers;
- her right to free legal services;
- her right to file a criminal complaint where relevant.

The orders she may ask for include protection, residence, monetary relief, custody, compensation, or more than one of these.

Relevant legal provision: Section 5 of the Act.

3. What if no one explained my rights to me?

If no one explained your rights, you can still ask for help under the Act.

You may ask a Protection Officer, service provider, police officer, legal aid authority, lawyer, or trusted support organisation to explain what help is available.

You may also make an application to the Magistrate. An application may be made by you, a Protection Officer, or any other person on your behalf.

*Relevant legal provisions: Sections 5, 9, 10 and 12 of the Act;
rule 8 of the Rules.*

4. What if the Protection Officer does not make a Domestic Incident Report?

A Protection Officer must make a Domestic Incident Report after receiving a complaint of domestic violence.

The report must be submitted to the Magistrate, and copies must be forwarded to the police officer in charge of the police station and to service providers in that area.

If the Protection Officer does not act, you may seek help from another available route. You may approach the Magistrate, police, a service provider, legal aid authority, lawyer, or trusted support organisation.

You may also make an application to the Magistrate yourself, or through another person on your behalf.

Relevant legal provisions: Sections 9 and 12 of the Act; rules 4, 5 and 6 of the Rules.

5. What if the Protection Officer does not help me file an application?

If you want to apply for relief under the Act, the Protection Officer should help you make the application and forward it to the Magistrate.

If you cannot read or write, the Protection Officer should read over the application and explain its contents to you.

If the Protection Officer does not help, you may still apply to the Magistrate. An application may be made by you, by a Protection Officer, or by any other person on your behalf.

Relevant legal provisions: Sections 9 and 12 of the Act; rule 6 of the Rules.

6. What if I need urgent help and the Protection Officer or service provider does not act?

In an emergency, if a Protection Officer or service provider receives reliable information that domestic violence is being committed or is likely to be committed, the Rules say they must seek immediate police assistance.

The police should accompany the Protection Officer or service provider to the place of occurrence. A Domestic Incident Report should be recorded and presented to the Magistrate without delay for appropriate orders.

If this does not happen, and you are unsafe, seek help from another available route immediately. You may contact the police, Magistrate, legal aid authority, shelter home, medical facility, lawyer, or another trusted support organisation.

Relevant legal provisions: Rule 9 of the Rules; sections 5, 9, 10, 12 and 23 of the Act.

7. What if the police do not help me?

The Act says police officers must inform an aggrieved woman of her rights when they receive a complaint of domestic violence, are present at the place of domestic violence, or receive a report of domestic violence.

If the police do not help, the Domestic Violence Act does not provide a specific complaint procedure against them. You may seek help from a Protection Officer, the Magistrate, the District or State Legal Services Authority, a registered service provider, a lawyer, or a trusted support organisation.

*Relevant legal provisions: Section 5 of the Act;
rule 9 and rule 15 of the Rules.*

8. What if a service provider does not help me?

A registered service provider may help by recording a Domestic Incident Report, arranging medical examination, helping with shelter, and connecting you with the Protection Officer or Magistrate.

Service providers also have duties under section 5 when they receive a complaint, are present at the place of domestic violence, or receive a report of domestic violence.

If one service provider does not help, you may approach another service provider, a Protection Officer, police officer, Magistrate, legal aid authority, lawyer, shelter home, medical facility, or trusted support organisation.

*Relevant legal provisions: Sections 5 and 10 of the Act;
rules 5, 9 and 11 of the Rules.*

9. What if a shelter home refuses to give me shelter?

If an aggrieved woman, or a Protection Officer or service provider on her behalf, requests shelter, the person in charge of the shelter home must provide shelter.

The Rules also say that a shelter home should not refuse shelter only because a Domestic Incident Report has not already been lodged.

If a shelter home refuses help, seek assistance from a Protection Officer, service provider, police officer, Magistrate, legal aid authority, lawyer, or another shelter or support organisation.

If it is safe, ask for the refusal to be recorded or ask a support person to help follow up.

*Relevant legal provisions: Section 6 of the Act;
rule 16 of the Rules.*

10. What if a medical facility refuses medical help?

If an aggrieved woman, or a Protection Officer or service provider on her behalf, requests medical aid, the person in charge of the medical facility must provide medical aid.

The Rules say that a medical facility should not refuse medical assistance only because a Domestic Incident Report has not already been lodged.

If no Domestic Incident Report has been made, the person in charge of the medical facility should fill in Form I and forward it to the local Protection Officer.

If a medical facility refuses help, seek assistance from another medical facility, Protection Officer, service provider, police officer, Magistrate, legal aid authority, lawyer, or trusted support organisation.

Relevant legal provisions: Section 7 of the Act; rule 17 of the Rules.

11. What if the Protection Officer does not help after a breach of a protection order?

If a protection order or interim protection order has been breached, you may report it to the Protection Officer.

The Rules say the Protection Officer should forward the complaint, along with a copy of the protection order, to the Magistrate for appropriate orders.

If you seek the Protection Officer's help after a breach, the Rules say the Protection Officer should immediately rescue you by seeking help from the local police station and assist you in lodging a report with the police in appropriate cases.

You may also complain directly to the Magistrate or police if you choose.

See Chapter 15: Breach of Protection Order and Penalties for more information.

*Relevant legal provisions: Sections 31 and 32 of the Act;
rule 15 of the Rules.*

12. Can a Protection Officer be punished for not doing their duty?

Yes, in some situations.

If a Protection Officer fails or refuses to discharge duties as directed by the Magistrate in a protection order, without sufficient cause, the Protection Officer may be punished.

The punishment may be imprisonment for a term that may extend to one year, or a fine that may extend to twenty thousand rupees, or both.

This does not apply to every delay or mistake. The Act refers specifically to failure or refusal to discharge duties as directed by the Magistrate in the protection order, without sufficient cause.

Relevant legal provision: Section 33 of the Act.

13. Can I take legal action against a Protection Officer under the Act?

In some situations, the Act allows action against a Protection Officer who does not do their duty.

However, the Act says that a prosecution or other legal proceeding against a Protection Officer cannot go ahead unless a complaint is filed with the previous sanction of the State Government, or an officer authorised by the State Government.

A “sanction” means formal permission or approval. In this context, “previous sanction” means that the required permission must be obtained before the prosecution or legal proceeding can go ahead.

The Act and Rules reviewed here do not explain the step-by-step process for asking for this sanction, or which officer is authorised in each State.

Relevant legal provisions: Sections 33 and 34 of the Act.

14. What does “sufficient cause” mean?

Section 33 says a Protection Officer may be punished if they fail or refuse to discharge duties as directed by the Magistrate in the protection order “without any sufficient cause”.

As the Act does not give a full explanation of what counts as sufficient cause, this may depend on the facts, the Magistrate’s direction, and the law applied by the court.

Relevant legal provision: Section 33 of the Act.

15. What can I do if one person or office is not helping?

If one person or office is not helping, you may try another safe and available route.

Depending on the situation, you may approach:

- the Magistrate;
- another Protection Officer, if available;
- the police;
- a service provider;
- a shelter home;
- a medical facility;
- the legal aid authority;
- a lawyer;
- a trusted support organisation.

If you can do so safely, keep a note of:

- the date and time you asked for help;
- the name or office of the person you contacted;
- what you asked for;
- what response you received;
- any refusal, delay, threat, or pressure;
- any documents, messages, call records, or complaint numbers.

Not having these details should not stop you from seeking urgent help.

Relevant legal provisions: Sections 5, 6, 7, 9, 10, 12, 23, 31 and 32 of the Act; rules 4, 5, 6, 8, 9, 15, 16 and 17 of the Rules.

16. Can I ask the Magistrate for help if officials do not act?

Yes, you may approach the Magistrate for relief under the Act.

An application under section 12 may be made by you, a Protection Officer, or any other person on your behalf.

If an order has already been made and is not being followed, you may seek help with enforcement. If a protection order or interim protection order has been breached, that breach may be reported under the Act and Rules.

Relevant legal provisions: Sections 12, 23, 25, 31 and 32 of the Act; rules 6, 10 and 15 of the Rules.

Safety note

If officials or support providers do not act and you are in danger, try another safe route quickly. You may contact the police, Magistrate, Protection Officer, service provider, shelter home, medical facility, legal aid authority, lawyer, or a trusted support organisation.

If it is safe, keep notes or copies of requests for help and any refusals. If it is unsafe to keep papers or messages with you, consider storing copies with someone you trust or in another safe place.

You do not have to wait for repeated refusals before seeking help elsewhere.

ACKNOWLEDGEMENT

This booklet is a collaborative effort dedicated to equipping women with the legal knowledge and tools necessary to claim their rights, ensure their safety, and navigate the justice system. It exists thanks to a dedicated network of legal professionals, advocates, and community allies.

To the courageous women navigating the legal system

This work is dedicated to you. Your pursuit of justice, safety, and independence inspires this project. It is our hope that these pages demystify the law, break down systemic barriers, and serve as a powerful shield and tool for your empowerment.

To the legal professionals and *pro bono* advocates

Thank you to the legal experts who contributed their expertise. Your technical guidance ensures this book reflects accurate, practical, and actionable legal pathways. Thank you for your commitment to making justice accessible to all women.

To the frontline advocates and caseworkers

Thank you to the advocacy groups, shelter staff, and community organisers who guide women through legal crises daily. Your hands-on experience informed the real-world strategy of this book, ensuring it addresses the immediate, practical legal needs of survivors.

To the editorial and research teams

Thank you to the researchers and editors who volunteered their time. Translating complex statutory law into accessible, plain language is a monumental task. Your diligence ensures this guide is easy to understand and utilise under pressure.

