



Strengthening response to violence against women and girls

Handout: Session 3- Protection of Women from Domestic Violence Act, 2005: Forming a legal response

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PWDVA is a survivor friendly law and an aggrieved woman can proceed under this law without a lawyer too. The PWDV Rules has inbuilt FORMS that can be filled by the Protection Officer and other mechanisms to whom the woman reports violence. The aggrieved woman can herself fill certain forms may be under the guidance of a lawyer, an NGO member or the Counsellor. The best practice would be to approach the Protection Officer and get all the necessary FORMs filled and proceed in Court to access justice. The Protection Officer is the vital link between the aggrieved woman and the Court who assist the woman in seeking reliefs under the PWDVA.

- **FORM 1- Domestic Incident Report (DIR)**

The DIR is the most important record of evidence in an incident of violence against women. It must be filled by the Protection Officer (PO) or any service provider or the medical facility that the woman reports the violence to. This must be done regardless of whether the survivor chooses to go to court.

FORM II and III are the most crucial forms to be filled in if the woman chooses to proceed in the Court without a lawyer. Aggrieved woman can herself fill this form without even approaching the PO or the lawyer. However, it is advisable to attach a detailed application stating details of all forms of violence faced by the aggrieved woman.

- **Form II- Application to the Magistrate**

If the survivor chooses to file a court case, this form will need to be filled out by the PO (if the woman has approached PO) along with the DIR. Each section of the form lists out possible remedies available under different types of relief orders. The aggrieved woman can claim specific reliefs through this FORM II.

- **Form III- Affidavit**

This is the most important form for the survivor if she chooses to proceed to court, as it is an affidavit that acts as verification to say that all the written submission made by her in the DIR and FORM II is true to her knowledge.

- **Form IV- Information on Rights of Aggrieved Persons**

This form contains details of all information related to the Act that needs to be imparted to the survivor when she seeks help. It informs her of what her rights are, how the law supports her, and what she can do now to seek justice. The Stakeholders (PO, SP, Police, MF) can make use of this FORM as a checklist, while interacting with the survivor.

- **Form V- Safety Plan**

In many instances, survivors do not want to leave their domestic households, but want to feel safe in their present environment. This FORM V explains the grave situation that the woman is facing and it also captures all her apprehensions. From a legal standpoint, this form provides a safety plan to keep the survivor safe in that situation until a more permanent solution (final order) can be arrived upon.

- **FORM VI – Registration of Service Provider**

Any NGO working for the cause of women and want to assist the woman in seeking reliefs under the PWDVA, they can fill this FORM and get themselves registered as Service Provider through Women and Child Development Department.

- **FORM VII- Acknowledgment of Service of Notice**

The POs are assigned with the duty of service of notice to the respondent/s. On issuance of summons to the Respondent, the PO will take the acknowledgment from the Respondent /signature of receipt of summons and submit the same in the Court.

Things to Remember When Filling Relevant Forms

- Informed consent is key. Ensure that the survivor knows and understands the procedures under the law as well as her rights and remedies
- While details are important, it is also crucial to orient the process to the client's pace, as recollecting incidents of violence in all their detail can be re- traumatising.
- A validating, supportive, and patient communication style must be maintained at all times.
- Fill the form with extreme caution. Do not rush through technical details.
- DIR must have details of all additional documents attached
- The DIR and FORM II must clearly state what relief order the survivor is seeking
- Copies of the DIR must be forwarded to the persons listed on the form