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interested, (W) "eco—ic includes— (a) deprivation Of •11 or any economic or finarwial which aggrim•ed is ntitled any or custom whether under an order court or otherwise or which aggrieved person out of necessity including. but not limited to, household the aggrieved person and if stridhan. property, jointly or separate ly owned by the aggrieved person. payment of related to the I—hold maintenance; (b) disposal of household effects, any alienation Of usetS whether immovable, valuables. shares, securities, the like or prop«ty which the aggrieved person h" an interest or is entitled to use by virtue of d.tic Or Which may be reasonably æquird by the aggrin•ed person her Children or or any other jointly or sepntely held by the aggrieved person; and (c) prohibition or restriction to continued access to or facilities which the aggrieved permn is entitled to use or enjoy by virtue of the domtic relationship including access to the Expla,ution 11. —For the pupose Of determining whether any "t. cotmmission or conduct Of the respondent constitutes "domestic Violence" under this the overall facts and of the case Shall be taken into consideration. THE GAZETTE OF INDIA EXTRAORDINARY CHAPTER Po •v,RS A NO DUTIES OF PROTECTION SERV I a P'WV'DERS, ETC. 4. (1) Any has to an of domestic violence has been, or is being, or is likely to be committed. may give information about it to concerned Protection (2) Ng liability, civil crim shall be incurred by any person for giving in good faith Of infomatiOn for the purpose Of S. A police Omcer, or Magistrate has received a complaint Of domestic Violence is otherwise present the place of u of dom%tic wtRn the of violence is reported to him. the aggrieved (a) of her right to make an application for obtaining • relief by Way Of a protection an for relief, a custody a residence a order or more than onc such order under this Act; (b) Of the availability of service providers: (c) of mailability of of the Officers; (d) Of her right to free legal tix Legal Aut}MitiN Act, 1987; (e) of her right to file a complaint under section 498A Of the Indian Penal Code, relat: Provided nothing in this Act shall in any 'S to reliuc a offxer from his duty in with law upon receipt of infcymation to the commission Of cognizable offence

6. I aggrieved person or on her behalf a Or a service provider requests the person in Charge Of Shelter to provide shelter to peæ in charge Of the Shelter home Shall to aggrieved Shelter home.aggrieved on her behalf a p Ntecticm or a service provider requests the person in charge of a medical facility to provide any medical aid to her. Such person in Charge facility shall aid to the in the 8. (1) The state Governme nt by notification, appoint or Appointnat Officers in each district as may consider and shall also notiß• the or within which a Protection the powers and per%om duties cn him by or this Act. (2) The ghall fir possible be women Shall posgss such qualifications and experience as may be prescribed. (j) of servicc of the Officer and other subordinate to him Shall be Such as may be prescribed. 9. (1) It the duty of the protection Officer— (a) to assist the Magistnte in thc of his under this Act; (b) to a domestic incident to the Magistrate. in such form and in such as rwy be up n receipt of of domestic violencc and forward copies thereof to police Officer in Charge Of the police Station within the local limits or Whosejurisdiction domestic violence alleged been to providers in Out arca; 198'. THE GAZETTE OF INDIA EXTRAORDINARY (c) to mke in fom in such manner as may be to Magistrate, if the aggrieved person so chiming relief for issuance Of a proæction order: (d) to the person is pr'*ided legal aid under the Legal Services Authorities Act, 1987 and make available free Of cost in which a c*aaint is to be made; (e) to a list of all providers providing legal aid - - within jurisdiction of the Magistrate; to available a safe shelter home, ifthc aggrieved person so requires and forward Copy Of his report Of having the aggrieved in a to station ming juisdiction the arca whee the shelter home is situated; (g) to get aggrimæd pæn if has bodily injuries and a copy of the medical report tg thc police station and Magisll'te having jurisdiction in the where the domestic Violence is *ged to taken (h) to ensure that the order for monetary reliefunder section 20 is complied With and e«cutcd. in with the Code ofcrimml 1973; (t) dutiø as my be (2) The protection Officer Shall be under the control and supervision Of the Magistrate, shall the duties imposed on him by Magistrate and the Government by, or under, this Act. IO. (1) Subject to such rules as may be made in this behalf. any voluntary association registered Societies Registration Act, 1860 or a company registered undet the Companies Act. 1956 any other law fat the time being in force uith the objective of the tights interests by any lawful providing of legal aid, medical, other shall itself wth the State Government as a service provider for the purposes Of this Act, provider registered () shall have the power to— (a) record the domestic incident report in the prescribed form if me aggrieved person So desires a copy thueOfO the Magistrate •nd the Protection Officer jurisdiction in the area whue thc get aggrQd examined forward a copy Of the report to the nd the station within limits of which the domestic violence took place; (e) the aggtiucd is in a shelt" if requires forward a report l&dging of the Shelter home to the police St2tion Within

the local limits Of Which the domestic place. (3) No suit, prosecution or Other legal proceeding shall against any service of the "provider Or is to be, acting or purporting to act under this Act, for anything which is in faith done or intended to be done in of power of under this Act towards the prevention Of the commission Of domestic violence. The Government and every State shall take all THE GAZETTE OF INDIA EXTRAORDINARY (a) the of this Act we given Wide through public media including the television. radio and the print media at regular intervals (b) the Central Government and State Government officers including the police Officers and the members of the judicial services are given periodic training the issues addressed by this Act; (C) effective co-ordination between the provided by concerned Ministries and Departments dealing With law, home affairs including and order, health and address" issues of domestic established and periodical review of the same is conducted; (d) protocols for the various Ministries concerned With the delivery Of to this Act the Courts are prepared in place. PROCEDURE FOR ORDERS op 12. (1) An aggrieved person a Protection Officer any Other person on behalf Of the aggrieved may to the Magistrate or more reliefs this Act: Provided that before passing any order on such application. the Magistrate Shall take consideration any domestic incident report received by him from protection Officer or the service provider, (2) The relief sought for under sub-section (/) may include relief for issuance Of order for payment of or to the right of such person to institute a suit (Or compensation or damages the injuries caused by the acts of domestic committed by the respondent: provided that where a decree for any amount as compensation or damages has been made in favour of the if any, paid payable in order made by the Magistrate this Act shall "set off against the amount payable under such decree and the decree shall, notwithstanding anything contained the Code Of Civil 1908, or any other for the time being in force. be executable for the balance amount. if any. left after such Set Off, (3) Every application (1) shall in form put I rs a be provided or nearly thereto (4) The Magistrate Shall fix first date of hearing, Which Shall not ordinarily be beyond three days from the date of receipt of the application by Court_ (5) The Magistrate shall endeavour to dispose of every application made under (1) within a period of sixty days from the date Of its first hearing. 13. (1) A copy of the date of issuing section 12 Shall be given by the Magistrate to the Officer. who shall get it served by such means as may be prescribed on the and any other person, as directed by the Magistrate within a maximum period of ten days such further reasonable be allowed by the Magistrate from the date of its receipt. (2) A declaration of service of notice made by the protection in such form as may be prescribed shall prove that such notice served upon the respondent may as directed by the Magistrate is proved. 14. (1) The Magistrate may, at any stage of the proceedings under this Act, the aggrieved person, either singly or jointly, to undergo counselling with any member of the service provider Who possess such and experience counselling (2) Where the Magistrate is satisfied (i), he fix the next date of hearing of the case Within a period not exceeding two months. THE GAZETTE OF INDIA EXTRAORDINARY 15. In any proceeding under this Act, the Magistrate may secure the of such person. preferably a Woman, Whether related to the aggrieved or a person maintaining family thinks fit, the purpose of assisting him in discharging his 16. If the Magistrate that the circumstances Of the case so and if either party to the proceedings so desires, he may conduct the proceedings under this Act 17. (/) Notwithstanding anything contained in any other law for the time being in force in a domestic Shall have right to in shared household, whether not She right, title Or in (2) aggrieved shall be notified or excluded from shared household or any part Of it by the respondent save in accordance With the procedure established by law, 18. Magistrate may, giving the aggrieved and the aggrieved being satisfied that has taken place or is likely to take place, pass a protection order in favour Of the aggrieved person and prohibit (a) committing any Of domestic (b) aiding abetting in the commission of of domestic (c) entering the place of employment of the aggrieved person or, if the is a child, its or by the @attempting to communicate in any form. Whatsoever. With the aggrieved electronic Or written (e) like or enjoyed by the jointly by the aggrieved person respondent or singly by the respondent, including her or other property held either jointly by the parties or separately by them without the leave Of the Magistrate; (f) causing violence to the dependants, other relatives or who give the aggrieved person assistance from domestic (g) committing any other as specified the protection order. 19. (J) While disposing under sub-section (1) Of section 12, the Magistrate may, on being satisfied that domestic place, pass a residence order — (a) restraining from disposing or in Other manner disturbing the possession of aggrieved from the shared household. or respondent a legal or equitable interest the household; (b) directing the to remove himself from the shared household; (c) restraining the Or any Of his relatives from entering my portion Of which the aggrieved person resides; (d) restraining the respondent

from alienating Off the Shared hotßehOld Ot encumbering the same: be TRE GAZETTE OF INDIA EXTRAORDINARY (c) restraining the respondent fram renoMtcng his rights in shared household except With of tlr or directing the respondent IO secure same level or alternate for the aggrieved as enjoyed by in or to pay tent the sm, if the so require: Provided that no order (b) shall be any person (2) The Magistrate may impose any additional conditi(ms Or other direction Which he may deem reasonably necessary to pmtwt to for safety of the aggrieved or any Child Of Such aggrieved (3) Magistrate may require from the respondent to execute a bond, With Without sureties. for preventing the commission Of domestic (4) An order under subsection (3) Shall deemed to an crder Chapter V ZIJ of the Code ofCriminal procedure, i 973 and Shall be dealt With accordingly. (5) While an order under sub-section (1): sub-section (2) or sub-section tEe may an directing the officer in charge nearest police stati"i to give protection to the aggrieved o: to usist her the person making an application on het behalf in the implementation Of the k • g order the Magistrate may impose on the respondent obligations relating to the discharge Of and other having regud to the.finaacial needs and resources parties, (7) The Magistrate may direct the in-charge Ofthe police Station in winse juri"iiction Magislte has bc-cn approached to assist in the implementation Of the protection order, (S) The dimct the respondent to return to the possession Of the aggrieved person her or ny cth« property to which she 20. (1) whiled p n o • is g f applicatirm under U) of section the Magistrate duect the to pay monetary relief meet the experts" Io «s by the child of the aggrieved as and such reliefmay include, but not limited (g) the loss Of earnings; (b) the medical expenses; (c) the to the destruction, damage or removal of any from the Contmt of the aggrieved (d) maintenance the aggrieved person as well as he' children. ifany, including an Older under or in addition order Of under 125 Of the Code Of Criminal 1973 beng (2) The monetary relief granted under this shall be fair able with the standard of living to which the aggrieved person is ac c us tamed, (3) Magistrate shall have the power m der aa appropriate lump Sum payment or mnthly payments of maintenance. the nature and of (O The Magistrate send a COPY Ofthe order under sub-section (l) IO parties to application to the in charge of the police station within the local limits of whose jurisdiction the respondent SEC. 11 •rHE GAZETTE OF INDIA EXTRAORDINARY (5) shall pay rlief grmted the person within the puiod specified in under (6) Upon the failure on part Of the to make payment in terms Of the under Magistrate [my dir«t a debtor respondent. te directly pay to the aggrieved person or to with the Court portion of the vages or salaries or debt due to or accrued to the creditofthe respondent. which may tæds —tary relief payable by Notwithstanding anything contained in law for time being in farce, the Magistrate may, at any stage of hearing of the for protection order Or for any Other under this Act grtnt temporary Custody Of any child or to aggrieæd pæn the nuking behalf and specify, if the for visit of such child children by the respondent: provided if the Magistrate of that any visit of of the child childrn, shall to allow such visit, 22. to oth., my gr med th is A Magistrate on an application being made by the aggrieved person. pass an order directing 'he to pay p and the mental tortue and emotional distress. caused by the Of domestic violence committed by that rscpmndenL 23. (l) In him under this Act, the Magistrate my such interim order as he deems just and proper, (2) If the Magistrate is satisfied Out application the respondent is committing, or has committed an act of damestic or that there is a likeliwod the may Commit an act Of domestic Violence, he may grant Mder affidav:t in fmm, my be of the u 18, 19, 20, may be, S&tion 22 against the 24. The Magistrate shall, in all cases has this order that a copy such order. Shall be given free of cost, to the parties the application. the police Officer Of the police Station in the jurisdiction of which Magistrate any providu within the local limits Of the jurisd Of the and if any service provide. has registe•cd a incident IO prcwider. 25. (l) A protection order made under section g Shan bc in till aggrie«d person applies for disciNrge. (2) Ifthe Magisnte, on of n aggrie«d person or the respondent, is satisfied that there is change in the requiring mod 'f ti rmation made mder this A he may, for reasons to be recorded pass as he may appropriate

26. Any relief available under sections 1 8, 1 9, 20, 21 and 22 may also be "night in any legal proceeding, berate civil court, family court a affecting the aggrieved the such "cpæeding WU initiated before Or after the of this Act.(2) Any relief referred to in Sub.section (l) may be sought for in to md with any relief aggrieved person may seek ia suit or legal a civil (3) In case any has been obtained by the aggrieved my vxedings other a undu this Act, she to inform the Magistrate of the grant of such relief. ReW THE GAZETTE OF INDIA EXTRAORMNARY (PART u— 27. (l) The of Judicial Magistrate of the•Metropolitan Magistrate, as the may be, within the limits of which— (a) the aggrieved or mgides on business or is employed: or (b) the (c) the cause of action has or is cmp or Shall be the

competent Court grant a protection order and Other orders this Act and to try und« this Act. (2) Any order made uruder this Act shall be enforceable throughout India. 28. (I) Save as otherwise provided in this Act, all proceedings under sections 12, I S , 1 9, 20, 21 , 22 23 section 31 by the of Criminal procedure, 1913 (2) Nothing in I) premt from laying down its own for dispoul of an application under section 12 or under sub-section (2) Of section 23. 29. lie an appeal the Court of Session within thirty days from the date on Which the order rntde by the Magistrate is served on the aggrieved Or the respondent, as the case may be. whichever is later

30. Protection md of while acting or pwputmg to act in of of the of this Act orders mde be to be public the meaning of section 21 of the Indian penal Code.

31. (1) A breach Of protection order. Of an interim order, by respondnt an this Act and shall be PLmishable with impriscmment of either description for a which may extend to one year, or With fine Which may to twenty th—d or with both. (2) The offence under sukvsection (1) Shall as far as practicable be tried by tix Magistnte had pa"cd the order, bruh of which has bccn allcgcd to have been caused by the accused. (3) While framing charges under sub-section the Magistrate may also frame Charges under section 498A Of the Indian Penal Oth" ion of flut Code Dewy Prohibition Act, 1 961, as thc case may be. if the disclose the commission Of an Offence under those provisions. 32. (1) Notwithstanding anything contained in the Code Of Criminal Procedure, 1973. the offence under sub-section (J) Of 31 shall be cognizable and (2) Upon the sole testimony of the aggrieved person. the Court may conclude that an offence under Sub-Swtion (I) Of swtion 3 his —itted by the accused. 45 of 1860. 1961. 2 or 1974. 11 THE GAZETrE OF INDIA EXTRAORDINARY 33. If any protection Officer fails or refuses to his directed by the Magistrate in the protection Older Without any sufficient he shall be punished With imprisonment of either description for a which my to with which may extend to rupees, or With both, 34. NO prosecution Other legal proceeding shall lie cos a is filed With the previous sanction of the State Government 0 or an officer authorised by it in this belulf

35. No wit, or legal proceeding Shall lie against the protection in Officer for any damage caused or likely to —d by anything Which is in good faith intnded to be done this Act or any order made of this Act shall be in addition not in derogation 36. provisions of any other law, for time being in 37. (1) The Central Government may, by notification, carrying out of of this Act. (2) particular, and without to generality of the foregoing power, IO such rules may provide for all or any Of the following matters, namely:— (a) expaience Which a Protection Officer shall sub-section (2) Of section 8 (b) terms md conditions Of service Of the protectim and the other officers sdbotdinate to him, (3) Of section which domestic incident report may made (c) the under clause (b) (1) of ECtiOn 9; (c0 md in Which an application made Magistrate under clause (C) Of (1) 9; a complaint is to be med under clause _of (e) the form in which sub•section (J) of section g; duties to be by the Protection Clause (0 Of sub—section (1) of section 9; (g) the regulating registration of service (l)ofsection IO; (h) the form in which an application under sub-section (1) of section 12 seeking reliefs this Act may be made and the puticulars Which such application shall Sub-section (3) Of that section; (0 Of gening notices under (1) Of 13; G) fom Of declaration Of sewice of mtice made by the Protection Officer undet sub-section (2) of t 3; (k) the qualifications and in counselling which a Of the provider Shall possess under sub-section (1) of section 14; (O the in which an affdavit may be filed by the aggrieved under Sub-section (2) Of section 23', (m) any Other Which has to bc, Or may be, prescribed.