

Manual on the Best Practices

under the

Protection of Women from Domestic Violence Act, 2005



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63/2 Masjid Road; Jangpura; New Delhi 110014
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Protection of Women from Domestic Violence Act, 2005

Lawyers Collective
(Women's Rights Initiative)

In collaboration with:
National Mission on Empowerment of Women

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PREFACE

The Protection of Women from Domestic Violence Act 2005 has now gone into the 6th year of its implementation and we have a rich history of documentation on its functioning. The Annual Monitoring and Evaluation by the Lawyers Collective has yielded patterns of the manner in which it has been implemented in different states. As we know, while the law is a Central Law, its implementation is in the hands of the States and each individual state follows its own manner of creating infrastructure for the implementation of the Act. This poses challenges for identifying best practices but also the opportunity to compare the differences between states and make an evaluation of the best practices. The other challenge is the relatively short period of time available to evaluate the functioning of the Act. Six years is a relatively short time to understand how the law is delivering on its promise. The process of law is slow; courts often take months if not years to decide a case, despite the mandate of the law, that the cases must be heard within a period of three months. For this reason also, identification of best practices requires a period of time to identify. We have nevertheless made an attempt to identify best practices in the matter of provision of infrastructure, in the functioning of the multi agency response, and by courts.

The law itself is inspired by the Constitutional goal of equality and non-discrimination based on sex. It recognizes that violence is the single most important factor, which prevents women from leading a fulfilling and productive life. It provides a holistic definition of violence, which includes physical, sexual, emotional and economic violence and provides for protection orders and injunctions restraining violence. Recognizing that women need multiple services to access the law, it provides for the appointment of Protection Officers, the recognition of the role of NGOs assisting women in distress, and the role of Medical facilities and Shelter

Homes in providing appropriate relief. All stakeholders are required to coordinate their efforts in delivering justice to the woman facing violence.

The manual needs to be appreciated in light of the substantive law. It identifies practices in the matter of appointment of the stakeholders and evaluates their functioning, with the intention of encouraging States to replicate models of appointment and functioning that have worked or are likely to work.

Such an exercise will necessarily have to evolve over time and there can be no doubt that better and more effective practices may emerge. This modest effort must be viewed in that context and it is hoped that it will help states to choose the best option for the implementation of the law, one that will facilitate access to justice for women in distress.



Indira Jaising
Director
Lawyers Collective
Women's Rights Initiative

ABBREVIATIONS AND ACRONYMS

CEHAT	Centre for Enquiry into Health and Allied Themes
Cr PC	The Code of Criminal Procedure, 1973
CDPO	Child Development and Project Officer
DHO	District Health Officer
DIR	Domestic Incident Report
DLSA	District Legal Services Authority
DWCD	Department of Women and Child Development
IMG	Institute of Management in Government
IPC	Indian Penal Code, 1860
LCWRI	Lawyers Collective Women's Rights Initiative
LSA	Legal Services Authority
MWCD	Ministry of Women and Child Development
NCW	National Commission for Women
NIPCCID	National Institute of Public Cooperation and Child Development
NMEW	National Mission for Empowerment of Women
PWDVA	Protection of Women From Domestic Violence Act, 2005
PWDVR	Protection of Women from Domestic Violence Rules, 2006
PO	Protection Officer
PP	Public Prosecutor
SCW	State Commission for Women
SLSA	State Legal Services Authority
SP	Service Provider
The Act	Protection of Women from Domestic Violence Act, 2005

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INTRODUCTION TO THE MANUAL

PURPOSE OF THE MANUAL

The monitoring and evaluation exercise conducted by LCWRI since 2006 has shown that practices adopted by the states in enforcing the PWDVA differ greatly. While all states have taken positive steps, there is no uniformity in the practices observed. However a number of these practices appear to be promising.

The Best Practice Manual is an effort at mapping these significant practices; identify what works best and suggest best practices that can be followed to ensure that the Act is implemented correctly and in a gender sensitive manner.

The Best Practice Manual Aims to:

- Identify promising practices implemented by the Central/State Government.
- Encourage adoption of these practices by all states.
- Identify gaps and suggest best practices.
- Assist the state departments in formulating protocols that will help the stakeholders in conducting their respective duties.

INTENDED USERS OF THE MANUAL

- State Departments that have the responsibility for the implementation of the PWDVA.
- The functionaries under the PWDVA.

PRIMARY SOURCES OF DATA

- All data from the Women and Child Development Departments of all States, including the latest data available from states received through NMEW in October 2012.
- Data gathered during the monitoring and evaluation of the PWDVA undertaken by the Lawyers Collective since 2006.
- Information received during state visits and through interaction with key stakeholders.
- Feedback received through interaction with participants during the annual National Conference organized by LCWRI since 2007.
- Corroboration and validation of the finding by the primary agency responsible for the conception and implementation of the practices observed.¹

SCOPE AND LIMITATIONS

The exercise of identifying best practices has been supported by LCWRI's monitoring and evaluation work of the functioning of the PWDVA since 2006. The scope of the exercise must however, be seen in light of the following limitations:

- Practices followed by states in most areas are evolving and are yet to crystallize; changes must therefore be expected in these practices from time to time.

¹Peer review of the Manual was conducted with the help of stakeholders in cases where practices have been cited in the case studies under best practices.

- Monitoring and evaluation of the law by the states is erratic. As yet there exists no definite methodology for recording, monitoring and evaluation. Data from states must be interpreted in view of this.
- Practices presented here have been selected on the basis of available data which does not cover all states. Information has been received from 15 states² through NMEW in 2011-2012. The selected practices are therefore, representative only of the states that have provided the information.
- The Manual primarily focuses on practices adopted by the state governments under the provisions of the PWDVA.

² List of States from where data has been received during the period 2011-2012; Annexure 1

BEST PRACTICES

WHAT ARE BEST PRACTICES?

Best Practices are practices that “work” or “achieve” the goals set out in a project or a law. A compilation of best practices must contain examples of interventions or processes that demonstrate a success story.³ The Best Practice process broadly helps to identify and describe the lessons learned in ensuring the success of a project or a law.

Construed strictly, best practices would imply practices that are ‘time tested’ and have shown results over an extended period of time. In the case of best practices under the PWDVA, since our ‘experience’ is at best, only six years old, and hence the process of identifying best practices is challenging. Further, we have also gone beyond the strict definition of best practices and scanned ‘promising practices’ and suggest changes that may render them best practices.

Detailed provisions have been made within the Act providing for duties of the state, which includes, inter alia, the office of the protection officer, notification of service providers, shelter homes, medical facilities and legal

³ Gender and AIDS, The Best Practices/Programmes that Work, Module compiled and written by Maria de Bruyn, available at http://data.unaids.org/topics/gender/bestpractices_en.pdf

aid, duties of the functionaries including the police. These provisions are intended to create a multi agency response system to assist the primary users of the law. The adequacy and effectiveness of practices observed have been judged against these provisions so as to identify them as 'best practices'. Promising practices selected and presented as 'case studies' represent activities that are focused on achieving the purpose of the PWDVA. For the purposes of this Manual the overall success of a practice also has been judged by its ability to ensure women's access to the justice system and to ensure that these operate in a gender sensitive⁴ way.

Accordingly, the following KEY QUESTIONS must be asked in order to establish that a specific practice or activity followed by the state can qualify as a case study on BEST PRACTICES.

Key Questions

The Key Questions listed below correspond with the duties of the State to create an infrastructure for enforcement, establish quality services, ensure effective coordination, conduct periodic trainings to develop capacity of implementing agencies and provide wide publicity to the Act.

- Does the infrastructure established by the State Government comply with the requirements under the PWDVA?
 - Is the infrastructure adequate? Does it provide support to women at all stages of the process?
 - Does it facilitate women's access to Courts and ensure passing and enforcement of orders to protect women?
 - Does it function and operate as a multi agency response system for the overall benefit of the women?
 - Does it ensure accountability for the responses it provides to women?

⁴ Practices that are gender sensitive must necessarily be mindful of inequalities that are responsible for violence against women and must operate for the benefit of the woman to ensure zero tolerance to violence at every stage.

- Is the quality of service available to women through the agencies under the law ensured?
 - Are functionaries qualified and trained to provide the services?
 - Is gender sensitivity ensured through qualification and training?
 - Are the functions being performed by them indicate that they are operating within the mandate of the law and that they are strictly performing the role set for them?
 - Can the impact of the assistance provided to the woman by the functionaries be assessed?
- Has the government created a mechanism for coordination among the agencies under the Act?
 - Are the agencies under the Act operating to ensure a multi agency response system for the woman?
 - Has a mechanism to facilitate a coordinated response system, such as coordinating committees been created at every level?
- Is there an established system of recording and reporting to ensure proper monitoring and evaluation of the PWDVA?
 - *Monitoring:* Are standard formats for recording and reporting available for the different stakeholders?
 - *Evaluation:* Are the agencies being periodically and effectively assessed?
- Have activities been undertaken to ensure awareness and publicity for the Act and its provisions?
 - Is the content of materials used for publicity gender-sensitive?
 - Do the steps taken to ensure that a wide range of audience is covered?
 - Have awareness and publicity efforts taken into consideration regional specificities and focused on vulnerable groups?

- Does the government ensure that the concerned agencies are sensitized to the provisions of the PWDVA and receive adequate training on implementing its provisions?
 - Have training modules been created to ensure standardization of training throughout the country?
 - Is training being imparted to all the agencies under the Act?

MAPPING BEST PRACTICES

PROTECTION OFFICER (PO)

The PO⁵ provides a bridge between the woman and the court and the other functionaries/services within the Act.⁶Protection Officers work as officers of the court and render assistance to the court in dispensing justice.

Sub Questions

- Does the mode of appointment ensure that the POs will be exclusively available to fulfill their functions under the PWDVA?
- Are the appointed POs qualified to fulfill their role under the Act?
- Does the location of the office of the PO ensure easy accessibility to the women and to the magistrates?
- Are the number of POs appointed adequate?
- Are the POs trained and sensitized to meet the needs of women?

⁵ Section 2 (n) "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8 (appointment of PO) section 9 (duties of PO)

⁶ Inter alia, the service provider, police, welfare agency, shelter homes, medical facilities, legal services authority

- Are the POs fulfilling their role at all the three stages: pre-litigation, litigation and post- litigation?
- Do POs keep a record of every woman who approached them for help and fill out a DIR ?
- Have directions been issued to the POs that they should not attempt reconciliation and mediation but instead refer such cases to the SPs?
- Do POs conduct socio- legal counseling for empowerment of women?
- Does the functioning of the PO indicate that a multi agency response system exists to meet the needs of women?

Suggested Best Practice

- POs must be employed full time, exclusively to fulfill their role under the Act.
- The State must provide adequate infrastructure for the POs.
- It is desirable for POs to have some qualification in the social sciences, social work or law.
- Location of the protection officers' office should be easily accessible to both, women and the courts.
- The number of POs must be adequate to meet the needs of the affected community.
- Gender sensitivity must be an integral part of the training of POs.
- The functioning of POs must ensure access to all agencies and to the Court to fulfil their roles at the pre-litigation, litigation and post-litigation stages.
- POs must maintain a record of every woman who seeks help by making a Diary Entry
- POs must fill out DIRs in all cases, even those that do not go to court.
- POs should undertake socio legal counseling, informing women of their rights under the law, thus empowering them.
- POs must not attempt reconciliation or mediation in cases where women have approached them.
- POs must ensure a multi agency response.

Case Studies

1. Appointment and Infrastructure

A full time Government Cadre of Protection Officers has been appointed in Karnataka, Kerala, Tamil Nadu and Maharashtra.⁷ In all these states, requisite infrastructure and facilities such as separate office space, support staff such as data entry operators, social and legal counselors and home guards have been provided. Office support such as telephone, fax and email facilities, and conveyance are also provided. In Karnataka, it has been observed that infrastructure created for full time independent cadre of government officers enables them to effectively fulfill their functions as POs.⁸

State	Nature of Appointment of POs	Number of appointments	Level
Karnataka	CDPOs with Additional Charge as POs Deputy Director, WCD	192	District and Block level
	Separate Cadre appointed through Karnataka Public Service Commission/ Departmental Promotion	23	District level
Kerala	Separate Cadre appointed through Public Service Commission	14	District level Block level - Nil
Maharashtra	Separate cadre of POs: To be appointed in the first phase	37	District level
	POs with additional charge: CDPOs (urban) and DWCD (District Women and Child Development) Officers,	586	District, Block
	POs working in Special Cells:	16	

Table I provides information about the nature of appointment and the number and level of appointment of POs in the states selected for the case study in this section:⁹

⁷ Appointments in process, are yet to be completed.

⁸ State visit study, 2012 conducted in Karnataka by LCWRI in collaboration with Vimochana & Infrastructure data, 2012 reflects that full time govt. of cadre of POs have been effectively carrying out their duties under the Act.

⁹ Fifth Monitoring and Evaluation Report and Annexure 1

2. Qualifications

Bihar, Gujarat, Haryana, Mizoram and Karnataka have followed the practice of recruiting qualified social workers with Masters in Social Work or Law graduates as POs. In Puducherry, qualification of POs is in accordance with the Rules framed under the Act.

3. Location

At Court

Delhi has followed the practice of locating the PO at the Courts where the PO shares office space with the public prosecutor.¹⁰ It has been observed that the strategic location of the POs in court has worked well in terms of ensuring accessibility to both women and the courts.

It has been observed that, the location of POs has had a varying impact on their efficiency. For instance, POs are able to perform their court-mandated functions better if they are located within court premises and their acceptance as officers of the court is also significantly improved. They attend court regularly for each hearing and are therefore better aware of the proceedings and the procedures followed by the courts. When women report a breach of order, the PO is able to assist the women by filing an application for enforcement of orders and following them up.

Since the PO and the public prosecutor work from the same office space, it is easier for the POs to seek assistance from the public prosecutor.

At Police Stations

Haryana¹¹ has adopted the model of a Special Cell for Women and Children. Officers called Protection Officers cum Child Marriage Prohibition

¹⁰ The Public Prosecutor is the person appointed by the state to fight cases on its behalf. For definition of Public Prosecutor please see Section 2(u) Cr PC; appointment of Public Prosecutor Section 24 Cr PC

¹¹ Refer to previous Monitoring and Evaluation Reports

Officer (PPOs) were appointed to address the issue of child marriage and domestic violence. Since 2009, Special Cells for Women and Children have been established within Police Headquarters in each district of the state in coordination with the Department of Women and Children, the Home Department and the Tata Institute of Social Sciences. The Protection Officers are qualified social workers and their strategic location at police stations helps their functioning, since the police station is often the first port of call for domestic violence victims. The personnel are also able to coordinate their work with the police and ensure police help in serving notices and in enforcing orders.

4. Functioning

Recording of DIRs

Data received from states indicates that POs are recording a large number of DIR on their own.

State	DIRs recorded on their own	Court directed DIR
Andhra Pradesh	1950	500
Rajasthan	249	897
Bihar	175	28
Chhattisgarh	228	391
Gujarat	1696	861

Table II illustrates the number of DIRs recorded by POs in some states:¹²

Recording of court directed DIRs clearly indicates that the POs are functioning effectively as officers of the court and fulfilling their role as mandated under the PWDVA.

¹² Refer to Annexure 1

We do not however, have data on how many women have approached the POs. So it is not possible to assert whether a DIR is recorded for every woman who approached the PO. Our analysis of previous years indicates that POs do not, in fact, record a DIR for every woman who approach them; they do so only when a woman decides to approach the court. Nevertheless, the large number of DIRs recorded indicates that the POs are performing their duties under the Act and are accessible to women. Data received from states also indicates that courts are directing POs to record DIR.

Directions to the PO not to attempt reconciliation and mediation

Rajasthan is the only state where POs have been specifically instructed to refrain from counselling women who approach them for help.¹³ The PO may as part of its role, conduct a socio-legal counseling for empowerment of women, although joint mediation and reconciliation are not among the functions of the POs. The state therefore, must give specific directions to the POs not to attempt reconciliation or mediation. In other words, POs are not required or expected to call the respondent to their office attempt a “settlement” before the application is filed in court. If the woman expresses a desire to have a negotiated settlement rather than go to court, POs can refer the woman to a SP. Since counseling is a function set out for the SPs who are in all cases trained counselors, the trend of POs counseling women, noticed in a number of states is indeed disturbing.

It has also been observed that when a case goes to court the past history of mediation/counseling by the PO tends to interfere with the court mandated duties of the PO. To illustrate: if a woman has refused an offer of settlement mediated by the PO, the latter may be biased against her for having refused a reasonable offer. There is a chance that the PO in such cases may tend to get judgmental about the case and is unable to fulfill his/her role as an unbiased investigator for the court. The report of counseling conducted submitted by the PO can prejudice the independent view of the Court. This is not only undesirable but also dangerous and can lead to the inadvertent transference of judicial functions to the PO.

¹³ Findings based on the ICRW's study and LCWRI state visit 2012

5. Multi Agency Response System¹⁴

Referrals by POs and referrals to POs by other stakeholders is one way of determining whether a multi agency response has been put in place. Data received from states indicate that POs in certain states have been liaising with the aggrieved person, police and service providers. This latest data clearly reflects the fact that the POs have been facilitating women's access to medical assistance and shelter homes in cases of emergency.

States	Medical Facilities	Shelter Homes	Service Providers
Andhra Pradesh	8	47	123
Haryana	77	34	-
Karnataka	53	199	-
Madhya Pradesh	25	55	-
Mizoram	-	4	213

Table III : Referrals by Protection Officers to Medical Facilities, Shelter Homes and Service Providers¹⁵

SERVICE PROVIDERS (SP)

In recognition of the pivotal role played by women's groups and NGOs working with violence against women, the PWDVA provides for their registration as 'Service Providers'.¹⁶ Legitimacy is accorded to the assistance provided to domestic violence victims by recognizing them as public servants¹⁷ under the Act and protecting them from the consequences of actions taken in good faith towards preventing domestic violence and helping victims obtain relief under the Act.

¹⁵ The PWDVA recognizes that women who face domestic violence require multiple forms of support. In order to provide women efficient access to comprehensive options to counter domestic violence, all the stakeholders of the Act; PO, SP, police, judiciary, Medical Facilities, must work in close coordination with each other.

¹⁶ Refer to Annexure 1 for more details

¹⁶ Section 10 PWDVA, 2005

¹⁷ Public Servant is the same as "Servant of the Government" Section 12 IPC as "any officer or servant continued, appointed or employed in India by or under the authority of Government."

Sub Questions

- Does the procedure for registration of SPs ensure that they are qualified and have the requisite track record of working with cases involving violence against women?
- Has the state registered the requisite number of organizations and ensured that they are uniformly distributed through out the state?
- Has state support been provided to SPs to implement the Act?
- Do the SPs possess skills in professional counseling on feminist principles?
- Are the SPs available to women throughout the litigation process from pre litigation stage onwards and are they recording DIRs?

Suggested Best Practice

- Registered SPs must have a track record of experience in working on cases involving violence against women.
- There must be adequate numbers of SPs and registration must ensure equal geographic distribution throughout the state.
- The States must provide adequate infrastructural support to SPs.
- SPs must be available to the aggrieved women throughout the three stages of litigation.
- They must have a track record of conducting casework¹⁸ on feminist principles.
- SPs must follow ethical guidelines when counseling women.
- Counseling must be done only after the Court has passed a protection order.
- SPs must employ qualified social workers.
- They must support women through the litigation process and ensure necessary follow up of cases.
- They must record DIRs.
- They must facilitate multi agency response system for assisting women.

¹⁸ Broadly, casework is a term referred to working with clients on a one to one basis.

Case Studies

1. Registration of Experienced Organizations

- Departmental officers register Service providers in Andhra Pradesh after checking of their credentials, reputation and infrastructural facilities available through on site inspection.
- Karnataka registers organizations with a minimum of three years' of experience in counseling.
- PPOs in Haryana have been directed to assist the DWCD in identifying Service Providers for registration. A letter issued to the PPOs specifically mentions the criterion for identifying the Service Providers.¹⁹

2. Support

- The Legal Services Authority, Gujarat has provided two legal Counsellors with law degrees to each SP in the state.²⁰
- Sikkim and Kerala have been providing financial assistance to the SPs. Sikkim provides an honorarium of Rs 2,000 to each SP. While Kerala provides Rs 5,000 for the appointment of Legal Counsellors, and Rs 10,000 is provided to each SP for providing medical assistance and psychiatric help to women.²¹

3. Functioning

Recording of DIR

- SPs in Maharashtra record the highest number of DIRs (365). The data received this year shows that SPs in Andhra Pradesh, Bihar, Chhattisgarh and Gujarat have also been filing DIRs in court.²²
- In addition to filing DIRs, SPs in Andhra Pradesh, Bihar, Gujarat and Mizoram, have also been assisting the POs in serving notices,²³ conducting home visits, and enforcing orders.²⁴

¹⁹ Refer to Annexure 2

²⁰ Refer to previous Monitoring and Evaluation Reports

²¹ Staying Alive, 4th M and E, 2010. LCWRI has information that this practice continues in 2011, though no specific data has been received this year.

²² Refer to Annexure 1

²³ Refers to serving notice to the respondent under PWDVA, detailed under Section 12 PWDVR

²⁴ Refer to infrastructure data 2012 in Annexure 1

Counselling

Section 14 of the PWDVA clearly provides only for court directed counseling. It states that counseling must only be conducted by a member of a SP and specifies that the SP conducting the counseling must “*possess such qualifications and experience in counseling as may be prescribed.*” Rule 14 provides detailed procedures to be followed by counselors, reiterating that the counselor must work under the general supervision of the court or the PO or both.²⁵

Provisions related to counselling within the Act are unambiguous about the objectives of counselling. The primary purpose of counseling is to ensure that domestic violence stops; by requiring that the respondent/s²⁶ will furnish an undertaking that they will refrain from causing further domestic violence.²⁷ The provisions of counselling under the Act therefore undoubtedly indicate that counselling must follow feminist principles and must be professionally conducted by qualified counselors.

Counselling on feminist principles or feminist counselling is rooted in the firm belief that power and inequalities within a relationship must be questioned and women must be encouraged to understand that the cause of violence lies outside, external to them; in the inequalities arising out of the larger oppressive structures of society.²⁸

The purpose of counselling is to enable a woman to put an end to the violence she has faced and restore faith in her self. Broadly, the following principals must be observed in counselling domestic violence victims:²⁹

- Counsellor must believe the woman and her narration of violence faced. Counselling is not to verify whether she has “truly” faced violence or not

²⁵ Rule 14 (1) PWDVR

²⁶ Section 2 (q) PWDVA

²⁷ Rule 14 (3) PWDVR

²⁸ S. Rege, *Guidelines for Counseling Women Facing Violence*, CEHAT Centre for Enquiry into Health and Allied Themes) and DILASA, (2008), available at <http://www.cehat.org/go/uploads/Publications/Guidelinesforcounselling.pdf>, Definition adopted from the Preface by P. Deosthali.

²⁹ Ibid

or to find out the other side of the story. The counsellor must remember that her primary client is the woman who is reporting the abuse and the role of the counsellor is to prevent further abuse.

- Counsellors must have an understanding of power relations between men and women in society, the physical and mental impact that domestic violence has on a woman, and understand and respect; that women in such situations have few choices.
- Counsellors believe that violence is non-negotiable, irrespective of the circumstances or facts of the case. Counselling does not ask the woman to adjust to her circumstances and family. Rather, it enables her to see that violence is not a result of her shortcomings but a relation of power that allows the perpetrator to abuse her.
- Counsellors must be able to assess the severity of the abuse faced by the woman in order to develop a safety plan and by ensuring shelter facilities in cases where necessary.
- All decisions made during the course of counselling must be based on the principal of informed consent, ensuring that the process empowers women and a woman is party to all the decisions taken during the counselling process.
- Counsellors must be trained to be able to identify suicidal tendencies, if any, in women facing domestic violence. Suicide prevention counselling must constitute an important part of the safety plan in all such cases.
- Crisis intervention support must be provided in the form of assistance from police, legal aid, medical and shelter facilities and protection and shelter for children as well. Counsellors must be trained and equipped to provide appropriate referrals in cases of emergencies.

Mizoram is the only state in the North Eastern region to have shown progress in the implementation of the law at all stages of litigation. In this state, as many as 94 DIRs were filed by the SPs. Mizoram also records that SPs have provided assistance to POs every stage. In 98 cases, assistance was provided in service of notice, and 25 home visits were conducted; in 90 cases help was provided in enforcing orders. The data supplements the

findings of the order analysis this year where the role of the SP in this state was evident in almost all the cases analysed.³⁰

In Rajasthan the **Mukhya Mantri Anudaan Yojna (MSSK)** initiated under the aegis of the DWCD & Home Department, has setup counseling centers (MSSKs) at the Mahila Thanas³¹ located in 34 districts of the state.³² These have been recently notified as SPs and present a unique example; where women's organizations have come together and formed a network and this network has been recognized as a SP.

- The MSSK follows feminist principals of counseling and represent a model for multi agency response. Each Counseling Centre has two trained social workers and one trainee worker and two police constables, one male and one female deputed by the police. There is at least one lawyer and a doctor attached to each center to provide legal and medical aid respectively.
- They are located at the Mahila Thanas (Women Police Stations) ensuring that women who approach the thanas have direct access to the Service Providers.

4. Multi Agency Response

In states such as Andhra Pradesh, Karnataka, Bihar, Gujarat, and Mizoram, SPs and POs work in close coordination; with SPs referring women to POs.³³

POLICE

Domestic violence often forces women to go to the police station for protection. In recognition of this fact, the Act lays down duties for the police to ensure that the police provide assistance to women, help the PO and SP in serving notice and enforcing orders.

³⁰ Refer to Staying Alive: the Sixth Monitoring and Evaluating Report on the Implementation of the Protection of Women from Domestic Violence Act, 2005, January 2013.

³¹ These are police stations set up for redressal of cases brought in by the affected women. They deal with cases of domestic violence, cruelty in a marriage, sexual assault.

³² This is the number where the centers that were originally set up, we do not have definite information about the number presently operational in the state.

³³ Refer to the Infrastructure data 2012, Annexure1

Sub Questions

- Is the Police informing women who approach them of their rights under the PWDVA and other laws addressing domestic violence?
- Is the Police ensuring that the women who approach them for help are directed to the appropriate agencies under the law in order to ensure a multi agency response system for the women?
- Is the police instructed not to counsel women?³⁴
- Does the police provide help in issuing notice and enforcement of orders?

Suggested Best Practices

- The police must inform women who approach them of their rights under the PWDVA and other laws.
- They must make referrals to POs, SPs and medical facilities.
- The police must not counsel women.
- They must assist in service of notice and enforcement of orders.

³⁴ This is necessary since only the SP is mandated to counsel women under the PWDVA.

1. Directives Issued to the Police

- In the first year of the Act coming into force, Andhra Pradesh³⁵ was the only state where the nodal department was supported by initiatives taken by the Police and Legal Services Authorities to ensure effective enforcement of the Act.
- In a circular memo dated December 22, 2006, issued by the Office of the Additional Director General of Police (Crime Investigation Department),³⁶ personnel in 1,650 police stations were instructed to make general diary entries of all women approaching them with complaints of domestic violence. In addition, the police were directed to provide information on legal rights and options to such women. If, based on the information received, a woman decided to initiate civil instead of criminal proceedings, she was to be escorted by a lady constable to the PO's office for necessary action. The police, amongst all the functionaries under the Act, were making the maximum number of referrals to POs. This clearly indicates that the police was primarily responsible for the effective working of the multi agency response system in the state.
- The Office of the Additional Director General of Police issued a circular comprehensively listing the opinions of Magistrates and specific directions with regard to sections under the PWDVA, on 16 October 2008. This circular was also issued to all the POs by the nodal department on 2nd November 2008.³⁷ Inter alia, some of the directions contained were:
 - The PO should set out a detailed list of stridhan in Form II
 - Sections 18-22 of the PWDVA should be read together, a violation of any order should be considered to be a cognizable offence and resistance to enforcement should be understood as a breach.

³⁵ The Second and Third Monitoring and Evaluation Reports on the Implementation of the PWDVA, 2005 in 2008, 2009, and 2010 respectively.

³⁶ Refer to Annexure 3

³⁷ Page 60 of the third Staying Alive: Monitoring and Evaluation Report.

- With regard to service of notice to Respondents staying abroad, notice served through e-mail will suffice and a print out of the same is adequate proof of notice.
- The PO should file a requisition before the court under Section 19(7) of the PWDVA to issue directions to the officer at the Police station to assist the PO.
- The sole testimony of the AP under Section 32(2) of the PWDVA is adequate and there is no need to examine the PO.

2. Functions

- In Karnataka, Andhra Pradesh, Gujarat, Haryana, Jharkhand, Mizoram, Odisha, and Punjab, the police has been taking action under directions from the Magistrate for enforcing orders.
- The Act requires that once a DIR is recorded, the PO must forward copies of the DIR to the Magistrate and the local police station.³⁸ So far, Madhya Pradesh is the only state where POs have been sending copies of the DIR to the police.³⁹
- In cases of breach of order, the police in Madhya Pradesh have been taking action under Section 31 and 32 of the Act by producing the respondent before the court.
- In Mizoram, the police helps with arrests on warrants issued by the Magistrate in case of breach of protection order.

MEDICAL FACILITIES (MF)

Notification of medical facilities authorises them to record DIRs and imposes a duty on them to provide medical care to women facing domestic violence.

³⁸ Section 9(b), PWDVA

³⁹ Though this is a function to be performed by the PO, it reflects on the multiagency system between the Police and the PO.

Sub Questions

- Are medical facilities registering DIRs as required under the PWDVA?
- Are injuries resulting from domestic violence treated as a health problem and does the response ensure sensitive treatment of women?
- Are the professionals trained to identify cases of domestic violence from the nature of injury?⁴⁰
- Are the facilities equipped to provide emergency care to women?
- Do they make referrals to other agencies based on the women's need, thereby ensuring a multi agency response?
- Are the personnel within medical facilities provided with training on the provisions of the PWDVA?

Suggested Best Practices

- Record DIR s as mandated by the law.
- Identify cases of domestic violence.
- Document cases of domestic violence separately.
- Document medical history as narrated by the victim.
- Avoid all bias.
- Provide emergency care.
- Make referrals to POs, SPs, and police.
- Provide medical evidence in court.
- Health policy must recognize domestic violence as public health issue.
- Guidelines should be provided for the medical facilities.

⁴⁰ Indicates the expertise to be able to differentiate between cases of domestic violence and accidental injuries. This is an essential requirement since in a number of domestic violence cases women are reluctant to reveal the cause of their injuries. Also, often they may be no evident physical signs of injury, identifying cases from indicative mental trauma may become necessary.

Case Study

1. Functions

Dilaasa, a public hospital based crisis intervention centre was established in 2001 as a joint initiative between the Public Health Department of the MCGM (Municipal Corporation of Greater Mumbai) and CEHAT. The purpose of setting up such a centre was to institutionalise domestic violence as a critical public health concern within the government system. The collaboration was aimed at equipping health professionals at all levels of the public hospital to recognize domestic violence as a health issue and develop sensitive methods for screening and responding to women facing violence. This model consists of two main components, namely:

- Capacity building of health professionals to recognize domestic violence and its interlinkages with health, carry out good quality medico legal documentation and provide comprehensive treatment.
- Crisis intervention services to women facing domestic violence to equip them to deal with abuse at home. These services include, emotional and social support, temporary shelter within the hospital, good quality medico legal documentation, police help and legal aid.

The Dilaasa model was conceptualised as a public health initiative and the partnership between CEHAT and MCGM ensured an integration of the model within the existing services of the hospital. The team of health professionals were responsible for training their peers and for developing methods of inter-departmental coordination with the staff of Dilaasa crisis centre. A core group of 57 health professionals from across MCGM as key trainers are engaged in equipping health care providers with the skills required to respond to the issue of domestic violence.

On a rough estimate, a minimum of 1450 hospital staff have undergone an orientation training on domestic violence as a health issue and the role of health providers in screening women for violence. As an outcome of these trainings, health professionals from different

medical disciplines; orthopaedics, surgery, gynaecology, psychiatry are able to list down potential health consequences arising out of domestic violence and the nature of health complaints women report to the hospitals.

After the enforcement of the PWDVA, Dilaasa has further strengthened its dialogue with the public health system to ensure trainings of health professionals on aspects of the law and their role as a medical facility providing a response system to women facing domestic violence.

2. Multi Agency Response

- Until 2011, Tamil Nadu and Kerala noted an effective referral system among the Medical Facilities and Protection Officers.⁴¹ However, this year's data reflects that Mizoram is the only state that has made referrals to POs.⁴²
- In Haryana, specific direction was issued in 2009 by the Director General of Health Services to all civil Surgeons to refer cases of Domestic Violence to the Protection Officers. To this effect, a similar direction⁴³ was circulated to all the Protection Officers to follow up with the Civil surgeons in their district. The letter further directed the PPOs to ensure that all notified medical facilities provide free medical treatment to the victims of domestic violence.⁴⁴ However, we have received no data to indicate how many referrals have been made by the Medical Facilities to the Protection Officers.

⁴¹ Staying Alive: 4th and 5th M&E Report

⁴² Refer to Infrastructure data, 2012, Annexure 1

⁴³ Direction vide letter no. 37641-60 dated 21-12-2009

⁴⁴ Refer to Annexure 4

SHELTER HOMES (SH)

Notification of shelter homes under the Act ensures that women are not refused shelter when referred to such facilities.⁴⁵

Sub Questions

- Does the notification of shelter homes in a state ensure proper coverage of the geographical area?
- Do they employ qualified social workers?
- Are they trained to provide ethical counseling to women?
- Do they allow children to stay with their mothers?
- Whether infrastructural support is provided to shelter homes by the State for implementation of PWDVA?
- Are shelter homes accessible to women, including those who have special needs e.g. pregnant women or women suffering from mental illness?

⁴⁵ Section 2(t) PWDVA, Rule 16 PWDVR

Suggested Best Practices

- Notification of shelter homes must ensure uniform geographical distribution.
- They must employ qualified social workers.
- Ethical counseling must be a part of their protocol.
- Children must be allowed to stay with their mothers.
- Accessibility of shelter homes to women with different/ special needs must be ensured.

Case Studies

1. Functioning

- Madhya Pradesh is the only state that has budgeted funds for shelter homes run by private organizations. Under the Usha Kiran Yojana scheme for implementation of the PWDVA, each shelter home not receiving any government funding, is given an Assistance Grant of Rs 2 lakh in the first year. However, the expenditure figures for last year i.e. 2011-12, showed that no expenditure had been incurred by the state for Assistance Grant.⁴⁶

2. Multi Agency Response System

- In Bihar women approach shelter homes directly. This is perhaps because SPs have not been notified in the state. Referrals have been made by shelter homes in 451 cases to POs. Increased referrals by shelter homes indicate their success in operating as a multiagency response system.
- States such as Jharkhand, Mizoram and Madhya Pradesh have also reported that shelter homes have been referring women to POs

⁴⁶ See 5th Staying Alive: Monitoring and Evaluation Report, pg. 40. Also the Infrastructure data, 2012 from Madhya Pradesh does not provide any information on allocation for budget to Shelter Homes. Refer to Annexure 1.

LEGAL SERVICES AUTHORITY

Under the PWDVA the aggrieved person is entitled to legal aid under the Legal Services Authorities Act, 1987 (39 of 1987).⁴⁷

Sub Questions

- Have directions been issued by states to the State Legal Services Authority to provide legal aid for cases filed under PWDVA?
- Are they taking measures to ensure that women are made aware of the provisions under the Act and their right to legal aid?
- Have lawyers been specifically designated and sensitized to attend to cases filed under the PWDVA?
- Have magistrates and other functionaries been provided with details of legal aid lawyers?
- Do legal aid lawyers provide quality services to the aggrieved person at all stages of litigation?
- Do they ensure medical examination and access to shelter homes whenever required?

⁴⁷ Section 9(d) PWDVA imposes a duty on the PO to ensure that legal aid is provided to the women under the LSA Act.

Suggested Best Practices

- States must issue directives to the State Legal Services Authority to ensure that legal aid is available to all women who need it.
- State Legal Services Authority must take measures to create awareness about the Act and the right to legal aid under its provisions.
- A panel of lawyers must be designated specifically for providing legal aid to women seeking protection under the Act.
- A list of names and details of lawyers designated by the Legal Services Authority must be maintained with Magistrates and all their functionaries.
- Training and sensitization of legal aid lawyers must ensure that women get quality services.
- Legal services authority must equip itself with information on medical facilities and shelter homes to ensure appropriate referrals are made for women who are in need of such services.

Case Studies

Practices Adopted in Facilitating Access to Legal Aid

- In Andhra Pradesh, Directives were issued⁴⁸ to all DLSA to organize legal awareness camps in consultation with NGOs and paralegal volunteers to create awareness about the Act. DLSA was directed to form a Legal Aid Cell consisting of Chairman, DLSA, Secretary, DLSA, Superintendent of Police, Public Prosecutor, four women Advocates, Project Director, Social Welfare Department, Protection Officer and District Rural Development Agency as members of the Cell. Cell to

⁴⁸ Refer to Annexure 5

review the practical and procedural difficulties, encountered by POs, Courts, Domestic Violence Victims, SPs, if any, in the implementation of the Act once every two months and submit a report to the State Authority regularly with suggestions for resolution.

- In Uttar Pradesh, Circular dated 9th July 2009 was issued directing all the District Judges/Chairman, DLSA to prepare a panel of five Advocates, preferably female, to provide legal aid to aggrieved persons under PWDVA and render all help to SP and PO.⁴⁹
- In Kerala, the LSA has deputed a legal aid lawyer to each SP. Similarly, Karnataka State Legal Services Authority has directed two panel lawyers to provide legal assistance to each PO on a bi-weekly basis.

MONITORING AND EVALUATION

Monitoring and Evaluation are separate yet interlinked processes essential for any study to assess the implementation of the law.⁵⁰

Sub Questions

- Are the Central Government and the State Governments conducting monitoring of the functioning of the agencies by ensuring data collection?
- Is monitoring by the state followed up by an evaluation exercise?
- Is there an assessment of the impact of the exercise of monitoring and evaluation and is the exercise sustainable?

⁴⁹ Refer to Annexure 6

⁵⁰ Refer to the publication: Resource Tool Monitoring and Evaluation, 2013 developed by LCWRI

Suggested Best Practices

- Regular monitoring of focus areas by data collection on infrastructure
- Evaluating the relevance and effectiveness of the infrastructure put in place
- Impact and sustainability

Case Studies

1. Monitoring & Evaluation System

- **Task Force on Violence Against Women, (TFVAW) Odisha** in collaboration with the DWCD has published a study,⁵¹ which examines the status of the Act and its implementation within the state of Orissa and presents a road map by suggesting ways to improve services under the Act.
- **LCWRI** has developed the only practice model available with respect to comprehensive Monitoring and Evaluation of the PWDVA. Since 2007. The report on the Monitoring and Evaluation exercise is published annually in the form of Monitoring and Evaluation Report, *Staying Alive*.⁵² Broadly the objectives of the exercise are as follows:
 - Examine whether infrastructure under the PWDVA is adequate in meeting the objective of the law.
 - To map the implementation of the PWDVA in selected states each year, analyse emerging trends, identify promising practices, shortcomings and suggest remedial measures / amendments required with in law.

⁵¹ *Revisiting Life, PWDVA 2005 - A Position Paper* (2010), Task Force on Violence Against Women (TFVAW), Bhubaneswar, Orissa.

⁵² *Staying Alive, Monitoring and Evaluation Reports*, Lawyers Collective Women's Rights Initiative and UN Women (2007), (2008), (2009), (2010), (2012) available at <http://www.lawyerscollective.org/publications>

- Trace the developing jurisprudence under the law through analysis of Magistrate court orders⁵³ and judgements of the higher judiciary.
- **NMEW** within the domain area of *Gender Rights, Gender Based Violence and Law Enforcement* is dedicated to efforts at monitoring and evaluation of the PWDVA in order to ensure that states are taking steps to implement the law. Towards this goal, NMEW has partnered with LCWRI and has been facilitating data collection on the implementation of the law in states.

2. Data Collection for Periodic Review

- Central Government Format has been issued in all States for the PO, under which the PO reports to the nodal agency, which in turn reports to the MWCD.⁵⁴ There is a requirement for POs to hold monthly meetings and submit quarterly reports.
- SPs in Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, and Mizoram are required to submit monthly and quarterly reports to the nodal department through the PO.
- In addition to submission of periodic reports to the nodal Department, certain states like Haryana have also been organizing periodic review meetings of the Protection Officers with the Department.
- In Rajasthan, formats developed by the State Government are used by the police to record information on the number of domestic violence cases registered under the PWDVA and the nature of assistance provided in accordance with the PWDVA.⁵⁵
- In Karnataka, records are maintained by the medical facilities and periodic reports are submitted directly to the concerned PO.

⁵³ For the 6th Monitoring and Evaluation Report, LCWRI has analyzed 9526 court orders from 23 states.

⁵⁴ Refer to Annexure 7

⁵⁵ Refer to Annexure 8

3. Performance Appraisal Programme

Special cells in Haryana under the aegis of the State Government have designed a participatory performance appraisal programme for the PPOs. The PPOs fill out a self appraisal proforma which is given to them a month in advance of the appraisal completion dates. The filled in proforma is then shared with the Project Officer and the Department of Women and Child Development (DWCD) vide the State Consultant (nodal officer). Finally an Appraisal Committee comprising of the Director of DWCD, State Consultant and the Project Director of TISS review the proformas and conduct an interactive appraisal interview with each PPO before finalizing the individual appraisal reports. The Director of DWCD is the final authority endorsing the decision taken by the Appraisal Committee.⁵⁶

COORDINATION

Coordination between the nodal agencies at both the Centre and the State's are required for smooth functioning. This must ensure participation of all relevant government departments.

Sub Questions

- Does the coordination mechanism established by the Central and State Governments ensures participation from all nodal agencies?
- Have Coordinating Committees been formed at every level?
- Is there a mechanism for coordinating action at the grassroot levels?

⁵⁶ Refer to Annexure 9

Suggested Best Practices

- Creation of Coordinating Committees at different level with representatives broadly drawn from all relevant departments.
- Must ensure effective participation from all departments.
- At the State level, secretaries of relevant ministries must coordinate functioning between various departments and formulating protocols for effective functioning of the Act⁵⁷
- At the District, Block and Taluq level: To ensure effective coordination between all stakeholders under the Act, namely, POs, SPs, Police, Legal Aid lawyers and for periodically reviewing the services available women.

Case Study

- Coordination Committees have been constituted in Karnataka at the state, district and block levels.⁵⁸ The co-ordination committee plans the course of action for effective delivery of services to women under the Act.⁵⁹ The committee co-ordinates with representatives of the concerned departments through meetings held once in three months.
- The Members of the coordination committee setup at all three levels are representatives primarily from the Home Department, Law and Parliamentary Affairs Department, Information and Publicity Department, State Legal Services Authority, State Women Commission, Health & Family Welfare Department, Protection Officers, Service Providers, and shelter homes.

⁵⁷ State level committees will include Home Department, Law and Parliamentary Affairs Department, Information and Publicity Department, State Legal Services Authority, State Women Commission, Health & Family Welfare Department

⁵⁸ Coordination Committees at all three levels have also been formed in Kerala, Maharashtra, Gujarat, Utrakhand, Rajasthan, and Madhya Pradesh.

⁵⁹ They also evolve methods of wide publicity to the provisions of the Act and rules.

- The District Level Coordination Committees are chaired by the Deputy Commissioner of Police and the members of the committee are the Secretary of DLSA (who has been designated as the Member Secretary of the Committee), Superintendent of Police, Chief Executive Officer (Zilla Parishad), Deputy Director of Dept. of WCD, DHO, PO (from each block) and two representatives from NGOs.
- The coordination committee meetings at the block level are presided over by the Tehsildars. The members of these meetings are the executive officers of the Taluk Panchayat, Police Inspector, CDPO, Taluk Health Officer, POs and NGOs (Two representatives). The Member Secretary for the Block level Meetings is the Secretary of DLSA. The minutes of these meetings are sent to the DWCD for review.
- The POs and SPs during the in-depth interviews have reported that they have been attending these committee meetings. Various issues such as organizing trainings of stakeholders have been dealt with during these meetings.⁶⁰

TRAINING AND CAPACITY BUILDING

Sub Questions

- Does the training conducted for agencies under the act provide a clear perception of the provisions of the Act?
- Do the training modules ensure gender sensitivity?
- Is participation of all stakeholders ensured at the training sessions?
- Is training conducted for the judiciary?

⁶⁰ Findings based on state visit study conducted by LCWRI in collaboration with Vimochana in 2012

Suggested Best Practices

- Training must ensure the strengthening of the knowledge base on the PWDVA and all other relevant laws.
- It must ensure gender sensitivity.
- All stakeholders must be persuaded to participate.
- Training must be extended to members of the judiciary

Case Studies

1. Extensive Training Programme for SPs

The Rajasthan State Government had organized a 10-day training programme for the Service providers in collaboration with TISS and the Rajasthan Police Academy in December 2011.

2. Induction Trainings for POs⁶¹

- The newly appointed POs in Karnataka have received one-month induction training from Institute of IMG Mysore, in collaboration with the DWCD.⁶² The materials circulated among the participants during the training include copies of the Act, reporting formats, and details of all stakeholders. As refresher courses, two state level orientation training courses have been organized by NIPCCD and the Karnataka Legal Services Authority (KLSA) for all stakeholders.
- In Kerala, POs have attended a 21-day training programme on the implementation of the Act conducted by IMG. Copies of the Act and a handbook containing details of POs and SPs were distributed to the participants.

⁶¹ 5th M and E Report, 2012

⁶² State visit 2012 conducted by LCWRI in collaboration with Vimochana

- In November 2008, a 10-day induction training for the PPOs was conducted in Haryana by the trainers from Haryana Institute of Public Administration (HIPA) in collaboration with LCWRI and the Centre for Social Research.

3. Trainings by the National Institute of Public Cooperation and Child Development (NIPCCD):⁶³

NIPCCD was established in 1966 with the objective of developing and promoting voluntary action in social development through training and capacity building of Government and Non-Government functionaries. It functions under the aegis of the Ministry of Women and Child Development.

- NIPCCD has conducted training programmes for the functionaries under the PWDVA in all states at the behest of the State Governments and the NGOs operating in those states.
- The training by NIPCCD ensures that all agencies under the Act are oriented to be gender sensitive. Modules on gender sensitivity, more specifically in dealing with domestic violence victims are incorporated into the training. To this end, training courses by the NIPCCD broadly incorporate the history and rationale for the law, which sets the context of women's subordinate status in Indian society. Training sessions use visual media aids to focus on protection and development of women issues of behavioral concern and women's empowerment.⁶⁴
- When a single agency takes on the responsibility of training functionaries throughout the country, it ensures a certain level of uniformity in the standard of training, which is expected to reflect in the standard of working of the stakeholders.
- Combined training programmes for all stakeholders ensure better understanding of each other's roles under the PWDVA and facilitates multiagency coordination.

⁶³ It is registered under the Societies Registration Act of 1860

⁶⁴ NIPCCD in collaboration with LCWRI conducted trainings for all stakeholders across the country during the period 2008 -2011. Model for training taken from 23-24 June 2011, NIPCCD Regional Centre-Guwahati

- Impact assessment through feedbacks helps in improving the quality of trainings to be conducted in the future.

4. Judicial Trainings

Training programmes have been conducted under the PWDVA by State Judicial Academies in collaboration with LCWRI for metropolitan and judicial magistrates in the states. The training incorporates: An understanding of Domestic Violence as a human rights violation, issues of law and procedure, an overview of PWDVA and identification of bottlenecks in adjudication, and the way forward.

AWARENESS CREATION

Sub Questions

- How extensive are efforts at awareness creation? How wide is the coverage provided?
- Are all types of media being used to disseminate information about PWDVA?
- Are public messages gender sensitive in content and language?
- Have the sensitive sections of the population been targeted?

Suggested Best Practices

- Awareness must reach the affected population.
- Dissemination of information must be through all media: electronic, press, social, and broadcast.
- Messages must be gender sensitive in content and language.
- Focused awareness generating initiatives must be undertaken among vulnerable communities.

Case Studies

1. Women's Helpline

In Tripura and Madhya Pradesh⁶⁵ a toll free women helpline '1091' has been setup to help women with complaints of Domestic Violence.

2. Radio Jingles

In Bihar, innovative methods have been used for spreading awareness of the law. Under the the DWCD, Radio Jingles have been composed about the women's helpline, short stay homes, and other such initiatives.

3. Advertisement for contact details of POs

In Bihar, Gujarat and Delhi contact details of POs have been displayed in several prominent places. In Gujarat, the Gender Resource Centre (GRC) in all districts has put up hoardings containing basic information on the PWDVA and contact numbers of helplines on buses. Similarly, contact details including mobile numbers of the PO are displayed at the metro stations in Delhi.

4. Website on PWDVA

The DWCD Andhra Pradesh has recently launched a website⁶⁶ under the auspices of a Programme against Domestic Violence titled "2K Run" aimed at spreading awareness about the PWDVA.

5. Ad Campaigns in Regional Languages

Spots of Bell Bajao⁶⁷ have been dubbed in the regional language under the initiative of the Orissa Government and the State Commission for Women. They have now adopted the campaign; it will be telecasted widely across the State for publicity and awareness creation under the PWDVA.

⁶⁵ In all family counselling centres

⁶⁶ www.pwdvhyd.ap.nic.in

⁶⁷ Discussed in detail below

6. The Bell Bajao Campaign⁶⁸

The campaign was launched by Breakthrough in India in 2008. It called on people to ring the doorbell whenever they hear of violence against women. The idea was to create awareness about domestic violence and the idea that we are all responsible for stopping it, by “ringing the bell”. This way, the abuser is shown that the community is watching and listening and also to ensure that men become powerful partners in ending violence, and help make what was once acceptable, unacceptable.⁶⁹

- The campaign has gone global and has been endorsed by the United Nations Secretary General Ban Ki-moon.
- More than 140 million people in India alone have seen Bell Bajao's series of multi-award-winning television advertisement.
- The "ring the bell" concept has also made its way onto India's leading soap operas and quiz shows
- Awareness about PWDVA followed as a consequence of the general campaign on domestic violence. The end line survey to assess the impact of the campaign indicated significant changes in knowledge, attitudes, and behavior at the individual and community levels on domestic violence issues and the provisions of the PWDVA.

BUDGET

Sub Questions

- Have the State Governments allocated separate budgets for the implementation of the PWDVA?
- Are the budgets adequate and evenly distributed among all agencies?

⁶⁸ Though this is a non – government campaign, this has been included since it was found to be a good model for publicity and awareness raining with respect to domestic violence.

⁶⁹ Information available on the Breakthrough website <http://www.bellbajao.org/>

Suggested Best Practices

- Separate budgets must be allocated by all states for the implementation of the PWDVA.
- Budgets must be adequate and must be well distributed between different activities.

Observations

- Most states still do not have a separate budget for the implementation of PWDVA.
- For instance, states like Bihar, Jharkhand, Uttar Pradesh, Rajasthan, and Mizoram have not formulated a scheme for implementation of PWDVA.
- Karnataka has the largest allocation of budget of Rs 5.53 crore.
- Another issue is the expenditure of budget allocated. Punjab, has been showing an allocation of Rs 50 lakhs for the last five years; however, the budget has largely remained unspent.
- Similarly, in Gujarat, while, allocation has increased over the years, expenditure has been very low.
- Many states have allocated a budget for the generation of awareness and capacity building.
- Karnataka, Maharashtra, Bihar, and Gujarat have made provisions in their budgets for the salary of POs. Karnataka among all states, provides the highest salaries to its POs.
- Bihar has allocated allowances for helplines and short stay homes. Chhattisgarh has provisioned Rs 150 lakhs to implement the PWDVA, separately in its state budget.

- Unfortunately, there have been few instances of states making provisions in their budgets for SPs, medical facilities and shelter homes. Madhya Pradesh has 23 government-funded NGOs that act as SPs.
- It is equally important to look at the specific components of the budget. Although some states have allocated money for training, awareness generation and for office of the PO (support staff), many important components such as assistance to service providers, infrastructure, medical facilities, legal assistance and transport allowance for POs remain neglected.

BEST PRACTICES FROM COURTS

The PWDVA was enacted with the primary objective of ensuring early and timely relief for the woman survivors of domestic violence, through the passing of protection orders and other relief under the Act. Magistrates are empowered to pass orders under the Act and to take the assistance of the other agencies in ensuring justice for the women.

Sub Questions

- Do courts demonstrate a high level of knowledge with respect to the nature of violence and the coverage of the PWDVA?
- Do Courts recognise emergencies and grant ex-parte and interim orders on prima facie evidence of domestic violence?
- Are Courts using the existing multiagency response system for providing relief in the form of orders?
- Are Courts disposing of cases in a gender sensitive manner?
- Are Courts using the services of POs and SPs for evidence collection?
- Are courts recording settled cases as orders of the court?
- Are Courts disposing of cases within the stipulated three-month time period?
- Do Courts show a commitment towards enforcement of orders?

Suggested Best Practices

- Courts must demonstrate knowledge of the PWDVA by granting protection against all forms of domestic violence and by protecting women in all domestic relationships.
- Courts should recognise cases where prima facie evidence of violence exists and pass ex-parte and interim orders.
- Courts must make use of the multi agency response system by making appropriate referrals based on the needs of the women.
- Courts must dispose of cases in a gender sensitive manner by avoiding insensitive language, bias and stereotyping.
- Demonstrate case management skills by engaging the PO and the SP in evidence gathering exercises.
- Courts must ensure that settlement/compromise cases are recorded as orders of the court.
- Courts must demonstrate a commitment to ensuring enforcement of orders by taking action under Sections 31 and 32 of the Act.
- Courts must dispose of cases within three months as prescribed within the Act.

Case Studies⁷⁰

Sensitivity to domestic violence and the purpose of the law

Observation by the Court “*No Indian woman will desert her matrimonial home on her own volition unless there are circumstances and conditions over there that compel her to do so*”.⁷¹

⁷⁰ For detailed analysis of court orders and practices followed by Courts please refer to the M and E Report 2013, Staying Alive, LCWRI

⁷¹ CMA 363/2011, Maharashtra

The court expressed sympathy to married woman who left the shared household after her husband married again, stating: “*She is staying apart only because of his cruelty. He has married again and though polygamy is allowed in Muslims, it is imperative that all wives be given equal rights.*”⁷²

Facilitating Enforcement

Orders passed by courts which contain specific protection orders restraining the respondent from perpetrating a particular act of violence, facilitates better enforcement of orders and helps filing for a breach under Section 31.

“*The respondent is restrained from obstructing the marriage function of the younger son of the petitioner and himself and not to abuse or ill treat the petitioner and her children and the invitees to the marriage function and not to create any situation which will adversely affect the marriage ceremony in any manner.*”⁷³

On Prima Facie Evidence of Violence

Ex-parte orders are usually granted by the courts on the basis of the affidavit submitted by the women and the DIR submitted in the court, ex-parte orders are granted in cases where the application prima facie discloses that domestic violence have taken place or is likely to take place.

Held: “*the Act lays down its own procedure for disposal of applications. The magistrate is empowered to pass such interim orders as he/she deems just and proper provided the case prima facie is in favour of the AP.*”⁷⁴

⁷² MA 32/2011 Maharashtra

⁷³ C.M.P 4323/2011, Kerala

⁷⁴ In Criminal Appeal No. 147/2011, Karnataka

Multi Agency Response

Courts are increasingly using POs to adjudicate cases as seen below:

- POs have been directed to take police assistance and report any breach of orders, ensuring better enforcement of reliefs granted and encourages multi-agency coordination between the agencies.⁷⁵
- POs are directed to conduct a Home Visit and submit a report. Orders have been passed on the basis of these reports.
- Courts are also directing the police to provide protection to the aggrieved person and to assist her in the enforcement of the order.

In Delhi, the SHO was directed to personally visit the shared household and file a report regarding the existing factum, as to whether or not the respondent has vacated the said premises and has removed all his articles from there. The Commissioner, MCD and the Superintendent of Police were requested to oversee and ensure compliance of orders by getting the amount of Rs 12,500 deducted from the salary of the applicant and respondent and get it deposited in the joint account. The SHO was further directed to file a compliance report.

Settlement of Cases

In **Sikkim** the terms of settlement are recorded in the order and in all cases a protection order is passed before referring the parties for mediation/ counseling.

⁷⁵ Refer to Annexure 10

CONCLUSION

The Manual is a modest preliminary exercise in collating practices, which appear to ensure accessibility of services to the beneficiaries of the Act and maintain a certain quality of service. There are certain services and practices that have stood out, when compared with the existing practices observed followed throughout the country.

The Manual simply maps the areas where best practices exists – thus demonstrating the efforts by the state governments where the practice is being followed. There are many other practices and services that are followed throughout the country that help victims and survivors of domestic violence, some of which have been tabled here through case studies. This manual does not give an exhaustive list of best practices, as efforts by many stakeholders are unrecorded due to a lack of documentation. Demonstrating thereby, the importance of the recording processes, procedures and experiences.

While the present exercise is limited to good practices followed in a state by the initiative of the state government in fulfillment of its duties under the Act; voluntary efforts by the non – government sector will continue to supplement the efforts of the government.

The complete and uniform establishment of best practices can only be done through establishing comprehensive protocols and efficient documentation. These protocols need to be developed by the State and in conjunction with concerned stake holders to ensure the delivery of services to victims of domestic violence. The manual has taken a small step in highlighting some best practices and the development of these protocols would be a natural consequence.

RESOURCES

1. *Staying Alive, Monitoring and Evaluation Reports, Lawyers Collective Women's Rights Initiative and UN Women (2007), (2008), (2009), (2010), (2012) available at <http://www.lawyerscollective.org/publications>*
2. *Staying Alive: Evaluating Court Orders, 6th Monitoring and Evaluation Report, Lawyers Collective Women's Rights Initiative and UN Women (2013) available at <http://www.lawyerscollective.org/publications>*
3. *S. Rege, Guidelines for Counseling Women Facing Violence, CEHAT Centre for Enquiry into Health and Allied Themes) and DILASA, (2008), available at <http://www.cehat.org/go/uploads/Publications/Guidelinesforcounselling.pdf>*
4. *Ending Violence Through Non-Violence, A Manual for PWDVA Protection Officers, LCWRI (2009) available at <http://www.lawyerscollective.org/files/Soft%20copy-PO%20Manual.pdf>*
5. *Resource Tool for Monitoring and Evaluating the Implementation of the Protection of Women from Domestic Violence Act, 2005, Lawyers Collective Women's Rights Initiative (2013) available at <http://www.lawyerscollective.org/publications>*

Annexures



Annexure 1

Information on Stake Holders⁷⁶

State	Number of Protection Officers Appointed	Number of Service Providers (SP) Registered	Number of Medical Facilities	Number of Shelter Homes	Level of Appointments of POs	DIRs filed by POs		Number of DIRs filed by SPs
						On their Own	Under Court Direction	
Andhra Pradesh	104	72 (all with letters of registration from the government)	All government hospitals at District headquarters	52	District and Block	1950	500	1950
Arunachal Pradesh	15	2	None	Not Provided	District	Report not received	Report not received	Not Provided
Bihar	32	N/A	Not Provided	0	District	174	28	174
Chhattisgarh	181	Not provided (Registration in process)	Every district hospital and CHC at block level	8	Block	228	391	16
Daman and Diu	2	1	3	0 (Under 12th 5 year plan, provision for Model home for children and juveniles approved)	District	Nil	Nil	Nil
Gujarat	45	247 (all with letters of registration from the government)	59	22	District and Block	1696	861	195
Haryana	20	26 (all with letters of registration from the government)	All government hospitals, CHCs and PHCs notified	3	District	1692	1156	N/A
Jharkhand	204	Not provided	Not Provided	2	Block	N/A	N/A	N/A

⁷⁶ This includes Protection Officers, Service Providers, Medical Facilities and Shelter Homes

Referral to POs by SPs	Referrals to POs by Medical Facilities	Referrals to POs by Shelter Homes	Referrals to Medical Facilities			Referrals to Shelter Homes			
			By POs	By SPs	By Police	By POs	By SPs	By Police	By Medical Facilities
Yes	No	Not Provided	8	0	0	47	0	0	0
Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided
Yes	Not Provided	Yes 451	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
Not Provided	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
Not Provided	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
Yes	Do not know	Do not know	0	0	0	Not Provided	Not Provided	Not Provided	Not Provided
Yes 17	No	No	77	0	0	34	0	0	0
Not Provided	Not Provided	Yes	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided

State	Number of Protection Officers Appointed	Number of Service Providers (SP) Registered	Number of Medical Facilities	Number of Shelter Homes	Level of Appointments of POs	DIRs filed by POs		Number of DIRs filed by SPs	
						On their Own	Under Court Direction		
Karnataka	215	116	All government hospitals owned, maintained, or controlled by the state government	Not Provided	District and Taluk	2535	N/A	N/A	
Madhya Pradesh	453	63 (all with letters of registration from the government)	All government hospitals and medical centres and medical colleges	29	Taluk	1322	158	N/A	
Maharashtra	615	46 (registered on non grant basis)	Civil surgeons, district hospitals, women's hospitals, regional mental hospitals notified	121	District	1393	N/A	365	
Mizoram	9	12 (all with letters of registration from the government)	Not provided	3	District	129	8	94	
Orissa	30	129	Not Provided	Not Provided	District	N/A	N/A	N/A	
Puducherry	6	Nil	4	4		26	9	Nil	
Punjab	154	23	Not Provided	3	Block	285	N/A	N/A	
Rajasthan	607	Not provided	All district hospitals, sub divisional hospitals, satellite hospitals, dispensaries, CHCs, PHCs etc.	13	District and Block	249	897	Nil	

	Referral to POs by SPs	Referrals to POs by Medical Facilities	Referrals to POs by Shelter Homes	Referrals to Medical Facilities			Referrals to Shelter Homes			
				By POs	By SPs	By Police	By POs	By SPs	By Police	By Medical Facilities
	Yes 25	Not Provided	Not Provided	53	9	0	199	9	0	0
	Yes	No	Yes 27	25	0	0	55	20	1	0
	Not Provided	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
	Yes 95	Yes 7	Yes 2	0	7	0	4	3	0	0
	Yes	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
	Not Provided	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
	Not Provided	No	Not Provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not Provided	Not Provided
	Not Provided	Not Provided	Not Provided	Not provided	Not provided	Not provided	Not Provided	Not Provided	Not Provided	Not Provided

Information on Budgetary Allocation

State	Budget Allocated (in lakhs)					Expenditure (in lakhs)				
						2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Andhra Pradesh	100	100	111.28	114	114	99.61	100	111.28	113.75	28.5 (upto Q1)
Arunachal Pradesh	-	-	-	-	-	-	-	-	3	-
Bihar	N/A (partially funded by the existing budget for Helpline and Short stay home)					N/A	N/A	N/A	N/A	N/A
Chattisgarh	Not provided	Not provided	No separate allotment provided	No separate allotment provided	No separate allotment provided	Not provided	Not provided	Not provided	Not provided	Not provided
Daman and Diu	Not provided	Not provided	Nil	Nil	Nil	Not provided	Not provided	Nil	Nil	Nil

Separate State plan for PWDVA	Specific heads for which Budget has been Allocated	Main Reasons for Non Utilisation of Budget	Specific Component for which Budget Allocation is Required or Needs Increase	Proposal for additional financial Resources from Central Government
No	Rs. 109 lakhs utilised under 300 OCS for outsourcing staff salaries and Rs. 5 lakhs utilised under 132 OOE for other office expenditures	N/A	Salary component for DV staff	Nil
No	Funds allocated to POs for expenditure incurred and printing of PWDVA to generate awareness	N/A	Not provided	Not provided
No	Budget for Helpline Rs 5.38 per District and Rs 9.70 lakh per District for short stay home since 2007	N/A	HR, infrastructure, medical facilities, legal assistance, shelter homes, capacity building	No
Yes 150 lakhs is provisioned to implement the scheme draft scheme is under approval	Not provided	Not provided	Not provided	No
No	Not provided	Not provided	Not provided	No

State	Budget Allocated (in lakhs)					Expenditure (in lakhs)					
						2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013						
Gujarat	60	25	15	25	62.70	1.67	12.99	50.91	3.95	Not provided	
Haryana	25	80	80	80	100	23.7	74.9	67.25	66	Not provided	
Jharkhand	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	
Karnataka	150	205.48	361.60	530.22	553.0	146.61	180.70	348.18	244.54	Not provided	
Madhya Pradesh	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	
Maha-rashtra	Not provided Not provided White book- 42.78 Allotted - 29.48 White book - 200.0 Allotted - 150.75 White book- 220.0 Allotted - 44					Not provided Not provided 29.48 Nil Nil					
Mizoram	Nil					Nil					

	Separate State plan for PWDVA	Specific heads for which Budget has been Allocated	Main Reasons for Non Utilisation of Budget	Specific Component for which Budget Allocation is Required or Needs Increase	Proposal for additional financial Resources from Central Government
	No	Information education and communication for Pos, salaries and training of POs, infrastructure, transport	Not provided	Not provided	No
	No	Not provided	Not provided	Not provided	Not provided
	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided
	Yes (but no evaluation study has been conducted)	Salary and training of POs, office infrastructure, awareness generation, training and capacity building of POs, police and other stake holders	Exclusive POs are being appointed stage by stage	N/A	No
	Yes Ushakiran Scheme	Not provided	Utilising property	Not provided	Not provided
	No	Salary of Pos, office expenses, transport and training	Not provided	Not provided	Not Provided
	Not available	Not available	N/A	Honorarium of cash incentive/transport allowance for POs and SPs, financial allowance for victims	Not yet

State	Budget Allocated (in lakhs)					Expenditure (in lakhs)					
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	
Odisha	Not provided	Not provided	25.0	25.0	25.0	Not provided	Not provided	25.0	25.0	Yet to spend	
Puducherry	Not provided	Not provided	Not provided	1.30	Not provided	Not provided	Not provided	Not provided	Not provided	Not provided	
Punjab	Not provided	Not provided	50	50	50	Not provided	Not provided	25	Nil	Not provided	
Rajasthan	Not Provided	Not Provided	Nil	Nil	Nil	Not Provided	Not Provided	Nil	Nil	Nil	

Separate State plan for PWDVA	Specific heads for which Budget has been Allocated	Main Reasons for Non Utilisation of Budget	Specific Component for which Budget Allocation is Required or Needs Increase	Proposal for additional financial Resources from Central Government
Yes Scheme under State plan for implementation of PWDVA with a budgetary provision of Rs. 25 lakhs	Not provided	Budget used as per Action Plan	Salary component of budget for independent POs to make new appointments	No
No	Budget allocated for enforcement of legislation	N/A	Not provided	No
No	Awarenes generation, training and capacity building of POs, police, or any other stake holders	Bills not cleared from treasury	Not provided	Not provided
No	Not Provided	Not Provided	Not Provided	Not Provided

From

The Director
Women & Child Development Department,
Panchkula, Haryana.

To

Protection cum Prohibition Officer (PPO)
Panipat, Jind, Jhajjar and Kurukshetra.

Subject: No. 50321-24 Cons/WCD/2010, dated 5-3-10
Registration of Service Providers under Domestic Violence Act.

With reference to earlier letter No. 318-37 dt. 9-04-09 on the subject cited above, **no Service Provider has been registered in your District** in accordance with Section 10 of Domestic Violence Act and Rule 11 of Domestic Violence Rules 2006.

You are directed to **identify at least two organizations** registered under any law for at least three years providing counseling services, shelter home facilities, legal aid, financial or other assistance to women and desirous of providing services as service provider under the Act. Applications of such organizations should be received in Form VI of Domestic Violence Rules 2006. After making proper enquiry as provided under Rule 11, all the applications along with requisite enclosures and your recommendations should be forwarded to the headquarters **latest by 15th March 2010.**


Joint Director
e/c for Director, Women & Child Development
Department, Haryana

Circular dated 22.12.2006 issued by the Office of the Additional DGP, CID, Hyderabad, Andhra Pradesh.

C.No.2358/C14/WPC/2006

Office of the Addl.
Director General of Police,
C.I.D. A.P., Hyderabad.
Dt: 22 -12-2006.

CIRCULAR MEMO

Sub:- The Protection of Women from Domestic Violence Act, 2005
(Act No.43 of 2005) - Instructions issued - Reg.,

Ref : 1) This office Circular Memo of even No. Dt: 31-10-2006.
2) G.o. Ms. No.22 of WD, CW&DW Dept., Govt. of A.P., dt: 9-11-2006.

In continuation of instructions issued in earlier circular memo, all the Unit Officer, Range DisG & Regional IsGP are requested . to circulate the following instructions issued regarding duties of Police in connection with the Protection of Women from Domestic Violence Act, 2005.

DUTIES OF POLICE

1. As soon as the complaint is received, Police shall inform the aggrieved person (Sec.5)
 - (a) Of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
 - (b) Of the availability of services of service providers;
 - (c) Of the availability of services of the protection officers;
 - (d) Of her right to free legal services under the Legal Services Authority Act, 1987;
 - (e) Of her right to file a complaint under section 498-A of the Indian Penal Code, wherever relevant;

Further, if from the content of the complaint, ingredients of cognizable offence under IPC or any other Act are revealed then he/she shall inform her right to initiate criminal proceedings by lodging FIR. But if aggrieved person doesn't want to initiate criminal proceedings, then make a Daily diary entry (General Diary entry) to this effect that complainant wants to pursue civil remedy.

2. Assist the victim in making Domestic Incident Report (D.I.R) in the prescribed form and forward it to the Magistrate through Protection Officer (P.O), or service provider or victim can directly represent to Magistrate for passing appropriate Protection Order as prayed by the victim or as deemed fit by the court. Vide G.O. No.22 (Ref. 2nd cited) the Project Directors of Women & Child Welfare Department, Government of Andhra Pradesh are designated as P.O's.
3. Forward the victim to hospital for proper medical aid, if necessary.
4. **Protection to Victim:** The police shall provide protection to the aggrieved person if so directed by the Court (S.19)
5. **Assistance in Implementation:** The Police shall assist in the implementation of the Protection Order if directed by the Court (S.19)
6. In emergency cases, if Protection Officer (P.O) feels the necessity of Police assistance, then Police shall visit the place of occurrence and render all possible help in recording Domestic Incident Report (DIR) (Rule 9)
7. Protection Officer can seek the assistance of police in confiscating the weapon used by respondent in the act of domestic violence (rule 10 (f))
8. **Aggrieved person or Protection Officer may report breach of protection order to Police for initiating action U/s 31/32 [Rule (15)] and for issuance of F.I.R as dull. : offence is of Cognizable nature and non-bailable one, which is punishable with imprisonment upto one year or fine up to Rs. 20,000/-.**
9. If Domestic Incident Report (DIR) is made by Protection Officer he/she shall forward copies there to the police officer incharge of the police station with in the local limits of whose jurisdiction domestic violence is alleged to have been committed. (Sec.9)

- 10) In State of Andhra Pradesh, Project Directors of Women & Child Welfare Department are appointed as Protection Officers of their jurisdiction. A list of all protection officers & their contact numbers is separately enclosed. (Annexure-I)
- 11) Copies of Domestic Incident Report (D.I.R.) form I & II is also enclosed to have a knowledge about D.I.R. (Annexure II & III). The Project Director will be issuing DIRs with DIR number and the Magistrate will be giving Domestic Violence case number. APPs will be appearing for aggrieved person.
- 12) All Law enforcement officers should note that the Act is basically of Civil nature intended to render quick civil relief like Protection Order, Residence Order, Monetary Relief Order, Custody Order and! Compensation Order. Of these orders breach of Protection Order alone is Cognizable & Non-bailable Offence. However, this does not preclude the police from initiating legal action in all Cognizable Offences.

Encl : Annexure I & III

Sd/-

M. RATAN, IPS

Addl. Director General of Polices,
CID, AP, Hyderabad

To :

All the Unit Officers in the State to circulate to all SHOs / Inspectors/ SDPOs for necessary action.

An Range DIsG and Regional IsGP in the State.

Copy to the Chairperson, A.P. Women's Commission, Hyderabad.

Copy to the Director, Women Development & Child Welfare Dept., Yousufguda, Hyd.

Copy to the Secretary to Government, Women Development, Child Welfare & Disabled Welfare Dept., A.P., Secretariat, Hyderabad.

Copy to the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Nampally, Hyderabad.

Copy to the Director, A.P. Police Academy, Hyderabad for information.

Copy to the Inspector General of Police (Training), A.P. Hyderabad for information to circulate to all PTCs.

Copy to Addl.DGP, APSP to circulate to all Commandants for necessary action.

Copy to Addl.DGP (Legal), Chief Officer, Hyderabad.

Copy to the Principal Secretary to Government (Home), A.P. Hyderabad.

N.O.O. for all Inspectors & above of CID.

Copy to PS to Home Minister. AP. Hyderabad.

Copy to Stock & file.

Annexure 4

From

The Director
Women & Child Development Department,
Haryana, Panchkula.

To

All Protection cum Prohibition Officers

No. 37641-63 Cons. Chandigarh, dated 21-12-09
Subject: Circulation of Details of Special Cells for Women and Children to
all Govt. Hospitals, CHCs and PHCs.

Kindly find enclosed the copy of the directions issued by Director General Health Services Haryana to all Civil Surgeons to refer cases of Domestic Violence to Special Cells for Women and Children. In this regard, you are directed to follow up the matter with the Civil Surgeon of your District and ensure that Govt. Hospitals, CHCs, PHCs and Sub-Centres refer cases of Domestic Violence to Special Cells and also provide free medical treatment to the victims.

Action taken report in this matter should be sent at the earliest.


Joint Director
for Director, Women & Child Development
Department, Haryana

Circular dated 30.06.2007 issued by the Andhra Pradesh Legal Services Authority



GOVERNMENT OF ANDHRA PRADESH
A.P.STATE LEGAL SERVICES AUTHORITY

Nyaya Sava Seva, City Civil Court Compound,
Purani Haveli, Hyderabad - 500 002
Ph. 23446700, 23446702, 23446703 Fax 23446701
E-Mail: apslas@nic.net
E-Mail: apslas@rediffmail.com

D.HUBRAMANYAM
Member Secretary

ROC No:APSLA/LSW/DVA/1/145/07 Dt:30-06-2007

C I R C U L A R

Sub: Steps for effective implementation of Protection of Women from Domestic Violence Act 2005 in Andhra Pradesh - Regarding.

Ref: Circular ROC No:325/APSLA/LSW/06 Dt: 23-11-2006.

We wish to inform you that in the Workshop of Protection of Women from Domestic Violence Act 2005 organised by National Women Commission at Bangalore on 21st and 22nd June 2007, the Chairperson, A.P.Women Commission, representatives of NGOs and Sri Umapathi, I.G. C.I.D who represented on behalf of A.P.State Police stated that the A.P.State Legal Services Authority, District Legal Services Authorities in the State have been extending full cooperation to all the agencies for effective implementation of the Protection of Women from Domestic Violence Act 2005. In the said Workshop the Chairperson, Karnataka State Women Commission stated that they have proposed to organize 4000 Legal Awareness Camps in their State in coordination with Karnataka State Legal Services Authority. We have also requested the Chairperson, A.P.State Women Commission to organize similar programmes and to conduct legal awareness camps extensively throughout the State in coordination with District Legal Services Authorities and Mandal Legal Services Committees. Under Section 5(d) of Protection of Women from Domestic Violence Act, Police Officers/Service Providers and Magistrates shall inform the aggrieved person of her right to free legal services under the Legal Services Authorities Act. Further women are one of the beneficiary groups entitled for legal services under the Legal Services Authorities Act. Therefore it is obligatory on our part to take all possible steps for better implementation of the Act.

In this regard I am directed by the Hon'ble Executive Chairman, A.P.State Legal Services Authority to request you to take the following steps.

1. District Legal Services Authorities have to organize Legal Awareness Camps to target groups in coordination with NGOs and Para Legal Volunteers to create awareness about the protection of women from Domestic Violence Act 2005.

... 2

2. Chairmen. District Legal Services Authorities have to organize Workshops through Secretary, District Legal Services Authority in all the Judicial Magistrate of First Class Courts/Chief Metropolitan Magistrate Courts of their respective Unit to sensitize the Advocates, Judicial Officers, Protection Officers, Police Officers, representatives of NGOs and Para Legal Volunteers within the jurisdiction of the respective Judicial Magistrate of First Class Courts/Chief Metropolitan Magistrate Courts on "Protection of Women from Domestic Violence Act". Each such workshop may be treated as Legal Literacy Camp for incurring expenditure.

District Legal Services Authorities shall constitute "Legal Aid Cell for effective implementation of the Protection of Women from Domestic Violence Act" consisting of Chairman, District Legal Services Authority as Chairman and Secretary, District Legal Services Authority, Superintendent of Police, Public Prosecutor, four lady Advocates having Social commitment, Protection Officers, Project Director, District Rural Development Agency as members of the Cell to ensure effective implementation of the Act, for monitoring the cases, providing legal aid to the victims and to provide assistance to the protection officers and service providers in implementation of the Act. Compliance report in this regard shall be submitted to this Authority by 10th August 2007. Further the cell shall review the practical and procedural difficulties encountered by the protection officers, courts, victims, service providers if any in implementation of the Act once in two months and submit a report to this Authority regularly with suitable suggestions if any for resolving such difficulties.


MEMBER SECRETARY

To,
All the Chairmen
District Legal Services Authorities.

NIPCCD mang file 201



U.P. STATE LEGAL SERVICES AUTHORITY

(Constituted under the Legal Services Authorities Act, 1987)

PATRON -IN-CHIEF
Hon'ble Chief Justice
Allahabad High Court

To,
All District Judges/Chairmen,
District Legal Services Authorities
Civil Court Premises, U.P.

EXECUTIVE CHAIRMAN
Hon'ble Mr. Justice S.R. ALAM
Senior Judge
Allahabad High Court

No. 1752 /SLSA -102/09

Dated: July 07, 2009

MEMBER SECRETARY
SUDHIR KUMAR SAXENA

Sir,
Under Section 5, 9 read with Rule 8 (1) (v) of the Rules framed under the Protection of Women from Domestic Violence Act, 2005, 'aggrieved person' is entitled to free legal aid. Matter was brought to the notice of the State Authority in Two-days Sensitization Programme on Protection of Women from Domestic Violence Act, 2005 held on 9th July, 2009 at Lucknow. Matter was duly considered by Hon'ble Executive Chairman.

I have been directed to request you to prepare a panel of 5 Advocates, preferably female, who will give legal aid to aggrieved persons under the Act and will render all the help to Service Providers and Protections Officers.

Compliance report may be sent to the State Authority by the end of the month.

Yours faithfully,

(Sudhir Kumar Saxena)
Member Secretary

Copy to- Dr. Sulochana Vasudevan, Joint Director (Women Development) National Institute of Public Cooperation and Child Development, 5, Siri Institutional Area, Hauz Khas, New Delhi - 110 016 for information.

(Sudhir Kumar Saxena)
Member Secretary

IIIrd Floor, Jawahar Bhawan Annexe, Lucknow-226001 (U.P.)

Phone: (0) : 0522-2286395, 2286260 Fax : 0522-2286260 E-mail : upslsa@up.nic.in Website : www.upslsa.up.nic.in

The Protection of Women from Domestic Violence Act, 2005 Quarterly Progress Report on implementation

Year: **January-March/April-June/July September/October-December**

Name of the State / Union Territory:

Name of the District:

1. Number of Protection Officers appointed:

Government Servants: Male:..... Female:.....

Members of NGOs: Male:..... Female:.....

2. Number of Service Providers registered:

3. Number of Medical Facility notified:

4. Number of Shelter Home notified:

5. Number of complaints of Domestic Violence:

6. Number of Domestic Incident Reports (DIR):

Lodged with Protection Officers:

Lodged with Service Providers:

Sent direct to Court:

7. Number of DIR forwarded to Magistrate:

8. Number of Aggrieved Persons provided medical aid by Medical Facility:

9. Number of Aggrieved Persons provided shelter by Shelter Home:

10. Number of Aggrieved Persons provided legal aid under Legal Service Authorities Act -1987:

11. Number of applications heard by Magistrate:

12. Number of applications disposed of by Magistrate:

13. Number of cases in which ex-parte order granted by Magistrate:

Govt. of Rajasthan
Women & Child Welfare Department
Women's Rights Directorate
2, Jal-Path Gandhi Nagar, Jaipur

S.No-F16 (1) (14) WRD/WH/07/Part III
Jaipur, dated 21-1-10

1626-591267-346

Distt. Supdt. Of Police

All.

Sub: *In reference to the implementation of Prevention of Women from Domestic Violence Act, 2005*

Reference: *Letter of Additional Director General of Police (Crime Branch), Rajasthan, Jaipur, S.N. P.6 (3), R.A/W.R./Leg./06/2292-2339, dated 03-09-08.*

Sir!

As you are aware that the Prevention of Women from Domestic Violence Act, 2005, is being implemented all over the country since October 2006. The aim of this Act is to provide the women protection from domestic violence, grant custody, and appropriate maintenance. In this regard, the Director General of Police (Crime Branch), Jaipur, Rajasthan has passed necessary guidelines through the above mention letter.

Under the Prevention of Women from Domestic Violence Act, 2005 (PWDVA, 2005) domestic violence is defined as any kind of mental or physical assault, physical torture, sexual harassment, oral and emotional misbehaviour or economic harassment by any of the male family members. Any aggrieved woman can file an application on her own or with the help of the Protection officer, service provider, organisation, police officer and some person, before the Magistrate. If any aggrieved woman files a complaint in this regard to the police officer, he/she should provide her information about the protection officer, service provider, alongwith details of the provisions of relief and other assistance available under the PWDVA, 2005. And, if, the woman agrees/wants, DIR shall be prepared in the form-1 prescribed under the PWDVA,

2005 and submitted to the concerned officer. If the woman wants then a FIR should be lodged about the incident.

It must be clarified that the proceedings under this Act are independent of other laws in force. If any action should be taken under any other law for a crime, the police will take action/ proceed as per that law separately.

This law is a civil law and is being implemented to provide help and protection to the women. Under this Act, the only provision that provides for punishment is where the respondent has violated/disobeyed the orders issued by the Magistrate. This constitutes a cognizable offence under Section 32 of the Act. There are provisions in the Act that direct the police to help the protection officer as and when the need arises.

Hence, under the Prevention of Women from Domestic Violence Act, 2005 (PWDVA, 2005) the police have an important role to play. Thus, this is important that each thana would use a format to collect information, prepare a report and maintain records. For this purpose, attached herewith are the police form-1 to 4. We request you to keep/maintain a register according to the police form-1 & 2, and to make an effort to bring/seek information according to the police form-3 from each police station/thana. It is requested that the information collected at the district level (quarterly) is sent in the police form-4 so that it can be included in the information to be sent to the Government of India.

Govt. Secretary
Welfare Department

Commissioner(WR) &
woman and Child

S.No-F16 (1) (14)WRD/WH/07/Part III 1660-760
dated 21-1-10

Jaipur,

Copy for the information and necessary action-

- 1- To Adl. Directorate General of Police (Crime Branch), Rajasthan, Jaipur, in reference to his letter- S.N. P.6 (3), R.A/W.R./Leg./06/2292-2339, dated 03-09-08. All distt. Collectors.
- 2- All S. Superintendent Of Police./D.S.P. range
- 3- All D.Directors, Women and Child Welfare Depts.

Consultant (W.A)

FORM POLICE-1

Register

Protection of Women from Domestic Violence Act-2005

Details of women victims contacting P.S.

Distt-----

Name of the P.S -----

Year-----

Part-2

S.N.	Name of the women	Nature/ subject of the complaint	Whether any report of incident lodged, if yes- name of the magistrate, if not- reason thereof.	Whether copy of report given to protection officer?	Whether the women has lodged any FIR, if yes-give No. dates. & other details.	Other details

FORM POLICE-2

Register

Protection of Women from Domestic Violence Act-2005

Cases registered Under Section 32 of the Act (cognizance and evidence)

Distt-----

Name of the P.S -----

Year-----

S.N.	Name of the women to whom protection orders have issued.	No. date of the protection order of magistrate disobeyed by the respondent	Details-name, address of respondent-against whom the case has been filed	Brief detail of the inquiry	Date of presentation before magistrate	Order of magistrate	Other details/ remarks

FORM POLICE-3

Protection of Women from Domestic Violence Act-2005 Quarterly information by Thana to Supdt. of Police

Distt-----

Name of the P.S -----

Period* -----

Year-----

1	Jan-March	Till 15/4 **		3	July-September	Till 15/10 **	
2	April-June	Till 15/7*		4	Oct-December	Till 15/01 **	

* Tick (right) before the related period.

** Report should be sent to Directorate before the fixed date.

Period	No. of complaints registered under DV Act.	No. of cases in which DIR presented before the magistrate	No. of cases sent to P.O.	No. of women seeking help from the shelter homes	No. of women seeking medical assistance	No. of person arrested/ taken to be arrested for the disobedience of protection order u/s 32 by magistrate.	Case No. or order/ execution order passed by the magistrate	Other detail/ remarks
No. of cases received till Dec. 31. last year.								
No. of cases received in the current year till date.								

No. of case received in the ref. time period.								
Total								

Signature I.O.

Copy to Supdt. Of Police..... for information and necessary action.

FORM POLICE-4

Protection of Women from Domestic Violence Act-2005 Quarterly information by Supdt. Of Police

Distt-----
Period* -----

Name of the P.S -----
Year-----

1	Jan-March	Till 15/4 **		3	July-September	Till 15/10 **	
2	April-June	Till 15/7*		4	Oct-December	Till 15/01 **	

* Tick (right) before the related period.

** Report should be sent to Directorate before the fixed date.

Period	No. of complaints registered under DV Act.	No. of cases in which DIR presented before the magistrate	No. of cases sent to P.O.	No. of women seeking help from the shelter homes	No. of women seeking medical assistance	No. of person arrested/ taken to be arrested for the disobedience of protection order u/s 32 by magistrate.	Case No. or order/ execution order passed by the magistrate	Other detail/ remarks
No. of cases received till Dec. 31. last year.								
No. of cases received in the current year till date.								

No. of case received in the ref. time period.								
Total								

Signature I.O.

Copy to-

- 1- Commissioner, women's rights (PWDVA-Department) A-2, Jal-path, Gandhi Nagar, Jaipur.
- 2- D. Director- women and child welfare dept. Distt-.....

Part III-Panel Appraisal Guidelines for appraisers

The non-negotiable in the performance appraisal system

1. The role of the project functionaries should be viewed as facilitative and not directive.
2. A participatory selection (appraisal) process is followed should be followed to ensure that project functionaries at all levels are committed to working among violated women and that they are free of caste/ community prejudices.

To be completed during the appraisal by the appraisers - where appropriate to do so; certain items can be completed by the appraisers before the appraisal, and then discussed and validated or amended in discussion by the appraisal panel.

- a. Review the completed discussion points in Part I section A.1 to A.5, and note the points of action.
- b. Discuss and agree the skills, capabilities and experience required for competence in current role. Refer to actions arising from Part I section A.4, in order to accurately identify all development areas, whether for competence at current level. Note the agreed development areas.
- c. Discuss and agree the specific objectives that will enable the appraisee to reach competence and to meet required performance in current job, if appropriate taking account of the coming 6 months plan and that will enable the appraisee to move towards, or achieve the desired personal growth or experience.
- d. Discuss and agree that the training and development support to be given to help the appraisee meet the agreed objectives above.

Agree a Plan of action for the appraisee

Summary and recommendations by the panel

Signatures of Appraiser	Name and Signatures of Appraisers with date 1.	2.
	3.	4.

Excellent	5
Good	4
Average	3
Below average	2
Poor	1

Excellent – 5 – exemplary work

For performance to be evaluated as excellent – 5 points – the PPO should demonstrate

- Very consistent performance throughout the year.
- Superior ability to analyse social situations, identify needs and resources of the violated woman's system, consistently demonstrate superior skill in problem definition, work and evaluation.
- Superior ability to integrate knowledge understanding, critical appreciation, appropriate application into practice.
- Strong identification with the roles and an excellent attempt to internalise its values and goals. A clear understanding of the purpose of the Special Cell's services and PPOs roles.
- Superior capacity to relate purposefully, to empathise and to respond appropriately while working with individuals, families, groups and communities. Superior capacity for sustained focussed work and for involving violated and systems in initiating changes.
- Very disciplined approach to work. Good sense of responsibility of responsibilities and commitment shown towards client system, interventions, colleagues and DWCD. Excellent capacity to work and team spirit.
- Outstanding recording and documenting skills. Ability to use documentation for various purposes.
- Openness to learning and shows an excellent capacity for accepting and acting on constructive feedback and makes positive use of supervision.

Good – 4 – progressive work

For performance to be evaluated as good – 4 points – the PPO should demonstrate

- More or less progressively even movement during the specified period
- Very good ability to analyse social situations, identify needs and resources of the violated woman's system, consistently demonstrate good skill in problem definition, work and evaluation.
- Good ability to integrate knowledge understanding, critical appreciation, appropriate application into practice.
- Clear identification with the roles and good attempt to internalise its values and goals. A clear understanding of the purpose of the Special Cell's services and PPOs roles.
- Good capacity to relate purposefully, to empathise and to respond appropriately while working with individuals, families, groups and communities. Good capacity for sustained focussed work and for involving violated and systems in initiating changes.
- Disciplined approach to work. Good sense of responsibilities and commitment shown towards client system, interventions, colleagues and DWCD. Excellent capacity to work and team spirit.
- Good recording and documenting skills. Ability to use documentation for various purposes.
- Basic objectivity and openness to learning and good capacity for accepting and acting on constructive feedback and makes positive use of supervision. Has made very positive and constructive use of supervision.

Average – 3 – slow and uneven progress

For performance to be evaluated as average – 3 points – the PPO should demonstrate

- More or less progressively even movement during the specified period. Though at times, performance may show some degree of regression, overall performance is satisfactory.
- Fairly good ability to analyse social situations, identify needs and resources of the violated woman's system, consistently demonstrate average skill in problem definition, work and evaluation.
- Fairly good ability to integrate knowledge understanding, critical appreciation, appropriate application into practice.
- Identifies with the roles and has made attempts to internalise its values and goals. Has attained some clarity understanding of the purpose of the Special Cell's services and PPOs roles. Sometimes preoccupation with own needs and problems affects work.
- Has capacity to relate purposefully, to empathise and to respond appropriately while working with individuals, families, groups and communities. Is able to maintain focus of work and involve violated and in the problem solving most of the time.
- Fair sense of responsibilities and commitment shown towards client system, interventions, colleagues and DWCD.

No. _____/DHC/Gaz/G-X/2008
 From
 The Registrar(Vigilance),
 Delhi High Court,
 New Delhi.
 To
 The District Judge I-cum-Sessions Judge,
 Delhi,
 New Delhi, dated the _____ 2008

Sub : Service of Notices under "The Protection of Women from Domestic Violence Act 2005"

Madam,

I am directed to say that Hon'ble the Chief Justice of this Court has been pleased to issue the following practice directions to the Metropolitan Magistrates with regard to issue and service of notices under "The Protection of Women from Domestic Violence Act, 2005" :-

1. The notices issued to the respondent or any other person under Section 12 or any other provision of "The Protection of Women from Domestic Violence Act, 2005" shall be handed over to the Protection Officer for service;
2. Every such notice shall contain a clear direction that in the event of the Protection Officer seeking help of the Process Serving Agency of the Police or the Nazarat of District Court, the concerned Officer in-charge shall depute a process server for effecting of service of notice/notices on the respondent or any other person on behalf of the Protection Officer;
3. Every notice shall be prepared in triplicate one copy of which shall be retained by the Protection Officer and remaining two copies shall be forwarded to the Process Serving Agency of the Police or District Nazarat for service, if the Protection Officer opts for service through them;
4. The process server so deputed to effect service of notice/notices shall return the notice/notices with a clear service report under his signatures to the Protection Officer, who after verification and satisfying himself about the correctness of report shall authenticate and submit the report to the Magistrate concerned;
5. Every notice shall contain a clear direction that in case the Protection Officer opts to personally serve the notice on the respondent but seeks protection of the Police, the officer in-charge of the Police Station in whose jurisdiction the service is to be effected shall provide the Protection Officer with adequate security.

I am therefore, to request you to please bring the above practice directions to the notice of all concerned Judicial Officers under your control and control of other District Judges for compliance, under intimation to this court.

Yours faithfully,

(R.K. Gauba)

Registrar (Vigilance)

Encl.No. 33643/DHC/Gaz/G-X/2008

Dated: 19 November, 2008

Copy for information to :-

1. The Assistant Director(Women Welfare), Department of Women & Child Development, 1, Canning Lane, Kasturba Gandhi Marg, New Delhi.
2. Ms. Indira Jaising(Project Director), Lawyers Collective Women's Rights Initiative, 632, Ground Floor, Masjid Road, Jangpura Extn., N.D.-110014.

[Handwritten signature]

