

**Lawyers Collective  
Women's Rights Initiative**

***Staying Alive***  
**First Monitoring**  
**&**  
**Evaluation Report 2007**  
on the  
**Protection of Women from  
Domestic Violence Act 2005**

*Supported by*  
**UNIFEM South Asia Office**

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# Preface

The need for a civil law on domestic violence was identified from the experience gained through the provision of legal aid to women facing violence in intimate relationships. After nearly a decade of advocacy and consensus building by women's groups across the country, the Protection of Women from Domestic Violence 2005, was finally brought into force on the 26th of October 2006. The enactment of this law is regarded as a significant step towards realizing equality rights of women. Having successfully campaigned for a law on domestic violence the obvious next step was to initiate efforts to ensure its effective implementation. One method in this regard is to study the manner in which the law is being implemented, identify best practices adopted and problems that have arisen and suggest ways in which the problems may be overcome. This is a facet of monitoring that should be an integral part in the implementation of any law, particularly those furthering the objective of social justice. This report and the national conference at which this report is being presented and discussed is a modest attempt at this form of monitoring. The exercise of collating practices from different parts of the country and presenting them at a common forum was undertaken with the hope that it shall be replicated in the years to come.

As the implementation of the law is at its nascent stage, changes both positive and negative, occur almost on a monthly basis, particularly with regard to the mechanisms that are being put in place and the manner in which the law is being interpreted. This proved to be a major challenge in compiling this report. In these circumstances, the limited objective of this report is to put together practices observed in different states without indicating any conclusive trends. This report is, therefore, only an exploratory study into the workings of the law. It is hoped it shall be used as a basis for developing indicators that can be used in the times to come to monitor and evaluate the effectiveness of this law.

The patriarchal mind set, of which violence against women is a part, remains a major hurdle in realizing the goal of equality. The enactment of laws is only one of the ways in which this hurdle can be overcome. Changing patriarchal mindsets is the larger struggle that has to be tackled at all fronts. The law remains a tool, albeit a powerful one, in this struggle for empowerment. In the end analysis, it is only if women are recognized as equal stakeholders in society that the goal of equality will finally be achieved.

In particular, a law on domestic violence challenges the violence of non state actors and compels the State to take action against it.

# Acknowledgements

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The data collection was coordinated, and the report compiled by Asmita Basu and Tenzing Choesang. The Lawyers Collective team for collecting and processing the data was constituted by Rashi Prasad, Ayesha Sen Chaudhury, Rituparna Pandit, Korobi Gogoi, Pinki Mathur, Mehak Sethi, Mukta Dutta and Afreen Siddique.

All aspects of administrative and logistical support was managed by Shama Khan (Program Manager). This report was written under the supervision of Ms. Indira Jaising (Project Director) by Asmita Basu (Project Coordinator). Thanks are due to Leena Prasad for coming on as 'Conference Coordinator'. CP Nautiyal, Manohar Lal and Ashish Soni of the administrative staff provided unflinching support.

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# Table of Contents

<b>Introduction</b>	.....	1
<b>The Rationale</b>	.....	3
The pre 2005 legal framework on domestic violence	.....	3
The rationale of the law	.....	5
The campaign	.....	6
<b>The PWDVA at a glance</b>	.....	8
<b>Objective and Methodology</b>	.....	11
Objective	.....	11
Methodology for data collection	.....	12
<b>Infrastructure</b>	.....	15
Protection Officers	.....	15
Service providers	.....	20
Notification of medical facilities and Shelter homes	.....	22
Other agencies	.....	22
Creation of public awareness	.....	25
Conclusion	.....	27
<b>Access to relief under the PWDVA</b>	.....	30
Applications filed	.....	30
Access to courts	.....	32
Service of notice	.....	37
Court proceedings	.....	41
Procedure adopted in applications filed under the PWDVA	.....	42
Role of the Protection Officers in proceedings before the courts	.....	44
Counseling under the PWDVA	.....	46
<b>Orders passed by courts</b>	.....	52
Methodology adopted	.....	52
Domestic Relationship	.....	53
Orders passed	.....	55

Overall practice observed	.....	56
Nature of reliefs grant	.....	57
Practice observed in different states	.....	61
Enforcement of Orders	.....	75
Breach of orders	.....	76
Appeals	.....	78
<b>Substantive Issues</b>	.....	80
<b>Role of the Media</b>	.....	85
<b>In Conclusion</b>	.....	86
<b>Recommendations</b>	.....	90
<b>Final remarks from the Project Director's Desk.</b>	.....	94
<b>Annexures</b>	.....	96-207

# List of Annexures

- I. List of organizations /resource persons LCWRI collaborated with during the process of data collection**
- II. Pro forma circulated to the High Courts of each state on proceedings adopted while dealing with applications under the PWDVA**
- III. Circular dated 30.06.2007 issued by the Andhra Pradesh Legal Services Authority**
- IV. Circular dated 22.12.2006 issued by the Office of the Additional DGP, CID, Hyderabad, Andhra Pradesh.**
- V. Chart on Mechanisms for Implementation of the PWDVA put in place by States and Union Territories**
- VI. Chart on cases filed in Andhra Pradesh**
- VII. Copy of a model DIR**
- VIII. Case studies prepared by the LCWRI based on the field visits conducted**
  - ♦ Andhra Pradesh
  - ♦ Assam
  - ♦ Chandigarh
  - ♦ Gujarat
  - ♦ Kerala
  - ♦ Maharashtra
  - ♦ NCT Delhi
  - ♦ Rajasthan
  - ♦ Uttar Pradesh
  - ♦ West Bengal
- IX. Judgments under the PWDVA**
- X. Copy of a complaint under Section 31 filed in Andhra Pradesh**

# List of Abbreviations

AP	Aggrieved Person
CDPO's	Child Development Project Officers
CPC	Code of Civil Procedure, 1908
CrPC	Code of Criminal Procedure, 1973
DIR	Domestic Incident Report
DWCD	Department of Women and Child Development
FWE	Family Welfare Experts
HMA	Hindu Marriages Act, 1955
ICDS	Integrated Child Development Scheme
IPC	Indian Penal Code, 1860
PO	Protection Officer
PWDVA	Protection of Women from Domestic Violence Act 2005
PWDVR/ the Rules	Protection of Women from Domestic Violence Rules 2006
SP	Service Provider