Manual on the Best Practices under the Protection of Women from Domestic Violence Act, 2005
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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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ACKNOWLEDGEMENTS

This Manual is a result of insights gained during the annual monitoring and evaluation exercise conducted by the Lawyers Collective, Women’s Rights Initiative since 2007. The LCWRI would like to acknowledge the invaluable contribution of all staff, partners and collaborating agencies who were a part of the M & E exercise over the years - this manual would not have been possible without their hard work and support.

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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 in 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

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CEHAT</td>
<td>Centre for Enquiry into Health and Allied Themes</td>
</tr>
<tr>
<td>Cr PC</td>
<td>The Code of Criminal Procedure, 1973</td>
</tr>
<tr>
<td>CDPO</td>
<td>Child Development and Project Officer</td>
</tr>
<tr>
<td>DHO</td>
<td>District Health Officer</td>
</tr>
<tr>
<td>DIR</td>
<td>Domestic Incident Report</td>
</tr>
<tr>
<td>DLSA</td>
<td>District Legal Services Authority</td>
</tr>
<tr>
<td>DWCD</td>
<td>Department of Women and Child Development</td>
</tr>
<tr>
<td>IMG</td>
<td>Institute of Management in Government</td>
</tr>
<tr>
<td>IPC</td>
<td>Indian Penal Code, 1860</td>
</tr>
<tr>
<td>LCWRI</td>
<td>Lawyers Collective Women’s Rights Initiative</td>
</tr>
<tr>
<td>LSA</td>
<td>Legal Services Authority</td>
</tr>
<tr>
<td>MWCD</td>
<td>Ministry of Women and Child Development</td>
</tr>
<tr>
<td>NCW</td>
<td>National Commission for Women</td>
</tr>
<tr>
<td>NIPCCID</td>
<td>National Institute of Public Cooperation and Child Development</td>
</tr>
<tr>
<td>NMEW</td>
<td>National Mission for Empowerment of Women</td>
</tr>
<tr>
<td>PWDVA</td>
<td>Protection of Women From Domestic Violence Act, 2005</td>
</tr>
<tr>
<td>PWDVR</td>
<td>Protection of Women from Domestic Violence Rules, 2006</td>
</tr>
<tr>
<td>PO</td>
<td>Protection Officer</td>
</tr>
<tr>
<td>PP</td>
<td>Public Prosecutor</td>
</tr>
<tr>
<td>SCW</td>
<td>State Commission for Women</td>
</tr>
<tr>
<td>SLSA</td>
<td>State Legal Services Authority</td>
</tr>
<tr>
<td>SP</td>
<td>Service Provider</td>
</tr>
<tr>
<td>The Act</td>
<td>Protection of Women from Domestic Violence Act, 2005</td>
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CHAPTER 1

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 states\(^2\) 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
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 athttp://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 sensitive 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?

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?
CHAPTER 3

MAPPING BEST PRACTICES

PROTECTION OFFICER (PO)

The PO\(^5\) provides a bridge between the woman and the court and the other functionaries/services within the Act.\(^6\) Protection 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 fulfill 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. 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.

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

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.

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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

Delhi has followed the practice of locating the PO at the Courts where the PO shares office space with the public prosecutor. 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.

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

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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

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

<table>
<thead>
<tr>
<th>State</th>
<th>DIRs recorded on their own</th>
<th>Court directed DIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>1950</td>
<td>500</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>249</td>
<td>897</td>
</tr>
<tr>
<td>Bihar</td>
<td>175</td>
<td>28</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>228</td>
<td>391</td>
</tr>
<tr>
<td>Gujarat</td>
<td>1696</td>
<td>861</td>
</tr>
</tbody>
</table>

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.

Rajasthan is the only state where POs have been specifically instructed to refrain from counselling women who approach them for help. 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.

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13 Findings based on the ICRW’s study and LCWRI state visit 2012
5. Multi Agency Response System\textsuperscript{14}

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.

<table>
<thead>
<tr>
<th>States</th>
<th>Medical Facilities</th>
<th>Shelter Homes</th>
<th>Service Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>8</td>
<td>47</td>
<td>123</td>
</tr>
<tr>
<td>Haryana</td>
<td>77</td>
<td>34</td>
<td>-</td>
</tr>
<tr>
<td>Karnataka</td>
<td>53</td>
<td>199</td>
<td>-</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>25</td>
<td>55</td>
<td>-</td>
</tr>
<tr>
<td>Mizoram</td>
<td>-</td>
<td>4</td>
<td>213</td>
</tr>
</tbody>
</table>

Table III: Referrals by Protection Officers to Medical Facilities, Shelter Homes and Service Providers\textsuperscript{15}

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’.\textsuperscript{16} Legitimacy is accorded to the assistance provided to domestic violence victims by recognizing them as public servants\textsuperscript{17} 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.

\textsuperscript{14}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.

\textsuperscript{15}Refer to Annexure 1 for more details

\textsuperscript{16}Section 10 PWDVA, 2005

\textsuperscript{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 casework\(^\text{18}\) 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

- 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, conducting home visits, and enforcing orders.\(^{23}\)

\(^{19}\) 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
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.\(^\text{25}\)

Provisions related to counselling within the Act are unambiguous about the objectives of counseling. The primary purpose of counseling is to ensure that domestic violence stops; by requiring that the respondent/s\(^\text{26}\) will furnish an undertaking that they will refrain from causing further domestic violence.\(^\text{27}\) 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.\(^\text{28}\)

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:\(^\text{29}\)

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

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\(^{25}\) Rule 14 (1) PWDVR  
\(^{26}\) Section 2 (q) PWDVA  
\(^{27}\) Rule 14 (3) PWDVR  
\(^{29}\) 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.  

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 Thanas located in 34 districts of the state. 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.

**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.

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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.
Case Studies

1. Directives Issued to the Police

- In the first year of the Act coming into force, Andhra Pradesh\textsuperscript{35} 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),\textsuperscript{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.\textsuperscript{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.

\textsuperscript{36} Refer to Annexure 3
\textsuperscript{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. So far, Madhya Pradesh is the only state where POs have been sending copies of the DIR to the police.

- 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.

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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?\(^\text{40}\)
- 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 DIRs 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 a 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.
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. However, this year’s data reflects that Mizoram is the only state that has made referrals to POs.

- 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 direction 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. However, we have received no data to indicate how many referrals have been made by the Medical Facilities to the Protection Officers.

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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.\(^4^5\)

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?

\(^4^5\) Section 2(t) PWDVA, Rule 16 PWDVR
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.  

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

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.

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).\textsuperscript{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?

\textsuperscript{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 issued\(^{48}\) 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
Manual on the Best Practices under the Protection of Women from Domestic Violence Act, 2005

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.

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- Trace the developing jurisprudence under the law through analysis of Magistrate court orders\textsuperscript{53} 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.\textsuperscript{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.\textsuperscript{55}

- In Karnataka, records are maintained by the medical facilities and periodic reports are submitted directly to the concerned PO.

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

\textsuperscript{54} Refer to Annexure 7

\textsuperscript{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 Act.
- 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. The co-ordination committee plans the course of action for effective delivery of services to women under the Act. 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, Uttrakhand, 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.\(^6\)

**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?

\(^6\) 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.

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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 Pradesh, 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 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 website 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 Bajao 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.

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65 In all family counselling centres
66 www.pwdvhyd.ap.nic.in
67 Discussed in detail below
6. The Bell Bajao Campaign

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.

- 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?

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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/](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 Studies

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." 

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.

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."
**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.

**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


