

**“EVALUATION OF PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT 2005 RULES 2006 IN
KARNATAKA IMPLEMENTED BY WOMEN & CHILD
DEVELOPMENT DEPARTMENT”**

SMT. SARASWATI PUJAR
PRINCIPAL INVESTIGATOR

RURAL ECOLOGICAL AND AGRO DEVELOPMENT INSTITUTE INDIA
(READI-INDIA)

WOMEN & CHILD DEVELOPMENT DEPARTMENT



ಕರ್ನಾಟಕ ಮೌಲ್ಯಮಾಪನ ಪ್ರಾಧಿಕಾರ
Karnataka Evaluation Authority

**KARNATAKA EVALUATION AUTHORITY
DEPARTMENT OF PLANNING, PROGRAMME MONITORING AND STATISTICS
GOVERNMENT OF KARNATAKA**

JULY, 2018

©Karnataka Evaluation Authority, 2018

Published

For:

Karnataka Evaluation Authority,

#542, 5th Floor, 2nd Stage,

M.S. Building, Dr. Ambedkar Veedhi,

Bengaluru – 560 001.

By:

Rural Ecological and Agro Development Institute India (READI-INDIA)

“11/2”, Pitru Krupa”, 1st Main,

3rd Cross, Rajatagiri,

Dharwad-580004

Tel: 0836-2463393

E-mail: readi.india@gmail.com

Typeset & Printed by()

Shradha Printing and Xerox, Vidyagiri, Dharwad-580002



CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA,

having solemnly resolved to constitute India into a

SOVEREIGN SOCIALIST

SECULAR DEMOCRATIC REPUBLIC

and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought , expression,

belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the

individual and the unity and

integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY

this twenty-sixth day of November, 1949, do

HEREBY ADOPT, ENACT AND GIVE TO

OURSELVES THIS CONSTITUTION.

Foreword

Gender equality and empowerment are on the top of the development agenda across the globe, yet the cases of violence against women in family and society are still on the increase. The Protection of Women from Domestic Violence Act 2005 and rules 2006 is a major legislation that aims at providing a safe and peaceful atmosphere for women at home. The study on Evaluation of Support system established by Department of Women and Child Development for Implementation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka was initiated by Women and Child Development Department and was taken up by Karnataka Evaluation Authority (KEA). The study is outsourced by KEA to the Empanelled Consultant Organization-Rural Ecological and Agro Development Institute India, Dharwad. The study is based on secondary data as well as primary data collected from the sample of 183 aggrieved women and other Stakeholders of the support system in 25 blocks from four divisions in the State.

The findings of the study indicate that there is lack of adequate awareness about the provisions of the Act among women and also lack of effective co-ordination and information sharing among implementing agencies. Physical Torture, physical abuse and dowry harassment are some of the major forms of violence against women. The major recommendations are a mass drive to generate awareness involving departments of Kannada and Culture, Information and Publicity, Education, Home and Law, Civil Society Organizations, NGOs, Self Help Groups and NSS units, strengthening the support system with adequate human resources, counselling, co-ordination and reducing procedural delays for effective implementation, promotion of Women education through better facilities and financial assistance to bring about the desired social change.

The study received constant support from Additional Chief Secretary and Secretary Planning, Programme Monitoring and Statistics Department, Government of Karnataka. The study was supported by the officers of Women and Child Development Department by providing useful data and inputs during discussions. The report was approved in 41st Technical Committee meeting. The report was reviewed by experts in KEA, Technical Committee, National Law School and an Independent Assessor and their useful insights and suggestions have contributed significantly to improve the draft. I duly acknowledge the assistance rendered by all in successful completion of the study.

I expect that the findings and recommendations of the study will be useful to the Government and Women and Child Development Department for effective implementation of the Act and thereby providing safe family environment for women.

27th July 2018

Vanashree Vipin Singh
Chief Evaluation Officer
Karnataka Evaluation Authority

ACKNOWLEDGEMENT

On behalf of the Management Council of READI-INDIA and the Project Team, I would like to thank the Chief Evaluation Officer (CEO), Karnataka Evaluation Authority (KEA), Bengaluru; for awarding the Study on Evaluation of Protection of Women From Domestic Violence Act 2005 and Rules 2006 Implemented By Women & Child Development Department to READI INDIA. This Study was an enriching experience for the Project Team.

I would also like to acknowledge the encouragement and support of Director and the Project Director, Department of Women and Child Development and the officers of the Department of Women and Child Development and Stake Holders in conducting the Evaluation.

I would like to immensely thank Deputy Directors and Child Development Programming Officer, Protection Officers of the District/Taluk, Swadhara and Santwana Centers and Aggrieved Womens for devoting their valuable time for the interviews, focus group discussions and other meetings.

Last but not the least, the Project Team comprising the following professionals, without whose efforts, this Study would not have been possible, derives a special word of appreciation:

Smt. Saraswati Pujar	Principal Investigator
Sri. Mahantesh M Korimath	Gender Specialist
Sri.Mohan G Chenni	Statistician
Smt.Veena S Patil	Research Assistant
Sri. Gururaj Ganadavar	Research Assistant

Dharwad

Sri P.A. Patil

JULY 2018

President

CONTENTS

ABBREVIATIONS & ACRONYMS

EXECUTIVE SUMMARY.....	1-6
CHAPTER 1: INTRODUCTION.....	7-16
CHAPTER 2: BASIS FOR GOVERNMENT INTERVENTION.....	17-22
CHAPTER 3: PROGRESS REVIEW.....	23-30
CHAPTER 4: PROBLEM STATEMENT.....	31-32
CHAPTER 5: SCOPE, OBJECTIVES AND EVALUATION QUESTIONS	33-40
CHAPTER 6: EVALUATION DESIGN.....	41-42
CHAPTER 7: EVALAUTION METHODOLOGY.....	43-46
CHAPTER 8: DATA COLLECTION AND ANALYSIS.....	47-50
CHAPTER 9: FINDINGS AND DISCUSSIONS.....	51-100
CHAPTER 10: REFLECTIONS AND CONCLUSIONS.....	101-102
CHAPTER 11: RECOMMENDATIONS.....	103-104

LIST OF TABLES

TABLE 1: COMPLAINTS REGISTERED FROM 2007-08 to 2015-16.....	14
TABLE 2: SUMMARY OF IMPLEMENTATION OF PWDVA.....	30
TABLE 3: DISTRICTS AND BLOCKS SELECTED FOR THE STUDY.....	44
TABLE 4: FREQUENCY OF CO-ORDINATION COMMITTEE	54
MEETING AT TALUK/DISTRICT/STATE LEVELS	
TABLE 4.1: NUMBER OF MEETINGS HELD (YEAR WISE AND NUMBERS).....	55
TABLE 4.2: TOTAL STAFF STRENGTH.....	56
TABLE 4.3: FILLED UP AND VACANT POSTS.....	57-58
TABLE 4.4: NUMBER OF AWARENESS PROGRAMMES.....	58
TABLE 4.5: NUMBER OF TRAINING PROGRAMMES.....	59-60
TABLE 4.6: NATURE OF CASES REPORTED FROM 2007-08.....	61-69
TO 2013-14 (IN NOS)	
TABLE 4.6.1: NATURE OF CASES REPORTED FROM 2007-08.....	70
TO 2013-14 (IN PERCENTAGE)	
TABLE 4.7: AGE OF WOMEN VICTIMS.....	79
TABLE 4.8: EDUCATIONAL STATUS OF THE VICTIMS.....	81
TABLE 4.9: ECONOMIC STATUS OF THE VICTIMS.....	82-83
TABLE 4.10: CATEGORIES OF COMPLAINTS.....	84-90
TABLE 4.11: DIVISION WISE TYPES OF CASES.....	90-91
TABLE 4.12: PURPOSE FOR COMPLAINTS.....	92
TABLE 4.12.1: DIVISION WISE PURPOSE FOR COMPLAINTS.....	93
TABLE 4.13: STATUS OF COMPLAINTS.....	93-94
TABLE 4.13.1: DIVISION WISE STATUS OF COMPLAINTS.....	94
TABLE 4.14: REGISTRATION OF COMPLAINTS.....	95
TABLE 4.15: OUTCOME OF THE CASES REGISTERED.....	96
TABLE 4.16: DEFICIENCY-ATTRIBUTES.....	97-98
TABLE 4.17: RESPONDENTS REPORTING SHORTCOMINGS.....	98
TABLE 4.18: SATISFACTION ABOUT THE ACT.....	99

LIST OF CHARTS

CHART 1: COMPLAINTS REGISTERED, DISPOSED IN COURTS.....15 AND SETTLED THROUGH COUNSELLING FROM 2007-08 to 2015-16	
CHART 2: DEALING WITH COMPLAINTS RECEIVED.....15	
CHART 3: PENDING CASES.....16	
CHART 4: DIVISION WISE FREQUENCY OF CO-ORDINATION.....54 COMMITTEE MEETING HELD	
CHART 5: DIVISION WISE TOTAL NUMBER OF MEETINGS HELD.....55	
CHART 6: DIVISION WISE TOTAL NUMBER OF AWARENESS.....59 PROGRAMMES	
CHART 7: DIVISION WISE TOTAL NUMBER OF TRAINING.....60 PROGRAMMES	
CHART 8: DIVISION WISE TYPES OF CASES REGISTERED.....70-71	
CHART 9: DIVISION WISE AGE OF VICTIMS.....80	
CHART 10: DIVISION WISE EDUCATION BACKGROUND OF VICTIMS.....82	
CHART 11: DIVISION WISE ECONOMIC STATUS OF THE VICTIMS.....83	
CHART 12: DIVISION WISE NATURE OF CASES.....91	

LIST OF APPENDIX & ANNEXURE

APPENDIX

APPENDIX 1: CASE STUDIES OF SOME AGGRIEVED WOMEN

ANNEXURE

ANNEXURE 1: LIST OF REFERENCES CITED IN THE REPORT

ANNEXURE 2: TOR FOR THE EVALUATION STUDY

ANNEXURE 3: INCEPTION REPORT

ANNEXURE 4: LIST OF INDIVIDUALS OR GROUPS INTERVIEWED/CONSULTED
AND SITES VISITED

ANNEXURE 5: SHORT BIOGRAPHY OF THE PRINCIPAL INVESTIGATOR

ANNEXURE 6: THE PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT, 2005 NO. 43 OF 2005 [13TH SEPTEMBER, 2005.]

ANNEXURE 7: DETAILS OF 28 MEDIATION CENTERS, ESTABLISHED, NUMBER
OF CASES REFERRED AND SETTLED

EXECUTIVE SUMMARY

In Karnataka the Protection of Women from Domestic Violence Act 2005, Rules 2006 (PWDVA) was introduced in 2007-08 and is being implemented through the Department of Women and Child Development, Government of Karnataka.

In each District, Deputy Directors are in -charge of implementation and Protection officers are positioned in 47 blocks. As many as 116, NGOs are involved as Service Providers. They operate through 171 Santwana Kendras 30 Short stay homes and 34 Swadhara Kendras. All Government Hospitals have been nominated as medial service provider to provide free services to the affected women.

Study Area: As per Terms of reference, the study was to be conducted in 25 blocks (around 10%) with a minimum of 5 blocks in each of the four revenue divisions and representing two or more districts in each division. Further, in each division the selection of the block should be such that out of five, at least one block where more than 35 cases are registered should in variably be selected for study.

Methodology: Efforts were made to collect all the data in addition to one to one and one to many discussions at Taluk and District levels and based on the inputs;

Keeping this in view, the consultant constituted following team: Legal Expert (Advocate), a team of experts comprising Sociologist and Gender specialist, and Statistician, were constituted. This team was supported by two Research Assistants

As many as 183 aggrieved women were contacted for one to one interaction and getting first-hand information. District in charges and Block officers (POs and CDPOs) were covered under field studies and interactions. As many as 25 Service providers were also covered to elicit information on their views and experience.

Implementation of Act: The Act envisages that greater success is possible only with enlightened population with greater awareness about the need for prevention of violence against women. The present measures of awareness creation are not enough and various agencies are involved in women welfare and protection across the country and Karnataka.

Between 2007-08 and 2015-16, as many as 32,126 Domestic Violence cases were registered across the State. However, only 16,390 cases were disposed off (51.01%).

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

Wherever cases are referred to Courts, there is time lag between filing cases and final verdict. No special treatment is accorded to cases booked under this Act. Even where courts have delivered the verdict, it has not been possible for them to ensure timely execution; The average time taken between registration of cases and final verdict stretches up to one year as at present and this has led to loss of interest. In many cases, the implementing agencies have not executed orders passed by courts. Due to large number of posts remaining vacant implementation of the scheme and enforcement of the contents of the Act has suffered.

Implementation Process:

A three tier system of co-ordination committee is put in place to oversee various aspects of the implementation of the Act; they are (i) State level Co-ordination Committee (ii) District level Co-ordination Committee and (iii) Taluka level Co-ordination Committee

Study Findings (General)

- Physical torture inflicted on the women victims was highest as 2029 cases were reported.
- The harassment pertained to Physical Abuse aspects under which as many as 603 cases were registered.
- As many as 363 cases were reported under Dowry Harassment.
- In Bengaluru (U), Chitradurga and Shivamogga Districts of Bengaluru Division, out of 603 cases registered, 209 were in the category of physical torture and another 128 cases pertained to Dowry demands. Economic related cases also were found to be higher at 101 of all cases.
- In case of Mysuru, Kodagu and Chickmagaluru Districts of Mysuru Division, 152 cases registered pertained to Physical Torture. This division also had reported larger number of cases in all four categories i.e. Physical Torture, Sexual Harassment, and Economic Blackmail and Dowry harassment.
- In case of Dharwad, Uttarkannada and Vijayapura Districts of Belagavi Division as many as 647 cases registered 184 cases pertained to Economic aspects related followed by 163 physical torture cases collectively. This division also had reported larger number of Dowry harassment cases.
- In case of Kalburgi, Yadgiri and Bellary Districts of Kalburgi Division, of the 377 cases, 110 pertained to Emotional/Mental torture while cases in other categories were small in number. Division wise number and percentage of cases of different categories registered and dealt with during the reference period. It was seen that Belagavi and Bengaluru Divisions

which have higher literacy rates and higher per-capita income, reported higher number of cases of physical torture, Economic and mental torture. These two Divisions together accounted for 65% of all settled cases. This indicates that education level or economic standard have no relevance on violence against women.

- Mediation Centres are established in all the 30 Districts and are providing service of mediation.¹
- **Procedures for obtaining Orders of relief:** Is not being followed at present since the courts have huge number of cases and as such the applications under the scheme have to wait for their turn. The Act also prescribes fixed time frame for filing of cases, issue of DIRs and issue of court notices/ summons to the respondents. This condition also is not being adhered to in majority of cases. Main reason for delay is that the applications received are not supported by other documents that are necessary to make the application valid.
- Where counselling has not worked conclusively and the matter remains unresolved, the courts to initiate the process of adjudication. This process is time taking since number of steps/processes are involved in hearing both sides.
- The respondent parties invariably try to prolong appearance and defence. As such, the final award of judgment takes longer period.
- The courts issue ex-parte orders after giving sufficient time and opportunities to the defendants.
- Cases registered are to be disposed off within 60 days of first hearing. This provision was not being maintained to a variety of reasons such as (i) prolonging tactics by defending parties, (ii) deficiencies in strength of cases and relevant documents, lack of credible evidences to prove guilt and (iii) non availability of time for the Judicial Magistrates.
- The courts do not provide copies of orders to the Protection officers.
- In general the orders issued by courts are executed diligently. However, in rare cases implementation of such orders is delayed due to non-receipt of the judgement copies on time.
- Physical torture is one of the major incidents mainly on account of ego factors;
- The second most reason for violence is from economic angle to violence since the spouse expects money from wife. This more pronounced after enactment of central law ensuring equal share in the property to the female members of the household.

¹ Karnataka State Legal Services Authority

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- Demand for dowry is another factor which refuses to go. The in-laws expect the daughter-in-law to bring money with her and if this is not fulfilled, it leads to violence.
- There are other factors influenced by the habit/traits of the male members which also lead to physical torture or where the wife protests her husband against his extra-marital affairs. But such cases are not many and isolated.
- The aggrieved women across the districts/blocks are quite comfortable in approaching and getting help from exclusive Women Protection Officers than the CDPOs in-charge of implementation of this Act.
- Even though there is no visible involvement of Stree Shakti Groups, they do have influence over the social set up the rural areas and their voices are heard by all.
- Wherever POs are positioned exclusively for dealing with the Act, their achievements are better than those officers who have to discharge this duty as additionality.

Survey Findings (One to One Interactions with Aggrieved Women :

- i. Domestic violence is not necessarily restricted to particular segments of the society, and is seen irrespective of educational, economic, geographical factors;
- ii. Timely response is received in majority of complaints;
- iii. Larger number of cases are resolved through counseling and mutual adjustment and very few cases are stretched to litigation;
- iv. Majority of women seek maintenance and financial support as compensatory measure;
- v. Majority of respondents are happy with services of Santwana Kendras even though they feel that the present facilities with these service providers are deficient;
- vi. Women respondents expect improvements in the existing provisions as also delivery system.
- vii. Time limit for disposal of cases is not maintained and cases are dragged for months; in some cases more than a year;
- viii. Respondents go in for appeals and use delaying tactics through the Legal advisers and this becomes a major hurdle in speedy disposal of the cases;
- ix. Mediation Centres try to convince both parties for an amicable settlement before proceeding to litigation level;
- x. Court order copies are not shared/marked by the courts to the concerned POs/DDs due to which keeping tab on cases becomes difficult;

RECOMMENDATIONS

Short Term Recommendations

- ❖ Vigorous and mass awareness campaigns should be organized with wide publicity about the ACT.
- ❖ The Department of Women and Child Development, in association with Service Providers, Police personnel, with the help of Department of Kannada and Culture, Department of Information and Public Relations, Education and State Women's Commission, should take mass education camps/public contact and set a definite Agenda and calendar for this purpose.
- ❖ Special "Women Safety Week" should be organized at important clusters/centers.
- ❖ Since the issues are of serious nature, meetings should prioritize discussions on the issues involved in the implementation of the Act and place this subject on the priority basis.
- ❖ Prolonging dispensation of justice to the victims being a major hurdle, the High Court may advise the Taluka and District Judges to take up such cases on priority basis and settle the case within 60 days of the time limit;
- ❖ Issuance of Circulars through High Court of Karnataka to all Judicial Officers to include POs Police Officers to implement the DV Act;
- ❖ The copies of court orders should be made available to the POs/DDs soon after a verdict is delivered so that the concerned officers take necessary steps for execution of such orders;
- ❖ The District and Taluka level Co-ordination Committees should be advised to hold more frequent meetings to resolve.
- ❖ Proper information should be maintained by all and information sharing system needs to be revisited and a mechanism be introduced to streamline information generation and sharing for co-ordinated operations;
- ❖ The Present system of availing services of Advocates as Legal Advisors should be revisited. Panel of Lawyers from State Legal Service Authorities be appointed,
- ❖ Special Training on DV Act to be organized for the Lawyers. Their remuneration/fees may be enhanced and made at regular intervals.
- ❖ The legal provisions for the safety of women & promoting their interests to be included in the curriculum of Social Science in 9th and 12th Standard text books in co-ordination with Education Department.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- ❖ The NSS/Scouts/Guides Units in the Schools and Colleges be involved in awareness campaign on legal provisions related to women's issues in surrounding villages. A village adoption approach to be followed for the same supported by Legal service Authority; in coordination with DWCD.
- ❖ Women's Organizations, Service Providers, Gram Panchayat Members, Self Help Groups, Youth Associations to join together to create a platform for awareness, assistance and follow up action.
- ❖ The staff working in Service Providers should be provided periodical orientation/training at District level on methods, strategies to be used in handling cases of domestic violence.

Long Term Recommendations

- ⊛ Women Exclusive Protection Officers should be filled up in all the blocks.
- ⊛ Emphasis should be given to provide facilities of Psychological Counseling at District hospitals to support the victims of violence and their family.
- ⊛ Service Providers should be advised to deploy staff and mobility to make their services effectively available. The Government may consider enhancing the service charges and should ensure that they are equipped with minimum infrastructure facilities and staff trained in such works.
- ⊛ There should be uniform/single Format to be used in all the districts in order to ensure data consolidation and analysis;
- ⊛ Introduce compulsory free primary, higher and PG education for all the women through Education Department.
- ⊛ Promote Women's education through adequate financial assistance and infrastructure facilities like schools, hostels, toilets etc to create awareness about rights of women and generate confidence in them to fight against violence and bring about a social change.

Recommendation for Policy changes

- ✓ There is need to review the trends in number of cases requiring judicial intervention under this scheme and the time taken in their disposal and formulate suitable policies (including provision of additional facilities / Judges) to deal with the cases under this scheme exclusively so as to maintain the time limit. However, larger debate on this may be necessary.

SECTION 1

INTRODUCTION

Women across the globe have been subjected exploitation and physical and mental torture and violence. Such violence has no barriers of any kind since this is found in all social strata. Dominance of males over female members in a family is obvious and in many cases women themselves seem to be encouraging such incidences of violence (eg. Dowry demand). Thousands of cases which go unreported every day due to indifference among the people. Behind closed doors of homes all across our country, people are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. It is becoming a legacy being passed on from one generation to another.

Though Domestic Violence may happen with wife, husband, son, daughter, mother, father, grandparent or any other family member, violence against women assumes alarming proportions in all societies. The factors contributing to this could be the desire to gain control over another family member, the desire to exploit someone for personal benefits, psychological problems and social influence also add to the vehemence. Their causes of occurrence in households have been analyzed categorically. The variation in the intensity of the forms with change in the geographical location and culture has also been addressed. The after effects of different kinds of domestic violence and the possible remedies have been highlighted. Finally, a conclusion has been drawn after the complete analysis of the topic with the juxtaposition of facts and figures at hand.

Our constitution makes equality before the law a fundamental right and offers equal protection of the laws to everyone equally. Any discrimination against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them is prohibited. To give protection several laws were passed for women and children under Article 15(3). Nevertheless huge gap visibly existed between lack of remedy and increasing violence against women and internationally voice was raised time and again and CEDAW came into existence in 1979. Our constitution under Article welcomes any International Conventions under Article 253 of the constitution and gives parliament power to make any law for implementing any treaty, agreement or convention. When India signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 on 30th July 1980 and ratified it on 9th July 1993 with certain reservations it became obligatory for India to enact special legislation to protect every woman in India from domestic violence. Accordingly in 2005 the PWDV Act enacted though Optional protocol to convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1999 is not signed by India yet.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

It was after 12 years of ratifying CEDAW India decided to stop violence within homes considering same as the human right violence and considering the Vienna Accord of 1994 and the Beijing Declaration and the Platform for Action (1995) as well as the CEDAW where in its General recommendation No.XII (1989) has recommended that the State parties should act to protect women against violence of any kind especially that occurring within family passed the PWDV Act in 2005.

This Act aims to address every minute aspect of the domestic violence through adapting both criminal and civil mechanism towards preventing and protecting every woman from being victims of domestic violence though from 1983 domestic violence meted out to wife alone was addressed through criminal law under Section 498A IPC. This Section came due to women's movement in 1980's demanding strict law against dowry death and bride burning. So the section focused only on married women but did not address domestic violence faced by every woman in home.

Domestic Violence against Women-Causes

- This violence is most common of all. One of the reasons for it being so prevalent is the orthodox mindset of the society that women are physically and emotionally weaker than the males.
- Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men.
- According to United Nation Population Fund Report, around two-third of married Indian women are victims of domestic violence and as many as 70 per-cent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex.¹
- In India, more than 55 percent of the women suffer from domestic violence, especially in the states of Bihar, U.P., M.P. and other northern states. According to a latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India.
- Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide.
- The most common causes for women stalking and battering include dissatisfaction with the dowry and exploiting women for more of it, arguing with the partner, refusing to have sex

¹ Source: UNPF REPORTS and NCRB DATA

with him, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging in extra marital affairs, not looking after in-laws etc.

- In some cases infertility in females also leads to their assault by the family members. The greed for dowry, desire for a male child and alcoholism of the spouse are major factors of domestic violence against women in rural areas. In urban areas there are many more factors which lead to differences in the beginning and later take the shape of domestic violence.
- Working women are quite often subjected to assaults and coercion sex by employees of the organization. Violence against young widows has also been on a rise in India, cursed for their husband's death and are deprived of proper food and clothing. At times, women are even sexually coerced by their partner themselves against their will. They are brutally beaten and tortured for not conceiving a male child.
- A common Indian house wife has a tendency to bear the harassment she is subjected to by her husband and the family. One reason could be to prevent the children from undergoing the hardships if she separates from the spouse.

Consequences of Domestic Violence

There are varied consequences of domestic violence depending on the victim, the age group, the intensity of the violence and frequency of the torment they are subjected to.

- Living under a constant fear, threat and humiliation are some of the feelings developed in the minds of the victims as a consequence of an atrocious violence.
- The consequences of the domestic violence in detail can be broadly categorized under the effect on the victim himself/herself and the family, effect on the society and the effect on nation's growth and productivity.
- The 'Effect on the victim' has been further subcategorized for women, men, children and olds.
- One of the severe effects of domestic violence against women is its effect on her children. It is nature's phenomenon that a child generally has a greater attachment towards the mother for she is the one who gives birth.
- A child may become upset about the happening deeply. Children may not even comprehend the severity of the problem.
- When the violence against women is openly done in front of them since their childhood, it may have a deeper and gruesome impact in their mindset. It's common in rural homes in India which are victimized by the evil of domestic violence.

Effect of Domestic Violence on the society

- All the different forms of violence adversely affect the society. Violence against women may keep them locked in homes succumbing to the torture they face.
- If they come out in open and reveal the wrong done to them for help and rescue, it influences the society both positively and negatively.
- At one hand where it acts as an inspiration and ray of hope for other suffering women, on the other hand it also spoils the atmosphere of the society.

Salient Highlights of the DV Act and Rule²

The Protection of Women against Domestic Violence Act (PWDV) Act 2005 and rules define wide ranging types of domestic violence against women and remedies which include:

Definitions: In this Act, unless the context otherwise requires,-:

- (a) Aggrieved person means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;
- (b) Child means any person below the age of eighteen years and includes any adopted, step or foster child;
- (c) Compensation order means an order granted in terms of section 22;
- (d) Custody order means an order granted in terms of section 21;
- (e) Domestic incident report means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;
- (f) Domestic relationship means a relationship between two persons who live or have at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;
- (g) Domestic violence has the same meaning as assigned to it in section 3;
- (h) Dowry shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961);
- (i) Magistrate means the Judicial Magistrate of the first class or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973

² Protection of Women from Domestic Violence Act 2005 Rules 2006

(2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;

- (j) Medical facility means such facility as may be notified by the State Government to be a medical facility for the purpose of this Act;
- (k) "monetary relief" means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;
- (l) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;
- (m) "prescribed" means prescribed by rules made under this Act;
- (n) "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;
- (o) "protection order" means an order made in terms of section 18;
- (p) "residence order" means an order granted in terms of sub-section (1) of section 19;
- (q) "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

- (i) "service provider" means an entity registered under sub-section (1) of section 10;
- (ii) "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;
- (iii) "shelter home" means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

Duties of Government-The Central Government and every State Government, shall take all measures to ensure that

- a. the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- b. the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;
- c. effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
- d. Protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

Procedure for obtaining Orders of Reliefs

- i. Application to Magistrate
- ii. Service of notice
- iii. Counseling
- iv. Assistance of welfare expert
- v. Proceedings to be held in camera
- vi. Right to reside in a shared household
- vii. Protection orders
- viii. Residence orders
- ix. Monetary reliefs
- x. Custody orders
- xi. Compensation orders
- xii. Power to grant interim and ex parte orders
- xiii. Court to give copies of order free of cost
- xiv. Duration and alteration of orders
- xv. Relief in other suits and legal proceedings
- xvi. Jurisdiction

- xvii. Procedure-(1) Save as otherwise provided in this Act, all proceedings under sections 12,18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974). (2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.
- xviii. Appeal-There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

In the event of non-compliance of the order, the aggrieved woman can make an appeal against non-compliance

The Act and rules are implemented through the Women and Child Development Department supported by a number of district and block level officials viz(i) Protection officer (ii) Service Centers (iii) Police Department (iv) Service Providers (v) Short stay homes - (vi) Legal Advisors.

The Act provides detailed framework of roles and responsibilities of each of the officers/agencies at all level. The Act also provides for coordination and advisory committees at State, District and Block levels.(Full Act in Annexure-6)

Basis for Study

The PWDV Act and Rules are in force for more than a decade of implementation in the State. Over the years, several cases of wide ranging nature have been registered and some of them are resolved while large numbers of cases are still pending to be settled/resolved. During the recent three-four years, the numbers of cases have also increased substantially and area waiting resolution. These cases relate to violence affected women and need to be addressed on priority basis. Keeping in view the present status of cases, it is necessary to look understand the causes of delays. This is possible only when a study (i) implementation mechanism and (ii) implementation processes to identify bottle necks and hurdles in dispensing justice to the aggrieved women without loss of time and to this end, clear possible hurdles in accelerated disposal of cases. It is with this objective the GOK sponsored a study to evaluate the two important aspects of the implementation of the ACT through third party / consultants. The study is expected to bring out deficiencies in the existing processes and mechanism put in place, using multiple methods and evaluation techniques. This would facilitate the Government of Karnataka and India, to evolve effective strategies for achievement of the objectives of the Act.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

PWDV Act in Karnataka

Karnataka Government has been pursuing the Government of India Act with a view to minimizing/curbing violence against women and for this purpose, has created necessary mechanism at State, District and Taluka levels. The implementation of the provisions of the Act is vested with the Project Director, Women and Child Development. At District level, the Deputy Directors are entrusted with additional charge of monitoring and supervision of implementation. The Act provides that at each Taluka there should be a Taluka Protection officer exclusively for enforcement of the provisions of the Act. Wherever the POs are not appointed, the Taluka level officers (C.D.P.O) of DW&CD are designated to co-ordinate and supervise the activities of the NGOs which are contracted to operate Swadhar and Santwana Kendras in respective Talukas. Therefore, there is need to curb such social ills. The introduction of the PWDV Act has come as a great boon to the aggrieved women folk across the country.

Table below shows the trends in registration of cases of domestic violence against women.

Table 1: Complaints Registered from 2007-08 to 2015-16

Sl. No	Details	Year									Total
		2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	
1	No of cases Registered	256	1407	2173	3165	4143	4024	5796	5280	5882	32126
2	Cases disposed in courts	145	252	288	77	335	506	307	367	151	2428
3	Protection orders issued	51	90	116	64	304	206	62	121	22	1036
4	Residence Orders Issued	39	54	140	48	299	356	49	59	11	1055
5	Monetary Orders issued	100	127	212	142	326	459	174	200	21	1761
6	Child custody orders issued	8	16	74	52	6	259	7	22	3	447
7	Interim relief orders issued	26	119	212	59	136	304	223	168	58	1305
8	Compensation paid	14	103	188	6	231	356	117	110	23	1148
9	Ex-parte orders issued	-	65	60	7	145	34	72	37	0	420
10	Cases settled through counselling	203	214	686	993	985	900	800	850	600	6231
11	Appeals to higher courts	-	8	104	53	238	22	112	20	2	559
	Total	586	1048	2080	1501	3005	3402	1923	1954	891	16390
	Pending Cases	91	359	1085	1664	1138	622	3873	3326	4991	15736

Source: Department of Women and Child Development

Chart 1: Cases Registered, Disposed in Courts and Settled through Counseling
(In numbers)

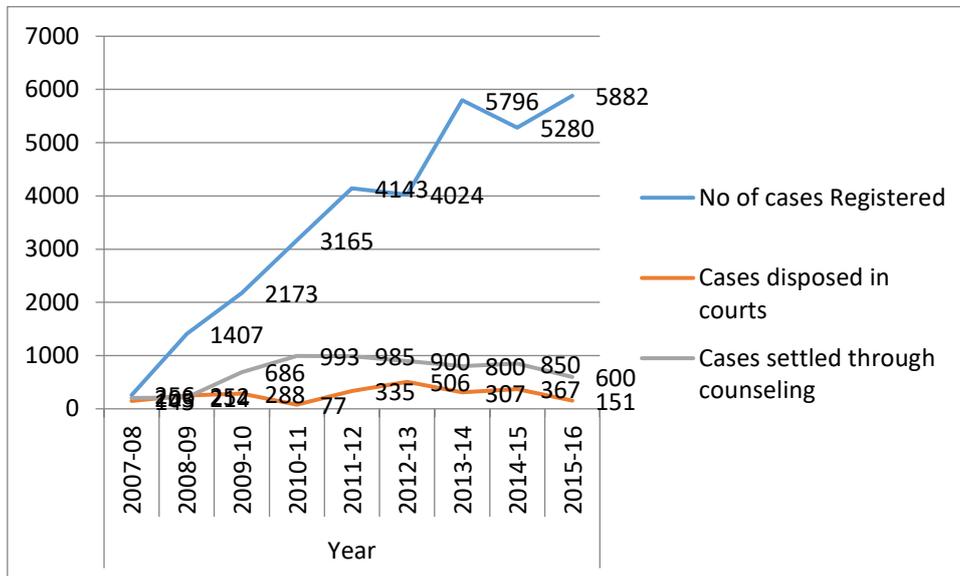
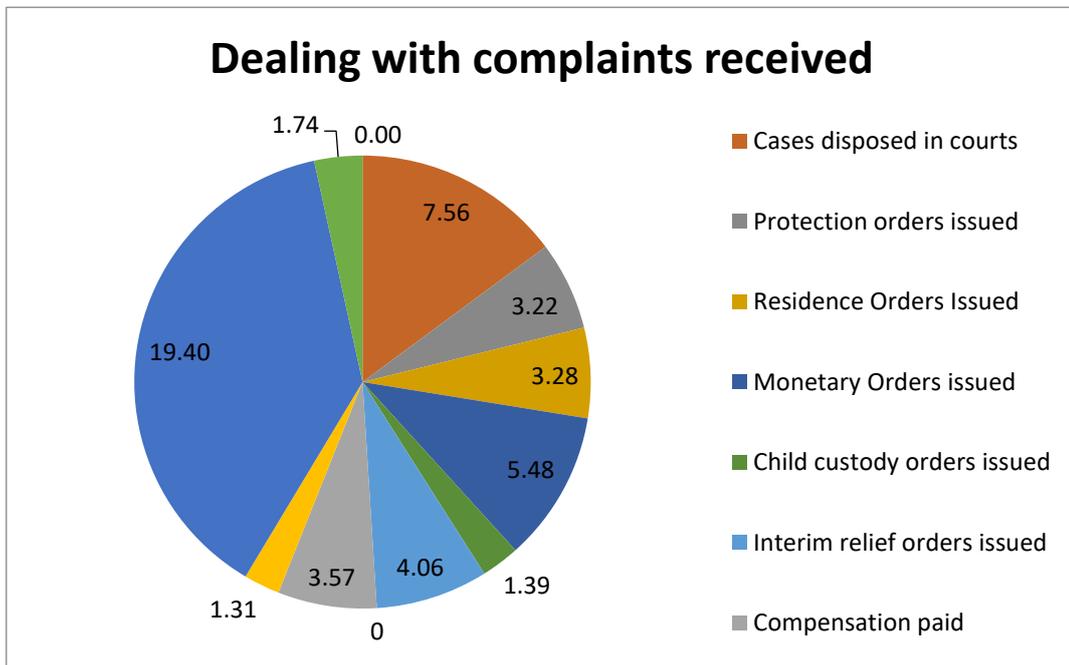
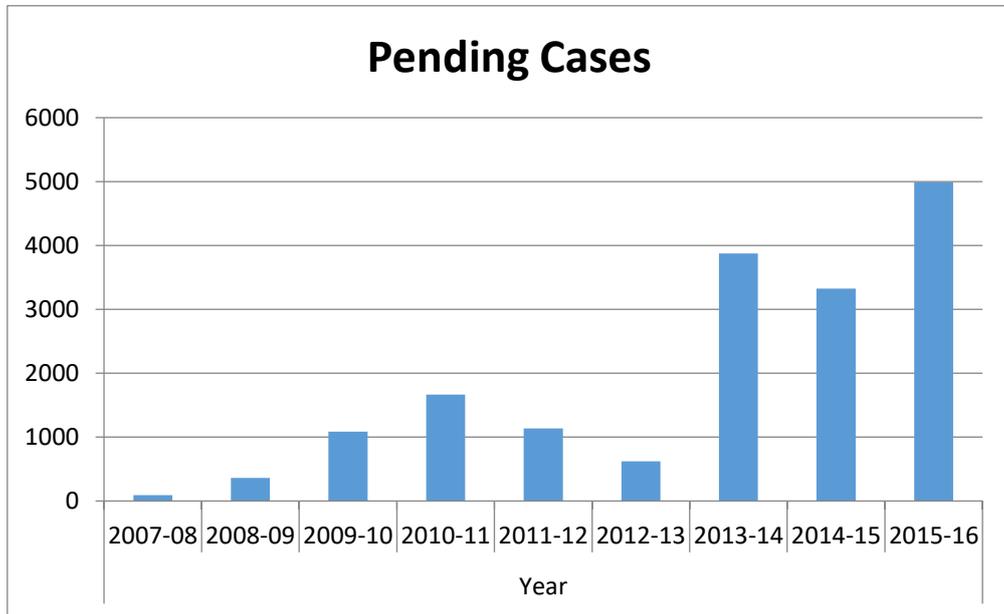


Chart 2: Dealing with Complaints Received



Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

Chart 3: Pending Cases (In Nos)



SECTION 2

BASIS FOR GOVERNMENT INTERVENTION

Basis

The principles of welfare state underline well-being of all citizen of the country irrespective of caste, creed, gender, and age. A country can achieve economic progress only when all sections of the society receive equal opportunities for advancement and growth. In turn, the objectives of a healthy society can be realized only when all the social ills are eradicated and citizen are protected against violence of all types and physical harm. Any lack of safety and security of any segment will have led to inequality, deprivation and far reaching consequences in not only domestic lives of the people but also the social set up.

In recent years the State response to the domestic violence is combination of effort between law enforcement agencies, social service agencies, the courts and corrections/probation agencies. The role of all these have increased last few decades, and brought their activities in public view. Domestic violence is now being viewed as a public health problem of epidemic proportion all over the world – and many public, private and governmental agencies are making vigorous efforts to control violence against women. There are several organizations-government and non-government - actively working to fight the problems generated by domestic violence across all communities.

State Intervention

Latter part of twentieth century saw a number of interventions by the State to curb the menace of domestic violence against women and several measures were taken against offenders through legislations and enactments. As a result, brazenness with which such crimes were committed could be contained if not altogether stopped as it required huge efforts and educating people on the ills of such practices that promoted or supported violent treatment of women for one reason or other.

1. In 1983, domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the Indian Penal Code. This section deals with cruelty by a husband or his family towards a married woman.
2. The Government of India passed a Domestic Violence Bill, 2001, “To protect the rights of women who are victims of violence of any kind occurring within the family and to provide for matters connected therewith or incidental thereto.
3. The “Protection of Women from Domestic Violence Act, 2005” [PWDVA, 2005] also was passed”. This Act ensures the reporting of cases of domestic violence against women to a ‘Protection Officer’ who then prepares a Domestic Incident Report to the Magistrate “and

forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction.¹

Role of Service Providers

The Service Providers are playing key role in supporting the Government and complementing State efforts in controlling the domestic violence and curbing its worse consequence. A number of service providers are retained by the Government in violence intervention for women and children especially in cases of sexual violence, sexual harassment, and domestic violence.

Police

Police plays a major role in tackling the domestic violence cases. The Law and Order enforcing Agency also has been roped in aimed at tackling the issue more effectively. The Department also has huge task of identifying the cases and bringing the guilty to book. But, again, some more effective measures are required.

Legal

The current array of legal interventions to address family violence includes service interventions, procedural and jurisprudential reforms, and efforts to build capacity and expertise in legal and social institutions to invoke legal sanctions-whether threatened or actual. Legal interventions, which include both the criminal and the civil justice systems, have several goals: identifying cases to bring abusers and their victims under the control and protection of legal and social institutions; addressing procedural and evidentiary problems in criminal prosecution; expanding the array of civil interventions to protect victims of abuse; reducing further violence by offenders; and increasing the range of social and legal controls affecting individuals, families, and communities.

Need for Intervention

Over the years, atrocities on women have surged irrespective of socio-economic and educational strata's and in spite of advancement technology. Historical aberrations in terms of customs and beliefs have strong influence on the treatment being meted out to women across the country. Physical and mental tortures are inflicted on the weaker sex due to one or other reason. This has affected the social well- being and welfare of families in general and women in particular. Age old ills of dowry, system, and treating women as second class beings and requiring them to be ever subservient to the family members need to be addressed holistically and the Government of India as also respective state governments have been making concerted efforts to curb this social menace.

¹ Protection of Women from Domestic Violence Act 2005 Rules 2006

PWDV Act and IPC 498A–A Comparison

Sl. No	IPC 498A	PWDV Act
1	Inserted in IPC in 1983 to curb cruelty, dowry harassment and death of married women.	Enacted in 2005 to protect all women from violence within homes
2	Criminal Proceedings before the Magistrate	Quasi Criminal and Quasi Civil Proceedings before the Magistrate and particularly Sec.31 empowers the Magistrate to punish the respondent for commission of breach of protection order or of an interim order, with imprisonment of either description for a term which may extend to one year or with fine which may extend to Rs.20,000/- or with both and also to frame charges under Sec.498-A of IPC and other provisions of Dowry Prohibition Act.
3	Only the Jurisdictional Magistrate Court where the offence has taken place can be approached	Application can be filed before any Magistrate exercising Jurisdiction under the CrPc in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place.
4	CrPC strictly applies	Court can lay down its own procedure
5	Criminal Remedy- Both the Police or the Jurisdiction Magistrate can take cognizance of the offence.	Criminal and Civil Remedy - Through Protection Officer or aggrieved women on her own can directly approach court
6	Aim is to punish the offender	Aim is to protect the aggrieved women and also punish offender if he disobey court order
7	Only punishment to offenders and no protection is offered to women.	Protection, Maintenance, Shelter, Custody, Medical Care and Compensation Orders are provided.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

8	Except the Jurisdiction Magistrate and the Police Officers concerned no other officers can be approached.	Protection Officers and Service providers assist the aggrieved women by submitting DIR to court and also assist Magistrate in executing his/her orders
9	No interim orders	Interim orders through Court
10	No protection orders available	Violence prevention and Protection orders are passed

Supreme Court Judgment on PWDVA

“The Supreme Court has said a woman can invoke the Domestic Violence Act for brutality and sufferings caused to her, even for a period before the existence of social welfare legislation.

The top court declined to interfere with a judgment stating that a woman, whose marriage stood dissolved before coming into force of the Protection of Women from Domestic Violence Act, can also seek redressal of her complaints under the same law.

A bench of Justices Ranjan Gogoi, R Banumathi and Navin Sinha rejected arguments by advocate Dushyant Parashar on behalf of petitioner Mohammad Talib Ali that the Act, which came into being on October 26, 2006, cannot be applied with retrospective effect”.

Source: Deccan Herald Newspaper dated: 13-05-2018

Supreme Court Judgment on IPC 498-A

“On July 27, the Supreme Court laid down directions in *Rajesh Sharma and Ors vs State of UP* “to prevent the misuse of Section 498A [on a husband or his relative subjecting a woman to cruelty] of the Indian Penal Code (IPC) as acknowledged in certain studies and decisions”. Incidentally, this is the same court that chose to look the other way when LGBT activists, in *Suresh Kumar Kaushal vs Naz Foundation*, brought to its notice the wanton abuse of another sister penal provision, Section 377, saying that “mere fact that the section is misused by police authorities” would not impact upon the legality of the provision.

Section 498A of the IPC has “terrorized men folk” for a while now since its birth in the statute book in 1983. Statistics of a large volume of non-follow up or acquittals under this provision adulterated with a generous measure of anecdotal evidence of cases of “husband and in law harassment by false implication in ‘dowry cases’” has contributed to the successful counter narrative of “misuse” which the court has bought into the *Rajesh Sharma* order.

Shaken by the all-round criticism of its retrograde acquittal in 1978 of the constables who allegedly raped a tribal girl in Mathura, India's top court has had a catharsis with a series of pro-women judicial decisions. Be it the *Mary Roy* case (1986, when the Supreme Court upheld Christian women's inheritance rights), the *Shah Bano* case (1986, upholding Muslim women's right to maintenance on divorce), the *Rupan Deol Bajaj* case (1988, in favour of women co-employees' right against sexual harassment), the Vishakha judgement (1996, listing guidelines on workplace sexual harassment), the *Gurmit Singh* case (1996, ruling that the sole testimony of a woman is sufficient to convict a rapist), or the *Githa Hariharan* case (1999, granting a mother's right to be a guardian) – the top court has been emphatic about its gender sensitivity”.

Source: Indian Khanon.

In Karnataka as in the case of rest of the country, women continue to receive similar ill-treatment. Going by the number of cases registered, across the country and also. Karnataka, there is need to take effective steps to mitigate sufferings of the women. This cannot be done only through legislation but approach has to address wide gamut of social, educational, economic and socio-cultural and socio-religious issues.

The passage of the PWDV Act has come as a great boon and provided relief to thousands of aggrieved women across India.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

SECTION 3

PROGRESS REVIEW

Karnataka

Government of Karnataka has been vigorously pursuing the objective of safeguarding ensuring security and safety of women, through this Act which is being implemented across the State in all the 204 Blocks of 30 districts. The PWDV Act and rules are being implemented from 2007-08 in the state through the Department of Women and Child Development. In each District, the Deputy Directors, Department of Women and Child Development have overall responsibility. At Taluka level, of as many as 215 Protection officers' posted. At taluka level 47 Women Protection Officers have been positioned to attend to the day to day operations under the Act of whom 24 are Law Graduates. In remaining taluk as many as 157 Taluka level Women and Child Development Protection Officers are vested with additional charge of implementation of the provisions of the Act.

With a view to facilitating review of the progress under the Act, the methodology used (as in section 8) included:

- i) preparation of formats, questionnaire schedules for capturing primary and secondary information
- ii) Visits to District, Block level officers of Women and Child Development officers, have been undertaken
- iii) Interactions with in charges of these Centers are completed.
- iv) Visits and Interactions with Swadhar/Santwana, Legal Advisors have been undertaken.
- v) As many as 12 with Deputy Directors, 25 CDPOs/Protection officers and Service Providers, 25 Swadhar/Santwana Kendras Focused Group Discussions were held with stake holders;
- vi) Case studies victims of Domestic Violence (12)
- vii) Interactions with as many as 183 affected women and whose cases were closed were also held in selected Districts.
- viii) Desk review/Literature Review (a) PWDV Act 2005/Rules 2006, NO. 43 OF 2005 [13th September, 2005.] (b) Indian Research Journal Edition (c) Printed Books and WESBSITE of the Dep't for Women and Child Welfare. (d) Domestic Violence.org. (Website) (e) Summary Report of three studies 1999- September 1999. International Centre for Research on Women and Centre for Development and Population Activities.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

(f) www.isca.in Vol. 2(1), 34-37, January (2013) (g) Effectiveness of women and child development programmes: a study in Karnataka ISSN 2277- 3630 IJSSIR, Vol. 2 (8), August (2013)

The protection officers are mandated to:-

Roles and responsibilities of protection officers (in terms of qualification duties attended as given in the Act and difficulties they faced)

- i. To listen to the aggrieved women in an empathetic manner/and offer counseling services initially
- ii. To assist the aggrieved in making a complaint
- iii. To inform aggrieved woman of her rights.
- iv. To assist in making application to the Magistrate for relief and assist the court in the discharge of its functions
- v. To prepare a safety plan (Form V of the Rules)
- vi. Ensure that aggrieved or her children are not victimized /pressurized consequent to reporting DV
- vii. Liaise between aggrieved and the service provider, police and Judiciary.
- viii. Maintain records of Service Providers, Medical Facilities, Shelter Homes in her jurisdiction
- ix. To make a Domestic Incident Report (DIR) or application for protection order on behalf of the women.
- x. To ensure the aggrieved woman is provided legal aid through State Legal Services Authority
- xi. To ensure that orders for monetary relief are complied with.
- xii. To ensure medical services, safe shelter & information on service providers is provided to the women and arranging transport also
- xiii. To invite applications from Service Providers and counselors and maintain records of support services & all documents related to the matter.
- xiv. Emergency action: If PO receives information of case of domestic violence through email/telephone etc. She/he shall reach place of occurrence with police immediately & record a DIR & present it to Magistrate for appropriate order, without any delay.

Additional duties of Protection Officers with Written direction of Court (Rule 10):

- a. Conduct home visit & make enquiry before grant of ex-parte interim order.
- b. Conduct enquiry on assets, bank accounts or other documents.
- c. Restore possession of personal effects & shared household to aggrieved woman & assist her in regaining custody of children/Visitation rights
- d. Assist the court in enforcement of orders passed.
- e. Take assistance of police to confiscate any weapon involved in domestic violence. Any other duty assigned by state govt. or court.
- f. To assist the Magistrate in the discharge of his functions under this Act;
- g. To make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- h. To make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- i. To ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;
- j. To maintain a list of all service providers providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
- k. To make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
- l. To get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;
- m. To ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);
- n. To perform such other duties as may be prescribed.

Challenges/Problems faced in implementation

- a. Though the cases have been registered, the disposal of cases has been extremely slow, while the Act stipulates disposal within 60 days.
- b. Involvement of the advocates in the cases is minimal since there is no provision for advocate's fees. There is difficulty in dealing with the panel advocates and the provision in the Legal Services Authority is meager.
- c. Respondents not appearing in court even after 3-4 summons/court notice – PO should request for Ex-parte order
- d. For issuing summons outside the state, police personnel should be used, as it is difficult for protection officers to serve it on time through RLAD.
- e. Gender Sensitization programme for the magistrates to be conducted regularly as there is lack of sensitivity in handling domestic violence cases in the magistrate courts.
- f. Appeals have become a big bottle neck for women to get orders under this Act time limit should be fixed for interim order also.
- g. Respondents go for innumerable an appeal which not only demotivate women to use this law, but also delays the entire journey to justice. The very purpose of speedy justice is derailed because of this. It is important that regulation of appeals under PWDV Act needs to be chalked out.
- h. In High court also time limit should be fixed for appeals under D V Act.
- i. Court should mark a copy of order to P O since Protection officers are not receiving interim orders and final orders in time. Therefore there is difficulty in execution of orders, especially in cases of monetary relief and maintenance.
- j. Protection Officer should guide women to go for pre-litigation and counseling and opt for Alternate Redressal mechanism since court procedures are of long duration.
- k. In Lok Adalaths mediation process can be started instead of court process
- l. DPAR should conduct one more study to assess where more posts of Protection Officer can be sanctioned.

Roles and Responsibilities of Service Providers

To support the administrative setup, as many as 116 NGOs are involved as SERVICE PROVIDERS to operate in respective locations through their 171 Santwana Centers, 30 Short stay homes and 34 Swadhar Centers are positioned in district as service providers. They are vested with the responsibility of registering cases, their follow up, counselling, providing assistance in matters

relating to legal matters. Their operations are carried out through (i) Swadhar Kendras and (ii) Santwana Kendras. Government Hospitals have been nominated to provide special attention to the cases registered under this Act.

- i. Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.
- ii. A service provider registered under sub-section (1) shall have the power to-(a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;(b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place; (c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station, within the local limits of which the domestic violence took place.

No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.

Services of Legal Advisors are made available through Karnataka Legal Services Authority, in all the talukas and these Advisers attend to their task by visiting on all Wednesdays and Saturdays.

Mediation Centres

Mediation is one of the alternative Dispute Resolution methods contemplated under section 89 of the Code of Civil procedure. Mediation is a process in which a neutral Mediator assists the disputing parties to resolve their disputes. A neutral Mediator uses special negotiation skills and communication techniques to help litigants bridge their differences and resolve their dispute. Mediation leaves the decision making power with the parties. A Mediator does not decide what is

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

fair or right but acts as a catalyst to bring the disputing parties together by defining the issues and eliminating obstacles for communication and settlement¹.

Features of Mediation

- a. Voluntary
- b. Confidential parties decide what information may be shared with the other party in the mediation.
- c. Structured and Informed process
- d. Informal focusing on the parties interests rather than the rules of procedure and evidence
- e. Flexible enabling the parties to resolve the dispute by themselves
- f. Time and cost effective

Benefits of Mediation

- i. Produces satisfying results. Helps to settle all or part of the dispute
- ii. Saves time and money. Provides for a lasting resolution.
- iii. Reduces hostility between the parties. Narrows the issue in dispute.
- iv. Encourages creative solutions for mutual benefit and protects confidentiality.
- v. Provides for refund of Court fee as per Law.

About the Mediation Process

A Mediator meets the disputing parties, their Advocates, third parties if any in a joint session. After a brief introduction by the Mediator about the Mediator's role and about the Mediation process, the disputing parties will be provided with an opportunity to narrate the background of the case and the actual facts. As per the requirement, the Mediator may have private sessions with the disputing parties / advocates/third parties, in order to evolve various settlement options. If dispute is not resolved, the case will be returned to the Referral Court of adjudication.

Duration of Mediation

The mediation process can take a maximum of 60 days. Any number of sessions can take place within a span of 60 days depending on the circumstances of each case. If a matter is not settled in mediations, it will be returned to the Court for further adjudication from the stage at which it was referred for mediation.

The State Health and Family Welfare Department has advised all the Government Hospitals and Dispensaries in the state to provide all necessary medical services/ assistance to the women.

¹Karnataka State Legal Services Authority

The District/Block Officers are supported by Legal Advisors for legal counselling and pursuing legal matters in the courts.

Progress reporting of cases registered, pending, disposed, compensation paid, cases referred to Courts is being done at District level and periodical reports are sent to the Directorate.

Awareness campaigns

Three state level works were organized for All Protection officers, Service Providers, Police personnel, and Medical officers, in collaboration with NIPCID Delhi, Legal Services Authority and Administrative Training Institute Mysuru. In addition 26 District level workshops were also organized for the benefit of the officers involved in implementation of the provisions of the Act.

Two workshops were also organized for judicial officer/Judges were organized in association with Karnataka Legal Academy. A special 1 month training programme was organized for Protection officers in 2012-13 at Mysuru.

One day Awareness programmes are being organized in 5 hoblis in each Taluka from 2010-11. The participants come from Village level institutions like Gram Panchayats, Stree Shakti, SHGs, and Anganwadi workers.

Four Satellite based training programmes were conducted for Stree Shakti Group members, Lady Police constables, and selected Gram Panchayat Members.

Literature and booklets on the Act and salient features indicating contents and dos and don'ts are being published in Local Language (Kannada) for the benefit of all concerned,

Progress: Between 2007-08 and 2015-16, as many as 32,126 Domestic Violence cases were registered across the States. During the last four years alone as many as 22,467 cases were booked by aggrieved women. However, only 16,390 cases were disposed off (51.01%). Of which more than 19.40% could be resolved through counselling. The increasing number of cases being registered is an indicator of greater awareness being created among women and more so, enhanced literacy among them also is a major factor. Therefore, there is need to curb such social ills. The introduction of the PWDV Act has come as a great boon to the aggrieved women folk across the country.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

Table 2-Summary of Implementation of PWDVA

Particulars	Cumulative number (2007-08 to 2015-16)	Percentage
Cases registered	32126	
Cases disposed off in courts	2428	7.56
Protection orders issued	1036	3.22
Residence Orders Issued	1055	3.28
Monetary Orders issued	1761	5.48
Child custody orders issued	447	1.39
Interim relief orders issued	1305	4.06
Compensation paid	1148	3.57
Ex-parte orders issued	420	1.31
Cases settled through counselling	6231	19.40
Appeals to higher courts	559	1.74
Disposed off	16390	51.02
Pending cases	15736	48.98

Source: Directorate of Women and Child Development GOK

Financial Allocations

The Government of Karnataka had spent a sum of Rs.2738.21 lakhs during the period under study.

The annual expenditure during 9 year period was:-

Sl.No	Year	Actual Expenditure (Rs. in lakhs)
1	2007-08	64.20
2	2008-09	146.61
3	2009-10	180.71
4	2010-11	348.18
5	2011-12	244.54
6	2012-13	320.88
7	2013-14	500.74
8	2014-15	495.00
9	2015-16	437.35
	Total	2738.21

Source: Department of Women and Child Development GOK

SECTION 4

PROBLEM STATEMENT

Since the incidences of violence against women are age old social stigma and refuse to abate, this menace needs to be tackled more vigorously. Multi-pronged approaches are called for to ensure that the constitutional provisions and the Acts and Laws enacted are effectively implemented in letter and spirit. However, the present legal and administrative regime falls short of requirements as a number of loopholes exist in the same and the perpetrators of violence and their advisers take advantage of the same and find an escape route safely.

- Many incidences of misinterpretation of the laws and their misuse abound leading to inability of the law enforcing agencies to pin down the violators.
- The Present Act (Protection of Women from Domestic Violence Act 2005) deals exhaustively on all aspects of violence against women and provides for remedial and punitive measures. However, the passage of this Act has not resulted in complete eradication of violence across the country due to a number of inherent deficiencies in the system. There is absence of co-ordination among different stake holders as also administrative problems.
- The Act envisages that greater success is possible only with enlightened population with greater awareness about the need for prevention of violence against women. However, the present measures of awareness creation are not enough and need revisit, since understanding and appreciation of the basic principles of a healthy society is necessary.
- Various Agencies are involved in women's welfare and protection across the country and Karnataka. However, most of these agencies are functioning in isolation and independent of other concerned agencies. There is lack of co-ordination among them resulting in duplicity of efforts and cutting avoidable time, money and energy.
- Data generation mechanism on the nature and number of cases of violence and oppression of women is weak and deficient and there is lot of misreporting / double reporting by different agencies.
- Wherever cases are referred to Courts, there is greater time lag between filing cases and final verdict due to the courts being overworked. No special treatment is accorded to cases booked under this Act. Even where courts shown greater interest in delivering the verdict, it has not been for them to ensure timely remedies;
- The average time taken between registrations of cases and final verdicts longer as at present and this has led to loss of interest/faith in the judiciary system;

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

- In many cases, the implementing agencies have not executed orders passed by courts and there is tendency to delay in carrying out court orders. This is often on account of influence/pressure being brought on implementing officers.
- Due to large number of posts remaining vacant for considerable period of implementation of the scheme and enforcement of the contents of the Act has suffered. Unless adequate staff contingent is made available there would not be any improvement in implementation of the Act.

SECTION 5

SCOPE, OBJECTIVES AND EVALUATION QUESTIONS

It essentially focuses on assessing the organizational efficiency in delivering the tasks as provided in the Act. Simultaneously, the study also focuses on the need to have direct feedback from the aggrieved persons on their views, experience and expectations from the scheme and provisions of the PWDVA. Finally, it is intended to identify procedural, operational, legal aspects involved in effective implementation.

Performance evaluation of each of the agencies involved in implementation of the scheme is the core term. It is also to assess how far they have fulfilled the scheme objectives

Broad scope objectives

Scope:

- (i) The scope of the study covers entire state of Karnataka comprising 30 districts from which 12 districts and 25 Blocks from the sample.¹

Objectives

The main objective of the study is to assess (i) whether or not the scheme on Prevention of Violence Against Women Act is being implemented effectively, whether the provisions of the Act serve the desired objectives, (ii) whether the aggrieved women have been enabled to take their grievances to this forum and seek justice to their satisfaction, and (iii) whether the framework of the organization of Protection officers and other associated agencies has been functioning as per the Act.

Reference Period: The scope of the study is to analyze performance of the scheme implemented between 2007-08 to 2013-14.

The consultant has devised 6 schedules to seek answers to all the above questions/ aspects (appended as Annexure 3 to this report).

Study Area

The scheme is being implemented in 204 blocks/talukas of the state. As per Terms of reference, the study was to be conducted in 25 blocks (around 10%) with a minimum of 5 blocks in each of the four revenue divisions and representing two or more districts in each division. Further, in each division the selection of the block should be such that out of five, at least one block where more than 35 cases are registered should in variably be selected for study. Brief background of the study area is described below:

¹ Terms of Reference (ToR)

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- 1. Bangalore Urban:** Bangalore district and is located in the South eastern part of Karnataka. The district is divided into four Talukas: Anekal, Bangalore North, Bangalore South and Bangalore East. The population density is 4,381 persons per sq km. Bangalore has a sex ratio of 915 females per 1000 males and a literacy rate of 88.00%.
- 2. Chitradurga:** Chitradurga district which is located on the valley of the Vedavati river in the southern part of Karnataka. The district is divided into talukas taluks, namely Chitradurga, Hiriyr, Hosadurga, Holalkere, Challakere and Molakalmuru. The density of population has increased from 179 to 197 per Sq.kms. Chitradurga has a sex ratio of 969 females per 1000 males and a literacy rate of 73.81%.
- 3. Shivamogga:** Shivamogga district is located in the central part of Karnataka State. Shimoga district is divided into seven taluks: Shimoga, Bhadravathi, Thirthahalli, Sagara, Shikaripura, Soraba and Hosanagara. The district has a population density of 207 inhabitants per square kilometer. Shivamogga has a sex ratio of 998 females per 1000 males and a literacy rate of 87.78%.
- 4. Mysuru** –Mysuru district is located at southernmost district of Karnataka State. Mysore District is subdivided into eight taluks namely: Piriapatna, Hunsur, Krishnarajanagara, Mysore, Heggadadevanakote, Nanjangud, Saragur and Tirumakudalu Narasipura. The district has a population density of 6910.5 inhabitants per square kilometer. Mysuru has a sex ratio of 985 females per 1000 males and a literacy rate of 87.67%.
- 5. Chickmagaluru**– Chickmagaluru district is located in the foothills of the Mullayanagiri range. Comprises the taluks namely Chikmagalur, Koppa, Mudigere, Sringeri, Tarikere, Kadur and Narasimharajapura. The district has a population density of 158 inhabitants per square kilometer. Chickmagaluru has a sex ratio of 1005 females per 1000 males and a literacy rate of 79.24%.
- 6. Kodagu:** Kodagu district Located in southwestern Karnataka, on the Western Ghats of India. The district is divided into the three administrative talukas : Madikeri, Virajpet and Somawarpet. The district has a population density of 135 inhabitants per square kilometer Kodagu has a sex ratio of 1019 females per 1000 males and a literacy rate of 82.52%.
- 7. Dharwad:** Dharwad district is situated in the Western sector of the northern half of Karnataka State., and is divided into five Talukas; Dharwad, Kalaghatagi, Kundgol, Navalgund and Hubli. The district has a population density of 434 inhabitants per square kilometer. Dharwad has a sex ratio of 971 females per 1000 males and a literacy rate of 80.00%.

- 8. Vijayapura:** District forms a part of the northern region of Karnataka State and divided in to five talukas; Vijayapura, Indi, Sindgi, Basavan Bagewadi and Muddebihal. The district has a population density of 207 inhabitants per square kilometer. Vijayapura has a sex ratio of 954 females per 1000 males and a literacy rate of 67.20%.
- 9. Uttarkannada:** Is one of the biggest coastal districts of Karnataka State, is located in the mid-western part of the state and divided in to eleven talukas; Karwar, Ankola, Kumta, Honnavar, Bhatkal, Sirsi, Siddapur, Yellapur, Haliyal, Joida and Mundagod. Uttarkannada has a sex ratio of 979 females per 1000 males and a literacy rate of 78.00%.
- 10. Kalburgi:** Kalburgi district is located in Northern part of Karnataka divided in to seven talukas; Gulbarga, Alanda, Afzalpur, Jeevragi Sedam, Chincholli, Chittapur. The district has a population density of 233 inhabitants per square kilometer. Kalburgi has a sex ratio of 962 females per 1000 males and a literacy rate of 78.61%.
- 11. Yadgiri-** District is the second smallest district in the state. There are three talukas in the district namely Shahpur, Shorapur and Yadgiri. The district has a population density of 233 inhabitants per square kilometer. Yadgiri has a sex ratio of 984 females per 1000 males and a literacy rate of 52.40%.
- 12. Bellary:** Bellary district is situated on the eastern part of the Karnataka state and divided into seven talukas namely Bellary, Hospate, Siruguppa, Kudlgi, Sandur, Hadagal and Hagaribomanhalli. The district has a population density of 300 inhabitants per square kilometer. Bellary has a sex ratio of 978 females per 1000 males and a literacy rate of 76.63%.

Brief background of the study area

Sl. No	District	Population (2011 Census in lakhs)	Male/Female Ratio	Literacy Rate (in %)	Administration Regions	Economic Activities
1	Bengaluru (Urban)	96.20	915:1000	88.00	Anekal, Bengaluru (North), Bengaluru (South) Yelahanka.	IT Based Industries
2	Chitradurga	16.60	969:1000	73.81	Chitradurga, Hiriya, Hosadurga, Holalkere, Challakere and Molakalmuru	Edible Oil, Textile, Sugar, Cement and Power Looms.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

3	Shivamogga	17.60	998:1000	87.78	Shikaripur, Hosanagar, Shivamogga, Sagar, Sorab, Bhadravathi, TeerthHalli.	Agriculture and Industries.
4	Mysuru	29.95	985:1000	87.67	H D Kote, Hunsur, K R Nagar, Nanjangud, Piriyaattan, Saragur, Mysuru & T.Narasipur.	Agriculture and Household industries.
5	Chickmagaluru	11.37	1005:1000	79.24	Chickmagaluru, Koppa, Kadur, Mudigere, Tarikere, N R Pura Sringeri	Agriculture-Plantation Crops
6	Kodagu	5.54	1019:1000	82.52	Madikeri, Somavarpeth Virajperth	Plantations and Tourism
7	Dharwad	18.00	971:1000	80.00	Dharwad, Kundgol Kalaghatagi, Hubli and Navalgund	Agriculture
8	Vijayapura	21.75	954:1000	67.20	Vijayapura, Indi, Sindagi, Muddebihal Basavan Bagewadi	Agriculture
9	Uttarkannada	14.37	979:1000	78.00	Karwar, Haliyal, Joida, Bhatkal, Sirsi, Siddapur, Yellapur, Ankola Mundagod, Kumta &Honnavar.	Agriculture, Fisheries and Forest based industries
10	Kalburgi	25.65	962:1000	78.61	Afzalpur, Alanda, Chicholli, Chitapur, Kalburgi, Jeevargi and Sedam	Agriculture Construction labor
11	Yadgiri	11.73	984:1000	52.40	Shahpur, Surapur and Yadgiri	Agriculture Construction labor

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

12	Bellary	25.00	978:1000	76.63	Hospet, Kudalagi, Shiraguppa, Sandur, Bellary, Hadagali, and H B Halli	Agriculture and Steel industries
----	---------	-------	----------	-------	---------------------------------------------------------------------------------	----------------------------------------

Evaluation Questions

These are based on two aspects namely (i) Institutional Mechanism and (ii) Implementation Process;

Questions forming part of the *ToR* under the two aspects are:

I. Institutional Mechanism

- How many awareness campaigns, workshops and training programmes related to PWDV Act were targeted each year at Taluk/district and state level for women and other stake holders since inception of the PWDV Act? How many were actually held?
- How frequently do the Co-ordination Committees meet at Taluk /District levels? What are the important decisions taken in these meetings, recommendations suggested for speedy disposal of cases and improvement in the process of implementation of the Act?
- What is the sanctioned staff strength at State, District and block levels for implementation of the ACT? Is the staff exclusively dedicated to this task or CDPOs are put in additional charge of implementing the Act along with other functions of the department? District wise details may be obtained and analyzed where the cases are disposed off early, i.e. in talukas/blocks having exclusive/dedicated or in talukas where doing this task as an additional duty;

II. Implementation process

- District wise, year wise and nature of case wise statistics (i.e. physical, sexual, emotional abuse/dowry harassment/IPC498A cases may be collected since inception till 2013-14 and analyzed. Is there a pattern that can be seen in this which will be used for better implementation of the Act in future?
- How many aggrieved women are referred to family counseling centers/ Santwana/Swadhar centers for counseling by CDPOs/ POs?
- What percentage of aggrieved women needs immediate short stay facility? How many of them are actually sent to shelter homes by Protection officers/ CDPO/Police Personnel; How many of them are actually sent to shelter homes by Protection

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- d. Is date of hearing fixed in court within 3 days of the receipt of application by the court?
- e. Is the time prescribed for filing the cases, issue of Domestic Incident Reports (DIRs) by Protection officers/service providers and issue of court notice/summons adhered to? If not, what is the average time taken to do these? What are the reasons for the delay (where it exists) and how could it be minimized or avoided? Whether in DIR form-1, under III economic Violence, “forcing to take up employment” needs to be included.
- f. After forwarding of DIR to the magistrate, how many cases were referred for mediation/Counselling by court and how many cases were settled by counselling/ mediation in family court / other courts?
- g. After forwarding of DIR to the magistrate, where counselling/mediation was not resorted to or failed, what is the average time taken for hearing and final disposal of the cases in courts?
- h. What is the average time taken for issue of Interim Orders?
- i. Are Ex-parte Orders issued by court as and when required?
- j. Are Magistrates/courts disposing of applications within **60 days from the date of 1st hearing**?
- k. Are court interim/final orders given to protection officers/petitioner freely?
- l. Are appeals to Courts of session being filed within 30 days of service of order to any of the parties?
- m. Are there any instances of violations of implementing the orders passed by the magistrate? If so, how many cases are there and what action has been taken on the violators? Give details.
- n. Is there any mechanism to collect and store data of Domestic Violence over the years? If yes, who manages the data? Is the programme reviewed by state/central Government periodically? Are QPRs consolidated at district and state levels and sent to central Government?
- o. Is there follow up of recommendations of the State/District/Taluk level co-ordination committees? How many amendments to the PWDV Act were suggested and actually made?
- p. Are there any reliable social, economic factors and other habits /vices which correlate to domestic violence against women?
(E.g. Economic Violence on non-earning homemaker)
(E.g. DV due to drinking or substance abuse by men)
(E.g. DV by men in multiple relationships, gambling by men)
(E.g. More physical violence on un-educated people)
(E.g. More Mental/Emotional violence on educated people)

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- q. Do abused women have any preference (non-Government vs. Government agencies) in seeking help and justice?
- r. Is the presence of Stree Shakti self-help Groups of W & CD Dept. Preventive or reactive to Domestic Violence? Has more awareness been created in general public?
- s. What was the basis on which 47 posts of protection officers were created and when was this done. Is there need to look at the issue of need of more protection officers in the present scenario?
- t. Is the implementation of the PWDV Act significantly different between areas where there are dedicated full-time Protection Officers as compared to those areas where Protection Officers/CDPOs are on in-charge duties?
- u. If DV case is booked against a person, is he retaliating by booking case under section-12 of Hindu Marriage Act for Restitution of conjugal rights or section-11 for judicial separation
- v. To suggest, based upon the cases studied, measures to control, minimize and, if possible, eliminate domestic violence against women.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

SECTION 6

EVALUATION DESIGN

Since the study deals with mainly two aspects institutional mechanism and implementation process, evaluation exercise conformed to these aspects and the consultant evolved the design of the study keeping in mind broad Terms of Reference and more importantly, the evaluation questions. In case of the first aspect namely, institutional framework, a multi-pronged approach was used in the study. For this purpose, suitable data sheets/formats were devised to elicit/capture information on various aspects of working of the institutions involved in implementation of the scheme, monitoring of the activities of District and field level offices and Agencies, steps involved in ensuring co-ordination among all concerned, documentation and follow up of cases at Field and District levels and others.

In respect of study of implementation process, questionnaires were devised to elicit elaborate information from Service Providers, Block Level Offices, District in charges of the schemes and others involved. Additionally, one to one interactions with officers at State level, District level and Block level functionaries were held with a view to understand the ground level status, problems being encountered by these functionaries on a day to day basis. Interactions were also held with District and State level officers on processes devised/adopted for effective implementation and monitoring of handling of cases. Views, opinions and suggestions were also recorded for further study and analysis.

Case studies provide deeper insight into individual cases of victimized women, in terms of how the scheme benefited them in mitigating the sufferings. This method is being increasingly used in recent years since they deal with and provide qualitative outputs from such inquiries/research methods. Hence, the consultant's approach was to use this technique to elicit information from the victims of domestic violence. In all, as many as 183 aggrieved women were covered under the study. Such case studies throw newer issues and highlight prevailing deficiencies in dealing with cases under the Act.

The next important task was to seek answers to the Evaluation Questions contained in the Terms of Reference. As many as 22 questions required to be answered using appropriate methods. The questions pertain to the two main aspects i.e. Institutional framework and implementation process such as mode and methodology of registration of cases, their follow up, number of cases covered under counselling, number referred to courts for settlement, nature and number of cases having

special characteristics, timeline for settlement of cases, violations in implementation of the court orders.

SECTION 7

EVALUATION METHODOLOGY

Methodology

Efforts were made to collect all the data in addition to one to one and one to many discussions at Taluk and District levels in selected study areas and based on the inputs; the consultant would offer short and long term recommendations for effective working of the Act to the advantage of the affected women.

Keeping this in view, the consultant has initiated following steps:

- Legal Expert (Advocate)
- A team of experts comprising Sociologist and Gender specialist
- Statistician

Was constituted. This team was supported by two Research Assistants and the team has already commenced its work with:

- i) Preparation of formats, questionnaire schedules for capturing primary and secondary information
- ii) Visits to District, Block level officers of Women and Child Development officers, have been undertaken
- iii) Interactions with in charges of these Centers are completed.
- iv) Visits and Interactions with Swadhar/Santwana, Legal Advisors have been undertaken.
- v) As many as 12 with Deputy Directors, 25 CDPOs/Protection officers and Service Providers, 25 Swadhar/Santwana Kendras Focused Group Discussions were held with stake holders;
- vi) Case studies victims of Domestic Violence (12)
- vii) Interactions with as many as 183 affected women and whose cases were closed were also held in selected Districts.

The legal Expert who was a Principal Investigator had a major in looking into all cases with reference to relevant Acts/ Laws, including participation in one to one interactions with aggrieved women.

The Statistician was instrumental the process of selection of sample using standard Statistic tools and techniques required to ensure adequate representation.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- viii) Desk review/Literature Review (a) PWDV Act 2005/Rules 2006, NO. 43 OF 2005 [13th September, 2005.] (b) Indian Research Journal Edition (c) Printed Books and WESBSITE of the Dep't for Women and Child Welfare. (d) Domestic Violence.org. (Website) (e) Summary Report of three studies 1999- September 1999. International Centre for Research on Women and Centre for Development and Population Activities. (f) www.isca.in Vol. 2(1), 34-37, January (2013) (g) Effectiveness of women and child development programmes: a study in Karnataka ISSN 2277- 3630 IJSSIR, Vol. 2 (8), August (2013)

Selection of Blocks

As per Terms of reference, the study was to be conducted in 25 blocks (around 10%) with a minimum of 5 blocks in each of the four revenue divisions and representing two or more districts in each division. Further, in each division the selection of the block should be such that out of five, at least one block where more than 35 cases are registered should invariably be selected for study. Information on number of cases registered in each of the district and division was accessed from the Department of Women and Child Development, Government of Karnataka Bengaluru.

Collected data from all 25 blocks using formats/questionnaires were used.

Table 3- Districts and Blocks selected for the study

Sl. No	Division	District	Talukas/Blocks selected
1	Bengaluru	Bengaluru (U)	Bengaluru (Central), Yelahanka and Anekal
		Chitradurga	Holalkere, Molakalmuru
		Shivamogga	Shivamogga, Shikaripur
2	Mysore	Mysore	H.D Kote, Piriya pttan
		Chickmagaluru	Kadur, Mudagere
		Kodagu	Kodagu, Somavarpeth
3	Belagavi	Dharwad	Hubli-Dharwad (U), Kundgol
		Vijayapura	Indi, Basavan Bagewadi
		Uttar Kannada	Karwar, Mundagod
4	Kalburgi	Kalburgi	Afzalpur, Alanda
		Yadgiri	Yadgiri, Shahpur
		Bellary	Hospet, Sandur
	Total	12 Districts	25 Blocks

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

1. District PIA(D-1)
2. Protection officers (block level) (P-2)
3. Service Providers (block level) Santwana Centers/Swadhar Centers (S-3)
4. Short stay homes/Health Centers (H-4)
5. Women affected by Domestic Violence whose cases are settled (W-5)
6. Legal Service Authority (L-6)

One-To-One Discussions

Informal interactions with all those concerned with the implementation of the Act such as (i) District level officers of DW&CD, (ii) Taluk/Block level officers of DW &CD (iii) Legal Advisors (iv) Service Providers (v) Affected Women (vi) Local body bearers held to elicit information on the implementation of the Act in each Block, their views, and experiences, Procedures being followed and their efficacy etc.

Limitations

1. The evaluation exercise involved (i) available secondary data collection from state, district and talukas level offices of the Women and Child Dev. Department/designated officers (ii) Service Providers operating Swadhar, Santwana Kendras also stay-homes. While required information could be accessed from the Service Providers in majority of talukas, offices at Taluka and District levels could not provide data in spite of repeated requests and visits by Field investigators and consultant's team.
2. Wherever regular officers were not posted/ recruited for Taluka level offices, enforcement of the provisions of the Act has been entrusted to the Department of Women and Child Development, and these officers expressed their inability to devote requisite time to attend to the additional tasks and they heavily relied on the Service Providers for every matter/record/report. Though Service Providers could share data pertaining to their work, they could not give other required secondary data on training, awareness creation, meetings, and other related activities. As such there is gap in data availability. This was brought to the attention of the District in charges but very little could be done by them;
3. It was understood that the aggrieved women preferred to approach the Service Providers agencies rather than the Department; such cases handled by Service Providers were settled and directly referred to the judicial process. Thus, there was information mismatch.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

4. Since the reference period for evaluation is from 2007-08 to 2013-14, many women who had registered their cases and got remedies of one type or other. However, they could not be located since they had either re-located elsewhere or some of them could not recollect the case/reluctant to meet the team for obvious reasons;

SECTION 8

DATA COLLECTION AND ANALYSIS

The evaluation exercise involved (i) Collection of Primary data from the stake holders as also implementing agencies (ii) Collection of secondary data from State, District and Block level offices of the Department as also Service Providers units (Swadhar and Santwana Kendras). Broadly, following methodology was used in collection of data

Particulars (ToR Questions)	Source	Methodology
Awareness programmes Campaigns, workshops and training programmes conducted	Directorate, Deputy Director of Women and Child Development at State and District levels	Use of data sheets/ formats Open ended data sheets used by the Department
i. Co-ordination Committee meetings at Talukas, District and state levels ii. Decisions taken in the meetings for speedy disposal of cases	District in-charges of the DWCD Directorate of Women and Child Dev	Through questionnaires devised to capture information.
Sanctioned and Existing staff strength	Directorate of Women and Child Development	Open ended formats used by the Department
District wise, year wise and Nature of case wise statistics since inception of the scheme	District In charges of DW & CD Directorate of DW& CD	Formats devised for capturing the data
Women referred to family counselling centres	POs/Santwana Kendras Swadhar Kendras/ NGOs	Use of specially devised formats
Percentage of women requiring immediate short stay facility and number sent to shelter homes	POs/Service Providers	-Do-
Date of hearing in courts	POs/Service Providers	Also through one to one interactions with service providers

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

Adherence of time for filing of cases, issue of domestic incident reports by POs/Service Providers Average time taken for the above; Reasons for not maintaining time schedule	POs/ Service Providers/ District officers/Women Victims	Use of specially devised questionnaires for POs, NGOs and DW&CDs Interactions with the implementing officers
Cases referred for mediation	Karnataka State Legal Service Authority	Interactions with Member secretary and collection of data.
Average time taken by courts for hearing	DWCOs, POs	Through interactions (questionnaires devised for Judges but could not be used since it was felt that asking questions to the Judges was not proper and the judges would not be able to spare time to fill up such questionnaires)
Average time taken for issue of interim orders Whether ex-parte orders issued by courts Whether Courts are disposing applications within 60 days from first hearing Supply of orders to POs by Courts	POs/Service Providers/ DWCOs/Records	Through interactions with the officers concerned and perusal of records.
Whether appeals filed within 30 days	POs/Service Providers/ DWCOs/Records	Through interactions with the officers

		concerned and perusal of records
Instances of violation of orders	POs/Service Providers/ DWCOs/Records	Through use of specific questionnaires in respect of POs/DWCOs/NGOs
Mechanism for collection and updating of data	State Directorate, District in charges of DW&CD	Interactions with concerned officers
Follow up of recommendations of co-ordination committees Number of amendments made in the Act on the basis of recommendations	State Directorate, District in charges of DW&CD	Interactions with concerned officers
Are there any reliable social, economic factors and other habits/vices which correlate to domestic violence	General observations/ interactions with District in charges/ POs	Analysis of data on socio economic factors in respective regions/districts and also through interactions with implementing agencies, particularly, NGOs.
Is presence of Stree Shakti and other NGOs/Social Organisations helpful in minimising incidences of violence against women	DW & CD/ POs/ Service Providers	Interactions with implementing agencies and SHGs
Basis for creation of 47 posts of POS	Director, Project Director, Department Women and Child Development	Interactions
Difference in performance in implementation between exclusively positioned offices and offices where the DWC Officers have additional	DWCOs, POs	Interactions in addition to analysis of data for the reference period.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
 Implemented by Women & Child Development Department

responsibility		
Is there any retaliation by the Person booked under Hindu Marriage Act.	POs/DWCOs/ Service Providers	Through interactions and also use of questionnaires to be filled by these officers.

SECTION 9

FINDINGS AND DISCUSSIONS

A) Implementation Mechanism:

1. The Act is being implemented through the Department of Women and Child Development. At District level, the District Women and Child Development are vested with responsibility of implementation;
2. Though the scheme is in operation in 204 blocks of the state, and as many POs positions are sanctioned, so far only 47 officers have been positioned in the Blocks. In other blocks, Block officers of the Women and Child Development are put in additional charge of implementation
3. As many as NGOs are empanelled as service providers, and 171 Santwana Kendras, (State) 34 Swadhar Kendras (Centre) are established by the NGOs; In addition, 30 Short Stay homes are also established to provide shelter to aggrieved victims.
4. Legal Advisers of Karnataka State Legal Service Authority are providing legal aid/ support to aggrieved women;
5. Co-ordination Committees have been constituted in all the Districts;

B) Implementation Process:

1. The implementing officers are adhering to the implementation process as envisaged under the scheme;
2. Cases of domestic violence are received and registered by the POs and in many cases are also registered by the service providers (Santwana and Swadhar Kendra)
3. Annual trends show that the number of cases registered increased from 256 in 2007-08 to as high as 5,882 showing a rise in complaints on which cases were registered.
4. As many as 2428 cases were disposed off in courts during the nine year period and the annual variations were marginal.
5. Almost 19.40% of the registered cases were settled through counseling and of them, number of counseled settlements during the last two years were almost 23% of total cases settled under this method indicating that counseling worked very favorably between the parties.
6. A small percent (6.32%) of cases closed pertained to issuance of protection orders, still smaller number (420) involved decision on Ex-parte Order;
7. Total number of Interim orders (1305) represented cumulative for nine years. From 26 cases in 2007-08, interim orders rose to 58 during 2015-16 indicating that the cases could drag for

considerable length of time; So also, cases where compensation was awarded also rose nine-fold during the same period.

Co-ordination Committees

A three-tier system of coordination committees is put in place to oversee various aspects of the implementation of the Act; i.e. (i) State level CC (ii) District level CCs and (iii) Taluka level CCs

I. State Level Coordination committees

The State level Coordination committees Interior Administration department, Parliamentary Affairs and Governance Department, Information and Publicity Department, Legal Services Authority, State Women's Commission and Health and Family Welfare Department. Hon'ble Registrar General Karnataka High court has advised all the Magistrates to earmark one day in a week/fortnight/month exclusively to take up legal cases filed in respective courts. The Police Department, Health Department, and Voluntary Agencies (VAs) have been performing their tasks. The Police Department is providing services for issuance of summons, house visits, registration/ filing of legal cases and providing such information/details to the Protection officers. Also, the Police Department is providing necessary support for enforcing the Court orders. Similarly, the Service providers are also personally attending to all such cases and referring them to the Protection officers.

II. District Level Coordination committees

With a view to enforcing the provisions of the Act and ensuring necessary steps the DLCC, under the Chairmanship of Deputy commissioners of the district, Secretary District Legal services Authority, District Superintendent of Police, District Public Prosecutors, District Health and Family welfare officers, District information and publicity officers, and two representatives of the service providers is constituted and these committees are functioning in all districts;

III. Taluka level Coordination Committees(TLCCs)

These committees are empowered to oversee the working of the machinery. The committees are headed by Tahsildars of the Talukas with members from Taluka Legal services committees, Circle Police Inspectors, Govt Asst public prosecutors, Taluka Health and family welfare officers, Assistant directors of Information and

publicity department service providers' representatives. In addition, one representative from Taluka protection homes and Protection officers.

The main tasks/agenda for the District Coordination committee are to:

- ✓ Ensure that the aggrieved women are provided with proper and adequate protection under the Act and see that the women get all possible help to afford right to safety as enshrined in the Constitution of India;
- ✓ With a view ensure time-bound remedies to the aggrieved women and to this effect coordinate between all concerned agencies to expedite actions/ decisions;
- ✓ Focus on expeditious disposal of cases and provide short term and permanent relief to the affected women;
- ✓ Give wide publicity and create awareness among the public through print and other media channels about the Acts and educate them on the need changing the attitude towards women ;
- ✓ Arrange periodical trainings and workshops for all officers and staff involved in implementation of the Act;
- ✓ Review of the periodical reports/performance of Protection officers and offer suggestions for improved performance.

Taluka level Co-ordination committee

- ✓ Ensure that the aggrieved women in their jurisdiction are helped with proper and adequate protection measures under the Act and see that they get all possible help and facilitate the right to safety as enshrined in the Constitution of India;
- ✓ With a view ensure time-bound remedies to the aggrieved women and to this effect coordinate between all concerned agencies to expedite actions/ decisions;
- ✓ Focus on expeditious disposal of cases and provide short term and permanent relief to the affected women;
- ✓ Give wide publicity and create awareness among the public through print and other media channels about the Acts and educate them on the need changing the attitude towards women ;
- ✓ Arrange periodical trainings and workshops for all officers and staff involved in implementation of the Act;
- ✓ Review of the periodical reports/performance of Protection officers and offer suggestions for improved performance.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- ✓ Review the performance of the service providers on a periodical basis, assess and advise them on various aspects of the Act and provide guidance and advice for better delivery;

The following Table provides details of Coordination committee meetings and subjects covered in such meetings at different districts.

Table 4- Frequency of Co-ordination Committee Meeting at Taluk/District/State levels

Sl. No	Division	District	Frequency			
			Monthly	Quarterly	Annually	Not at all
1	Bengaluru	Bengaluru (U)	-	Yes	-	-
		Chitradurga	-	-	Yes	-
		Shivamogga	-	Yes	-	-
2	Mysuru	Mysuru	-	Yes	-	-
		Chickmagaluru	-	Yes	-	-
		Kodagu	-	-	Yes	-
3	Belagavi	Dharwad	Yes	-	-	-
		Uttarkannada	-	Yes	-	-
		Vijayapura	-	Yes	-	-
4	Kalburgi	Kalburgi	-	Yes	-	-
		Yadgiri	-	Yes	-	-
		Bellary	-	Yes	-	-

Source: Survey

Chart 4: Division wise Frequency of Co-ordination Committee Holding Meetings

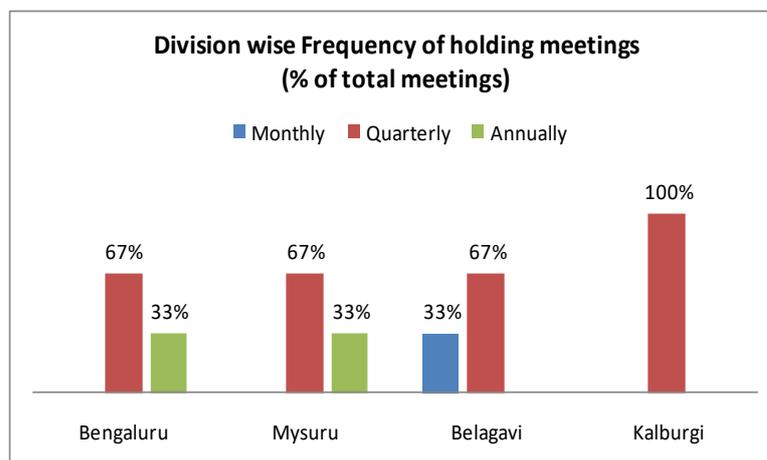
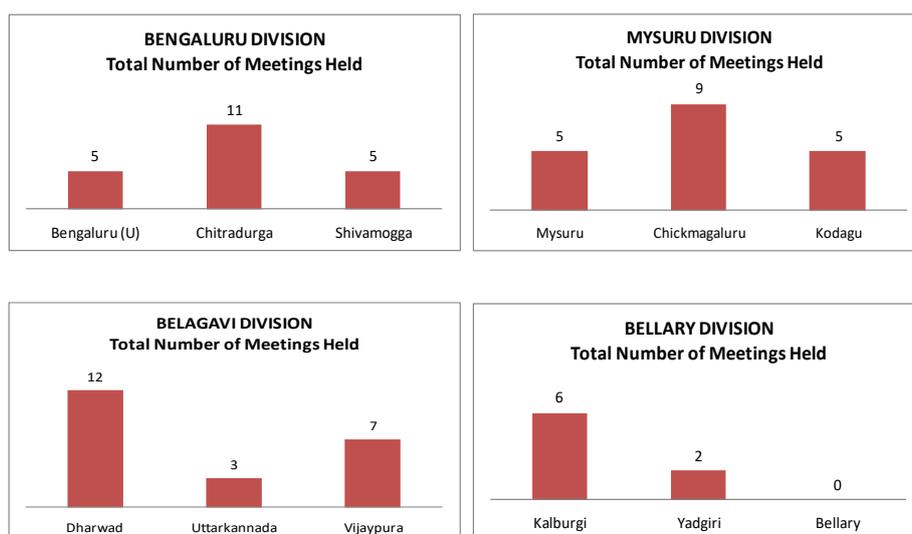


Table 4.1-Number of Co-ordination Committee Meetings Held (Year wise and Numbers)

Sl. No	Division	District	Year								Grand Total
			2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	
1	Bengaluru	Bengaluru (U)	-	-	-	2	1	1	1	-	5
		Chitradurga	-	-	-	3	2	2	2	2	11
		Shivamogga	-	-	-	1	-	1	2	1	5
2	Mysuru	Mysuru	-	-	-	1	1	-	1	2	5
		Chickmagaluru	-	-	-	-	-	1	4	4	9
		Kodagu	-	-	-	1	1	1	1	1	5
3	Belagavi	Dharwad	1	3	1	1	1	2	2	1	12
		Uttarkannada	-	-	-	-	1	-	1	1	3
		Vijaypura	-	-	1	1	1	1	1	2	7
4	Kalburgi	Kalburgi	-	-	-	3	1	1	-	1	6
		Yadgiri	-	-	-	-	-	-	-	2	2
		Bellary	-	-	-	1	1	1	-	3	-
		Total	1	3	2	14	10	11	15	20	76
		Percentage	1.32	3.95	2.63	18.42	13.15	14.47	19.73	26.32	100.00

Source: Survey

Chart 5: Division wise Total Number of Co-ordination Committee Meetings Held



Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

8. Status of positioning of, dedicated staff is given following table.

Government Order Number: DWCD: VG: PWDVA: EXPENDITURE: 1:2016-17 Dated: 21-04-2016

Table 4.2 Total Deputy Directors and Number of Projects

Sl.No	District	Deputy Director	Project Officers	Total
1	Bengaluru (U)	1	6	7
2	Bengaluru (R)	1	4	5
3	Ramanagar	1	5	6
4	Dharwad	1	6	7
5	Chickmagaluru	1	7	8
6	Dakshina Kannada	1	7	8
7	Shivamogga	1	7	8
8	Kalburgi	1	9	10
9	Bellary	1	8	9
10	Mysuru	1	9	10
11	Belagavi	1	14	15
12	Davangere	1	6	7
13	Bidar	1	5	6
14	Vijayapura	1	7	8
15	Koppal	1	5	6
16	Chamarajnar	1	5	6
17	Tumkuru	1	11	12
18	Raichur	1	8	9
19	Hassan	1	8	9
20	Haveri	1	7	8
21	Uttar Kannada	1	11	12
22	Bagalkote	1	6	7
23	Kolar	1	6	7
24	Chickballapur	1	6	7
25	Mandya	1	8	9
26	Udupi	1	4	5
27	Kodagu	1	3	4
28	Gadag	1	5	6
29	Chitradurga	1	7	8
30	Yadgiri	1	4	5
	Total	30	204	234

Source: Directorate of Women and Child Development

Table 4.3 Total filled up and Vacant posts of Protection Officers (As on 01-04-2016)

Sl.No	District	Taluk/Block	Office	Filled/Vacant	DR/PR
1	Bagalkote	Badami	C.D.P.O	Filled	DR
2	Belagavi	Belagavi (U)	C.D.P.O	Filled	PR
3	Bengaluru (U)	SumangaliSevashram	C.D.P.O	Vacant	-
4	Bengaluru (U)	Bengaluru (N)	C.D.P.O	Vacant	-
5	Bengaluru (U)	Bengaluru State	C.D.P.O	Filled	PR
6	Bengaluru (U)	Bengaluru (Central)	C.D.P.O	Filled	DR
7	Bengaluru (U)	Bengaluru (South)	C.D.P.O	Filled	DR
8	Vijayapura	Indi	C.D.P.O	Vacant	-
9	Vijayapura	Sindagi	C.D.P.O	Filled	DR
10	Shivamogga	Sagar	C.D.P.O	Filled	DR
11	Shivamogga	Bhadravathi	C.D.P.O	Filled	DR
12	Shivamogga	Sorab	C.D.P.O	Filled	DR
13	Shivamogga	Hosanagar	C.D.P.O	Vacant	-
14	Shivamogga	Shivamogga	C.D.P.O	Filled	DR
15	Shivamogga	Shikaripur	C.D.P.O	Filled	DR
16	Mysuru	K R Nagar	C.D.P.O	Filled	DR
17	Mysuru	Hunasuru	C.D.P.O	Filled	PR
18	Mysuru	Piriyayapattan	C.D.P.O	Filled	DR
19	Mysuru	Mysuru (U)	C.D.P.O	Filled	DR
20	Mysuru	T Narasipur	C.D.P.O	Filled	PR
21	Chickballapur	Chickballapur	C.D.P.O	Filled	-
22	Chickmagaluru	Chickmagaluru	C.D.P.O	Filled	DR
23	Chitradurga	Chitradurga	C.D.P.O	Filled	DR
24	Chitradurga	Hosadurga	C.D.P.O	Vacant	-
25	Ramanagar	Ramanagar	C.D.P.O	Filled	PR
26	Raichur	Raichur	C.D.P.O	Filled	PR
27	Raichur	Lingasugur	C.D.P.O	Vacant	-
28	Haveri	Hirekeru	C.D.P.O	Vacant	-
29	Haveri	Hanagal	C.D.P.O	Filled	DR
30	Haveri	Haveri	C.D.P.O	Filled	DR
31	Haveri	Rannebennur	C.D.P.O	Vacant	-
32	Kolar	Bangarpeth	C.D.P.O	Filled	PR
33	Gadag	Gadag	C.D.P.O	Filled	PR
34	Gadag	Naragund	C.D.P.O	Filled	PR
35	Gadag	Mundaragi	C.D.P.O	Vacant	-
36	Gadag	Ron	C.D.P.O	Vacant	-
37	Tumkuru	Tumkuru (Urban)	C.D.P.O	Filled	PR
38	Tumkuru	Tiptur	C.D.P.O	Filled	DR
39	Tumkuru	Madhugiri	C.D.P.O	Filled	DR
40	Tumkuru	Kunigal	C.D.P.O	Filled	DR

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

41	Tumkuru	Gubbi	C.D.P.O	Filled	DR
42	Chamarajnar	Chamarajnar	C.D.P.O	Filled	DR
43	Davangere	Davangere	C.D.P.O	Filled	DR
44	Davangere	Harihar	C.D.P.O	Vacant	-
45	Dakshina Kannada	Bantawala	C.D.P.O	Vacant	-
46	Dakshina Kannada	Mangaluru (U)	C.D.P.O	Filled	DR
47	Dharwad	Hubli Dharwad (U)		Filled	PR
	Sub Total		Filled	35	
			Vacant	12	
	Total			47	

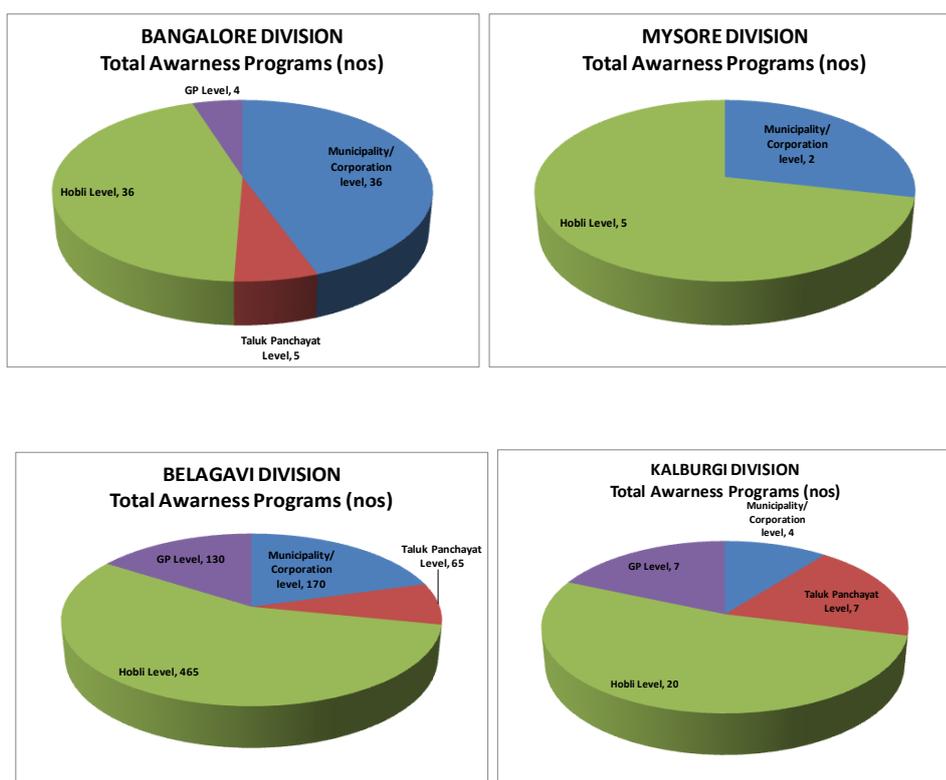
Source: Directorate of Women and Child Development

Awareness programmes: The Protection officers are trained every year at NIPCCD, Bengaluru, NIPCCD, Delhi and A.T.I Mysuru. As per information available from twelve districts, as many as 996 awareness programmes were conducted. 560 (56.22%) awareness programmes were conducted at Hobli level. About 212 (21.28%) of such programmes were conducted at Municipality/Corporation level and 147 (14.76%) and 77 (7.73%) at Taluk Panchayat and Gram Panchayat level respectively. (Table as below)

Table 4.4-Number of Awareness Programme

Sl. No	Division	District	Awareness Programmes at different levels				Total
			Municipality/ Corporation level	Taluk Panchayat Level	Hobli Level	GP Level	
1	Bengaluru	Bengaluru (U)	8	5	3	4	20
		Chitradurga	11	-	-	-	11
		Shivamogga	17	-	33	-	50
2	Mysuru	Mysuru	-	-	34	6	40
		Chickmagaluru	1	-	-	-	1
		Kodagu	1	-	5	-	6
3	Belagavi	Dharwad	165	60	-	130	355
		Uttarkannada	-	-	440	-	440
		Vijayapura	5	5	25	-	35
4	Kalburgi	Kalburgi	2	-	3	4	9
		Yadgiri			12	-	12
		Bellary	2	7	5	3	17
		Total	212	77	560	147	996
		Percentage	21.28	7.73	56.22	14.76	100.00

Source: Deputy Director, Department of Women and Child Development

Chart 6: Division wise Total Awareness Programs

Training Programme: It showed total 367 training programmes were conducted in all divisions, 127 training programmes were held at Hobli level, 113 at Gram Panchayat level while only 53 programmes were held in Corporation level. (Table below for details)

Table 4.5- Number of Training Programmes

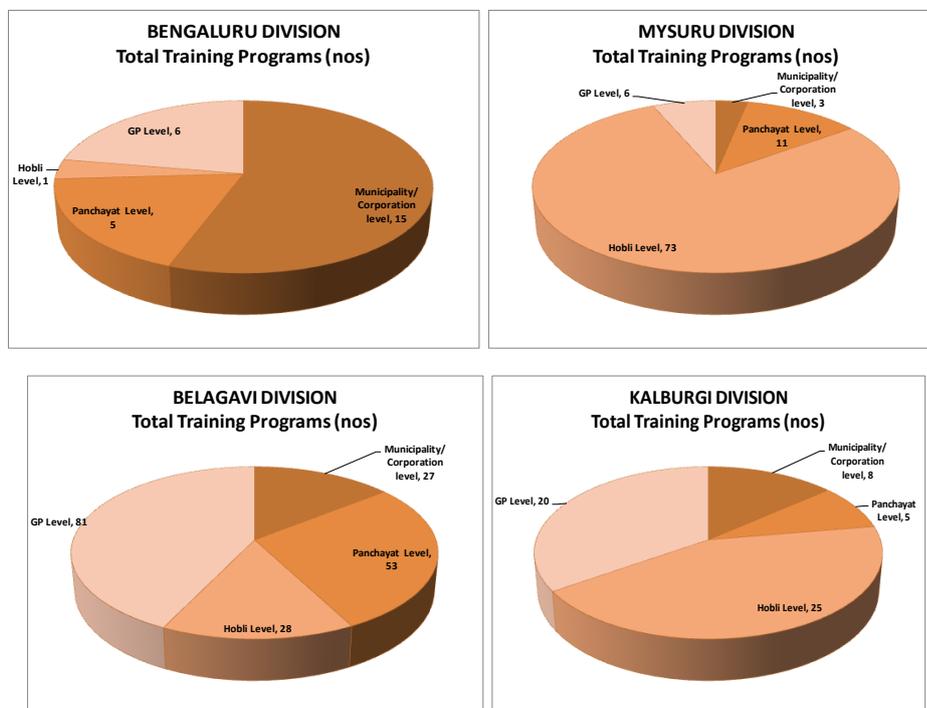
Sl. No	Division	District	Training at different levels				Total
			Municipality / Corporation level	Panchayat Level	Hobli Level	GP Level	
1	Bengaluru	Bengaluru (U)	10	4	1	6	21
		Chitradurga	3	-	-	-	3
		Shivamogga	2	1	-	-	3
2	Mysuru	Mysuru	-	-	34	6	40
		Chickmagaluru	1	7	35	-	43
		Kodagu	2	4	4	-	10
3	Belagavi	Dharwad	20	43	-	80	143
		Uttarkannada	2	5	3	1	11
		Vijayapura	5	5	25	-	35
4	Kalburgi	Kalburgi	-	5	4	8	17
		Yadgiri	4	-	12	-	16
		Bellary	4	-	9	12	25

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

		Total	53	74	127	113	367
		Percentage	14.44	20.16	34.60	30.79	100.00

Source: Deputy Director, Department of Women and Child Development

Chart 7: Division wise Total Training Programs



Nature of cases: Of all types of violence, physical torture inflicted on the women victims was highest as 2029 cases were reported among the twelve districts of twenty five blocks of four divisions. The harassment pertained to Physical Abuse aspects under which as many as 603 cases were registered. As many as 363 cases were reported under Dowry Harassment.

- Division-wise analysis of cases showed that in case of Bengaluru (U), Chitradurga and Shivamogga Districts of Bengaluru Division, out of 603 cases registered, 209 were in the category of physical torture and another 128 cases pertained to Dowry demands. Economic related cases also were found to be higher at 101 of all cases.
- In case of Mysuru, Kodagu and Chickmagalur Districts of Mysuru Division, 152 cases registered pertained to Physical Torture. This division also had reported larger number of cases in all four categories i.e. physical torture, sexual harassment, and economic blackmail and Dowry harassment.
- In case of Dharwad, Uttarkannada and Vijayapura Districts of Belagavi Division as many as 647 cases registered 184 cases pertained to Economic aspects related followed by 163

physical torture cases collectively. This division also had reported larger number of Dowry harassment cases.

- In case of Kalburgi, Yadgiri and Bellary Districts of Kalburgi Division, of the 377 cases, 110 pertained to Emotional/Mental torture while cases in other categories were small in number.

Following Tables give division wise number and percentage of cases of different categories registered and dealt with during the reference period.

Table 4.6 Nature of Cases Reported From 2007-08 to 2013-14 (In nos.)

District	Block	Year	Physical	Sexual	Economic	Mental/ Emotional abuse	Dowry Harassment	Total No. of Cases
Bengaluru	Bengaluru (Central)	2007-08	2	2	3	5	-	12
		2008-09	3	5	4	3	1	16
		2009-10	3	1	2	5	-	10
		2010-11	3	2	4	1	1	11
		2011-12	5	-	-	4	3	12
		2012-13	13	-	2	2	-	17
		2013-14	9	2	1	5	3	20
	Yelahanka	2007-08	1	-	-	3	5	9
		2008-09	-	-	5	3	5	13
		2009-10	4	2	3	-	7	16
		2010-11	4	5	2	1	3	15
		2011-12	1	3	-	2	3	9
		2012-13	2	3	6	1	-	12
		2013-14	3	-	5	2	3	13

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

		14						
	Anekal	2007-08	4	-	2	-	5	11
		2008-09	2	1	1	5	3	12
		2009-10	3	1	1	1	3	9
		2010-11	10	-	-	2	3	15
		2011-12	1	2	3	2	2	10
		2012-13	5	-	-	3	6	14
		2013-14	2	5	2	1	3	11
Chitradurga	Holalkere	2007-08	-	-	-	-	-	-
		2008-09	8	4	4	2	2	20
		2009-10	16	2	4	2	2	26
		2010-11	15	4	4	2	4	29
		2011-12	16	6	2	2	4	30
		2012-13	10	5	4	4	5	28
		2013-14	15	-	1	3	4	23
	Molakalmuru	2007-08	2	-	-	-	-	2
		2008-09	1	-	2	-	-	3
		2009-10	3	2	1	1	-	7
		2010-11	2	1	-	-	-	3
		2011-12	3	-	-	-	-	3
		2012-13	-	-	-	-	-	-

		2013-14	-	-	-	-	-	-
Shivamogga	Shikaripur	2007-08	3	-	-	-	-	3
		2008-09	2	-	4	-	6	12
		2009-10	1	-	2	-	5	8
		2010-11	1	-	3	-	2	6
		2011-12	3	-	6	-	8	17
		2012-13	1	-	4	-	6	11
		2013-14	3	1	4	-	8	16
	Shivamogga	2007-08	1	1	2	3	-	7
		2008-09	2	3	-	3	-	8
		2009-10	3	1	2	4	-	10
		2010-11	3	5	2	1	1	12
		2011-12	7	-	-	4	5	16
		2012-13	3	4	2	2	4	15
		2013-14	5	3	2	5	3	18
Mysuru	H.D.Kote	2007-08	-	-	-	-	-	-
		2008-09	3	3	-	1	2	9
		2009-10	1	2	-	4	1	8
		2010-11	2	-	4	3	1	10
		2011-12	6	-	2	3	1	12
		2012-13	-	-	2	5	1	9

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

	Piriyapat tan	2013- 14	2	1	-	4	2	9
		2007- 08	-	-	1	1	4	6
		2008- 09	1	1	2	1	5	5
		2009- 10	-	1	2	3	-	6
		2010- 11	1	2	3	-	2	8
		2011- 12	2	3	-	2	3	10
		2012- 13	1	2	5	-	4	12
		2013- 14	2	5	-	4	4	15
Chickmag aluru	Kadur	2007- 08	-	-	-	-	-	-
		2008- 09	4	2	-	-	2	8
		2009- 10	2		2	-	-	4
		2010- 11	3	1	1	-	-	5
		2011- 12	2	-	-	-	1	3
		2012- 13	-	-	4	-	-	4
		2013- 14	2	1	1	1	2	7
	Mudagere	2007- 08	-	-	-	-	-	-
		2008- 09	8	4	4	2	2	20
		2009- 10	16	2	4	2	2	26
		2010- 11	15	4	4	2	4	29
		2011- 12	16	6	2	2	4	30

Findings and Discussions

		2012-13	10	5	4	4	5	28
		2013-14	15	-	1	3	4	23
Kodagu	Kodagu	2007-08	3	-	-	-	-	3
		2008-09	1	1	5	-	-	7
		2009-10	4	1	-	4	-	9
		2010-11	4	-	4	3	2	13
		2011-12	2	2	1	-	-	5
		2012-13	3	2	5	1	-	11
		2013-14	4	2	1	1	2	9
	Somavarpe th	2007-08	1	-	-	1	-	2
		2008-09	5	-	-	1	-	6
		2009-10	-	1	-	2	-	3
		2010-11	4	-	1	-	-	5
		2011-12	4	-	-	-	-	4
		2012-13	1	2	-	3	-	6
		2013-14	2	3	1	1	1	8
Dharwad	Hubli- Dharwad (U)	2007-08	3	-	2	-	-	5
		2008-09	12	2	9	2	3	28
		2009-10	15	4	8	1	9	39
		2010-11	6	-	6	7	2	19
		2011-12	8	3	7	-	6	24

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

		2012-13	15	6	14	2	10	48	
		2013-14	19	7	15	2	7	52	
	Kundgol	2007-08	-	-	-	-	-	-	
		2008-09	5	2	6	2	-	15	
		2009-10	2	-	7	2	1	12	
		2010-11	3	-	11	8	1	23	
		2011-12	6	-	9	5	2	22	
		2012-13	3	-	7	5	-	15	
		2013-14	3	-	6	7	1	17	
		Uttarkannada	Karwar	2007-08	-	-	-	2	-
	2008-09			4	3	-	2	4	13
	2009-10			1	1	1	5	2	10
	2010-11			5	7	2	3	1	18
	2011-12			4	2	3	1	1	11
2012-13	5			1	2	3	1	12	
2013-14	-			6	3	2	4	15	
Mundagol	2007-08			5	-	-	-	-	5
	2008-09		6	3	2	2	-	12	
	2009-10		-	2	-	4	-	6	
	2010-11		1	4	3	6	-	14	

Findings and Discussions

		2011-12	2	5	9	4	-	20
		2012-13	3	4	8	2	4	21
		2013-14	-	-	3	5	7	15
Vijayapura	Indi	2007-08	1	1	4	-	1	7
		2008-09	2	3	3	-	4	12
		2009-10	5	2	-	-	-	7
		2010-11	2	1	2	5	1	11
		2011-12	3	5	2	-	4	14
		2012-13	1	2	5	6	-	14
		2013-14	4	3	2	-	7	16
	Basavanbagewadi	2007-08	-	-	-	-	-	-
		2008-09	-	2	5	1	4	12
		2009-10	3	4	6	-	1	14
		2010-11	-	5	3	4	5	17
		2011-12	4	-	2	3	-	9
		2012-13	2	7	-	1	1	11
		2013-14	-	-	7	2	3	14
Kalburgi	Afzalpur	2007-08	-	-	-	-	-	-
		2008-09	2	3	-	-	1	6
		2009-10	1	5	3	-	-	9
		2010-11	-	-	2	3	5	10

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

		2011-12	4	-	3	1	3	11
		2012-13	-	-	2	5	1	8
		2013-14	5	3	-	5	1	14
	Alanda	2007-08	2	1	1	-	-	4
		2008-09	-	-	-	2	-	2
		2009-10	-	-	-	3	7	10
		2010-11	1	5	3	4	-	13
		2011-12	9	1	-	8	-	18
		2012-13	6	3	-	7	2	19
		2013-14	3	2	1	3	4	13
		Yadgiri	Yadgiri	2007-08	-	-	-	-
2008-09	-			-	-	-	-	-
2009-10	3			3	1	4	2	13
2010-11	2			-	5	-	4	11
2011-12	2			9	-	13	2	26
2012-13	1			2	3	5	-	11
2013-14	4			1	-	2	3	10
Shahpur	2007-08		-	-	-	-	-	-
	2008-09		-	-	-	-	-	-
	2009-10		7	2	5	1	1	16

Findings and Discussions

		2010-11	2	3	-	2	-	7
		2011-12	1	4	-	3	2	10
		2012-13	-	2	3	5	1	11
		2013-14	-	-	2	3	-	5
Bellary	Hospet	2007-08	-	-	1	3	-	4
		2008-09	-	3	1	2	-	6
		2009-10	1	2	-	-	-	3
		2010-11	2	3	-	1	-	6
		2011-12	2	3	3	4	-	12
		2012-13	1	3	-	-	5	9
		2013-14	2	-	-	1	5	8
	Sandur	2007-08	4	-	-	-	1	5
		2008-09	2	-	-	8	-	10
		2009-10	2	-	-	5	5	12
		2010-11	3	1	2	-	-	6
		2011-12	1	1	-	5	4	11
		2012-13	1	-	-	2	14	17
		2013-14	3	3	2	-	4	12
	Total		603	300	394	369	363	2029
	Percentage		29.72	14.79	19.42	18.19	17.92	100.00

Source: Deputy Director, Protection Officer Department of Women and Child Development

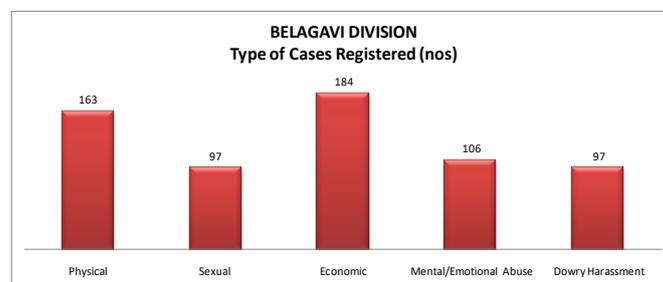
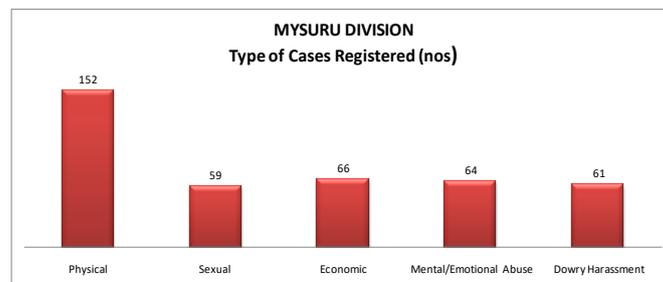
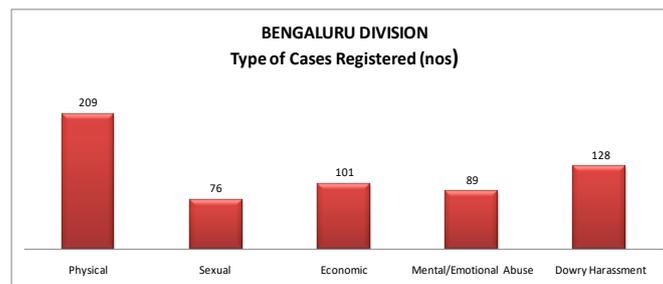
Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

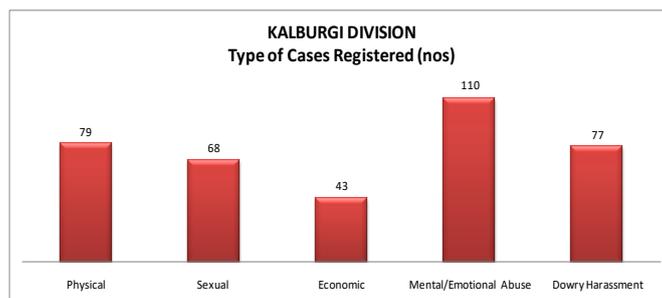
Table 4.6.1-Division wise Nature of Cases reported from 2007-08 to 2013-14 (In Numbers)

Sl. No	Division	Type of Case					Total
		Physical	Sexual	Economic	Mental/Emotional Abuse	Dowry Harassment	
1	Bengaluru	209	76	101	89	128	603
2	Mysuru	152	59	66	64	61	402
3	Belagavi	163	97	184	106	97	647
4	Kalburgi	79	68	43	110	77	377
	Total	603	300	394	369	363	2029
	Percentage	29.72	14.79	19.42	18.19	17.90	100.00

Source: Deputy Director, Protection Officer, Department of Women and Child Development

Chart 8: Division wise Type of Cases Registered





Social and Economic factors

- Of the 2029 cases registered and resolved, Bengaluru division had 603, Belagavi 647, Mysuru 402 and Kalburgi 377. Similarly, number of physical torture constituted about 30% of the total.
- Among the regions Bengaluru region had 209(35%) share followed by Belagavi, 163(27%) where women were subjected to physical torture, Mysuru 152 (25%) Kalburgi 79(13%).
- A next major incidence registered (394 cases) was violence against women on economic grounds. Here again, Bengaluru (101) and Belagavi Regions (184) had the dubious distinction of reporting larger number of offences against women, i.e.,285 of the 394 cases registered were from these two regions.
- In contrast, Kalburgi region where the number of educated persons is low, the incidences of physical torture were least among the regions ironically; these two districts have higher number of educated people in comparison with other regions.
- Of the 363 cases of Dowry harassment reported, Bengaluru 128 and Belagavi 97 had higher number while Mysuru 61 and Kalburgi 77.This indicates that educational advancement has no influence on treatment of women.
- In case of emotional / mental torture, Kalburgi had higher numbers (110) followed by Belagavi region (106). Overall, it was seen that violence against women had very little to do with literacy or economic status of households and backwardness of the region.
- Division-wise, in Belagavi-division, as high as 647cases or 31.8% of all cases registered were reported.
- Bengaluru which is considered to have higher literacy and better economic status had registered second highest or 603 or 30% of the total cases were registered. Mysuru division had registered 402 cases (19.8%). In contrast Kalburgi (Hyderabad Karnataka region) had registered 377 or 18.5% of all cases registered.
- Region wise analysis indicates that in Belagavi region, (Mumbai Karnataka) violence against women was rampant and highest, followed by Bengaluru (South Karnataka).

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- In Mysuru (old Mysuru and Malnad region) the numbers of cases were comparatively lesser. In case of Hyderabad Karnataka, least numbers of cases were registered.

Counselling

It was seen that of the 32,126 cases registered, as many as 6,231 cases were resolved through counselling process which constituted about 19.40% of all cases registered. In a single year (2010-11) about 993 cases were resolved through this process which shows that the scheme objectives are being fulfilled due to vigorous efforts by the Department as also Service providers.

Short stay Facilities

Women victims approaching the service providers and the POs also face threat and harassment by the spouses and their family members and do not find it safe to continue to live with them. They seek stay arrangements urgently. It was seen that such cases are small in number and constitute less than 1-2% of all the cases registered. During the study period, women victims sought and got short stay home facilities as advised by the POs/service providers.

Date of Hearing

The Act envisages that hearing date be fixed within 3 days of receipt of application. But this is not being done at present since the courts have huge number of cases and as such the applications under the scheme have to wait for their turn.

Filing of cases

The Act also prescribes fixed time frame for filing of cases, issue of DIRs and issue of court notices/ summons to the respondents. This condition also is not being adhered to in majority of cases. Interactions with the POs/ service providers showed that the Main reason for delay is that the applications received are not supported by other documents that are necessary to make the application valid. Sometimes, a small one para letter also is sent by the applicants in the form of a complaint but it is not supported with any information required.

Cases referred for counselling

The courts based on Domestic Incident Report advice the case to be amicably settled through counselling by the implementing agencies as a first step and only when the court is satisfied that the nature of case is such that it cannot be resolved through counselling, takes up for hearing. Details on number of cases sent by court for counselling are not provided by the respondent agencies and as such they are not discussed /analysed in this study.

Time for hearing and final disposal

The Act and procedures provide that where counselling has not worked conclusively and the matter remains unresolved, the courts will initiate the process of adjudication. This process is time taking since number of steps / processes are involved in hearing both sides. The respondent parties invariably try to prolong appearance and defence. As such, the final award of judgment takes longer period. Discussions with District in charges and lawyers/advisers showed that the time stretches anywhere between 3 months to one year and more. So also, issuance of interim order takes time at courts.

Ex parte orders

Discussions with the Legal Advisers and District officers revealed that the courts invariably issue ex-parte orders after giving sufficient time and opportunities to the defendants. During the reference period as many as 420 Ex-parte orders were issued by the courts.

Disposal of cases

The Act prescribes that the cases registered are preferably disposed off within 60 days of first hearing. Interactions with the implementing agency, service providers as also Legal Advisors indicated that this provision was not being maintained to a variety of reasons such as (i) prolonging tactics by defending parties, (ii) deficiencies in strength of cases and relevant documents, lack of credible evidences to prove guilt and (iii) non availability of time for the Judicial Magistrates.

Court Orders

Court order copies are not mark to the protection officers after judgement for further legal procedures. The litigants have to wait and engage in constant follow up with the courts for securing copies of interim/court orders.

Violations of Court orders

Interactions with the District in charges of the Department showed that in general the orders issued by courts are executed diligently. However, in rare cases implementation of such orders is delayed due to non-receipt of the judgement copies on time. But such cases are far and wide.

Details of cases where violations were committed by implementing officers are not made available by the Department/ Service providers and as such no comment can be made on this aspect.

Data Collection Mechanism

The Deputy Director Women and Child Development collects data on the scheme from the Blocks concerned. At Block level, the Protection officers are required to collect and maintain data in prescribed formats devised and as advised by the Directorate. The Service Providers are required to maintain data in respective areas and furnish to the Protection officers. The data so collected is forwarded to the Deputy Directors of the respective Districts who in turn, consolidate the same and transmit to the Directorate. The Service Providers are also required to generate and update data relating to cases registered, pursued, counselled, closed and pending cases on a monthly basis. They are also required to maintain and update data on specially formatted Registers/ Books. Services of Computer operator also are made available.

However, since all the blocks have not been provided full time Protection Officers and service providers as at present, generation and maintenance of data is not 100% perfect and there are data gaps. Besides, service providers' deal with cases on their own including their follow up and disposal, their information maintenance is better but District officers are not update on many cases and are not aware of them. In many cases court orders issued are not shared by Block/service provider agencies and hence, deficiencies in management of data between block- to district and district to state are observed. However, quarterly and periodical reports are consolidate at district level and sent to the directorate.

As far as review of data is concerned, though the committees are expected to meet in regulated frequencies, this often does not happen due to one reason or other and sometimes, the District officers are unable to organise such meetings meet. As a result, the review by Central and state governments also gets affected

Follow up-Recommendations

Interactions with the implementing agency at State ,district and block levels as also service providers level indicated that though there is regular follow up, information on number of recommendations being implemented . As such no comments can be on this aspect.

Reliable Social/Economic/Habitual attributes

A study of the nature of cases in different regions of the state indicates that the number of cases registered reflects one or more of the above attributes.

- a) Physical torture is one a major incidence inflicted on women and registered for relief mainly, in Dharwad, Chickmagaluru, Chitradurga and Bengaluru due to age-old perception

of male superiority and need for subservience by the women household handed down from generations. This is mainly on account of ego factors;

- b) The second most reason for violence as recorded shows that there is economic angle to violence since the spouse expects that his wife bring money from her parental home and ask for her share. This more pronounced after enactment of central law ensuring equal share in the property to the female members of the household. Though the daughter-in-law does not want to exercise this right for the fear that she may permanently lose bondage and emotional attachment with her parents/sibling, the husband invariably wants her to exercise her right and this is where the conflict starts and the in-laws start using strong-arm (arm twisting) tactics. Where the daughter does not yield to their pressure, it results in violence; Higher incidences were reported from Dharwad (107), Bengaluru (46) Vijaypura (41).
- c) Demand for dowry is another factor which refuses to go even in this age. The in laws expect the daughter-in-law to bring money with her and if this is not fulfilled, it leads to violence. Bengaluru (62), Shivamogga (48) and Dharwad (42) had comparatively higher number of cases registered for dowry harassment.

In case of Hyderabad Karnataka, considered comparatively backward both economic status and literacy, had least number of cases registered. Of the 377 cases, incidences of Physical torture were 79, Sexual harassment 68, Economic 43 and Mental and emotional abuse 110 cases and dowry 77.

There are other factors influenced by the habit/traits of the male members which also lead to physical torture or where the wife protests her husband against his extra-marital affairs. But such cases are not many and isolated.

Women's Choice

Interactions with the aggrieved women across the divisions revealed that they are quite comfortable in approaching and getting help from Service Providers than Government agencies. This is because they believe that the Government agencies and their working are very slow and lukewarm to the urgencies/emergencies. Besides, since the Departmental officials keep being transferred frequently, and lose touch with them and have to deal with new incumbent. As against this, they feel that the NGO workers are too personal and understand their dilemma and help them in times of need.

Another important finding was that in majority of cases the aggrieved women preferred to get maintenance and Protection over other remedies. This indicated that they preferred long term solution to their problems over short term monetary gains.

Service providers

The service providers in respective study districts are performing their functions and assisting the aggrieved women in respective areas. They are:

- a) Assisting the women to register cases with the POs
- b) Guiding in preparation of cases
- c) Counselling both parties by personal interactions with them individually and exclusively;
- d) Maintaining relevant records
- e) Attending meeting
- f) Following processes and procedures laid down;
- g) Keeping in touch with POs.

Performance of Mediation Centres

Mediation centres are established in all the 30 Districts by the Karnataka State Legal Service Authority. Mediation Centre is an initiative of the High Court of Karnataka. These centres have empanelled Legal Experts who are vested with the task of mediation between the parties and make efforts to mitigate the dispute at their level. They facilitate the aggrieved women. These centres were established in Tumkuru, Ramanagar and Mysuru during 2007, during 2008, Belgavi, Dakshina Kannada, Dharwad, Hassan, Karwar, Mandya and Shivamogga and Bijapur were covered. During next year i.e. 2009, the Districts of Chitradurga, Davangere and Raichur were covered. In Bellary, Bidar Chikkaballapur, Haveri and Udupi these centres were established during 2010. During 2011 Bagalkot, Chamrajnagar, Chikkamagalur, Gadag, Kalburgi, Madikeri, Koppal and Yadgiri districts were covered. Kolar was the last to have this centre during 2012.

A study of the number of cases referred and settled shows that in all 58,058 cases were referred of which 23,515 were settled through Mediation.

In case of Bengaluru (U & R), highest number of cases i.e. 33,564 were referred of which as 19,441 settled (57.92%).

District wise, highest number of cases referred were in Mysuru at 5,833 of which 1,128 were resolved, Dharwad 4,807 and 779 (16.21%). Least number of cases referred were in case of Madikeri 523 & 9, Yadgiri 262 and 8. (Details in Annexure 7)

Table showing details of 12 study District Mediation Centres Established, Number of Cases Referred and Settled

Sl. No	Name of the District Mediation Centres	Established in the Year	No. of Cases Referred	No. of cases settled	Percentage
1	Bangalore (U & R)	2011	33,564	19,441	57.92
2	Ballari	2010	2059	234	11.36
3	Chikkamagaluru	2011	1415	129	9.12
4	Chitradurga	2009	1143	150	13.12
5	Dharwad	2008	4807	779	16.21
6	Kalaburgi	2011	957	108	11.29
7	Kodagu	2011	523	29	5.54
8	Mysuru	2007	5833	1128	19.34
9	Shivamogga	2008	2970	696	23.43
10	Uttarakannada	2008	3372	613	18.18
11	Vijayapura	2008	1153	200	17.35
12	Yadgiri	2011	262	8	3.05
	Total		58058	23515	40.50

Source: Karnataka State Legal Services Authority

Role of Stree Shakti

Even though there is not visible involvement of these Groups, they do have influence over the social set of the rural areas and their voices are heard by all. It was also reported that resolution of large number of cases through counselling was possible wherever Stree Shakti institutions were operating. Hence, they do have influence on containing/reducing the incidents of violence against women.

Interactions with District in-charges and service providers indicated that due to greater awareness creation among women and enhanced educational standards among them, they do not put up any injustice to them and immediately seek remedies including break up. Due to this reason, the number of cases has increased and is increasing year after year.

Efficacy in Implementation

Interactions with the District in-charges and those handling the scheme as an additionality shows that wherever POs are positioned exclusively for dealing with the Act, their achievements are better

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

than those officers who have to discharge this duty as an additionality. A feeling among them is that since they have to handle their designated jobs and attend umpteen meetings, and comply with record keeping and maintenance, they do not get required time to devote in implementation of this scheme. Certainly the performance under first arrangement is better than the second.

Salient Highlights Of Some Women Victims (Aggrieved Women)

As a part of the evaluation exercise, one to one interactions were held in all the blocks. Main highlights are discussed below. In all 183 women were covered under one to one interview:

General Aspects

Around 20.21% of the respondents had crossed 45 years of age. Belagavi and Mysuru had higher number of younger victims while Bengaluru, Mysuru and Belagavi accounted for higher number of women in the next age group. 50% of victims in the next age group were highest in Bengaluru while Belagavi Bengaluru and Mysuru had more number of older ladies.

- 18-25 years - 39 Numbers
- 26-35 years - 74 Numbers
- 36-45 years - 33 Numbers
- >45 years - 37 Numbers

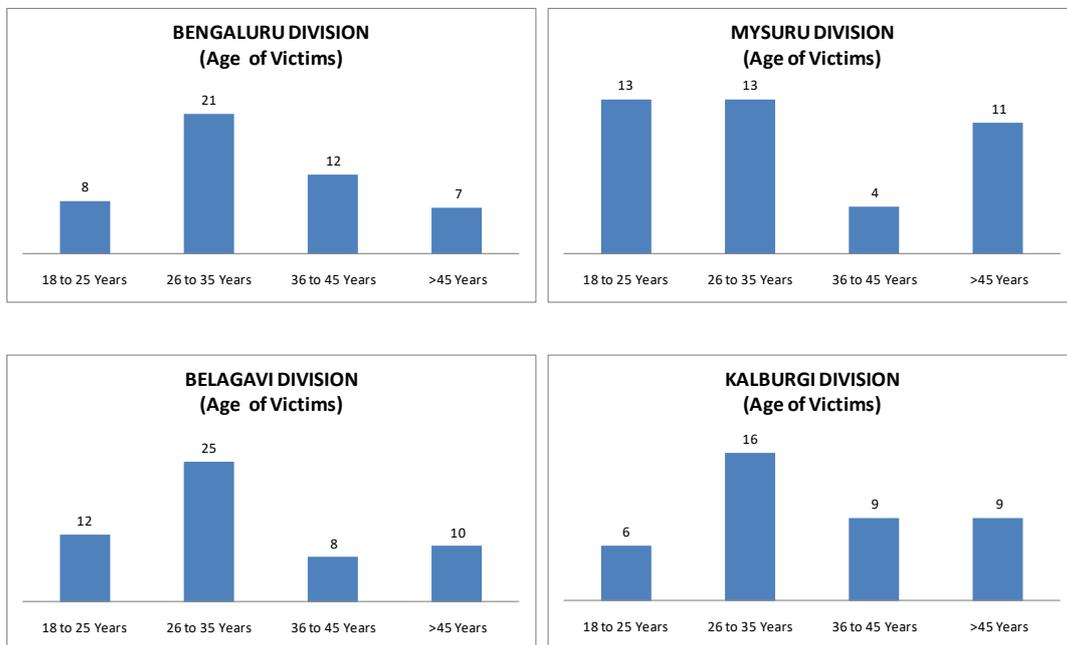
Table 4.7 Age of Women Victims

Sl. No	District	Blocks/ Talukas	Age Profile				Total
			18 to 25 Years	26 to 35 Years	36 to 45 Years	>45 Years	
1	Bengaluru (U)	Bengaluru (Central)	1	1		1	3
		Yelahanka	1	-	1	1	3
		Anekal	1	3	-	2	6
2	Chitradurga	Holalkere	3	2	3	-	8
		Molakalmuru	-	3	2	1	6
3	Shivamogga	Shivamogga	1	7	4	2	14
		Shikaripur	1	5	2	-	8
4	Mysuru	H.D.Kote	6	3	-	2	11
		Piriyayapattan	1	2	-	-	3
5	Chickmagaluru	Kadur	3	6	1	-	10
		Mudagere	2	1	1	3	7
6	Kodagu	Kodagu	-	-	2	3	5
		Somavarpeth	1	1	-	3	5
7	Dharwad	Hubli-Dharwad (U)	-	2	-	2	4
		Kundgol	5	4	1	2	12
8	Uttarkannada	Karwar	3	5	-	2	10
		Mundagod	2	3	2	-	7
9	Vijayapura	Indi	1	5	3	4	13
		Basavan	1	5	2	-	8

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

		Bagewadi					
10	Kalburgi	Afzalpur	-	4	-	-	4
		Alanda	2	3	1	-	6
11	Yadgiri	Yadgiri	1	1	3	2	7
		Shahpur	-	2	2	5	9
12	Bellary	Hospet	1	1		1	3
		Sandur	2	5	3	1	11
	Total		39	74	33	37	183
	Percentage		21.31	40.44	18.03	20.21	100.0

Chart 9: Division wise Age of Victims



Education Background

Belagavi Division accounted for larger number of highly educated (7 of 54) ladies and in contrast higher number of illiterate ladies.

In case of Bengaluru Division, out of 48 women, 6 had higher qualifications and another 20 had studied up to High school with only 6 illiterates.

In case of Kalburgi Division, 22 of the 40 are illiterate and 7 had studied till primary level while in case of Mysuru Division 9 have studied up to PUC level.

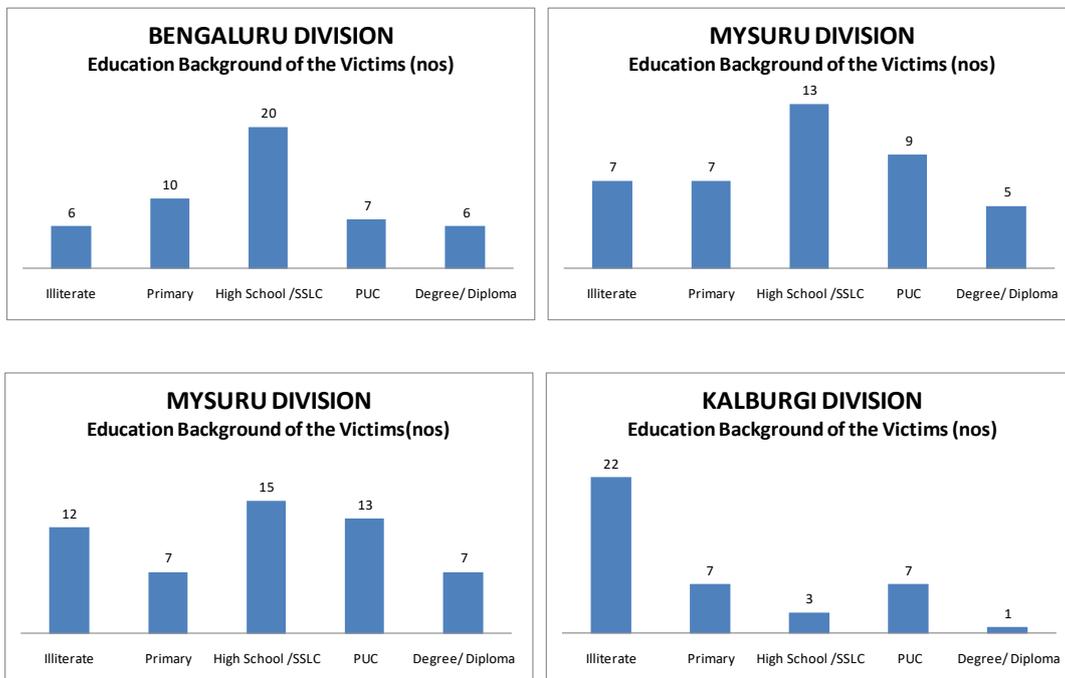
- Illiterate - 25.68%
- Primary - 16.93 %
- SSLC - 27.86%
- PUC - 19.12%
- Diploma - 10.38%

Table 4.8 Educational status of the victims

Sl. No	District	Blocks/ Talukas	Education Background					Total
			Illiterate	Primary	High School /SSLC	PUC	Degree/ Diploma	
1	Bengaluru (U)	Bengaluru (Central)	-	-	2	-	1	3
		Yelahanka	-	1	1	-	1	3
		Anekal	-	1	4	-	1	6
2	Chitradurga	Holalkere	1	1	5	1	-	8
		Molakalmuru	1	1	-	2	2	6
3	Shivamogga	Shivamogga	3	4	4	2	1	14
		Shikaripur	1	2	4	1	-	8
4	Mysuru	H.D.Kote	-	5	3	1	2	11
		Piriyayapattan	-	-	2	1	-	3
5	Chickmagaluru	Kadur	3	2	4	1	-	10
		Mudagere	1	-	1	3	2	7
6	Kodagu	Kodagu	-	-	2	2	1	5
		Somavarpeth	3		1	1		5
7	Dharwad	Hubli-Dharwad (U)	1	1	2	-	-	4
		Kundgol	4	1	2	2	3	12
8	Uttarkannada	Karwar	-	2	3	2	3	10
		Mundagod	2	1	2	2		7
9	Vijaypura	Indi	5	2	3	3	-	13
		Basavanbagewadi	-	-	3	4	1	8
10	Kalburgi	Afzalpur	3	-	1	-	-	4
		Alanda	2	2	1	1	-	6
11	Yadgiri	Yadgiri	4	1		2	-	7
		Shahpur	5	2	1	1	-	9
12	Bellary	Hospet	1	1	-		1	3
		Sandur	7	1	-	3	-	11
	Total		47	31	51	35	19	183
	Percentage		25.68	16.93	27.86	19.12	10.38	100.00

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

Chart 10: Division wise Education Background of the Victims



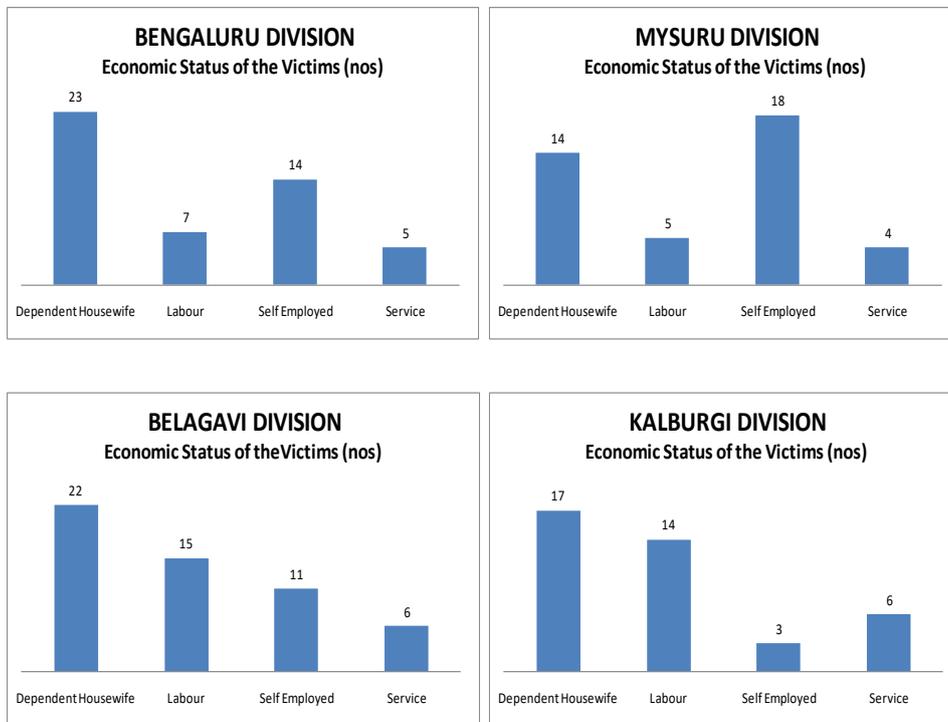
Economic Status

Of the 183 respondents providing information, 76 were dependent housewives while 46 were self-employed, 41 were labours and another 20 were engaged in service. Highest numbers of housewives were in Bengaluru while highest numbers of labourers were accounted in Belagavi. In case of Mysuru, 18 of the 41 were self-employed. In Kalburgi, 17 of 40 were dependent house wives.

Table 4.9 Economic status of victims

Sl. No	District	Blocks/ Talukas	Economic Status				Total
			Dependent Housewife	Labour	Self Employed	Service	
1	Bengaluru (U)	Bengaluru (Central)	-	1	1	1	3
		Yelahanka			1	2	3
		Anekal	2	2	2	-	6
2	Chitradurga	Holalkere	5	-	3	-	8
		Molakalmuru	1	3	1	1	6
3	Shivamogga	Shivamogga	10	-	3	1	14
		Shikaripur	5	1	2	-	8
4	Mysuru	H.D. Kote	-	1	10	-	11

		Piriyayapattan	1	-	2	-	3
5	Chickmagaluru	Kadur	10	-	-	-	10
		Mudagere		4	1	2	7
6	Kodagu	Kodagu	2	-	2	1	5
		Somavarpeth	1	-	3	1	5
7	Dharwad	Hubli-Dharwad (U)	2	-	2	-	4
		Kundgol	-	10	-	2	12
8	Uttarkannada	Karwar	4	1	3	2	10
		Mundagod	4	-	2	1	7
9	Vijaypura	Indi	7	3	2	1	13
		Basavan Bagewadi	5	1	2	-	8
10	Kalburgi	Afzalpur	-	4	-	-	4
		Alanda	3	1	1	1	6
11	Yadgiri	Yadgiri	4	2	1	-	7
		Shahpur	3	4		2	9
12	Bellary	Hospet	1	1	1		3
		Sandur	6	2	-	3	11
	Total		76	41	46	20	183
	Percentage		41.53	22.40	25.13	10.92	100.00

Chart 11: Division wise Economic Status of the Victims

Categories of Complaints

An analysis of the types/nature of complaints registered in the study districts was carried out to identify whether there were any region, education, age, and employment specific factors in domestic violence. Of the 183 victims interviewed, 82 belonged to mental and physical torture and as many as 35 had filed cases for extra- marital affairs followed by 22 cases of dowry harassment, 21 and 19 for Domestic violence and abuse from husband (family/property dispute) respectively. Small numbers of complaints were also received under health issues and problems at home etc. Following table provides details of division wise, reason wise cases registered in respect of sampled women.

Table 4.10 Categories of Complaints

Sl. No	District	Blocks/ Talukas	Type of Cases	Number of Cases	Percentage
1	Bengaluru (U)	Bengaluru (Central)	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	1	33.00
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	67.00
			Sub-Total	3	100.00
		Yelahanka	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	1	33.33
			Health Issues and Problems at Home	-	-
			Mental Abuse	1	33.33
			Physical Abuse	1	33.33
		Sub-Total	3	100	
		Anekal	Abuse from husband	1	16.66
			Domestic Violence	1	16.66
			Dowry	-	-
			External Martial Affairs	-	-

Findings and Discussions

			Health Issues and Problems at Home	-	-
			Mental Abuse	-	-
			Physical Abuse	1	16.66
			Others	3	50.00
			Sub-Total	6	100.00
2	Chitradurga	Holalkere	Abuse from husband	-	-
			Domestic Violence	8	100.00
			Dowry	-	-
			External Martial Affairs	-	-
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	-	-
			Sub-Total	8	100.00
		Molakalmuru	Abuse from husband	3	37.50
			Domestic Violence	-	-
			Dowry	1	25.00
			External Martial Affairs	1	25.00
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	1	12.50
			Sub-Total	6	100.00
3	Shivamogga	Shivamogga	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	-	-
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	14	100.00
			Sub-Total	14	100.00
		Shikaripur	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	-	-
			Mental Abuse and Physical Abuse	8	100.00

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

			Physical Abuse		
			Health Issues	-	-
			Sub-Total	8	100.00
4	Mysuru	H.D. Kote	Abuse from husband	2	18.00
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	-	-
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	18.00
			Emotional Abuse	7	64.00
			Sub-Total	11	100.00
			Piriyaapattan	Abuse from husband	-
		Domestic Violence		3	100.00
		Dowry		-	-
		External Martial Affairs		-	-
		Health Issues and Problems at Home		-	-
		Mental Abuse and Physical Abuse		-	-
		Physical Abuse		-	-
		Sub-Total		3	100.00
		5	Chickmagaluru	Kadur	Abuse from husband
Domestic Violence	-				-
Dowry	3				30.00
External Martial Affairs	-				-
Health Issues and Problems at Home	-				-
Mental Abuse and Physical Abuse	7				70.00
Sub-Total	10				100.00
		Mudigere	Abuse from husband	3	42.86
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	2	28.57

Findings and Discussions

			Health Issues and Problems at Home	2	28.57
			Mental Abuse and Physical Abuse	-	-
			Sub-Total	7	100.00
6	Kodagu	Kodagu	Abuse from husband	1	20.00
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	2	40.00
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	40.00
			Sub-Total	5	100.00
		Somavarpeth	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	2	40.00
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	3	60.00
			Sub-Total	5	100.00
7	Dharwad	Hubli-Dharwad (U)	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	-	-
			Health Issues and Problems at Home	1	25.00
			Mental Abuse and Physical Abuse	3	75.00
			Sub-Total	4	100.00
		Kundgol	Abuse from husband	-	-
			Domestic Violence	3	25.00
			Dowry	-	-
			External Martial Affairs	6	50.00
			Health Issues and Problems at Home	-	-

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

			Mental Abuse and Physical Abuse	3	25.00
			Sub-Total	12	100.00
8	Uttarkannada	Karwar	Abuse from husband	1	10.00
			Domestic Violence	1	10.00
			Dowry	3	30.00
			External Martial Affairs	3	30.00
			Mental Abuse and Physical Abuse	2	20.00
			Sub-Total	10	100.00
		Mundagod	Abuse from husband	-	-
			Domestic Violence	1	14.28
			Dowry	2	28.57
			External Martial Affairs	1	14.28
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	3	42.85
			Sub-Total	7	100.00
		9	Vijayapura	Indi	Abuse from husband
Domestic Violence	-				-
Dowry	2				15.38
External Martial Affairs	4				30.76
Health Issues and Problems at Home	-				-
Mental Abuse and Physical Abuse	4				30.76
Sub-Total	13				100.00
Basavan Bagewadi	Abuse from husband			-	-
	Domestic Violence			-	-
	Dowry			2	25.00
	External Martial Affairs			2	25.00
	Health Issues and Problems at Home			-	-
	Mental Abuse and Physical Abuse			4	50.00
	Sub-Total			8	100.00

Findings and Discussions

10	Kalburgi	Afzalpur	Abuse from husband	-	-
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	-	-
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	4	100.00
			Sub-Total	4	100.00
		Alanda	Abuse from husband	2	33.33
			Domestic Violence	-	-
			Dowry	-	-
			External Martial Affairs	2	33.33
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	33.33
			Sub-Total	6	100.00
11	Yadgiri	Yadgiri	Abuse from husband	1	14.29
			Domestic Violence	-	-
			Dowry	3	42.86
			External Martial Affairs	2	28.57
			Health Issues and Problems at Home	1	14.29
			Mental Abuse and Physical Abuse	-	-
			Sub-Total	7	100.00
		Shahpur	Abuse from husband	1	11.11
			Domestic Violence	2	22.22
			Dowry	-	-
			External Martial Affairs	3	33.33
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	3	33.33
			Sub-Total	9	100.00
12	Bellary	Hospet	Abuse from husband	-	-
			Domestic Violence	-	-

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

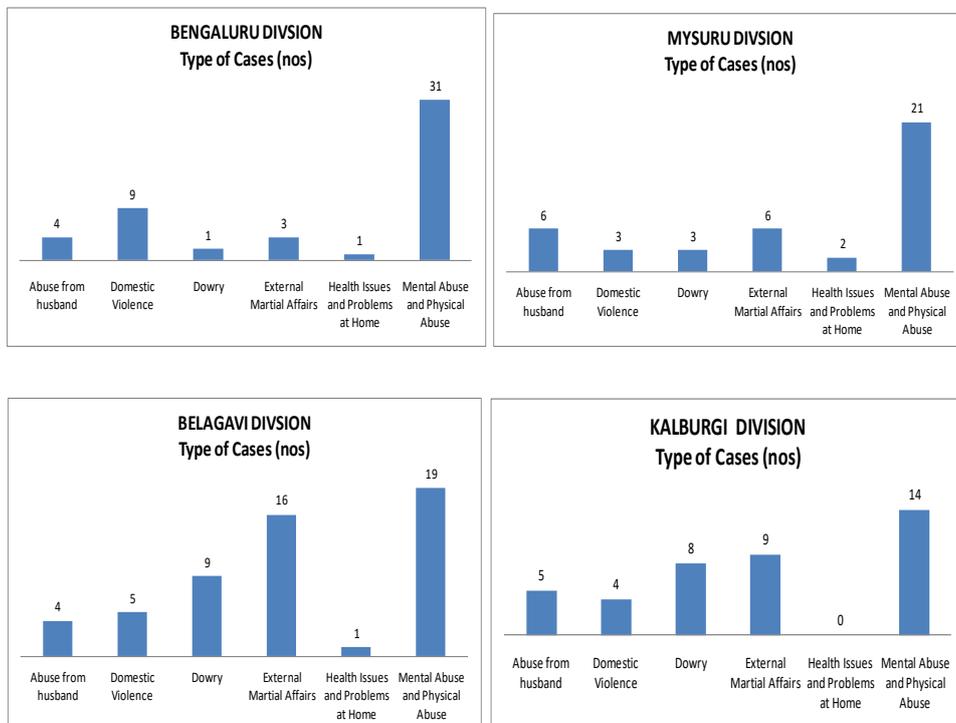
			Dowry	1	33.33
			External Martial Affairs	-	-
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	66.67
			Sub-Total	3	100.00
		Sandur	Abuse from husband	1	9.09
			Domestic Violence	2	18.18
			Dowry	4	36.36
			External Martial Affairs	2	18.18
			Health Issues and Problems at Home	-	-
			Mental Abuse and Physical Abuse	2	18.18
			Sub-Total	11	100.00
		Total		183.00	

Table 4.11 Division wise Types of cases

Division	Types of Cases	Number of Cases	In %
Bengaluru	Abuse from husband	4	8.16
	Domestic Violence	9	18.37
	Dowry	1	6.12
	External Martial Affairs	3	6.12
	Health Issues and Problems at Home	0	0.00
	Mental Abuse and Physical Abuse	31	61.22
	Sub-Total	48	100.00
Mysuru	Abuse from husband	6	14.63
	Domestic Violence	3	7.32
	Dowry	3	7.32
	External Martial Affairs	6	14.63
	Health Issues and Problems at Home	2	4.88
	Mental Abuse and Physical Abuse	21	51.22
	Sub-Total	41	100.00

Belagavi	Abuse from husband	4	7.41
	Domestic Violence	5	9.26
	Dowry	9	16.67
	External Martial Affairs	16	29.63
	Health Issues and Problems at Home	1	1.85
	Mental Abuse and Physical Abuse	19	35.19
	Sub-Total	54	100.00
Kalburgi	Abuse from husband	5	12.50
	Domestic Violence	4	10.00
	Dowry	8	20.00
	External Martial Affairs	9	22.50
	Health Issues and Problems at Home	-	-
	Mental Abuse and Physical Abuse	14	35.00
	Sub-Total	40	100.00
Total	183		

Chart12: Division wise Nature of Cases



Purpose of Complaint

In overwhelming cases it was seen that the main demand from victimized women was maintenance and protection from the spouses, since 100 of the 183 respondents had filed cases for this purpose. Another 34 wanted monetary support from their spouses. In 33 cases the women want to lead independent life and 16 were seeking justice from their in laws/spouse.

Following table gives details of division wise purpose wise cases.

Table 4.12 Purpose for Complaint

Block	Maintenance and Protection	To lead Independent Life	Property/ Monetary Support	Justice	Total
Bengaluru (Central)	-	1	2	-	3
Yelahanka	1	1	1	-	3
Anekal	4	1	1	-	6
Holalkere	5	3	-	-	8
Molakalmuru	3	1	1	1	6
Shikaripur	6	-	-	2	8
Shivamogga	14	-	-	-	14
H.D. Kote	5	2	3	1	11
Piriyayapattan	1	2	-	-	3
Kadur	5	1	2	2	10
Mudagere	1	2	3	1	7
Kodagu	2	2	1	-	5
Somavarpeth	1	1	1	2	5
Hubli-Dharwad (U)	1	1	-	2	4
Kundgol	7	4	1	-	12
Karwar	8	1	1	-	10
Mundagod	3	1	1	2	7
Indi	9	1	2	1	13
Basavan Bagewadi	5	-	1	2	8
Afzalpur	2	1	1	-	4
Alanda	3	1	1	1	6
Yadgiri	5	2	-	-	7
Shahpur	7	1	1	-	9
Hospet	-	-	3	-	3
Sandur	2	3	6	-	11
Total	100	33	33	177	183
Percentage	54.64	18.03	18.03	9.28	100.00

Table 4.12.1: Division wise Purpose of Complaints (In percentage)

Divisions	Maintenance and Protection	To lead Independent Life	Property/Money Support	Justice
Bengaluru	68.75	14.58	10.42	6.25
Mysuru	36.59	24.39	24.39	14.63
Belgavi	61.11	14.81	11.11	12.96
Kalburgi	47.50	17.50	32.50	2.50
Total	54.64	18.03	18.03	9.28

Status of Complaints

A study of the status of the cases showed that in majority of cases 93 out of 183 negotiated settlements was reached due to counselling and in another 32 cases differences between them were patched up, other 48 cases were settled through other means, 10 cases were through reconciliation with situation. It was seen that in while in another 15.85% cases settlements were reached through “other” means. (Contract agreement /Local community leaders). Thus, it was seen that, after filing complaints, the aggrieved women seem to have changed their minds and accepted negotiated settlement with their in laws and spouses which could be due to effective counselling efforts by the service providers. Following table provides details

Table 4.13 Status of Complaints

Block	Negotiated Settlement	Patch up differences	Reconciled with situation	Other means	Total
Bengaluru (Central)	-	-	-	3	3
Yelahanka	-	3	-	-	3
Anekal	-	-	-	6	6
Holalkere	6	2	-	-	8
Molakalmuru	4	2	-	-	6
Shikaripur	4	2	-	2	8
Shivamogga	8	-	6	-	14
H.D. Kote	4	2	-	5	11
Piriyayapattan	3	-	-	-	3
Kadur	2	2	6	-	10
Mudagere	3	1	1	2	7
Kodagu	-	-	-	5	5
Somavarpeth	3	2	-	-	5
Hubli-Dharwad	1	-	-	3	4

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

(U)					
Kundgol	12	-	-	-	12
Karwar	5	2	-	3	10
Mundagod	3	-	-	4	7
Indi	9	1	2	1	13
Basavan Bagewadi	5	2	-	1	8
Afzalpur	3	1	-	-	4
Alanda	3	1	-	2	6
Yadgiri	3	3	-	1	7
Shahpur	5	2	-	2	9
Hospet	3	-	-	-	3
Sandur	6	3	-	2	11
Total	95	31	15	42	183
Percentage	51.91	16.94	8.20	22.95	100.00

Table 4.13.1-Division wise Complaint Status (In percentage)

Divisions	Negotiated Settlement	Patch up differences	Reconciled with situation	Other means	Total
Bengaluru	45.83	18.75	2.08	33.33	100.00
Mysuru	34.15	17.07	17.07	31.71	100.00
Belgavi	64.81	9.26	3.70	22.22	100.00
Kalburgi	57.50	25.00	0.00	17.50	100.00
Total	51.91	16.49	8.20	22.95	100.00

Registration of complaints

Asked through which agency the respondents had filed cases, as many as 116 indicated that they had used Santwana Kendras for lodging of complaint while 38 had done so through Protection officers, 13 had gone directly, 5 through lawyer and 11 through "others"(Anganwadi workers etc). 10 women who had lodged complaints through protection officers were from Bengaluru division. While in Belagavi Division 38 and in Mysuru Division 34 women had gone through Santwana Kendra.

In case of Kalburgi all but 15 had also used Protection officer route for lodging complaints.

This indicates that the women relied more on Service Providers rather than Protection officers as reflected in the following table:

Table 4.14-Registration of complaints

Block	Protection Officer	Santwana	Directly	Lawyers	Others	Total
Bengaluru (Central)	-	3	-	-	-	3
Yelahanka	-	3	-	-	-	3
Anekal	2	4	-	-	-	6
Holalkere	-	4	3	1	-	8
Molakalmuru	1	3	1	1	-	6
Shikaripur	3	5	-	-	-	8
Shivamogga	4	10	-	-	-	14
H.D. Kote	2	9	-	-	-	11
Piriyayapattan	-	3	-	-	-	3
Kadur	2	8	-	-	-	10
Mudagere	1	4	2	-	-	7
Kodagu	-	5	-	-	-	5
Somavarpeth	-	5	-	-	-	5
Hubli-Dharwad (U)	1	3	-	-	-	4
Kundgol	3	9	-	-	-	12
Karwar	1	7	-	-	2	10
Mundagod	-	7	-	-	-	7
Indi	2	7	2	-	2	13
Basavan Bagewadi	1	5	-	-	2	8
Afzalpur	1	3	-	-	-	4
Alanda	1	3	2	-	-	6
Yadgiri	4	-	1	-	2	7
Shahpur	5	-	2	1	1	9
Hospet	1	1	-	-	1	3
Sandur	3	5	-	2	1	11
Total	38	116	13	5	11	183
Percentage	20.77	63.69	7.10	2.73	6.01	100.00

Outcome of the Cases registered

It was seen that of the 183 cases settled, Protection orders were issued in as many as 56 cases, while in another 46 cases Maintenance orders were issued. In 39 cases other orders were issued for the victims', in 16 cases short stay order were issued for safety of victims. In 23 cases they were settled through Relief Order while in 3 cases ex-parte orders were issued. Following Table provides details of division wise type wise settlement of cases.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

Table 4.15 Outcome of the Cases registered

Block	Maintenance Order	Protection Order	Relief Order	Short Stay Order	Ex-party Order	Other Order	Total
Bengaluru (Central)	-	-	-	1	1	1	3
Yelahanka	-	-	-	1	-	2	3
Anekal	-	-	-	2	-	4	6
Holalkere	3	4	-	-	-	1	8
Molakalmuru	2	4	-	-	-	-	6
Shikaripur	-	1	2	-	-	5	8
Shivamogga	-	8	-	3	-	3	14
H.D. Kote	1	2	3	1	1	3	11
Piriyayapattan	-	-	1	-	-	2	3
Kadur	-	3	4	-	-	3	10
Mudagere	4	3	-	-	-	-	7
Kodagu	-	-	4	1	-	-	5
Somavarpeth	1	2	-	2	-	-	5
Hubli-Dharwad	2	-	-	1	-	1	4
Kundgol	1	11	-	-	-	-	12
Karwar	4	3	-	-	-	3	10
Mundagod	2	1	-	1	1	2	7
Indi	5	3	-	2	-	3	13
Basavan Bagewadi	4	3	-	-	-	-	8
Afzalpur	-	-	4	-	-	-	4
Alanda	3	-	3	-	-	-	6
Yadgiri	5	2	-	-	-	-	7
Shahpur	3	1	2	-	-	3	9
Hospet	1	1	-	1	-	-	3
Sandur	5	4	-	-	-	2	11
Total	46	56	23	16	3	39	183
Percentage	25.14	30.60	12.57	8.74	1.64	21.31	100.00

Deficiencies in service

Though the service providers and the Department are providing all help and support, there are still some limitations in making the system more effective. Some such limitations were highlighted by the agencies as also respondents are: insufficient funds, staff, infrastructure etc. It was seen that in 53 cases funds were major constraints while in another 36, inadequate facilities (infrastructure) was

also one of the reasons, followed by staff constraint (40 cases). There were 54 cases where limitations could not be specifically mentioned. Division wise, in Mysuru and Belagavi divisions' funds were main constraints while in Bengaluru and Kalburgi divisions inadequate infrastructure was another reason for deficiencies in delivery. In Bengaluru and Belagavi divisions, staff constraint was highlighted by respondents. Following table gives details:

Table 4.16 Deficiencies- Attributes

Block	Insufficient Staff	Insufficient funds	Insufficient facilities	Other reason	Total
Bengaluru (Central)	-	3	-	-	3
Yelahanka	-	3	-	-	3
Anekal	2	3	1	-	6
Holalkere	6	2	-	-	8
Molakalmuru	3	1	2	-	6
Shikaripur	-	-	3	5	8
Shivamogga	-	-	10	4	14
H.D. Kote	3	4	2	2	11
Piriyayapattan	3	-	-	-	3
Kadur	-	10	-	-	10
Mudagere	2	3	5	-	7
Kodagu	-	5	-	-	5
Somavarpeth	2	3	-	-	5
Hubli-Dharwad (U)	-	3	1	-	4
Kundgol	-	-	-	12	12
Karwar	4	3	1	2	10
Mundagod	-	1	-	6	7
Indi	4	5	3	1	13
Basavan Bagewadi	5	2	1	-	8
Afzalpur	-	-	2	2	4
Alanda	3	-	-	3	6
Yadgiri	-	-	-	7	7
Shahpur	-	-	-	9	9
Hospet	1	-	2	-	3
Sandur	2	5	3	1	11
Total	40	53	36	54	183
Percentage	21.86	28.96	19.67	29.51	100.00

Small number of respondents also had approached the District and Block officers with complaints on inadequacies.

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

Table 4.17 Respondents reporting shortcomings

Block	Shortcomings in the facilities to DD/PO		Total
	Yes	No	
Bengaluru (Central)	-	3	3
Yelahanka	-	3	3
Anekal	-	6	6
Holalkere	3	5	8
Molakalmuru	1	5	6
Shikaripur	-	8	8
Shivamogga	-	14	14
H.D. Kote	9	2	11
Piriyayapattan	2	1	3
Kadur	-	10	10
Mudagere	-	7	7
Kodagu	1	4	5
Somavarpeth	2	3	5
Hubli-Dharwad (U)	2	2	4
Kundgol	9	3	12
Karwar	1	9	10
Mundagod	4	3	7
Indi	1	12	13
Basavan Bagewadi	-	8	8
Afzalpur	-	4	4
Alanda	-	6	6
Yadgiri	2	5	7
Shahpur	2	7	9
Hospet	-	3	3
Sandur	3	8	11
Total	42	141	183
Percentage	22.95	77.05	100.00

Opinion about the Act

Respondents were also asked about their opinion on the Act ensuring protection of women against domestic violence. Though 132 of the respondents were appreciative of the Act 51 could not be so for reasons not known. However, they felt that the Act was not effective and needs to be improved to make it more effective. Of the 51 respondents expressing their dissatisfaction with the Act, 16 were from Bengaluru and Belagavi, 11 were from Kalburgi while 8 were from Mysuru division.

They also felt that the service centres are not in a position to cope up with the demands. Following tables provide detail.

Table 4.18 Satisfaction about the Act

Block	Satisfaction about the Act		Total
	Yes	No	
Bengaluru (Central)	1	2	3
Yelahanka	2	1	3
Anekal	4	2	6
Holalkere	6	2	8
Molakalmuru	5	1	6
Shikaripur	8	-	8
Shivamogga	6	8	14
H.D. Kote	8	3	11
Piriyayapattan	3	-	3
Kadur	10	-	10
Mudagere	5	2	7
Kodagu	3	2	5
Somavarpeth	4	1	5
Hubli-Dharwad (U)	1	3	4
Kundgol	12	-	12
Karwar	7	3	10
Mundagod	2	5	7
Indi	9	4	13
Basavan Bagewadi	7	1	8
Afzalpur	2	2	4
Alanda	4	2	6
Yadgiri	5	2	7
Shahpur	7	2	9
Hospet	3	-	3
Sandur	8	3	11
Total	132	51	183
Percentage	72.13	27.87	100.00

One to One Interaction-Findings

In summary, Case studies of 183 Domestic violence victims show that

- i. Domestic violence are not restricted to particular segments of the society and are seen irrespective of educational, economic, geographical factors;
- ii. In majority of cases, respondents have greater confidence and faith in service providers (Santwana Kendra) though small percent among them also are happy with the POs;
- iii. Timely response is received in majority of complaints;
- iv. Larger number of cases are resolved through counseling and mutual adjustment and very few cases are stretched to litigation;
- v. Majority of women seek maintenance and financial support as compensatory measure;
- vi. Majority of respondents are happy with services of Santwana Kendras even though they feel that the present facilities with these service providers are deficient;
- vii. Even though, the women believe that act is women friendly, it is not effective.
- viii. Women respondents expect improvements in the existing provisions as also delivery system.
- ix. Though Act stipulates the registered cases to be disposed off within 60 days, this time limit is not maintained and cases are dragged for months; in some cases more than a year;
- x. Respondents go in for appeals and use delaying tactics through the Legal advisers and this becomes a major hurdle in speedy disposal of the cases.
- xi. Court order copies are not shared/marked by the courts to the concerned POs/DDs due to which keeping tab on cases becomes difficult;

SECTION 10

REFLECTIONS AND CONCLUSIONS

Recent periods have witnessed greater realization by the men as also the States on the need for changing the perceptions and age-old practices of discrimination against women. Many a civil societies have been relentlessly endeavouring to create awareness among the people on the need for changing their perceptions. Greater awareness is being created among women about their subjugation and fundamental rights. In many countries a number of laws have been enacted to prevent such violations against women.

Among several measures, passage of the Prevention of Domestic Violence against Women by the Government of India and its implementation by the State Governments is a welcome step aimed at curtailing if not altogether eliminating this ill.

This Act is being implemented in all states including Karnataka since more than a decade in all the blocks of 30 districts of the state. Implementation of this scheme is the responsibility of Directorate of Women and Child Development. Many other women related Acts also are implemented in the state by DWCD.

Similarly several other Acts such as the Hindu Marriage Act, The Christian Marriage Act, the Muslim Marriage Act, and the Parsee Marriage Act etc are also implemented in the State.

The implementation of this Scheme in the state has reduced incidences to some extent. However, the mechanism and processes followed for this purpose are not sufficient and effective from the point of view of growing demands from the aggrieved women folk.

A feedback from the victims, service providers and other stake holders indicates that though the scheme has noble objectives, the implementation process has much to be desired. Going by the data on the nature and number of cases and the time for resolution of the issues it is felt that more concerted efforts are needed to speed up remedial measures;

There are a number of loose ends that need to be corrected and set right to ensure coordinated and orchestrated efforts on the part of each of them.

Even though the Act emphasizes on the need for creating awareness among the civil society, the present efforts fall short of demand. There is need to take large scale campaigns to educate the people and this should be on MISSION MODE and should not become yet another ritualistic

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

exercise like fixing targets (physical and Financial) and achievement which may only satisfy the planners and implementing agencies.

There is also an urgent need to revisit present implementation mechanism and also processes involved in implementation. The loose ends need to be identified and plugged to achieve greater accuracy in prevention and containing incidences of domestic violence.

The implementation process assumes that the present set up at block level, and District level is enough and suitable for delivery of scheme objectives. As is very well known, these functionaries are bogged down with more paper work and generation of periodical data for the Government, as also attending innumerable meetings. This leaves them with little time for looking into the scheme demands. Since all the cases are of urgent in nature and need quick remedies and timely assistance, there is need to (i) either strengthen the existing set up or (ii) enhance role of NGOs and other service providers in dealing with cases.

The scheme envisages “participatory” approach under which community organizations such as Women Groups (StreeShakthi), Self Help Groups and other Service Providers/Non-Governmental organization which have better links and contacts with the society at large.

Keeping in view the present perceptions and preferences of the aggrieved women, greater role need to be assigned to agencies other than Government. This is because by tradition, the Government machinery has not been fully successful in reaching out to the society in view of various historical reasons such as bureaucratic attitude, working “Within Brackets”, not being able to go out of way to resolve any issue affecting women’s welfare and wellbeing. Hence it is worthwhile focusing more on Non-government agencies while the Government departments could support them with necessary wherewithal and regulatory helps.

Case studies conducted indicate that the people have high expectations from the Government including that from Home Department and Judiciary in delivering the decisions and affording remedial measures in time bound manner. Any scheme to succeed to desired extent has to respond to the demands of the concerned. Therefore, there is need to review the present deficiencies.

SECTION 12

RECOMMENDATIONS

Short Term Recommendations

- ❖ Vigorous and mass awareness campaigns should be organized with wide publicity about the ACT.
- ❖ The Department of Women and Child Development, in association with Service Providers, Police personnel, with the help of Department of Kannada and Culture, Department of Information and Public Relations, Education and State Women's Commission, should take mass education camps/public contact and set a definite Agenda and calendar for this purpose.
- ❖ Special "Women Safety Week" should be organized at important clusters/centers.
- ❖ Since the issues are of serious nature, meetings should prioritize discussions on the issues involved in the implementation of the Act and place this subject on the priority basis.
- ❖ Prolonging dispensation of justice to the victims being a major hurdle, the High Court may advise the Taluka and District Judges to take up such cases on priority basis and settle the case within 60 days of the time limit;
- ❖ Issuance of Circulars through High Court of Karnataka to all Judicial Officers to include POs Police Officers to implement the DV Act;
- ❖ The copies of court orders should be made available to the POs/DDs soon after a verdict is delivered so that the concerned officers take necessary steps for execution of such orders;
- ❖ The District and Taluka level Co-ordination Committees should be advised to hold more frequent meetings to resolve.
- ❖ Proper information should be maintained by all and information sharing system needs to be revisited and a mechanism be introduced to streamline information generation and sharing for co-ordinated operations;
- ❖ The Present system of availing services of Advocates as Legal Advisors should be revisited. Panel of Lawyers from State Legal Service Authorities be appointed,
- ❖ Special Training on DV Act to be organized for the Lawyers. Their remuneration/fees may be enhanced and made at regular intervals.
- ❖ The legal provisions for the safety of women & promoting their interests to be included in the curriculum of Social Science in 9th and 12th Standard text books in co-ordination with Education Department

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

- ❖ The NSS/Scouts/Guides Units in the Schools and Colleges be involved in awareness campaign on legal provisions related to women's issues in surrounding villages. A village adoption approach to be followed for the same supported by Legal service Authority; in coordination with DWCD.
- ❖ Women's Organizations, Service Providers, Gram Panchayat Members, Self Help Groups, Youth Associations to join together to create a platform for awareness, assistance and follow up action.
- ❖ The staff working in Service Providers should be provided periodical orientation/training at District level on methods, strategies to be used in handling cases of domestic violence.

Long Term Recommendations

- ⊛ Women Exclusive Protection Officers should be filled up in all the blocks.
- ⊛ Emphasis should be given to provide facilities of Psychological Counseling at District hospitals to support the victims of violence and their family.
- ⊛ Service Providers should be advised to deploy staff and mobility to make their services effectively available. The Government may consider enhancing the service charges and should ensure that they are equipped with minimum infrastructure facilities and staff trained in such works.
- ⊛ There should be uniform/single Format to be used in all the districts in order to ensure data consolidation and analysis;
- ⊛ Introduce compulsory free primary, higher and PG education for all the women through Education Department.
- ⊛ Promote Women's education through adequate financial assistance and infrastructure facilities like schools, hostels, toilets etc to create awareness about rights of women and generate confidence in them to fight against violence and bring about a social change.

Recommendation for Policy changes

- ✓ There is need to review the trends in number of cases requiring judicial intervention under this scheme and the time taken in their disposal and formulate suitable policies (including provision of additional facilities / Judges) to deal with the cases under this scheme exclusively so as to maintain the time limit. However, larger debate on this may be necessary.

ABBREVIATIONS AND ACRONYMS

IPC	-	Indian Penal Code
PWDVA	-	Protection of Women from Domestic Violence Act
DWCD	-	Department of Women and Child Development
Dy.D	-	Deputy Director
CDPO	-	Child Development Programme Officer
POs	-	Protection Officer
NGO	-	Non Government Organization
DIR	-	Domestic Incident Report
NCRB	-	National Crime Records Bureau
SHG	-	Self Help Groups
QPR	-	Quarterly Progress Report
NPCCD	-	National Institute of Public Cooperation and Child Development
A.T.I	-	Administrative Training Institute
KEA	-	Karnataka Evaluation Authority
READI	-	Rural Ecological and Agro Development Institute India

Annexure 1

List of references cited in the report

1. The protection of women from domestic violence act, 2005
2. indianresearchjournals.com
3. Financial assistance to women law graduates
4. Organization structure, Santwana, scheme for combating trafficking of women and children, Swadhar – a scheme for women in difficult circumstances from website of Women and Child Development Department
5. Domesticviolence.org
6. A summary report of three studies-copyright© 1999 international center for research on women and the centre for development and population activities
7. Centre for legislative research and centre for legislative research and the protection of women from domestic violence act, 2005 handbook for parliamentarians: JULY-AUGUST 2014
8. www.isca.inAdvocacy

Annexure 2

Terms of Reference for the Evaluation of Implementation and Efficacy of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by the Department of Women & Child Development

1. Title of the study:

The title of the study is “*Implementation and efficacy of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka implemented by Women & Child Development (W&CD) department*”.

2. Background Information:

The Civil Law does not address the Domestic Violence (DV) in its entirety. Therefore, women’s rights – based law was needed to protect women against crimes of Domestic Violence. Hence the Central Act called Protection of Women from Domestic Violence Act 2005 (PWDV Act) came into being followed by the Protection of Women from Domestic Violence Act 2005 Rules 2006. This is an Act to provide for more effective protection of the rights of women guaranteed under the constitution and to protect women victims from violence of any kind occurring within the family, and for matters connected therewith or incidental there to. The object of the Act is to preserve the tradition of family and regulate and improve matters for future, rather than for passing judgment or punishing the abuser for past behavior.

The Act is being implemented in all the taluks and districts of Karnataka. 215 Protection Officers (defined in section 2n of the PWDV Act) are implementing this Act. There are 116 Service providers (defined as in section 2r of the PWDV Act) with 171 *Santwana* Centers, 30 Short Stay Homes and 34 *Swadhar* Centers. These centres have been established as shelter homes for effective implementation of the Act, and Government Orders have been issued for institutional arrangement of these shelter homes.

Action taken by the W&CD Department for implementation of Domestic Violence Act 2005 Rules 2006:

- a. Upon the demand of the aggrieved women counseling, free legal aid, medical facilities and shelter are provided. The Deputy Directors of Women & Child Development at the district and CDPOs at the taluk level have been appointed as Protection Officers, initially.

- b. The services of a computer operator and a messenger have been outsourced in the offices of the Protection Officers at district and taluk levels.
- c. In places where more than 35 cases are pending, 47 full time dedicated, lady Protection Officers have been appointed and supplementary posts have been created as per GO. No/WCD 235 SJD 2010, dated: 04.12.2010. Out of 47 posts of Protection Officers created, 23 have been filled up by promotion and (action is taken to fill up another- delete) 24 posts have been filled by direct recruitment through KPSC.
- d. 34 *Swadhar* centers, 171 *Santwana* centers and 30 Short Stay Homes have been identified as shelter homes and orders issued. 116 NGOs have been identified as Service Providers (defined as in section 2r of the PWDV Act) and orders to that effect are issued. Counseling facilities are available for the aggrieved women in these centers.
- e. Legal advisors are appointed by Karnataka State Legal Services Authority and are deputed twice a week (on every Wednesday and Saturday) in the Protection Officer/CDPOs office for giving free legal advice to aggrieved women.
- f. As per Notification No. HFW 23 FPR 2007 dt 1.2. 2008, The Govt of Karnataka has notified to provide medical facilities, from all the hospitals owned, maintained or controlled by the State, to the victims under PWDV Act 2005.
- g. Under the Domestic Violence Act 2005 Rules 2006, awareness programmes, workshops are held at State, Divisional and districts levels along with National Institute of Public Co-ordination and Child Development (NIPCCD), Legal Services Authority and Administrative Training Institute, Mysore. 3 workshops have been conducted at the State level, 11 at divisional level and 26 at district level for police officers, medical officers, Protection Officers, Lawyers, service Providers, Gram Panchayat members, Stree Shakthi Group members and Anganwadi workers. Two sensitization training programmes were conducted for Judges in coordination with Karnataka Judicial Academy. In addition, a month's job orientation training has been imparted to newly appointed lady Protection Officers by ATI, Mysore during March 2012.
- h. At taluk level, a day's awareness campaign is conducted each year for 5 hoblis. This is done in collaboration with Karnataka Legal Services Authority. The beneficiaries of this awareness campaign are women at Gram Panchayath Level/wards, Supervisors of ICDS, Medical Officers, Police Officers, school teachers, Lawyers, Protection

Officer/ CDPO, Service providers, members of NGOs, members of SHGs and Anganwadi Workers and elected members of Gram Panchayaths.

- i. 4 Training Programmes were conducted via satellite for Anganwadi workers, SHGs members, Women Police personnel, school teachers and elected members of Gram Panchayaths regarding implementation of Domestic Violence Act 2005 Rules 2006.
- j. Under IEC, Kannada versions of Domestic Violence Act 2005, Rules 2006 and training manual of Protection Officers, introductory book with FAQs addresses/phone numbers of all protection officer and shelter homes and application forms are printed and circulated to all the Protection Officers and other stake holders.
- k. Brochures have been printed in Kannada for propagation of the Act.
- l. Co-ordination Committees have been constituted at State/district/taluk levels for proper implementation of Domestic Violence Act 2005 Rules 2006 and review from time to time.

Action Taken During 2012-13

- a. Two training programmes were conducted at district level with all stake holders for effective implementation of Protection of Women from Domestic Violence Act 2005 Rules 2006.
- b. 5 Awareness Campaigns were held in each taluk (hobli level), thus in all 925 awareness campaigns were held.
- c. In Karnataka Judicial Academy a day's workshop was held on 06.01.2013 for Judges.

Action Taken During 2013-14

- a. On 11.06.2013, a training programme was held via satellite for propagation of the contents of the Domestic Violence Act 2005 for Protection Officers, Service Providers, Advocates of Legal Service Authority, Officers of H & FW Department, Supervisors of ICDS, Police Officers, school teachers, Protection Officer/ CDPO, Service providers, members of NGOs, members of SHGs, Anganwadi Workers and elected members of Gram Panchayaths.
- b. Funds released for conducting District Level Training Programmes according to plan of action.
- c. The SHG members who have already been trained under Domestic Violence Act imparted training to other women of the villages. Five hoblis in each taluk are selected for training programme and advertisements in Television and newspapers made in December 2013.

- d. Karnataka State Legal Services Authority has also conducted awareness campaigns in co-ordination with Women and Child Development Department.

State Level Co-ordination Committee

A State level Co-ordination Committee has been constituted for effective implementation of Domestic Violence Act vide OM. no.WCD 210 WCA 2007 dated: 22-01-2010

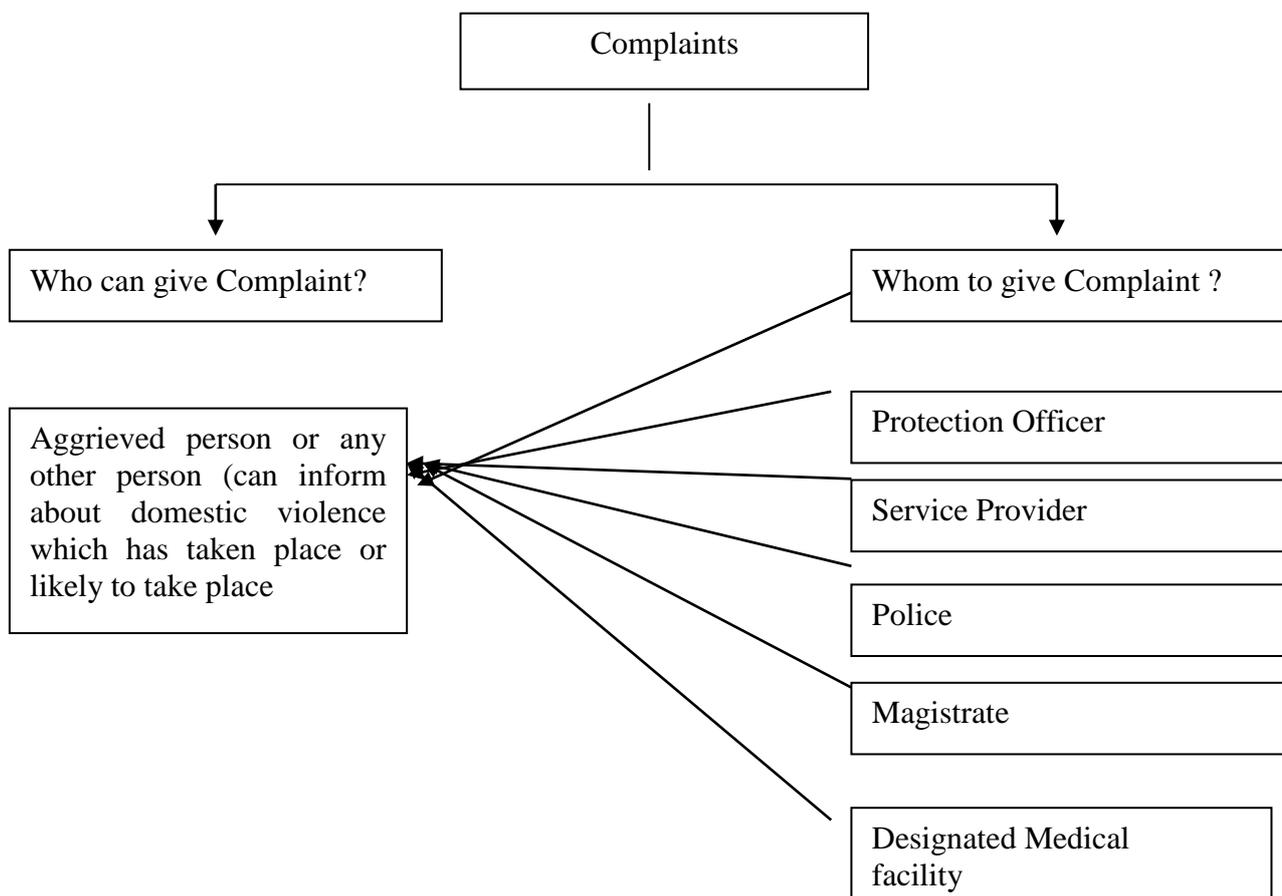
District Level Co-ordination Committee

A district- level Co-ordination committee has been constituted vide OM. -No.WCD 175 WCA 2007dated: 19.12.2007.

Taluk Level Co-ordination Committee

A taluk level Co-ordination Committee is constituted for effective implementation of the Domestic Violence Act. This is headed by the Tahsildar, other members being the officer of Taluk Legal Service Authority, Circle Inspector of Police, Govt Assistant Prosecutor, taluk Officer of H&FW Department, Assistant Director Information & Publicity, one representative from Service Provider Organization and Protection homes and the taluk Protection Officer/CDPO.

The details regarding filing of complaints are shown below



The details of cases booked/disposed by various means from 2007-08 to 2013-14 and amount released and spent for implementation of Act are as under:

Sl. No	Details	Year							Total
		2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	
1	No of cases Registered	826	2933	4630	5630	7899	5509	5796	33323
2	Cases disposed in courts	145	252	288	77	335	506	307	1910
3	Protection orders issued	51	90	116	64	304	206	62	893
4	Residence Orders Issued	39	54	140	48	299	356	49	985
5	Monetary Orders issued	100	127	212	142	326	459	174	1540
6	Child custody orders issued	8	16	74	52	6	259	7	422
7	Interim relief orders issued	26	119	212	59	136	304	223	1079
8	Compensation paid	14	103	188	6	231	356	117	1015
9	Ex-parte orders issued	-	65	60	7	145	34	72	383
10	Cases settled through counseling	203	214	686	993	9985	2115	1157	6353
11	Appeals to higher courts	-	8	104	53	238	22	112	537

Details of amount released and expenditure incurred is as follows (Rs Lakhs)

Year	Amount allotted	Amount released	Amount Expenditure	Remarks
2007-08	265.00	64.20	64.20	Protection Officers posts were vacant hence release/expenditure is less
2008-09	250.00	150.00	146.61	Protection Officers posts were vacant hence release/expenditure is less
2009-10	292.34	205.48	180.70	Protection Officers posts were vacant hence release/expenditure is less

2010-11	723.22	361.60	348.18	Protection Officers posts were vacant hence release/expenditure is less
2011-12	530.22	276.60	244.54	Protection Officers posts were vacant hence release/expenditure is less
2012-13	553.00	336.00	320.88	Protection Officers posts were vacant hence release/expenditure is less
2013-14	600.00	600.00	500.74	Protection Officers posts were vacant hence release/expenditure is less

3. Evaluation Scope, purpose and objectives

The scope of evaluation is the entire State of Karnataka. The objective of the Act is to bring about a social change by creating awareness, by educating people and of course legal actions/reforms. The purpose of the evaluation is to study the nature, extent and incidence of domestic violence against women and to identify the correlates of domestic violence. Further, it is required to know the effectiveness of the present implementation of PWDV Act, to find out the loopholes in implementation and to suggest corrective measures to be taken by government and other stake holders so that cases are settled early and justice is delivered in time to the aggrieved Women.

4. Evaluation Questions (inclusive not exhaustive):

A. Institutional Mechanism

1. How many awareness campaigns, workshops and training programmes related to PWDV Act were targeted each year at taluk/district and State Level for women and other stake holders, since inception of the PWDV Act? How many were actually held?

2. How frequently do the Co-ordination Committees meet at taluk/district/ State levels? What are the important decisions taken in these meetings/recommendations suggested for speedy disposal of cases and improvement in the process of implementation of the PWDV Act?

3. What is the sanctioned and existing staff strength at State, district and taluk levels for implementation of the Act? Is these staff dedicated exclusively for this or CDPOs are put in additional Charge of implementing the Act along with other functions of the

department? District wise details may be obtained and analyzed where; the cases are disposed off early i.e. in Taluks/blocks having exclusive/dedicated staff or in Taluks/blocks doing this as additional work?

B. Implementation Process:

1. The district wise, year wise and “**nature of case**” wise statistics (i.e. physical / sexual / economic/emotional abuse/dowry harassment/IPC 498 A cases) may be collected since inception till 2013-14 and analyzed. Is there a pattern that can be seen in this which will be useful for better implementation of the Act in future?
2. How many aggrieved women are referred to family counseling centres/Santwana/Swadhar centres for counseling’s by CDPO/PO?
3. What percentage of aggrieved women need immediate short stay facility? How many of them are actually sent to shelter homes by Protection Officers/CDPO/Police personnel?
4. Is date of hearing fixed in court within 3 days of the receipt of application by the court?
5. Is the time prescribed for filing the cases, issue of Domestic Incident Reports (DIRs) by Protection officers/service providers and issue of court notice/summons adhered to? If not, what is the average time taken to do these? What are the reasons for the delay (where it exists) and how could it be minimized or avoided? Whether in DIR form-1, under III economic Violence, “forcing to take up employment” needs to be included.
6. After forwarding of DIR to the magistrate, how many cases were referred for mediation/Counseling by court and how many cases were settled by counseling/mediation in family court / other courts?
7. After forwarding of DIR to the magistrate, where counseling/mediation was not resorted to or failed, what is the average time taken for hearing and final disposal of the cases in courts?
8. What is the average time taken for issue of Interim Orders?
9. Are Ex-parte Orders issued by court as and when required?
10. Are Magistrates/courts disposing of applications within **60 days from the date of 1st hearing**?
11. Are court interim / final orders given to protection officers/petitioner freely?

12. Are appeals to Courts of session being filed within 30 days of service of order to any of the parties?
13. Are there any instances of violations of implementing the orders passed by the magistrate? If so, how many cases are there and what action has been taken on the violators? Give details.
14. Is there any mechanism to collect and store data of Domestic Violence over the years? If yes, who manages the data? Is the programme reviewed by state/central Govt. periodically? Are QPRs consolidated at district and state levels and sent to central Govt.?
15. Is there follow up of recommendations of the state/district/taluk level coordination committees? How many amendments to the PWDV Act were suggested and actually made?
16. Are there any reliable social, economic factors and other habits /vices which correlate to domestic violence against women?
 - (e.g. Economic Violence on non-earning homemaker)
 - (e.g. DV due to drinking or substance abuse by men)
 - (e.g. DV by men in multiple relationships, gambling by men)
 - (e.g. More physical violence on un-educated people)
 - (e.g. More Mental/Emotional violence on educated people)
17. Do abused women have any preference (non-Govt. vs. Govt. agencies) in seeking help and justice?
18. Is the presence of Stree Shakthi self-help Groups of W & CD Dept. preventive or reactive to Domestic Violence? Has more awareness been created in general public?
19. What was the basis on which 47 posts of protection officers were created and when was this done. Is there need to look at the issue of need of more protection officers in the present scenario?
20. Is the implementation of the PWDV Act significantly different between areas where there are dedicated full-time Protection Officers as compared to those areas where Protection Officers/CDPOs are on in-charge duties?
21. If DV case is booked against a person, is he retaliating by booking case under section-12 of Hindu Marriage Act for Restitution of conjugal rights or section- 11 for judicial separation
22. To suggest, based upon the cases studied, measures to control, minimize and, if possible, eliminate domestic violence against women.

5. Sampling and Evaluation Methodology:

There are 215 Protection Officers in 204 ICDS blocks spread over 30 districts of the state. 20 blocks should be selected in such a way that 5 blocks are selected from each of the 4 revenue divisions such that they cover two or more districts, within which there should be at least 1 block where more than 35 PWDV Act cases are pending and an exclusive Lady Protection officer has been appointed. Sampling intensity is recommended to be 5%.

FGDs to be held at the district/taluk level with all the stake holders, i.e. Deputy Directors of W & CD department, CDPOs, Protection Officers, Service Providers, Officers of State Legal Services Authority, Persons Managing the *Swadhar*, *Santwana* Centers and Short Stay Homes, service providers and Police Officers. A few victims of Domestic Violence should be personally interviewed, to elicit their views on how useful and effective the Act was in their case and suggestions for better implementation and improvement of the Act.

6. Deliverables and time schedule:

The details of PWDV Act 2005 and Rules 2006, district wise details of DV cases, list of service providers, and protection officers and relevant information available can be had from the Women and Child Development Department. The Director, Women and Child Development Department to issue necessary instructions to Deputy Directors, CDPOs, Protection Officers, Service Providers, Legal Advisors of State Legal Service Authority, Persons Managing the *Swadhar*, *Santwana* Centers and Short Stay Homes to co-operate with the evaluation consultants in completing the study in time. It is expected to complete the study in 6 months time, excluding the time taken for approval. The evaluating agency is expected to adhere to the following timelines and deliverables.

The Consultant Evaluation Organization should complete the study in 6 months time, excluding the time taken for approval. They are expected to adhere to the following timelines and deliverables or be quicker than the follows.

- a. Work plan submission: One month after signing the agreement.
- b. Field Data Collection: Three months from date of Work Plan Approval.
- c. Draft report Submission: One month after field data collection.
- d. Final Report Submission: One month from draft report approval.
- e. Total duration: 6 months.

7. Qualifications of the consultants and method of selection:

Consultants should have and provide details of evaluation team members having technical qualifications/capability as below

- i. A legal Advocate/retired Law Graduate with at least five years experience at bar (for both cases), Preferably Woman.
- ii. An expert in Gender issues,
- iii. Statistician, and,
- iv. Data collection research assistants.

Since the study involves conversation with women victims, **at least one person mentioned at serial (iv) has to be a woman, and generally for all they should be in such numbers that the evaluation is completed within the scheduled time prescribed by the ToR. Consultants not having these number and kind of personnel will not be considered as competent for evaluation.**

8. Qualities Expected from the Evaluation Report

The following are the points, only inclusive and not exhaustive, which need to be mandatorily followed in the preparation of evaluation report:-

1. By the very look of the evaluation report it should be evident that the study is that of the Karnataka Evaluation Authority (KEA) which has been done by the Consultant. It should not intend to convey that the study was the initiative and work of the Consultant, merely financed by the Karnataka Evaluation Authority (KEA).
2. Evaluation is a serious professional task and its presentation should exhibit it accordingly. Please refrain from using glossy, super smooth paper for the entire volume overloaded with photographs, graphics and data in multicolor fancy fonts and styles.
3. The Terms of Reference (ToR) of the study should form the first Appendix or Addenda of the report.
4. The results should first correspond to the ToR. In the results chapter, each question of the ToR should be answered, and if possible, put up in a “match the pairs” kind of table, or equivalent. It is only after all questions framed in the ToR are answered, that results over and above these can detailed.
5. In the matter of recommendations, the number of recommendations is no measure of the quality of evaluation. Evaluation has to be done with a purpose to be practicable to implement the recommendations. The practicable recommendations should not be lost in the population maze of general recommendations.

9. Cost and schedule of budget releases:

Output based budget release will be as follows

- a. The **first installment** of Consultation fee amounting to 30% of the total fee shall be payable as advance to the Consultant after the approval of the inception report, but only on execution of a bank guarantee of a scheduled nationalized bank, valid for a period of at least 12 months from the date of issuance of advance.
- b. The **second installment** of Consultation fee amounting to 50% of the total fee shall be payable to the Consultant after the approval of the Draft report.
- c. The **third and final installment** of Consultation fee amounting to 20% of the total fee shall be payable to the Consultant after the receipt of the hard and soft copies of the final report in such format and number as prescribed in the agreement, along with all original documents containing primary and secondary data, processed data outputs, study report and soft copies of all literature used in the final report. Taxes will be deducted from each payment, as per rates in force. In addition, the evaluating agency/consultant is expected to pay service tax at their end.

10. Selection of Consultant Agency for Evaluation

The selection of evaluation agency should be finalized as per provisions of KTPP Act and rules without compromising on the quality.

11. Contact person for further details:

Sri. N. Munireddy, Project Director, Streeshakthi, W & C Dept. Telephone No. 080-22386153 & Sri. Krishna, Deputy Director Women & Child Development Dept. Telephone no.080-22353833 (mobile no. 8197684900) will be the contact persons for giving information and details for this study.

The entire process of evaluation shall be subject to and conform to the letter and spirit of the contents of the Government of Karnataka Order no. PD/8/EVN (2)/2011 dated 11th July 2011 and orders made there under.

This ToR is sanctioned in the 16th meeting of the Technical Committee of KEA held on 24th January 2015.

Sd/-

Chief Evaluation Officer
Karnataka Evaluation Authority

Annexure 3

CONTENTS

SL. NO	PARTICULARS	PAGE NO.
1	INTRODUCTION	1
2	SALIENT HIGHLIGHTS OF THE ACT & RULES	2-3
3	IMPLEMENTATION OF THE ACT-PROGRESS	4
4	APPROACH & METHODOLOGY- STATUS	5-14
5	WORK PLAN	15
6	ANNEXURES	-

Chapter 1

INTRODUCTION

The Indian Constitution requires the state to ensure security, safety and protection of women against domestic violence and in this direction, the Indian Government and the States have been formulating and implementing a number of Acts and Rules and amend them from time to time depending on the need and contemporary social scenario. Among them the Central Act-2005, namely “Protection of Women from Domestic Violence Act 2005, aims at curbing domestic violence against women.

Though Indian cultural ethos place women on high pedestal of society and provide equal opportunity and an honorable status, there are a number of aberrations in different social strata’s and regions of the country. Some traditional perceptions about the women folk and wrong notions continue to persist in spite of enhanced literacy and economic advancement among the population. India being one of the oldest civilizations has been pursuing age old traditional practices of respecting the women. But they are receiving raw deal in general.

1.3 Karnataka

Government of Karnataka has been vigorously pursuing the objective of safeguarding ensuring security and safety of women, through this Act. Which is being implemented across the State in all the 215 Blocks of 30 districts. The GOK intends to assess the efficacy of implementation of the Act across the state, identify lacunae and shortcomings, understand ground realities and consider whether the Act and Rules framed are being effectively followed, through a Third-party evaluation process. READI-INDIA Dharwad has been entrusted with the task of carrying out an evaluation of efficacy of the Act in prevention of domestic violence against women.

Scope of the study

As per Terms of Reference, Broad scope of the study is to:

- ✓ Ascertain whether or not the objectives intended are being fulfilled through implementation of the Act, if not, explore the reasons thereof.
- ✓ Study the nature of domestic violence perpetrated on women folk in different regions and the extent of violence.
- ✓ Review and study existing loopholes in implementation and explore reasons if there is any deficiency implementation mechanism and present arrangement;
- ✓ Explore need for amendments in the rules/Act within overall framework;

Chapter 2

SALIENT HIGHLIGHTS OF THE ACT AND RULES

The Protection of Women against Domestic Violence Act (PWDV) Act and rules define wide ranging types of domestic violence against women and remedies which include:

- (i) Acts that inflict physical and mental injuries to women which affect and threatens security of women and their wellbeing;
- (ii) Extorting money either in the form of Dowry or other pecuniary demands from women;
- (iii) Threatening to cause physical injury to women

Broadly four types of acts are defined as violence namely

- a) Causing physical injury by kicking, hitting and other modes of violence resulting in physical injury;
- b) Sexual harassment, humiliation
- c) Commenting, criticizing, scolding, insulting and other forms of mental insults, leading to mental torture;
- d) Depriving women of source of livelihood, denying minimum sustenance, resulting in starvation, taking away the personal wealth property of women by force and intimidation,

The Act also defines the eligibility of aggrieved women for seeking protection such as:

- i) Those living together in a family under one roof
- ii) Women related through marriages such as husband, mother-in law, father-in-law, Brother-in-law etc
- iii) Women with blood-relation such as mother, sisters, father-daughter, brother-sister etc;
- iv) Those not legally married but living together even though not recognized by law;

Types of relief provided to the aggrieved women known as Protection Order which may include:

- a) Order advising the accused to desist from any violence further;
- b) Order relating to rehabilitation of the aggrieved woman in another location away from the home where violence is reported;
- c) Order asking the other party to provide financial support to meet her medical and other costs;
- d) Protection order on payment of compensation as may be decided by the judiciary;
- e) Order relating to handing over the custody of children by the accused to the aggrieved woman;
- f) Ex-parte order during the pendency of the decision of the (i) case in order to protect the woman from any likely violence (ii) in case the opposite party does not turn up/respond (iii) in the form of Interim Relief;

In the event of non-compliance of the order, the aggrieved woman can make an appeal against non-compliance

IMPLEMENTATION

The Act and rules are implemented through the Women and Child Development Department supported by a number of district and block level officials viz (i) Protection officer (ii) Service Centers (iii) Police Department (iv) NGOs (v) Short stay homes - Swadhar and Santwana Centers (vi) Legal Advisors.

The Act provides detailed framework of roles and responsibilities of each of the officers/agencies at all level. The Act also provides for coordination and advisory committees at State District and Block levels.

Chapter 3

IMPLEMENTATION OF THE ACT-PROGRESS

The PWDV Act and rules are being implemented from 2007-08 in the state. A study of the number of cases registered and settled shows the following trend

Summary of Implementation of PWDVA

Particulars	Cumulative number (2007-08-2013-14)	For 2014-15	Total
Cases registered	33,223	5,280	38,303
Cases disposed off in courts	1,910	367	2,277
Protection orders issued	893	121	1,014
Residence Orders Issued	983	59	1,017
Monetary Orders issued	1,510	200	1,710
Child custody orders issued	422	22	444
Interim relief orders issued	1,079	168	1,247
Compensation paid	1,015	110	1,125
Ex-parte orders issued	383	37	420
Cases settled through counseling	6,353	1,634	7,987
Appeals to higher courts	537	20	557
Pending cases	24,960	3,279	28,239

Source: RFP -KEA Bengaluru

A study of annual trends shows that the number of cases registered increased from 283 in 2007-08 to as high as 5,796, showing a 2000% rise in cases. As many 1,910 cases were disposed off in courts during the seven year period and the annual variations were marginal. In other cases also, marginal fluctuations were observed on a year to year basis. It was seen that almost 20% of the registered cases were settled through counseling and of them, number of counseled settlements during the last two years were almost 33% of total cases settled under this method indicating that counseling worked very favorably between the parties.

Chapter 4

APPROACH AND METHODOLOGY- STATUS

The main objective of the study is to assess whether or not the scheme is being implemented effectively, whether the aggrieved women have been enabled to take their grievances to this forum and seek justice to their satisfaction, and whether the framework of the organization of Protection officers and other associated agencies has been functioning as per the Act.

It is therefore essentially a study of organizational efficiency in delivering the tasks as provided in the Act. Simultaneously, there is need to have direct feedback from the aggrieved persons on their views, experience and expectations from the scheme. Finally, it is intended to identify procedural, operational, legal aspects involved in effective implementation.

The focus of the study therefore, has to be on the performance of each of the agencies entrusted with this task and to assess how far they have fulfilled the scheme objectives while outcome -tracking would also have to have adequate focus.

Broad scope

The scope of study focuses mainly on two aspects namely

- a) Institutional mechanism for implementation of PWDV Act
- b) Implementation processes of the Act.
 1. The first study is required to carry out an analysis of the institutional set up and mechanism for not only administering the provisions such as
 - a) Awareness creation programmes proposed and carried out,
 - b) Working of the Co-ordination committees constituted to ensure effective and speedy implementation of the Act; including a study of number and frequency of meetings of the CCs at different levels and nature and types of decisions taken therein and how these committees have facilitated expeditious remedial measures as per the Act;
 - c) The study of institutional mechanism also covers review of staff proposed to be deployment, and actually positioned, their roles and responsibilities in fulfillment of the objectives of the Act. If for any reason the required number of staff is not positioned, what alternative arrangements/steps have been put in place by the State and whether such an arrangement has provided effective support and enabled effective implementation of the provisions of the Act.

2. The second aspect goes into detailed and analytical review of whether or not the processes envisaged in the Act are being followed at different levels including analytical study of number of cases: namely
 - i. Study of **nature of case** wise statistics (i.e. Physical/sexual/economic/ emotional abuse/ dowry harassment/IPC 498 A cases)
 - ii. Women referred to family counseling Centres/Santwana/Swadhar centres for counseling and trends thereof, including number of women requiring short stay homes
 - iii. Study of date of hearings fixed in courts and the periods involved in doing so and also issue of Domestic Incident Reports (DIRs) by Protection officers/Service providers
 - iv. Compliance of provisions relating to issue of court notice/summons
 - v. Study of average time taken for issue of Interim Orders
 - vi. Study and review instances of violations of implementation of the orders passed by the Magistrates and actions initiated for such violations
 - vii. Review present mechanism for collection and compilation of data and submission of quarterly reports and if not, the mode and methodology being adopted for this purpose
 - viii. Review and study actions taken as a follow up of recommendations of co-ordination committees at different levels
 - ix. Identify reliable social, economic factors and other habits/vices which correlate to domestic violence against women?
 - x. Review and study roles of SHGs and Stree Shakti organizations in minimizing domestic violence.
 - xi. Review and identify difference among districts on the implementation of the Act and identify characteristic features of such variations

The consultant has devised 6 schedules to seek answers to all the above questions/ aspects (appended as Annexure to this report).

Efforts would be made to collect all the data in addition to one to one and one to many discussions at Taluk and District levels in selected study areas and based on the inputs; the consultant would offer short and long term recommendations for effective working of the Act to the advantage of the affected women.

METHODOLOGY

Keeping this in view, the consultant has initiated following steps:

- Legal Expert (Advocate)
- A team of experts comprising Sociologist and Gender specialist
- Statistician

is constituted. This team is supported by two Research Assistants and the team has already commenced its work with:

- (i) Preparation of formats, questionnaire schedules for capturing primary and secondary information
- (ii) Visits to District Women and Child Development officers, have been undertaken
- (iii) First round of interactions with in charges of these Centers are through.

Desk review and study of Rules and procedures followed in general by respective NGOs and a concerned department is in process;

Selection of Blocks

Information on number of cases registered in each of the district and division was accessed from the Department of Women and Child Development, Govt of Karnataka Bengaluru. The first step was to get the number of cases registered and settled.

List of Division wise PWDV Cases (For the Year 2014-15)

Sl.No	Divisions							
	Bangalore Division With Number of cases		Belgaum Division with Number of cases		Gulbarga Division with Number of cases		Mysore Division with Number of cases	
1	Bangalore Urban	585	Belgaum	172	Bidar	64	Chamarajnar	5
2	Bangalore Rural	26	Vijaypur	120	Bellary	144	Chikamagalur	140
3	Chikkaballapur	47	Dharwad	144	Gulbarga	79	Dakshina Kannada	184
4	Chitradurg	121	Bagalkote	69	Koppal	99	Hassan	61
5	Davanagere	25	Gadag	57	Raichur	33	Kodagu	53

6	Kolar	45	Haveri	188	Yadgir	55	Mandya	97
7	Ramanagara	60	Uttara Kannada	63			Mysore	260
8	Shivamogga	168					Udupi	21
9	Tumakuru	94						
	Total	1171	Total	813	Total	474	Total	821
	Grand Total	3279						

Bengaluru division had highest number of cases registered (1171) followed by Mysore division (821) and closely followed by Belagavi (813). Kalburgi had least number of cases registered. Taking this into consideration, following blocks were selected for detailed study.

Field studies are planned in 20 blocks from the four revenue divisions namely:

Sl.No	Division	District	Blocks Selected for the Study
1	Bengaluru	Bangalore (U)	Bangalore (Central), Yelahanka and Anekal
		Chitradurga	Holalkere, Molkalmuru
		Shivamogga	Shivamogga, Shikaripur
2	Mysore	Mysore	H.D Kote, Piriyaaptan
		Chikkamagalur	Kadur, Mudagere
		Kodagu	Kodagu, Somavarpeth
3	Belagavi	Dharwad	Hubli-Dharwad (U), Kundgol
		Vijaypur	Indi, Basavanbagewadi
		Uttar Kannada	Karwar, Mundgod
4	Kalburgi	Kalburgi	Afzalpur, Alanda
		Yadagiri	Yadagiri, Shahapur
		Bellary	Hospet, Sandur
	Total	12	25 Blocks

It is proposed to collect data from all 25 blocks using formats/questionnaires are proposed to be used.

1. District PIA(D-1)
2. Protection officers (block level) (P-2)
3. NGOs (block level) Santwana Centers/Swadhar Centers (S-3)
4. Short stay homes/Health Centers (H-4)
5. Women affected by Domestic Violence whose cases are settled (W-5)
6. Legal Service Authority (L-6)

ONE-TO-ONE DISCUSSIONS

It is proposed to hold informal interactions with all those concerned with the implementation of the Act such as (i) District level officers of WCD, (ii) Police Personnel (iii) Legal Advisors (iv) Women Self Help Groups (v) Village Panchayat office bearers to elicit information on the implementation of the Act in each Block, their views, and experiences, Procedures being followed and their efficacy etc.

The following table provides details about the methodology proposed for collection of required data.

TERMS OF REFERENCE -EVALUATION QUESTION MATRIX

SL. NO	EVALUATION TOR QUESTION NO	CONTENT OF THE QUESTION	WHO IS EXPECTED TO PROVIDE INFORMATION/ RESPONSE TO THE QUESTION	HOW WILL THE QUESTION TO BE ANSWERED
A. <u>Institutional Mechanism</u>				
1	A1	How many awareness campaigns, workshops and training programmes related to PWDW Act were targeted each year at taluk/district and State Level for women and other stake holders, since inception of the PWDV Act? How many were actually held?	Director at State level, DD at District level and POs/CDPOs at taluk level	Format devised to capture data (D-1 & P-2)
2	A2	How frequently do the Co-ordination Committees meet at taluk/district/ State levels? What are the important decisions taken in these meetings /recommendations suggested for speedy disposal of cases and Improvement in the process of implementation of the PWDV Act?	Director at State level, DD at District level and POs/CDPOs at taluk level	Format devised to capture data (D-1 & P-2)
3	A3	What is the sanctioned and existing staff strength at State, district and taluk levels for implementation of the Act? Is these staff	Director at State level, DD at District level and POs/CDPOs at	Format devised to capture data (D-1 & P-2)

		dedicated exclusively for this or CDPOs are put in additional Charge of implementing the Act along with other functions of the department? District wise details may be obtained and analyzed where, the cases are disposed off early i.e. in Taluks/blocks having exclusive/dedicated staff or in Taluks/blocks doing this as additional work?	taluk level	
B. Implementation Process				
4	B1	The district wise, year wise and “ nature of case ” wise statistics (i.e. physical / sexual /economic / emotional abuse/dowry harassment/IPC 498 A cases) may be collected since inception till 2013-14 and analyzed. Is there a pattern that can be seen in this which will be useful for better implementation of the Act in future?	Dy Directors of WC in/charge In respective districts	Format devised for capturing data (D-1)
5	B2	How many aggrieved women are referred to family counseling Centers/Santwana/Swadhar centres for counseling by CDPO/PO?	Protection Officers in respective talukas	Formats devised for collecting this information (P-2)
6	B3	What percentage of aggrieved women needs immediate short stay facility? How many of them are actually sent to shelter homes by Protection Officers/CDPO/Police personnel?	Protection Officers in respective talukas	Formats devised for collecting this information (P-2)
7	B4	Is date of hearing fixed in court within 3 days of the receipt of application by the court?	Legal counselors/advisors/ CDPOs	Through schedule L-6 And P-2
8	B5	Is the time prescribed for filing the cases, issue of Domestic Incident Reports (DIRs) by Protection officers/service providers and issue of court notice/summons	Legal counselors	Schedule L-6

		adhered to? If not, what is the average time taken to do these? What are the reasons for the delay (where it exists) and how could it be minimized or avoided? Whether in DIR form-1, under III economic Violence, “forcing to take up employment” needs to be included.		
9	B6	After forwarding of DIR to the magistrate, how many cases were referred for mediation /Counseling by court and how many cases were settled by counseling/ mediation in family court / other courts?	As above	As above
10	B7	After forwarding of DIR to the magistrate, where counseling/mediation was not resorted to or failed, what is the average time taken for hearing and final disposal of the cases in courts?	As above	As above
11	B8	What is the average time taken for issue of Interim Orders?	As above	As above
12	B9	What is the average time taken for issue of Interim Orders?	As above	As above
13	B10	Are Magistrates/courts disposing of applications within 60 days from the date of 1st hearing?	As above	As above
14	B11	Are court interim / final orders given to protection officers/petitioner freely?	As above	As above
15	B12	Are appeals to Courts of session being filed within 30 days of service of order to any of the parties?	As above	As above
16	B13	Are there any instances of violations of implementing the orders passed by the magistrate? If so, how many cases are there and what action has been taken on the violators? Give details.	Legal counselors / POs/CDPOs	L-6 and P-2 Schedules

17	B14	Is there any mechanism to collect and store data of Domestic Violence over the years? If yes, who manages the data? Is the programme reviewed by State/Central Govt. periodically? Are QPRs consolidated at district and State levels and sent to central Govt.?	Director of WCW/ DY Director WCW	One to one interactions with Director and use of formats
18	B15	Is there follow up of recommendations of the state/district/taluk level coordination committees? How many amendments to the PWDV Act were suggested and actually made?	Director WCW DDs WCW of Respective districts	One to one interactions with Director and DDs
19	B16	Are there any reliable social, economic factors and other habits /vices which correlate to domestic violence against women? (e.g. Economic Violence on non-earning homemaker) (e.g. DV due to drinking or substance abuse by men) (e.g. DV by men in multiple relationships, gambling by men) (e.g. More physical violence on un-educated people)	DDs of respective Districts/POs/ CDPOs of talukas	Through interactions in selected districts / talukas and through formats
20	B17	Do abused women have any preference (non-Govt. vs. Govt. agencies) in seeking help and justice? (e.g. More Mental/Emotional violence on educated people)	DDs of respective Districts/POs/ CDPOs of talukas	Through interactions in selected districts / talukas and through formats
21	B18	Is the presence of Stree Shakthi self-help Groups of W & CD Dept. Preventive or reactive to Domestic Violence? Has more awareness been created in general public?	POs/ Santwana Kendras/ Swadhar Centres	Through P-2, S-3 and W-5
22	B19	What was the basis on which 47 posts of protection officers were created and when was this done. Is there need to look at the issue of need of more protection officers in the present scenario?	Director of WCW	One to one interactions

23	B20	Is the implementation of the PWDV Act significantly different between areas where there are dedicated full-time Protection Officers as compared to those areas where Protection Officers /CDPOs are on in-charge duties?	Director of WCW/ DDs of respective Districts/ POs/ CDPOs	One to one interactions With Director, DD/POs in addition to use of Schedules D-1, P-2
24	B21	If DV case is booked against a person, is he retaliating by booking case under section-12 of Hindu Marriage Act for Restitution of conjugal rights or section-11 for judicial separation	POs/ DDs of respective talukas and Districts	One to one interactions
25	B22	To suggest, based upon the cases studied, measures to control, minimize and, if possible, eliminate domestic violence against women.	-	Study of trends, interactions with cross sections of stake holders and use of own judgment and premises

Case tracking

This would be taken up on the basis of data made available by the concerned districts and blocks. Again, a representative sample would be drawn using the following criteria

- i. Nature of case
- ii. Location
- iii. Year in which the case was filed and decided
- iv. Social/economic status of aggrieved women such as age, educational background, social category, financial status (earning, housewife, dependent etc)
- v. Type of relief provided under the Act
- vi. Other relevant criterion as may be necessary

FOCUSED GROUP DISCUSSIONS

Group approach has come to be one of most recognized tools of eliciting information and opinions of stake holders and is being followed as a part of field studies since this can provide wide ranging useful inputs for objective evaluation and analysis.

It is therefore, proposed to hold one-to-one and one-to-many interactions (FGDs) with dept officials, community groups, in each block, five such group discussions are proposed.

Chapter 5

WORK PLAN

The time frame provided under the TOR is 6 months for completion of the study and submission of Final Report. The consultant would adhere to this provision. Based on an assessment of work involved in terms of interactions and also generation of primary data and coverage of all the four divisions, tentatively, the following will be the time-frame to accomplish the tasks:

Sl. No	Activity	Period (weeks)
1	Preliminary and preparatory team formation, preparation of checklists/schedules	1 week (completed)
2	Collection of secondary data,	2 weeks (in process)
3	Preparation and presentation of inception report with work plan	1 week (completed)
4	Visits to selected blocks, collection of primary and secondary data, interactions with stake holders and concerned Departments	8 weeks
5	Draft Report preparation and Presentation	4 weeks
6	Preparation of Final Report	4 weeks after receipt of comments from Client

To ensure completion of field studies, each Research Assistant would be deployed to cover two divisions and 10 blocks. The Core team would visit selected Blocks/Districts either simultaneously or independently. Attempts would be made to cover more blocks. However, visits and interactions with Divisional in charges and District officers would be ensured to get a holistic picture.

The two RAs would cover the following Divisions

Particulars	Division
Research Assistant 1	Bengaluru and Mysore- two to three districts in each division and ten blocks
Research Assistant 2	Belagavi and Kalburgi- two to three districts in each division and 10 blocks

It is expected that the KEA would offer comments and suggestions if any on the draft report within the overall time frame

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire D-1

Respondent: District Project Implementing Agency (Deputy Director, W&CD)

1. Division
2. District
3. Name of the Designated officer:
4. Years in the District
5. Areas/tasks required to be performed under PWDVA

a)

b)

c)

d)

e)

6. Blocks covered

7. a) Number of awareness campaigns, workshops and training Programmes on PWDVA Act were planned and organized.

I) Training programmes

	Details of Awareness Programme		At Municipality/ Corporation level		At Town Panchayat Level		At Hoobli Level		At GP Level	
	P	O	P	O	P	O	P	O	P	O
2007-08										
2008-09										
2009-10										
2010-11										
2011-12										
2012-13										
2013-14										
2014-15										

P: Planned

O: Organized

13. Do you see that cases are disposed off early i.e. in Taluk/block level having exclusive/dedicated staff than in Taluks/blocks where POs are not positioned
Yes/ No

14. Do you get expected support and cooperation from concerned agencies? Yes/No
If no, please elaborate on the status

15. Do you see any definitive trends in the nature of violence against women?
Yes/ No. If yes, please elaborate

16. Please provide separate details on a) Financial b) Sexual/Physical c)Economic
d) Emotional abuse e) Dowry harassment cases - year wise from 2007-08 to 2014-15.

17. Do you feel that the benefits of the Act are being used by the women?
Yes/ No. If no, what needs to be done to educate the women on their rights?

18. Do you get desired support/ assistance from?

a. Legal Advisors

b. NGOs (Service Providers)

c. Swadhar, Santwana and Short Stay Homes

d. Others

19. What are the criteria used by you for apportionment of funds among the talukas?

20. Do you find the present financial allocation is adequate/inadequate?

If inadequate, what in your opinion should be the provision for each district?

21. Do you find that the domestic incident reports received by Protection Officers/Service Providers are dealt with in the time schedule prescribed by the PWDVA and if not, reasons for the same and the suggestions to minimize the delay.

22. What is the procedure followed to collect and store the data relating to domestic violence incidents reports over the years and who is required to compile such data

23. Whether this program is reviewed periodically and whether QPRs are sent to the State/Central Government.

Yes/ No

24. Do you face any difficulties/limitations in implementation of the Act ? Yes/ No.
if yes, please indicate areas where you have problems

a) Administrative b) Procedural c) Legal d) Financial) Others

25. Do you feel there is a need to improve the existing format of the Act ? Yes/No

If yes, please elaborate.

Seal & Signature

Note: Use Separate Sheets for more information's

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire P-2

Respondent: Protection Officer

1. Division
2. District
3. Block
4. Name of the Designated officer
5. Years in the Block
6. Areas/ tasks required to be performed under PWDVA

i)

ii)

iii)

iv)

7. a) Number of awareness campaigns, workshops and training programmes related to PWDVA, since inception? How many were actually held

I: Awareness Programmes

Year	Details of Awareness Programme		Taluk level		At Hoobli Level		At GP Level		SHG/Stree Shakti	
	P	O	P	O	P	O	P	O	P	O
2007-08										
2008-09										
2009-10										
2010-11										
2011-12										
2012-13										
2013-14										
2014-15										

P: Planned

O: Organized

II: Training and Workshops

	Details of Awareness Programme		Taluk level		At Hoobli Level		At GP Level		SHG/Stree Shakti	
	P	O	P	O	P	O	P	O	P	O
2007-08										
2008-09										
2009-10										
2010-11										
2011-12										
2012-13										
2013-14										
2014-15										

P: Planned

O: Organized

8. What is the sanctioned and existing staff strength taluk level for implementation of the Act?
9. Is the staff is dedicated exclusively for this or are CDPOs put in additional Charge of this task.
10. Do you keep the district in charge informed about your operational limitations?
Periodically. Yes/ No
11. Do you receive desired and timely support from District In charge?
12. Do you get desired and timely response and support from Legal Advisor?
Yes/ No. If no, do you report your difficulties to the District In charge
13. Do you maintain contacts with Santwana Centers/ Swadhar Centers /NGOs on a Periodical basis? Yes/No. If yes with what frequency?
a) Monthly, b) Quarterly, c) Depending on need d) Others(specify)

14. Do you see any specific trend in the nature and number of cases of Domestic? Violence against Women in you jurisdiction. Yes/ No. If yes, please elaborate Whether they fall under the following categories
- Social (Community/Caste etc)
 - Economic (Livelihood /Income)
 - Educational (Illiterates/Literates/ Highly Qualified)
 - Religious (Particular groups)
 - Location (Rural/semi urban/ urban)
 - Others (Specify)
15. Please give details of “nature of case” wise statistics (i.e. Physical/Sexual/Economic/ Emotional abuse/Dowry harassment/IPC 498 A cases) since 2007-08 to 2013-14.
16. How many aggrieved women are referred to family counseling centers/ Santwana/Swadhar centers for counseling’s by CDPO/PO?
17. What percentage of aggrieved women needs immediate short stay facility? How many of them are actually sent to shelter homes by Protection Officers/CDPO/Police Personnel?
18. Do you face any threats/challenges in dealing with cases? Yes/No
If yes, elaborate on types of threats such as physical threat, political, social
19. Did you bring these to the notice of your District in charge yes/ No
If yes, did you receive any support/ assistance (please elaborate)
20. Details of annual amount allotted and spent from 2007-08 to 2014-15) may be given in the following format: (Component wise Amount Spent)

Year	Amount allotted	Amount spent	Shortfall/surplus if any

21. Do you find the cooperation from other agencies is adequate and positive? Yes/ No

If no. Please elaborate

22. Are u satisfied that you are able to secure justice to the aggrieved women seeking Help under the Act. Yes/No. If no, elaborate on any deficiencies

23. What is the role of local Stree Shakti and Self Help Groups in

a) Educating the women about their rights and responsibilities

b) Registering cases

c) Pursuing cases

d) Preventing domestic violence against women in their area

e) Others (specify)

24. Do you feel that judicial processes involve longer time in decisions. Yes/No

If yes, what remedial measures are considered to hasten the processes

25. Your impressions about the present framework of the Act and need for Improvement to enhance efficacy of implementation:

Name with signature:

Place:

Date:

Note: Use Separate Sheets for more information's

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire S-3

Respondent: Non Govt Organization/ Santwana Kendra/ Swadhar Kendra

1. Division
2. District
3. Block
4. Name of the in charge
5. Designation
 - a. Registration No. with year
 - b. Registered Office with address and phone
 - c. Local office with Address, telephone number
 - d. Types of Activities/ social services Rendered as per your Bye-Laws
 - i.
 - ii.
 - iii.
6. Since when associated with this work
7. Personnel working in the Centre with their academic background
 - i.
 - ii.
 - iii.
8. Your roles and responsibilities in the PWDVA
9. Details of cases registered by you in the last seven years :- (i.e. Physical/Sexual /Economic/ Emotional abuse/Dowry harassment/IPC 498 A) cases since 2007-08 to 2013-14. In separate sheet

10. What methods are used to create awareness among local women about the Act and educate them?

- a.
- b.
- c.

11. Do you arrange to refer the victims to nearby Health Centers as nominated?
Yes/No. If yes, details of such cases may be provided

12. Number of women assisted by you to secure shelter in the Santwana Kendra/
Swadhar Kendra /Short stay homes Year wise Details 2007-08 to 2014-15

13. How frequently you meet/ interact with the following:

Sl no	Agency	Purpose
01	District In charges	
02	Protection Officers	
03	Legal Advisors	
04	Other Agencies	

14. Do you receive desired cooperation and assistance from these agencies? Yes/ no
If no, please elaborate

15. Do you maintain regular contacts with local Stree Shakti and Self Help Groups in
your jurisdiction. Yes/ No

16. If yes, do you advise them and educate on the need for prevention of Domestic
Violence against women folk? Yes/ No

17. What is the response of such groups on the Act? Has it prevented further violence on?
Women? Yes/No. If yes, to what extent.

18. Do you find that settlement of cases takes longer than required time? Yes/No
If yes, what could be the steps to speed up the decisions

19. Do you experience any threat from the accused parties? Yes/ No
If yes, elaborate on types of threats

- i. iii.
- ii. iv.

20. Do you think the Act is being effectively implemented in the area and incidences
Yes/ No. If yes, to what extent?

21. Do you have any suggestions for improved and women friendly steps needed to make
the Act more effective and reduce domestic violence. Yes/no If yes

- i.
- ii
- iii
- iv
- v

Signature:

Designation:

Place:

Date:

Note: Use Separate Sheets for more information's

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire H-4

Respondent: Health Centers/Short Stay Homes

Division:

1. District
2. Block
3. Name of the Centre
4. In charge
5. Designation
6. Registration No. with year
7. Registered Office with address and phone

8. Local office with Address, telephone number

9. Personnel working in the centre

10. Facilities available(separate in case of stay homes and Health Centers)

11. Do you have adequate facilities to accommodate inmates? If yes details of present and proposed facilities:
 - a) General Rooms
 - b) General Halls
 - c) Special rooms
 - d) Utilities (Bath rooms/Toilets and their ratio to)

12. Canteen/food arrangements

13. Do you have adequate number of Attendants to provide effective services?
Yes/No. If no, how do you cope up with emerging demand?

14. Average number of women lodged in your centre/referred (Health Centers)

15. In case of Health Centre, provide details of facilities available in your centre such as

- a) No. of physicians/visiting Doctors
- b) Nursing staff
- c) Dais and other support staff
- d) Wardens

16. Do you outsource any of these services? Yes/No

If yes, under which arrangement a) Case to case b) Regular c) Other

In case of outsourced experts, provide frequency of their visits

- a) Bi weekly b) Once a week c) Once a fortnight d) Monthly
- e) As per requirement of the case;

17. In case of stay homes, do you provide all facilities and assistance to the inmates to their requirements? Yes/No. If no, how do you cope up with the demand?

18. Do you outsource any services from outside to meet the minimum Requirements. Yes/No

If yes, whether on case to case basis or on a regular basis

19. Do you have to spent additional money for this purpose? Yes/No

If yes, do you get reimbursement of the cost from the Govt Yes/ no

If yes, do you find it to be commensurate to the requirement. Yes/ no

If no, what in your experience, should be minimum cost per person sheltered
In your centre

20. What is average demand for stay/ health services as at present?

Is there any increasing trend in number of women being sent for shelter/health services? Yes/No. If yes, by what extent?

21. Are you able to meet the requirement fully? Yes/No

If no, what are the problems/limitations?

22. Is the reimbursement mechanism conducive and adequate

23. Do you find cost reimbursement is delayed abnormally? Yes/ No

If yes, did you bring this to the notice of District in charge? Yes/no

If yes, what steps were taken by District In charge?

24. Your suggestions to make the Centre women friendly and more effective

i)

ii)

iii)

Signature:

Name:

Place:

Date:

Note: Use Separate Sheets for more information's

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire W-5

Respondent:

1. Division
2. District
3. Block
4. Village
5. Name of the respondent
6. Permanent residence
7. Marital status Married/ Divorced/Deserted
8. Age
9. Educational background
10. Social status
11. Economic status a) Self-employed b) Labour c) Service d) Dependent housewife
12. Where and when did you register your complaint:

13. Reasons for registering your complaint
 - a)
 - b)
 - c)
14. Against whom complained
 - a. Husband
 - b. In-laws
 - c. Other relation in husband's house
 - d. Father
 - e. Brother
 - f. Others
15. Type of violence meted out to you
 - a)
 - b)
 - c)

16. What made you to take this step to seek legal remedy?

- a)
- b)
- c)

17. Did you try to (i) Reconcile with the situation (ii) Patch-up differences (iii) Negotiated settlement (iv) Other means of agreement before taking shelter under this Act? Yes/No. If yes, please elaborate on the same

18. Through whom did you register your complaint?

- a) Stree Shakti
- b) Swadhar Kendra/NGO
- c) Protection officer
- d) Others (specify)

19. Who guided/assisted in filing a complaint?

20. Did you receive response to your complaint on time? Yes/ No

If no, after what time (i) fortnight (ii) one month (iii) three months (iv) more

21. How was your case decided?

- a) Issuance of protection order
- b) Stay home order
- c) Compensation order
- d) Order on restoration of custody of your child to you
- e) Ex-parte order
- f) Special compensation
- g) Others (Specify)

22. Did you receive good support and assistance from the (i) Protection Officer (ii) NGO (iii) Legal Advisor (iv) Judiciary (v) Other agencies
Yes/No. If no, please elaborate

23. If provided shelter and health assistance, how long did you stay there and whether your stay was to your satisfaction?

24. Were you looked after well in these Centers? Yes/No
If no, reasons for your not being satisfied with the Centers

25. If the Centers were unable to provide required facilities what according to you were the reasons

- a) Inadequate facilities
- b) Inadequate staff
- c) Lack of commitment
- d) Financial constraints of the Centers
- e) Lukewarm attitude of the staff
- f) Others (specify)

26. If you did not receive desired support, did you complain to the DD/PO?
Yes/ No. If yes, what measures were initiated?

27. Do you feel that the Centers are not able to cope with the demand for services?

Yes/No. If yes, what could be major reasons for their deficiency in service?
provision

a)

b)

c)

28. Did you meet fellow-women in the Centers where you were lodged and interact with them? Yes/No

If yes, what were their views, experiences in these Centers?

a)

b)

c)

29. Do you feel that you could get adequate and timely justice by virtue of the new Act? Yes/ No

If no, what needs to be done to improve service delivery at District and Block Levels and also of the Centers/ NGOs

a)

b)

c)

d)

Name:

Signature:

Place:

Date:

Note: Use Separate Sheets for more information's

READI INDIA- DHARWAD

Evaluation study on efficacy of implementation of Protection of Women from Domestic Violence

Questionnaire L-6

Respondent: Deputy Director/Protection Officer/Legal Services Authority

1. Division District
2. Name:
3. Whether the date of hearing is fixed in the court within 3 days of the receipt of application by the court? If not, the reasons for the same
4. a) Whether the time prescribed for filing the cases, issue of Domestic Incident Reports (DIRs) by Protection officers/service providers and issue of court notice/summons is being adhered to? If not, the average time taken to do these.
 - a) What are the reasons for the delay (where it exists)
 - b) Whether there is scope to minimize the time and if so, how could it be minimized or avoided?
 - c) Whether in DIR form-1, under III economic Violence, “forcing to take up employment” needs to be included.
 - d) After forwarding of DIR to the magistrate, how many cases were referred for mediation/Counseling by court and how many cases were settled by counseling/mediation in family court / other courts?
 - e) After forwarding of DIR to the magistrate, where counseling/mediation was not resorted to or failed, what is the average time taken for hearing and final disposal of the cases in courts?

- f) What is the average time taken for issue of Interim Orders?
- g) Are Ex-parte Orders issued by court as and when required? If so, the circumstances there for may be highlighted
- h) Whether the courts are disposing of applications within **60 days from the date of 1st hearing**? If no, the reasons for the same may please be listed
- i) Whether court interim / final orders supplied to protection officers/petitioner free of cost on request? If not, reasons for not doing so may be highlighted
- j) Are appeals to Courts of session being filed within 30 days of service of order to any of the parties?
- k) Are there any instances of violations of implementing the orders passed by the magistrate?
If so, what are the numbers of such cases and what action has been taken on the violators? Please elaborate.
- l) Do you feel that the existing provisions of PWDV are adequate and effective to ensure safety and social justice to women? If yes, please elaborate

Name:

Designation:

Signature:

Annexure 4

List of individuals or groups interviewed/consulted and sites visited

Sl. No	Particulars	Number of Individuals or groups interviewed/consulted
01	Deputy Directors of District	12 Districts namely: Bengaluru (U), Chitradurga, Shivamogga, Mysuru, Kodagu, Chickmagaluru, Dharwad, Vijayapura, Uttarkannada, Kalburgi, Yadgiri and Bellary
02	Protection Officers	25 Blocks namely: Bangalore (Central), Yelahanka, Anekal, Holalkere, Molakalmuru, Shivamogga, Shikaripur, H.D.Kote, Piriyaipattan, Kodagu, Somavarpeth, Kadur, Mudagere, Hubli-Dharwad(U), Kundgol, Indi, Basavanbagewadi, Karwar, Mundagod, Afzalpur, Alanda, Yadgiri, Shahpur, Hospet and Sandur
03	Santwana/Swadhara Centers	25 Centers in all selected districts and blocks as above
04	Women Victims	Bengaluru-48, Mysuru-41, Belagavi-54, Kalburgi-40. Total-183

Annexure 5

Short biography of the Principal Investigator

Name: Saraswati Pujar

Educational qualification:

Sl. No	Degree	Year of Passing	University/College
01	B.A. L.L.B (Hons 5 years course)	2003	University College of Law, Dharwad

Professional experience:

- i. 6 years Law practice experience.
- ii. Legal Consultant to Dharwad District Women Forum.
- iii. Worked as Translator of law books from English to Kannada in Sun Law Publication Bangalore.
- iv. Worked as Legal Advisor for Exide Insurance, Dharwad.
- v. Worked as Adviser for Case study and Evaluation of Land Arbitration in case of Land Acquisition for different irrigation schemes in Dharwad
- vi. Represented for both the victims and the respondents in the cases under protection of women from domestic violence Act.
- vii. Working as Legal Adviser in Evaluation on Impact Assessment of Helpline Center with READI-INDIA.
- viii. Presently working as Principal Investigator with his husband Advocate Sri. Mahantesh M Korimath Legal Practicenor to High Court Dharwad as Gender specialist for Implementation and Efficacy of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka.

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

NO. 43 OF 2005

[13th September, 2005.]

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.

1. Short title, extent and commencement.-(1) This Act may be called the Protection of Women from Domestic Violence Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

2. Definitions.-In this Act, unless the context otherwise requires,-

(a) "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

(b) "child" means any person below the age of eighteen years and includes any adopted, step or foster child;

(c) "compensation order" means an order granted in terms of section 22;

(d) "custody order" means an order granted in terms of section 21;

(e) "domestic incident report" means a report made in the prescribed form on receipt of a complaint of domestic violence from an aggrieved person;

(f) "domestic relationship" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family;

(g) "domestic violence" has the same meaning as assigned to it in section 3;

(h) "dowry" shall have the same meaning as assigned to it in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961);

(i) "Magistrate" means the Judicial Magistrate of the first class, or as the case may be, the Metropolitan Magistrate, exercising jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) in the area where the aggrieved person resides temporarily or otherwise or the respondent resides or the domestic violence is alleged to have taken place;

(j) "medical facility" means such facility as may be notified by the State Government to be a medical facility for the purposes of this Act;

(k) "monetary relief" means the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence;

(l) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;

(o) "protection order" means an order made in terms of section 18;

(p) "residence order" means an order granted in terms of sub-section (1) of section 19;

(q) "respondent" means any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner;

(r) "service provider" means an entity registered under sub-section (1) of section 10;

(s) "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;

(t) "shelter home" means any shelter home as may be notified by the State Government to be a shelter home for the purposes of this Act.

CHAPTER II DOMESTIC VIOLENCE

3. Definition of domestic violence.

3. Definition of domestic violence.-For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it -

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I.-For the purposes of this section,-

(i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) "verbal and emotional abuse" includes-

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) "economic abuse" includes-

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II.-For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes "domestic violence" under this section, the overall facts and circumstances of the case shall be taken into consideration.

CHAPTER III

POWERS AND DUTIES OF PROTECTION OFFICERS, SERVICE PROVIDERS, TC.

4. Information to Protection Officer and exclusion of liability of informant.

4. Information to Protection Officer and exclusion of liability of informant.-(1) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

(2) No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).

5. Duties of police officers, service providers and Magistrate.

5. Duties of police officers, service providers and Magistrate.-A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person-

(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 Authorities Act, 1987 (39 of 1987);

(e) of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant:

Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

6. Duties of shelter homes.

6. Duties of shelter homes.-If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such

person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

7. Duties of medical facilities.

7. Duties of medical facilities.-If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

8.Appointment of Protection Officers.

8. Appointment of Protection Officers.- (1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.

(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.

(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.

9.Duties and functions of Protection Officers.

9. Duties and functions of Protection Officers.- (1) It shall be the duty of the Protection Officer-

(a) to assist the Magistrate in the discharge of his functions under this Act;

(b) to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;

(c) to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;

(d) to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;

(e) to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;

(f) to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;

(g) to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place;

(h) to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);

(i) to perform such other duties as may be prescribed.

(2) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.

10. Service providers.

10. Service providers.-(1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

(2) A service provider registered under sub-section (1) shall have the power to-

(a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;

(b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;

(c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.

(3) No suit, prosecution or other legal proceeding shall lie against any service provider or any member of the service provider who is, or who is deemed to be, acting or purporting to act under this Act, for anything which is in good faith done or intended to be done in the exercise of powers or discharge of functions under this Act towards the prevention of the commission of domestic violence.

11. Duties of Government.

11. Duties of Government.-The Central Government and every State Government, shall take all measures to ensure that-

(a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;

(b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;

(c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;

(d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

CHAPTER IV

PROCEDURE FOR OBTAINING ORDERS OF RELIEFS

12. Application to Magistrate.

12. Application to Magistrate.-(1) An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking one or more reliefs under this Act:

Provided that before passing any order on such application, the Magistrate shall take into consideration any domestic incident report received by him from the Protection Officer or the service provider.

(2) The relief sought for under sub-section (1) may include a relief for issuance of an order for payment of compensation or damages without prejudice to the right of such person to institute a suit for compensation or damages for the injuries caused by the acts of domestic violence committed by the respondent:

Provided that where a decree for any amount as compensation or damages has been passed by any court in favour of the aggrieved person, the amount, if any, paid or payable in pursuance of the order made by the Magistrate under this Act shall be set off against the amount payable under such decree and the decree shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, be executable for the balance amount, if any, left after such set off.

(3) Every application under sub-section (1) shall be in such form and contain such particulars as may be prescribed or as nearly as possible thereto.

(4) The Magistrate shall fix the first date of hearing, which shall not ordinarily be beyond three days from the date of receipt of the application by the court.

(5) The Magistrate shall Endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing.

13. Service of notice.

13. Service of notice.- (1) A notice of the date of hearing fixed under section 12 shall be given by the Magistrate to the Protection Officer, who shall get it served by such means as may be prescribed on the respondent, and on any other person, as directed by the Magistrate within a maximum period of two days or such further reasonable time as may be allowed by the Magistrate from the date of its receipt.

(2) A declaration of service of notice made by the Protection Officer in such form as may be prescribed shall be the proof that such notice was served upon the respondent and on any other person as directed by the Magistrate unless the contrary is proved.

14. Counselling.

14. Counselling.-

(1) The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.

(2) Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months.

15. Assistance of welfare expert.

15. Assistance of welfare expert.- In any proceeding under this Act, the Magistrate may secure the services of such person, preferably a woman, whether related to the aggrieved person or not, including a person engaged in promoting family welfare as he thinks fit, for the purpose of assisting him in discharging his functions.

16. Proceedings to be held in camera.

16. Proceedings to be held in camera.- If the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, he may conduct the proceedings under this Act in camera.

17. Right to reside in a shared household.

17. Right to reside in a shared household.- (1) Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.

(2) The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by law.

18. Protection orders.

18. Protection orders.- The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic

violence has taken place or is likely to take place, pass a protection order in favor of the aggrieved person and prohibit the respondent from-

- (a) committing any act of domestic violence;
- (b) aiding or abetting in the commission of acts of domestic violence;
- (c) entering the place of employment of the aggrieved person or, if the person aggrieved is a child, its school or any other place frequented by the aggrieved person;
- (d) attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral or written or electronic or telephonic contact;
- (e) alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by the respondent, including her stridhan or any other property held either jointly by the parties or separately by them without the leave of the Magistrate;
- (f) causing violence to the dependants, other relatives or any person who give the aggrieved person assistance from domestic violence;
- (g) committing any other act as specified in the protection order.

19. Residence orders.

19. Residence orders.-(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may, on being satisfied that domestic violence has taken place, pass a residence order -

- (a) restraining the respondent from dispossessing or in any other manner disturbing the possession of the aggrieved person from the shared household, whether or not the respondent has a legal or equitable interest in the shared household;
- (b) directing the respondent to remove himself from the shared household;
- (c) restraining the respondent or any of his relatives from entering any portion of the shared household in which the aggrieved person resides;
- (d) restraining the respondent from alienating or disposing off the shared household or encumbering the same;
- (e) restraining the respondent from renouncing his rights in the shared household except with the leave of the Magistrate; or
- (f) directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her in the shared household or to pay rent for the same, if the circumstances so require:

Provided that no order under clause (b) shall be passed against any person who is a woman.

(2) The Magistrate may impose any additional conditions or pass any other direction which he may deem reasonably necessary to protect or to provide for the safety of the aggrieved person or any child of such aggrieved person.

(3) The Magistrate may require from the respondent to execute a bond, with or without sureties, for preventing the commission of domestic violence.

(4) An order under sub-section (3) shall be deemed to be an order under Chapter VIII of the Code of Criminal Procedure, 1973 (2 of 1974) and shall be dealt with accordingly.

(5) While passing an order under sub-section (1), sub-section (2) or sub-section (3), the court may also pass an order directing the officer in charge of the nearest police station to give protection to the aggrieved person or to assist her or the person making an application on her behalf in the implementation of the order.

(6) While making an order under sub-section (1), the Magistrate may impose on the respondent obligations relating to the discharge of rent and other payments, having regard to the financial needs and resources of the parties.

(7) The Magistrate may direct the officer in-charge of the police station in whose jurisdiction the Magistrate has been approached to assist in the implementation of the protection order.

(8) The Magistrate may direct the respondent to return to the possession of the aggrieved person her stridhan or any other property or valuable security to which she is entitled to.

20. Monetary reliefs.

20. Monetary reliefs.-(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,-

(a) the loss of earnings;

(b) the medical expenses;

(c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.

(2) The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.

(3) The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.

(4) The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in charge of the police station within the local limits of whose jurisdiction the respondent resides.

(5) The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).

(6) Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent.

21. Custody orders.

21. Custody orders.-Notwithstanding anything contained in any other law for the time being in force, the Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent:

Provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

22. Compensation orders.

22. Compensation orders.-In addition to other reliefs as may be granted under this Act, the Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

23. Power to grant interim and ex parte orders.

23. Power to grant interim and ex parte orders.-(1) In any proceeding before him under this Act, the Magistrate may pass such interim order as he deems just and proper.

(2) If the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent.

24. Court to give copies of order free of cost.

24. Court to give copies of order free of cost.-The Magistrate shall, in all cases where he has passed any order under this Act, order that a copy of such order, shall be given free of cost, to the parties to the application, the police officer in-charge of the police station in the jurisdiction of which the Magistrate has been approached, and any service provider located within the local

limits of the jurisdiction of the court and if any service provider has registered a domestic incident report, to that service provider.

25.Duration and alteration of orders.

25. Duration and alteration of orders.-(1) A protection order made under section 18 shall be in force till the aggrieved person applies for discharge.

(2) If the Magistrate, on receipt of an application from the aggrieved person or the respondent, is satisfied that there is a change in the circumstances requiring alteration, modification or revocation of any order made under this Act, he may, for reasons to be recorded in writing pass such order, as he may deem appropriate.

26.Relief in other suits and legal proceedings.

26. Relief in other suits and legal proceedings.-(1) Any relief available under sections 18, 19, 20, 21 and 22 may also be sought in any legal proceeding, before a civil court, family court or a criminal court, affecting the aggrieved person and the respondent whether such proceeding was initiated before or after the commencement of this Act.

(2) Any relief referred to in sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceeding before a civil or criminal court.

(3) In case any relief has been obtained by the aggrieved person in any proceedings other than a proceeding under this Act, she shall be bound to inform the Magistrate of the grant of such relief.

27. Jurisdiction.

27. Jurisdiction.-(1) The court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which-

(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) the respondent resides or carries on business or is employed; or

(c) the cause of action has arisen,

shall be the competent court to grant a protection order and other orders under this Act and to try offences under this Act.

(2) Any order made under this Act shall be enforceable throughout India.

28.Procedure.

28. Procedure.-(1) Save as otherwise provided in this Act, all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 and offences under section 31 shall be governed by the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23.

29. Appeal.

29. Appeal.-There shall lie an appeal to the Court of Session within thirty days from the date on which the order made by the Magistrate is served on the aggrieved person or the respondent, as the case may be, whichever is later.

CHAPTER V

MISCELLANEOUS

30. Protection Officers and members of service providers to be public servants.

30. Protection Officers and members of service providers to be public servants.-The Protection Officers and members of service providers, while acting or purporting to act in pursuance of any of the provisions of this Act or any rules or orders made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

31. Penalty for breach of protection order by respondent.

31. Penalty for breach of protection order by respondent.-(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrate may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions.

32. Cognizance and proof.

32. Cognizance and proof.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence under sub-section (1) of section 31 shall be cognizable and non-bailable.

(2) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub-section (1) of section 31 has been committed by the accused.

33. Penalty for not discharging duty by Protection Officer.

33. Penalty for not discharging duty by Protection Officer.-If any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with imprisonment of either description for a term which

may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

34.Cognizance of offence committed by Protection Officer.

34. Cognizance of offence committed by Protection Officer.-No prosecution or other legal proceeding shall lie against the Protection Officer unless a complaint is filed with the previous sanction of the State Government or an officer authorised by it in this behalf.

35.Protection of action taken in good faith.

35. Protection of action taken in good faith.-No suit, prosecution or other legal proceeding shall lie against the Protection Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

36. Act not in derogation of any other law.

36. Act not in derogation of any other law.-The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

37.Power of Central Government to make rules.

37. Power of Central Government to make rules.-(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the qualifications and experience which a Protection Officer shall possess under sub-section (2) of section 8;

(b) the terms and conditions of service of the Protection Officers and the other officers subordinate to him, under sub-section (3) of section 8;

(c) the form and manner in which a domestic incident report may be made under clause (b) of sub-section (1) of section 9;

(d) the form and the manner in which an application for protection order may be made to the Magistrate under clause (c) of sub-section (1) of section 9;

(e) the form in which a complaint is to be filed under clause (d) of sub-section (1) of section 9;

(f) the other duties to be performed by the Protection Officer under clause (i) of sub-section (1) of section 9;

(g) the rules regulating registration of service providers under sub-section (1) of section 10;

(h) the form in which an application under sub-section (1) of section 12 seeking reliefs under this Act may be made and the particulars which such application shall contain under sub-section (3) of that section;

(i) the means of serving notices under sub-section (1) of section 13;

(j) the form of declaration of service of notice to be made by the Protection Officer under sub-section (2) of section 13;

(k) the qualifications and experience in counselling which a member of the service provider shall possess under sub-section (1) of section 14;

(l) the form in which an affidavit may be filed by the aggrieved person under sub-section (2) of section 23;

(m) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

KARNATAKA STATE LEGAL SERVICES AUTHORITY, BENGALURU

Statement showing the details of 28 District Mediation Centres
Established, Number of Cases Referred and Settled during the period from
the year 2007 to 2017

Sl.No.	Name of the District Mediation Centres	Established in the Year	No. of cases referred	No. of cases settled
1	Bagalkote	2011	445	21
2	Belagavi	2008	4041	855
3	Ballari	2010	2059	234
4	Bidar	2010	786	69
5	Chamarajanagar	2011	177	50
6	Chikkamagaluru	2011	1415	129
7	Chickballapur	2010	1598	30
8	Chitradurga	2009	1143	150
9	D.K. Mangaluru	2008	2388	246
10	Dharwad	2008	4807	779
11	Davanagere	2009	781	143
12	Gadag	2011	2877	182
13	Hassan	2008	5532	406
14	Haveri	2010	1764	100
15	Kalaburagi	2011	957	108
16	Kodagu-Madikeri	2011	523	29
17	Kolar	2012	2008	203
18	Koppal	2011	1136	43
19	Mandya	2008	1578	182
20	Mysuru	2007	5833	1128
21	Raichur	2009	868	207
22	Ramanagaram	2007	637	81
23	Shivamogga	2008	2970	696
24	Tumakuru	2007	2565	653
25	U.K.Karwar	2008	3372	613
26	Udupi	2010	3901	491
27	Vijayapura	2008	1153	200
28	Yadgir	2011	262	8
	Total		57576	8036


 Member Secretary
 Karnataka State Legal Services Authority
 Bangalore

APPENDIX 1

CASE STUDIES OF SOME

AGGRIEVED WOMEN

CASE STUDIES OF SELECTED VICTIMS

	<p>Name: Smt Shaila (Name Changed), Location: G. Gedalli, Age:48 Education : 8th Std, Housewife, Year: 2008 of registration of complaint Type of: Case registered on her brother and mother for Violence land property and supported by her husband. Decision : Settled through Court by giving Monetary Order.</p> <p><u>Details</u></p> <p>Smt Shaila (Name Changed) Age 48, resident of G.Gedalli of Bangalore (U) of Anekal Taluk. She married during 1998 and was living with her husband. Her husband influenced her to get her share in her parental property since she is eligible for such a share. She also was interested in getting her share. When she approached her widowed mother and her brother seeking her share, they refused to part with her share. Hence she registered a case with the Police against her brother and mother to get her parental property share. After due process beginning with counselling, a case was filed in the court seeking her share in the property which was due to her. After hearings the case was settled through court in her favor. She was awarded monetary Compensation in lieu of the share in land/property.</p>
	<p>Name: Smt Kumari V N, (Name Changed) Location: Madderu, Age:28 Education : P.U.C, Housewife, Year: 2013 Type of: Physical and Mental Abuse by Husband Violence Decision: Settled through Protection order.</p> <p><u>Details</u></p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

	<p>Smt Kumari V N (Name Changed) Age 28, resident of Madderu of Holalkere Taluk of Chitradurga District. She was married during 2010 and was living with her husband and in laws. Her husband was working in Private Company and was addicted to heavy alcohol. After a few months of marriage, he started regularly physical and mental torture. She lodged a complained against her husband with Protection Officer seeking Protection under DV Act. The PO with the help of Santwana Kendra tried to counsel her husband and educate him on the repercussions of violence against his wife. However, their efforts could not convince him. After failure of repeated counselling's, her case was referred to the Judicial process. After hearing the case', she has been awarded Protection Order by the Magistrate. Smt Kumari is now free from any threat from her husband.</p>
	<p>Name: Smt Chandravva C N , (Name Changed) Location : Harage, Age:29 Education : 7th , Housewife, Year : 2013-14 Type of : Physical, Mental Abuse and Suspicion by Violence Husband on fidelity. Sent out of house. Decision: Settled through Protection order. <u>Details</u> Smt Chandravva C N, (Name Changed), Age 29, resident of Harage of Shivamogga Taluk & District was married during 2005 and has a son and was living with her husband. Her husband was working as Daily wages labour. He was subjecting her to physical and mental torture in addition to Suspecting her character and had restricted her movement. She could not go out or talk to her neighbours. When she resisted, she was checked out by her husband. She was also harassed and threatened by her husband not to approach either police or court. She</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

	<p>approached the Swadhar Kendra and narrated her story. The Kendra tried persistently to convince her husband and to arrive at negotiated settlement, but this case was not settled through counselling. The aggrieved was provided with shelter in Swadhar Kendra at Shivamogga. This case was registered before Protection officer during 2013-14 and case was settled through Protection Order. After protection order she was taken back by her husband. The victim is leading life with her husband and child.</p>
	<p>Name: Smt Laxmi R, (Name Changed) Location : H.D.Kote, Age:56 Education : 10th standard and , Self-employed, Year : 2012 Type of: Physical, Mental Abuse by Son and Daughter in Violence law for house property Decision: Settled through Protection order.</p> <p><u>Details</u></p> <p>Smt Laxmi R, (Name Changed), Age 56, resident of H.D.Kote of Mysuru District. She was married during 1987 .She lost her husband and was living with her son and daughter in law. Her Son and his wife (daughter in law) started giving physical and mental torture in respect of ancestral property. She registered a complaint against her son and daughter in law with the PO. The PO with the support of NGO tried to resolve the problem through mutual and Negotiated settlement but the case was not settled. She Registered case before Protection officer during 2012 and case was settled through Protection Order. The son and daughter in law were warned of the repercussions of violence on her mother. They have now reconciled with their mother and she is safe and happy now.</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

	<p>Name: Smt Paravti M M , (Name Changed) Location: Madikeri, Age:38 Education : S.S.L.C , Housewife, Year: 2015 Type of: Mental harassment and Suspicion Violence by Husband and Husband's brother's wife. Decision: Settled through Ex-Parte order.</p> <p><u>Details</u></p> <p>Smt Paravati M M, (Name Changed), Age 38, resident of Dechur, Madikeri. Was Married during 2004, and was living with her husband, mother in law and her husband's brother. It is a joint family. Her Husband started having suspicion, about her character and always doubted whenever she talked with neighbours. The victim approached the local PDO with a complaint against her brother in law and her own husband who were torturing her mentally and had suspicious about her character. The opposite party was called to the office and efforts were made through Counselling but case was not settled. After following due process under the ACT, an Ex-Parte order was passed by the court. The Victim does not want to live with her husband's joint family and wants to live separately and was seeking financial support.</p>
	<p>Name: Smt Chaya (Name Changed) , Location: Kadur, Age:30 Education : Illiterate , Housewife, Year: 2012 Type of: Second Marriage by Husband Violence Decision: Settled through Monetary order.</p> <p><u>Details</u></p> <p>Smt Chaya, (Name Changed), Age 30, resident of Kadur was married during 2009 and was living with her husband. But her husband married another woman in spite of having the victim living with him. She</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

	<p>approached the PO seeking help. The PO with the help of local Santwana Kendra, tried for Reconciliation between the parties but the case was not settled. So a case was registered against the husband in the court seeking for monetary assistance from her husband Her husband agreed to pay relief to the victim and thus the case was settled. The aggrieved woman is now leading an independent life.</p>
	<p>Name: Smt Suma V M, (Name Changed) Location: Jigalur, Age:24 Education : P.U.C , Self Employed, Year: 2011 Type of : Mental torture Second Marriage by Husband Violence Decision: Settled through Monetary order. <u>Details</u> Smt Suma V M, (Name Changed), Age 24, resident of Jigalur, Kundagol Taluk, Dharwad District was married during 2010. She was living with her husband. Her husband started inflicting Physical and Mental torture and causing harassment. He also had married second women. The woman aggrieved approached PO for help. The PO tried to reconcile the situation but this could not be done with the other party not responding positively. Hence, a case registered against the husband with the help of Protection Officer and Santwana Kendra. Case was settled through monetary order. Women Victim Demanded for Life-time Pension (alimony) which was agreed to by her husband.</p>
	<p>Name: Smt Manjuladevi (Name Changed) , Location: Vijayapura, Age:32 Education : B.Sc (Agri) , Service, Year : 2013 Type of : Husband in Multiple relationship, Physical Violence abuse by Father in law, Mother in law and</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka Implemented by Women & Child Development Department

	<p>Sister in law</p> <p>Decision: Settled through Ex-Parte order.</p> <p><u>Details</u></p> <p>Smt Manjuladevi (Name Changed), Age 32, resident of Vijaypura District was married during 2011 is a B.Sc Graduate and a working woman. Her Husband was indulging in multiple relations with other women. He and his family members were inflicting, physical torture. A case was registered with the PO. The PO made repeated efforts through counselling but the case could not be resolved. Hence, a case was registered against the husband and his family with the help of Protection Officer. Case was settled through Ex-parte decision</p>
	<p>Name: Smt Mamtaz H (Name Changed) ,</p> <p>Location: Mundagod, Age:42</p> <p>Education : S.S.L.C, Housewife</p> <p>Year: 2013</p> <p>Type of: Dowry Harassment by Husband Violence</p> <p>Decision: Case settled through Jamayat, Suleman and Santwana including Police Station</p> <p><u>Details</u></p> <p>Smt Mamtaz H (Name Changed), Age 42, resident of Mundagod, Uttar Kannada District was married during 2002. Husband is working in local wood industry. He and his family members were forcing her to bring ore dowry money from her parents and were harassing her continuously. She registered a case against her husband in Police Station due to Dowry Harassment by husband. Her case was referred to the PO and local Sant4wana Kendra Mundagod. However her case was settled through intervention and counselling by the local Jamayat (Community) Suleman. The woman is free from any torture now.</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

	<p>Name: Raziya K, (Name Changed) Location: Jamaga, Age:48 Education : 7th , Housewife Year : 2009 Type of: Physical Violence under influence of liquor. Violence Decision : Settled through Counselling <u>Details</u> Smt Raziya K (Name Changed), Age 48, resident of Jamga Kalburgi district was married during 2002. Her husband is working in local industry. He is an addicted drinker and was inflicting physical torture to the victim. She took help of protection officer and Santwana Kendra to resolve the problem. The PO and Santwana Kendras counselled both sides and with their effort to the case was closed and settled. Now they are living happily.</p>
	<p>Name: Smt Laxmi G, (Name Changed) Location: Shahpur, Age:29 Education : P.U.C, Housewife Year : 2011 Type of : Physical and Emotional Abuse Violence Decision : Settled through Protection Order <u>Details</u> Smt Laxmi G, (Name Changed), Age 29, resident of Shahpur Taluk, Yadgiri District was married during 2007. Her husband was subjecting her to physical violence and emotional harassment .He also had a marriage with a second woman. The victim registered a complaint against her husband, with the PO concerned. The PO along with Santwana Kendra tried to counsel the parties and reconcile with the situation. But the case was not settled. So case was registered against the husband with the help of Protection Officer and Santwana Kendra. Case was settled through monetary order. Women Victim</p>

Evaluation of Protection of Women from Domestic Violence Act 2005 Rules 2006 in Karnataka
Implemented by Women & Child Development Department

	Demanded for Life time Pension.
	<p>Name: Smt Narmada R (Name Changed) , Location: Hospete, Age:30 Education : B.A., Self Employed Year : 2015 Type of: Physical Abuse by Husband Violence Decision: Settled through Counselling, DIR is filed.</p> <p><u>Details</u> Smt Narmada R (Name Changed), Age 32, resident of Bellary District was married during 2012. She is a Qualified and working woman. Her husband used to inflict physical and mental torture and demanded money from her salary. A case was registered against him with the PO concerned. The PO and Santwana Kendra initially tried for repeated counselling. Finally the case was settled and DIR is filed.</p>

Note: The photographs are published only with the consent of aggrieved women