

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%).

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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

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- 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.

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- ❖ 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.