

**TERMS OF REFERENCE FOR THE EXTERNAL 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 behaviour.

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

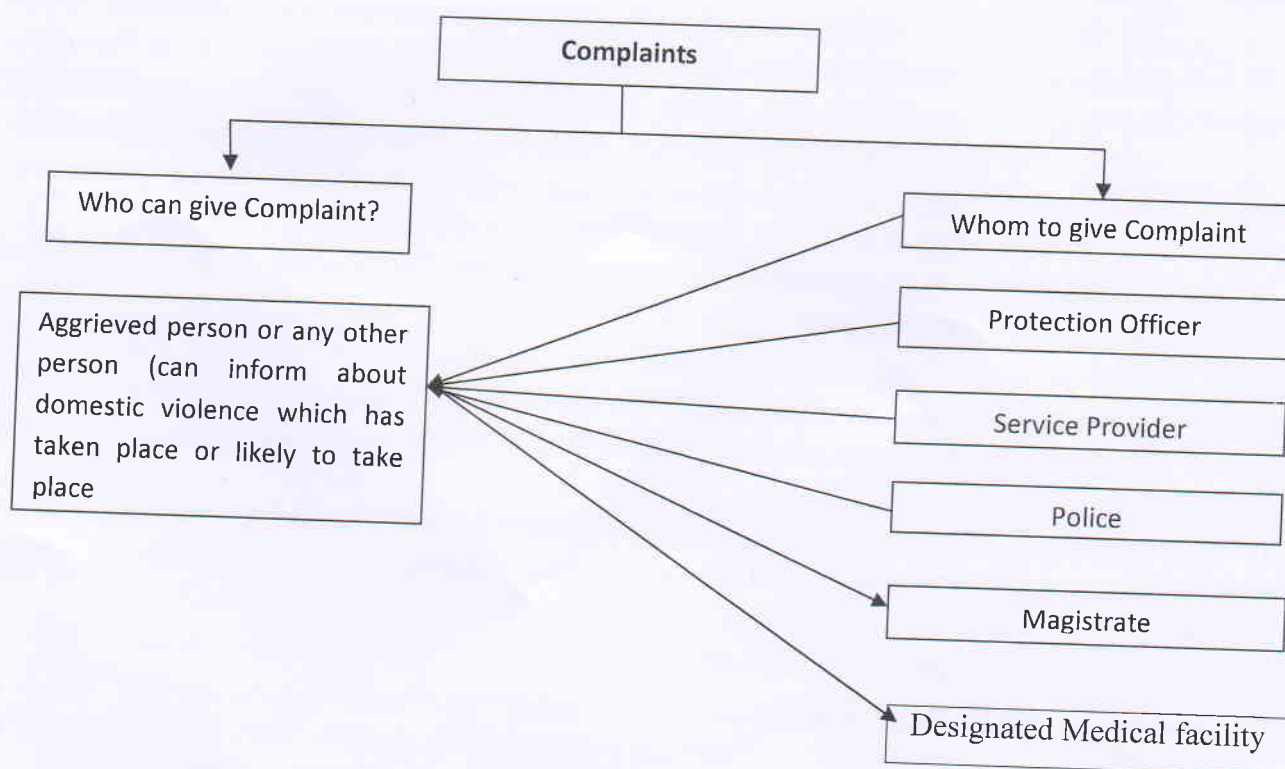
### **District Level Co-ordination Committee**

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	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
1	No of Cases Registered	826	2933	4630	5630	7899	5509	5796	33223
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 relief orders issued to victims	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	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	985	2115	1157	6353
11	Appeal 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	Actual 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 counsellings 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 1<sup>st</sup> 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 co-ordination 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 11 th July 2011 and orders made there under.**

**This ToR is sanctioned in the 16<sup>th</sup> meeting of the Technical Committee of KEA held on 24<sup>th</sup> January 2015.**

  
03/02/15  
Chief Evaluation Officer  
(B.K. Dikshit)  
Karnataka Evaluation Authority  
Chief Evaluation Officer  
KARNATAKA EVALUATION AUTHORITY