

A Study on the Status of Implementation of the Protection of Women from Domestic Violence Act 2005 in Odisha

Conducted by :



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India

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The Study was conducted by Purusottam Sahoo and Alok Moharana under the direct supervision and guidance of Dr. Bikash Das, Executive President, CLAP.

The CLAP is a legal support and juridical advocacy organisation which regularly conducts research and study to generate knowledge to undertake evidence based advocacy.

FOREWORD

Addressing issues of violence against women and empowering women lies at the core of programming and projects at Oxfam India. Oxfam India has been active in the state of Odisha since 2008 and has been addressing the issue of domestic violence through establishing Women Support Centres at district level, fostering community based institutions and advocating for the proper implementation of the Protection of Women from Domestic Violence (PWDV) Act 2005. In its advocacy endeavour, Oxfam India has always collaborated with its partner organizations (ISD and ISWO) and facilitated a state level alliance to raise the demands so that more and more women can get the benefits of the PWDV Act. In order to effectively dialogue with Women and Child Development Department (the nodal agency to implement PWDV Act), Oxfam India has undertaken the “Status of Implementation of PWDV act in the state of Odisha” consecutively in the years of 2010 and 2011. The study findings have been shared with WCD Department and assurance has been given to implement the Act in favour of women facing domestic violence.

However, in the context of persisting non implementation issues, and in order to highlight these, during 2015-16, Oxfam India in collaboration with CLAP- Legal Service Institute has undertaken another study on “A STUDY ON STATUS OF IMPLEMENTATION OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 IN ODISHA”.

The study findings have been shared during the “Regional Consultation on Status of implementation of Protection of Women from Domestic Violence Act 2005” on February 20th 2016 in Bhubaneswar. The objective of the Consultation has been to take a stock of the status of implementation of the PWDV act in the states of Odisha, Chhattisgarh, Telengana, Tamilnadu, Karnataka and Kerala. The Consultation generated recommendations on proper implementation of the PWDV act across states.

We are hopeful that with such efforts, government will be take some positive measures to implement the PWDV Act with all its provisions so that more and more women can be benefitted from the Act and Odisha becomes a state free of violence against women.

Akshaya Kumar Biswal
Regional Manager
Oxfam India
Odisha & South India

PREFACE

The Protection of Women from Domestic Violence Act (PWDVA) was enacted by the Indian Parliament a decade ago in 2005 which came into force in 2006. As a society we have a decade long experience of implementation of this unique piece of legislation for the protection of women who are subjected to various forms of violence within the domestic sphere. In this context this is the right occasion to review the status of implementation of the PWDV Act in Odisha State. Needless to say that, an engagement with field particularly with the stakeholders and beneficiaries of law would provide us an insight into working of this special legislation for women.

The CLAP-Legal Service Institute with the profound support of Oxfam India has undertaken the present study to unravel the ground realities of aggrieved women and functioning of different institutions created under the PWDV Act. The evidences generated from the study would be used for a strategic advocacy with audiences in various spheres like Policy Makers, Legislators, Enforcement Agencies and Media for appropriate remedial measures to strengthen the system.

The present study was commissioned by Oxfam India to review the status of PWDV Act in Odisha. The CLAP Legal Service Institute has conducted the study using scientific methodologies to approach the subject in a right perspective.

The study not only covered the major stakeholders like Protection Officer, Magistrate, Lawyer, NGO, Service Provider, Police and Shelter Homes, but also approached aggrieved women who were subjected to domestic violence to reveal the actual situation. Thus, the present study is enriched with practical realities and field level situations.

Hopefully, the findings of the study would help the state agencies, media and civil society organisation to have a right perspective on the subject and work more vigorously to create a conducive environment for women which is free from domestic violence.

Feedbacks are always welcome and if further clarification is necessary the CLAP Legal Service Institute is ready to offer it.

Dr. Bikash Das,
Executive President,
CLAP-Legal Service Institute.

ACKNOWLEDGEMENT

In our search to understand the status of implementation of PWDV Act in Odisha after a period of 10-years since its enactment through this study, many people and agencies have contributed significantly to the study conducted by CLAP-Legal Service Institute. Here we briefly acknowledge with our sincere thanks to all of them for their unrestricted support.

The CLAP-Legal Service Institute is really grateful to Oxfam India not only for financially supporting the study but also for originally conceptualising the study. We have no hesitation to say that the study could be conducted only because of the support of Oxfam India in several ways. A number of representatives of Oxfam India deserve acknowledgement. To name a few Sri Akshaya Kumar Biswal, Regional Manager, Odisha and South India, Ranjana Das, Programme Coordinator and Moitrayee Mondal who left Oxfam India during the study have made significant contribution to the study from their vast knowledge.

Our special thanks go to the survivors of domestic violence who attended focus group discussion held in 6-districts of Odisha which actually enlightened us about the impact of law on the lives of women.

The support of the esteemed partner organisation of Oxfam India i.e. the Indira Social Welfare Organisation (ISWO), Dhenkanal and Institute for Social Development (ISD), Bhubaneswar is duly acknowledged as only because of their support the research team could reach out to survivors of domestic violence , various institutions for protection of women and voluntary organisations. Special thanks go to Subhashree Das and Bina Mallick of ISD and Puspanjali Jena and Bhanumati Pani of ISWO for their readiness to engage their team for extending support. Similarly, it would be incomplete unless we specially mention the names of Bhawani Prasad Nayak, Satyanarayan Patra, Abhishek Brahma, Soumya Surachita Sahoo, Kalpana Mohanty, Mina Sahoo, Ajit Kumar Bishoi and Ruta Tandi of ISD and Shantilata Mishra and Anjan Kumar Pati of ISWO who have left no stone unturned to make the study enriched with actual situation in the field.

The CLAP also thankful to all the Protection Officers, Service Providers, Shelter Homes, Police, Lawyers and also the Magistrates who have very kindly accepted our proposal to seek information from them and also magnanimously shared their practical knowledge and experiences to make the study successful.

Finally, the contribution of the research team is deeply appreciated. The study was conducted under the supervision and guidance of Dr. Bikash Das, Executive President of CLAP. Without his meticulous guidance the study would not have been conducted in a systematic manner. We appreciate his contribution. Sri Purusottam Sahoo and Sri Alok Moharana of CLAP have actually conducted the study and reached out to different stakeholders for gathering evidences. Without their sacrifice and commitment such an extensive study could not have been made possible. We are grateful to them for their high level of commitment and passion.

The cooperation of a wide range of NGOs and individuals in various districts like Society for Weaker Community, Bhadrak, COPHEE, Jajpur, Tadasha, Keonjhar, WARRR, Puri, SEHEDA, Jharsuguda and Salma Bano, Nawarangapur, Bharat Bhushan Panda, Kalahandi is sincerely acknowledged. We express our heartfelt thanks to all of them.

ABBREVIATION

CEDAW:	Convention on Elimination of All Forms of Discrimination Against Women.
CLAP:	Committee for Legal Aid to Poor
DIR:	Domestic Incident Report
DV:	Domestic Violence
FGD:	Focus Group Discussion.
GOI:	Government of India.
ISD:	Institute for Social Development.
ISWO:	Indira Social Welfare Organisation.
MARG:	Multiple Action Research Group.
NGO:	Non-Governmental Organisation.
NIPCCD:	National Institute for People's Cooperation and Child Development.
NMEW:	National Mission for Empowerment of Women.
PO:	Protection Officer.
PWDV Act:	Protection of Women from Domestic Violence Act, 2005.
SRC:	State Resource Centre.
U/S:	Under Section.
VAW:	Violence Against Women.

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Chapter - I

INTRODUCTION

Context:

Women are subjected to various forms of violence in various spheres. Domestic violence is one such manifestation which adversely impacts the lives of women. Domestic violence is all pervasive and its presence is witnessed in all societies. In order to overcome domestic violence against women and help women realize their dignity and worth various measures are being initiated by State. One such effort is enactment of legislation titled Protection of Women from Domestic Violence Act 2005 which assures women to protection from all forms of violence in the domestic sphere. For the implementation of the Act the law envisages an institutional arrangement which is easily available and accessible to women. Broadly, in the present scenario legal protection has been afforded to women for protection from domestic violence. This law has wide scope for protection of women who lead life in most invisible pockets to help them overcome the menace of domestic violence.

With the passing of the Protection of Women from Domestic Violence Act (PWDVA), 2005 the Indian Women's Movement succeeded in gaining a right based law, indicating commitment of the GOI to fulfil its obligations under CEDAW. For the first time, women in India have a civil law to protect them from domestic violence, and give them the right to live in a "shared household". PWDVA applies to women of all faiths and enables a woman abused to seek direct orders from the magistrate's court to stop violence. It prescribes penalties for breaches of protection orders and mandates State Government to appoint protection officer, notify service providers and establish a support structure for survivors. The act extends protection to women facing abuse outside the realm of spousal violence.

In enacting the PWDVA, 2005 the Government of India recognized not only the need for special legislation for domestic violence but also the state responsibility to enter the private domain and protect women and girls in situation of violence within the family. However, despite the wide array of remedies offered under the PWDVA, implementation remains highly problematic.

In spite of the legislative measure and consequential institutional arrangement, in many cases it has been witnessed that the law does not reach the women who are victims of violence in domestic sphere. There are various factors associated with it for its non-implementation. Firstly, community level awareness is demonstratively low about the protection measure particularly the institutional measures created for protection of women which is provided under the Act. Secondly, wherever there is little awareness available about institution for prevention of domestic violence, these institutions are not easily available and accessible. Thirdly, a continuous engagement with these institutions reveals that the institutions established for protection of women from domestic violence are not adequately equipped to effectively serve the victims of violence due to inadequate funding for translation of legal provisions into practical actions. Fourthly, women are given to understand that violence by male on women is a prerogative; hence, it is bound to take place. Lastly, but not the least that there is no organized and systemic approach undertaken by the State to address all the above problems in an integrated manner to make the system effectively function for women. As a result of these succinctly described issues, women continue to suffer violence within the domestic sphere and their fundamental human rights are grossly manifestly violated.

In 2012 the State Resource Centre was established by the National Mission for Empowerment of Women with an objective of monitoring of the implementation of the act and also ensuring adequate training of the stakeholders. However, with limited support from the NMEW on resources the SRC could not function effectively at the state level. A nominal amount of Rs 50,000(Fifty Thousand Only) was allocated for each district for effective implementation of the act of which in most of the district the PO could not spend due to no clear guidelines. There has been no investment into creating awareness and disseminating information about the Act at the community level, though

the state had adopted the Bel Bajao Campaign¹ to raise awareness. But there has been almost no discussion on appointment of independent protection officers, availability of infrastructure and resources etc. There are little systematic efforts towards training and orientation of officials to effectively implement the Act. The critical issues reflect the lack of political and commitment towards effective implementation of PWDVA 2005.

In a recent engagement with the civil society groups across state,² it has been found that there is lack of commitment and general apathy on part of state to set up the most basic infrastructure towards the implementation of the Act. Often the duty bearers and institutional defenders of violence like the police and judiciary systems are apathetic towards the survivors of violence either due to their patriarchal conditioning or due to the lack of understanding of their roles and responsibilities which restrains survivors of violence to seek justice. It has also been pointed out that though there is a budget code allotted for PWDVA, there is a need for allocation of adequate resource both financial and human resource. The group also raised concerns over inadequate monitoring of the act at all levels.

Objective of the Study:

In the above mentioned context, the proposed study is conceptualised which seeks to address the following objectives:

1. To assess the overall awareness of the Act amongst various stakeholders
2. To assess the gaps and challenges in the implementation of PWDVA which focus on finances, human resource, support services and government functionaries.
3. To identify the gaps in terms of awareness, capacity building and infrastructure.
4. To analyze the DIR in terms of timelines, orders, and reliefs provided.

¹ http://articles.economictimes.indiatimes.com/2014-06-18/news/50678800_1_folic-acid-supplementation-physical-or-sexual-violence-bell-bajao-campaign

² Oxfam India organised a state level advocacy meeting on effective implementation of PWDVA where more than 30 organisation working on women's issue participated and shared their experiences.

Broadly, the present study is aimed at analyzing the status of implementation of the Protection of Women from Domestic Violence Act, 2005 in Odisha during the last 3 years.

Proposition:

With respect to violence against women, forty two percent women in the age group of 15-49 years are subjected to either physical or sexual violence in Odisha.³ The state stands at 10th position with respect to crimes against women, 7th for Dowry murder and 8th position in terms of rape cases. The concern is on low charge sheet and even more low convictions. The violent crimes against women have taken an ugly turn in the large number of instances of women being branded as witches.

In the last one year, the six women support centre in Odisha reported more than 75% cases of domestic violence in the districts of Kandhamal, Kalahandi, Rayagada, Cuttack, Dhenkanal and Khurda.

Domestic violence is at a rise at the state level though there are various positive initiatives undertaken by the state like Mahila and Shishu Desk in Police Stations, allocation of budgets for implementation of PWDVA, initial training of Protection Officers, convergence between the Women and Child Development and the Department of Home for redressal mechanism to provide safety, security and protection to women and children. The state also has formulated and adopted the state Policy for Women in 2014. In the state policy of women⁴, it has focused on providing safety security and protection to women through strategies like sensitising functionaries like the police and judiciary, set up one stop crisis centre, providing free legal aid, counselling services etc. However, the policy has not translated into practice in the last two years.

It is imperative to state that though there is a legislation for protection of women from domestic violence and policies in place but there is almost no mechanism for effective

³ [http://www.rchiiips.org/nfhs/NFHS-3%20Data/VOL-1/Chapter%2015%20-%20Domestic%20Violence%20\(468K\).pdf](http://www.rchiiips.org/nfhs/NFHS-3%20Data/VOL-1/Chapter%2015%20-%20Domestic%20Violence%20(468K).pdf)

⁴ <http://wcdodisha.gov.in/sites/default/files/pdf/Odisha%20State%20Policy%20for%20Girls%20and%20Women%2C%202014%20%28English%29.pdf>

implementation of the Act. Along with extremely rigid patriarchal mindsets at all levels, including institutions and communities, there is a demonstrated lackadaisical attitude towards enforcement of the law.

Methodology

The study relied on various methodologies which are both qualitative and quantitative in nature. The tools used for the study include secondary review of research reports, analysis of budgetary allocations, in-depth interviews with stakeholders of the state structure responsible for protection of women from domestic violence, review of case studies and focus group discussion with aggrieved women and NGOs. Broadly, the following specific methodologies were used for the purpose of the study:

- A. **Desk Review:** The study was initiated by desk review of existing literatures, consultation reports and gender budget allocation to understand the situation critically from the perspective of PWDV Act. Further it was felt that there is a need to critically examine the increasing domestic violence as it often goes unrecognized and unreported.
- B. **Interview with stakeholders:** Key stakeholders such as Protection Officer, Service Provider, Lawyers, Magistrate and Police from 12 identified districts were interviewed through structured questionnaires to understand the scope and extent of services being rendered and also the nature of functioning of various institutions created under PWDV Act.
- C. **Focus Group Discussion:** As a part of the Study, 6 numbers of Focus Group Discussions (FGD), one in each district was conducted with survivors of violence to understand their struggle in seeking support from the available redressal mechanisms and also understand the existing ideas, beliefs and practices at community level.
- D. **Analysis of Domestic Incident Report (DIR):** The study made analysis of a total number of 108 Domestic Incident Reports collected either from court or from Protection Officers at the rate of 18-DIRs from each district (6 DIR for each year) over 3-years from 6-districts.

E. Review of Case Study: A total number of 10-case studies have also been reviewed for the purpose of the study.

Sample size:

The study was conducted covering 1 Protection Officer, 1 Judicial Magistrate, 1 Lawyer, 2 NGO Functionaries, 2 Police Officers were interviewed in each 6-identified districts where the Oxfam India has intervention through local partner organizations and 6-districts covering tribal belt as well as coastal region. In this process the sample size was 12 POs, 12- Judicial magistrates, 12 lawyers, 24 NGO functionaries and 24 Police Officers from 12-districts such as Kandhamal, Kalahandi, Rayagada, Cuttack, Dhenkanal, Khurda, Bhadrak, Jajpur, Keonjhar, Puri, Jharsuguda and Nawarangapur.

Review of the Domestic Violence Act:

In the year 2005, the Parliament of India enacted the Protection of Women from Domestic Violence Act to provide for a remedy under the civil law which is intended to protect women from being victims of domestic violence and to prevent the occurrence of the domestic violence in the society. The Act came into force from 26th October, 2006. This law is a landmark legislation as it vindicates the constitutional promise of equality under Article 14, non-discrimination under Article 16 and the Right to Life and Liberty for Women under Article-21.

The Act was enacted in the broader premise that domestic violence is undoubtedly a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and Platform for Action (1995) have acknowledged this. The United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in its General Recommendation No. XII (1989) has recommended that State parties should act to protect women against violence of any kind especially that occurring within the family. Thus the enactment of the law marks compliance by the Indian state with its international obligations, especially under the Convention Against Elimination of All Forms of Discrimination Against Women (CEDAW).

The CEDAW defines violence against women as “any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”.

The phenomenon of domestic violence is widely prevalent in India but has remained largely invisible in the public domain. Prior to the enactment of PWDV Act, where a woman was subjected to cruelty by her husband or his relatives, it is an offence under Section 498A of the Indian Penal Code which deals with cruelty and dowry harassment. Prior to 2005, there was neither a clear legal definition of domestic violence nor any law in India that specifically addressed it. The civil law as available in India did not however address this phenomenon in its entirety. It is in this background it was proposed to enact a law for protection of women from domestic violence.

The Act covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or through a relationship in the nature of marriage or adoption. In addition, relationships with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to legal protection under the Act. However, whereas the Act enables the wife or the female living in a relationship in the nature of marriage to file a complaint under the Act against any relative of the husband or the male partner, it does not enable any female relative of the husband or the male partner to file a complaint against the wife or the female partner.

The Act defines the expression “domestic violence” to include actual abuse or threat or abuse that is physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the women or her relatives would also be covered under this definition. Thus, the Act provides a comprehensive definition of domestic violence that encapsulates the diverse forms in which it occurs. It is also important to note that in the absence of a legal recognition of marital rape in India, the inclusion of sexual abuse within the definition of domestic violence in the PWDV Act has categorise sexual abuse within marriage as a form of violence.

Further the Act provides for the rights of women to secure housing. It also provides for the right of a woman to reside in her matrimonial home or shared household, whether or not she has any title or rights in such home or household. This right is secured by a residence order, which is passed by the Magistrate.

The Act empowers the Magistrate to pass protection orders in favour of the aggrieved person to prevent the respondent from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the aggrieved person, attempting to communicate with her, isolating any assets used by both the parties and causing violence to the aggrieved person, her relatives or others who provide her assistance from the domestic violence.

The law provides for appointment of Protection Officers and registration of non-governmental organisations as service providers for providing assistance to the aggrieved person with respect to her medical examination, obtaining legal aid, safe shelter etc.

The PWDV Act takes into consideration the vulnerabilities of women lives and seeks to address them to enable women to gain protection against violence in domestic relationship. This law is very much relevant to our society where violence against women often enjoys socio-cultural sanction. In fact, research and statistics show that home is not safe place for women. Thus, the PWDV Act extends its protection to all women against violators, with whom they are related by marriage, consanguinity, adoption, joint family member, or a relationship in the nature of marriage⁵.

One of the most unique features of the PWDV Act is that whilst it is primarily a civil law, an element of criminal law is incorporated within it to ensure more effective implementation. Both civil and criminal law have their inherent limitations, such as, protracted proceedings in the case of civil law and punitive focus in criminal law. The PWDV Act seeks to rectify the same. Reliefs granted under the PWDV Act are civil in

⁵ Grover, Vrinda; Addressing Domestic Violence through the Law, Page ix (Preface), 2010, MARG Publication.

nature, however, upon breach of civil order by the perpetrator, criminal aspects come into effect, resulting in imprisonment and/or fine⁶.

The law also makes a provision for positive entitlements through an interim monetary relief order related to a) maintenance for the victim or her children, b) compensation for physical injury including medical expenses, c) compensation for mental torture/emotional distress, d) compensation for loss of earning, e) compensation for loss due to destruction, damage, removal of any property from her possession or control. Thus, the Act for the first time goes beyond the framework of mere 'punishment' to the offenders and tries rather to protect women from violence at home⁷.

Review of Literature

Since the 1990s, there has been increasing concern about violence against women in general, and domestic violence in particular, in both developed and developing countries. Not only has domestic violence been acknowledged worldwide as a violation of basic human rights, but an increasing amount of research highlights the health burdens, intergenerational effects, and demo-graphic consequences of such violence (United Nations, 1997; Heise et al., 1999; Jewkes, 2002; Campbell, 2002; Kishor and Johnson, 2004; 2006)⁸.

Domestic violence occurs in all socioeconomic and cultural population subgroups; and in many societies, including India, women are socialized to accept, tolerate, and even rationalize domestic violence and to remain silent about such experiences. According to available statistics from around from globe, one out of every three women has experienced violence in an intimate relationship at some point in her life. Globally, violence within the home is universal across culture, religion, class and ethnicity. Despite this wide spread prevalence of domestic violence, however, it is not customarily acknowledged and has remained invisible-a problem thought unworthy of legal or political attention. The social construction of the divide between public and private underlies the hidden nature of domestic violence against women. Legal jurisprudence

⁶ Staying Alive, Page-6, Lawyers Collective, Women's Rights Initiative Publication.

⁷ Ghosh, Biswajit & Choudhuri, Tanima, Legal Protection Against Domestic Violence in India: Scope and Limitations, Journal of Family Violence, May 2011, publication at: <http://www.researchgate.net/publication/225125399>.

⁸ hetv.org/india/nfhs/nfhs3/NFHS-3-Chapter-15-Domestic-Violence.pdf

has historically considered the domain of the house to be within the control and unquestionable authority of the male head of the household. Thus, act of violence against members of the household, whether wife or child was perceived as discipline, essential for maintaining the rule of authority within the family⁹.

In several international conventions, there has now been explicit acknowledgement of the state's responsibility for human rights violation by private actors in both the public and private spheres. The Vienna Accord of 1993 and the Beijing Platform of 1995 together crystallized the principle that women's rights are human rights. The frameworks that these conventions established have created a space in which one's private issues like domestic violence can be understood as human right violation of public concern. In this way human right discourse has begun to dissolve the public-private divide and has provided a moral momentum for direct response by national governments and non-governmental actors.

Violence of any kind has a detrimental impact on the economy of a country through increased disability, medical costs, and loss of labour hours; however, because women bear the brunt of domestic violence, they disproportionately bear the health and psychological burdens as well. Victims of domestic violence are abused inside what should be the most secure environment—their own homes—and usually by the persons they trust most.

Domestic violence was recognized as a criminal offence in India in 1983. The offence chargeable under section 498-A of the Indian Penal Code that relates to domestic violence is any act of cruelty by a husband (or his family) towards his wife. However, until recently, there was no separate civil law addressing the specific complexities associated with domestic violence, including the embedded nature of violence within familial networks, the need for protection and maintenance of abused women, and the fact that punishment and imprisonment for the husband may not be the best resolution in every case. Accordingly, after a decade-long process of consultations and revisions, a comprehensive domestic violence law, known as the Protection of Women from

⁹ A Summary Report of Three Studies, page 3, September, 199, International Centre for Research on Women.

Domestic Violence Act 2005, took effect in 2006. Key elements of the law include the prohibition of marital rape and the provision of protection and maintenance orders against husbands and partners who are emotionally, physically, or economically abusive.

Domestic violence is a form of gender based violence, intended at subordinating women. It targets individuals on the basis of their gender. It is different from other forms of violence that exists in society, such as, violence by state agents and the community, and violence targeted as groups, such as, communal violence. Although individuals from disadvantage groups are likely targets to many forms of violence, domestic violence is distinct because it is caused by persons in an intimate relationship with the victim or survivor, which often includes the husband¹⁰.

Chapterisation:

The findings of the study in this report is presented coherently in various chapters. There are a total number of 9 chapters in this report. The first chapter i.e. the Introduction deals with the context in which the study has been conceptualised and the broad aim of the study. In this chapter the proposition of the study and the methodologies used were vividly discussed. There is also a review of PWDV Act as the study is focused on this particular legislation followed by a review of literature which provides insight into the overall discourses around the theme of domestic violence. The second chapter deals with awareness among stakeholders about their roles and responsibility as per law. The third chapter explains briefly the various aspects of implementation of the Act. The fourth chapter is focused on identifying gaps and challenges in the system. The fifth chapter relates to focus group discussion with aggrieved women who were subjected to domestic violence. The sixth chapter deals with review of 108 numbers of DIRs. The seventh chapter contains 10-numbers of case studies. Chapter eighth covers the recommendation of the study. Finally in chapter nine the overall study was discussed in the form of concluding remark.

¹⁰ Grover, Vrinda; Addressing Domestic Violence through the Law, Page 1 -2, 2010, MARG Publication

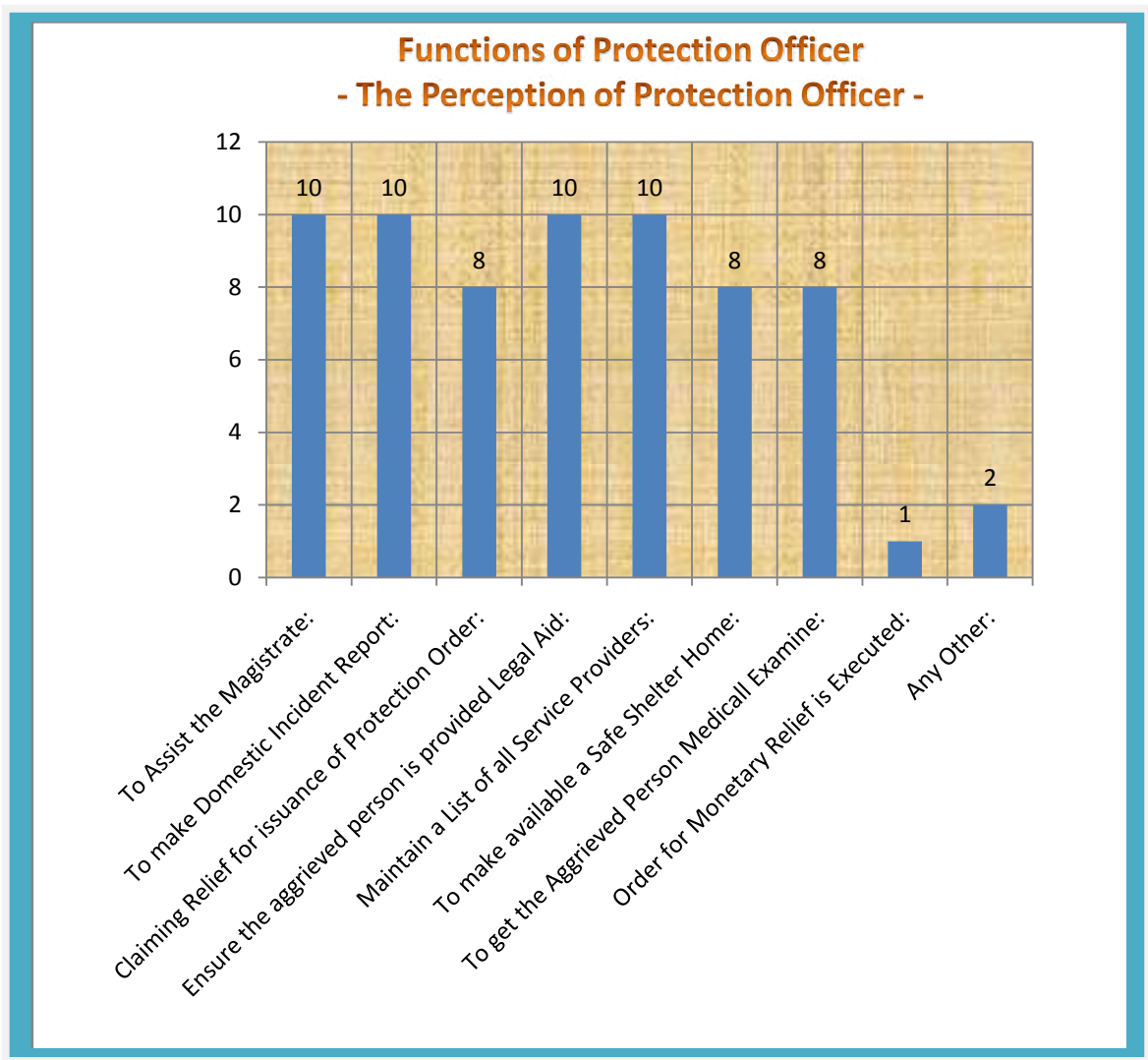
Chapter-II

AWARENESS

Effective implementation of law solely depends on the degree of awareness created in the society especially among the stakeholders who are the duty bearers to enforce or implement the law. Legal awareness is vital for realisation of the legislative intent and also to prevent misuse of law and legal processes. Keeping this in mind various efforts are made by Government and Non-governmental Organisation at various levels to generate awareness about the law and make the beneficiaries as well as stakeholders understands the meaning, scope and institutional arrangements. Legal awareness concerning laws for women like the Protection of Women from Domestic Violence Act 2005 is considered essential to ensure that the benefits and protection offered by the law reaches the beneficiary in a right way. It is a matter of fact that various kinds of programmes like training, capacity building, workshops and seminars are being held to create awareness about the provision of law concerning domestic violence in India. Considering the significance of awareness in relation to the law concerning domestic violence, an attempt has been made under the present study to ascertain the level of awareness about both legal provision and its structural arrangement among the major stakeholders through a method of interview. The views are collected in a structured questionnaire from a number of stakeholders like the Protection Officers, Police Officials, Service Providers, Non-Governmental Organisations and Lawyers. In addition to these stakeholders, the interview also covered Magistrates empowered to hear the domestic violence cases to understand the level of information available with them in respect of the stakeholders and structural arrangement made under the law. An attempt has been made to ascertain whether the Magistrates are aware about the institutional arrangement made under the Act in their jurisdiction. For the purpose of the study different interview schedules were prepared for different stakeholders including the Magistrates.

In this Chapter under the titled Awareness an attempt has been made to present the findings of the study concerning the level of awareness among the stakeholders about the PWDV Act in a coherent manner. It is pertinent to mention here that the level of awareness is being examined after 10-years since the PWDV Act was enacted. The purpose of this analysis of level of awareness among the stakeholders is not to measure their knowledge about the law but it aims at ascertaining the actual position with regard to the information available with them or how far they are informed about the provisions of the law to understand the context in which the PWDV Act is being implemented. The following paragraphs explain in detail the views obtained from the stakeholders:

A. Functions of Protection Officer: In a question pertaining to the broad functions of the Protection Officers for which a set of 8-answers were provided as per law



to Protection Officers. There were 10-responses out of 12-Protection Officers covered and the responses were almost similar. The Protection Officers by and large selected all the functions suggested in the questionnaire except execution of order for monetary relief. It seems the Protection Officers are not aware about the legal provision that they are required 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 as provided under Section 9 (h) of PWDV Act. It is also relevant to mention that under section 20(4) of PWDV Act the Magistrate is required to send a copy of the order for monetary relief under section 20(1) to the parties to the application and to the in charge of the Police Station within the local limits of whose jurisdiction the respondents resides. Lack of awareness about the provision relating to execution of order for monetary relief has a substantial bearing on the implementation of the Act.

When the question relating to functions of Protection Officer was asked to other stakeholders it was found that 83 % of Lawyers and 80 % of NGOs are aware about the major functions of Protection Officers. A similar question was asked to Magistrates seeking opinion whether the Protection Officers assist them in discharging duty and the form in which such assistance is rendered. In response to it almost 100 % of Magistrate was of the opinion that the Protection Officers are providing assistance and the nature of assistance includes “assists in cases relating to PWDV Act, to make DIR, to ensure the aggrieved party being provided legal aid, to make available safe shelter home, and notice serve”. In case of Police, the question was differently asked to know the nature of role a Police Official is expected to perform under the law. It was found that, the Police Officials almost unequivocally stated that their role is to provide assistance like “to give immediate medical attention and medical facility if the aggrieved person has sustained physical injury, lodging FIR, render a safety home, provides counselling for restore of their family life, arrange for shelter home, forwarding the victim to Protection Officer, serve notice, execute the orders of court by the help of Protection Officer, to aware the existing laws for their protection, to avail the

services of protection officer, police and family court and collect evidences. 40 % of Police Officials clearly stated that the matter would be referred to Protection Officer and 60 % observed that the benefits like legal service and other services provided by service provider shall be made known to the aggrieved party.

B. Who can Approach for Relief: One of the significant aspect of PWDV Act is that it not only authorises the aggrieved person to seek relief under the Act but also it empowers other actors to intervene seeking protection of the aggrieved person. In this regard the study wanted to unravel the understanding among the major stakeholders about the position of law with regard to seeking relief under the Act. In response to the question who can approach for relief under PWDV Act the following responses were received:

Who can approach for Relief under PWDV Act	Protection Officer	Lawyer	Police Official	NGO Functionaries	Magistrate
Protection Officer	100%	66%	50%	100%	100%
Directly by Aggrieved Party	66%	100%	20%	40%	66%
Service Providers	100%	33%	50%	100%	66%
Police	66%	33%	30%	50%	66%
Any Others.	66%	83%	30%	50%	33%

C. Forms of Abuse: The PWDV Act provides a comprehensive definition of domestic violence under Section-3 of the Act. This section provides in detail various forms of abuses such as physical abuse, sexual abuse, economic abuse and emotional or verbal abuse. Keeping this in mind a question was asked to the respondent to provide examples of broad forms of abuse to understand the length of awareness about the law. In response to it 58 % respondents provided correct examples of physical abuse, 38 % provided right examples of sexual abuse, 48 % provided the defined forms of verbal and emotional abuse and 31 % provided correct examples relating to economic abuse. 41 % of respondent remained silent about giving any opinion about forms of abuse. These responses make it

demonstratively clear the level of understanding among the stakeholders about the forms of abuse provided under the explanation in the principal Act.

For proper enforcement of the PWDV Act the point of departure would always be a clear understanding about the definition of Domestic Violence more particularly the various forms of abuses the Act seeks to address. In this regard the awareness level of major stakeholders is a precondition for effective implementation of the law.

D. Beneficiaries of the Act: A bare reading of PWDV Act suggests that any aggrieved person can be beneficiary of the Act. The Act defines aggrieved person as any women 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. In this connection domestic relationship means a relationship between two persons who live or have, at any point of time, live together in a shared household, when they are related by consanguinity, marriage or through a relationship in a nature of marriage, adoption or are family members living together as a joint family.

In response to the question as to who are the beneficiaries of the Act the following responses have been received from the respondents which are given in the diagram below:

Respondent	Responses on Beneficiaries of the PWDV Act.
Protection Officer	Women. Women and Child. Exploited Women.
Lawyers	Wife, Daughter, Minor son and daughter. Daughter, Daughter-in-law, any women who has been in a domestic relationship with the respondent. Aggrieved ladies and children. Any aggrieved party means any women who is or has been in a domestic relationship with the respondent, children below 18-years. Aggrieved person.
NGOs	All female members of family. Women. Women and Child. Any woman and their children.
Police Officials	Victim women who are physically and mentally tortured by husband linkages well as other relatives of respondents. Complaint (Women, widow, unmarried girl and child), Benefitted by women. Women and Child. Mother, sister, daughter and wife. Women
Magistrate	Any aggrieved women subjected to domestic violence.

E. Awareness about DIR: The law envisages filing of DIR by Protection Officer or Service Providers as the case may be which will be taken into consideration by the Magistrate before passing any order on application filled by aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person. Since the DIR is a vital document to arrive at decisions, the stakeholder's knowledge about DIR is very important. In course of this study a number of questions were asked to unravel the level of awareness concerning DIR among the stakeholders. In response to the question to the Protection Officers that whether they ever prepared a DIR in course of discharging their duty as a Protection Officer, it was revealed that almost all Protection Officers have prepared DIR. In a second question about making available of copies of DIR 100% said they provide it to Magistrates 33% said they share a copy with Police Station having jurisdiction over the matter and 33% said they share DIR with Service Provider. By and large in most of the cases the Protection Officers share DIR with Magistrates.

In response to the question to the Magistrate whether or not they ask for filing of DIR almost all the Magistrates confirmed that they ask for DIR for passing any order under the Act. In almost all the cases the Magistrates received DIR through Protection Officer only.

The response of Police Officials regarding DIR was that most of them never received any copy of DIR. The Police Officials further stated that the DIR is prepared by Protection Officers only. One respondent also observed that Police also prepares DIR. It needs further investigation into the fact as to why the Police Officials interviewed stated that they never received any DIR. There is a possibility that during their tenure in the concerned Police Station no cases of domestic violence would have been registered and DIR prepared for which no DIR has been shared with them.

The response of Lawyer about DIR reveals that there is a complete awareness about DIR. However in a related question as who preparing DIR 50% of Lawyers say that it is prepared by Protection Officer only whereas remaining 50% are aware that both Protection Officer and Service Providers can file DIR.

In this regard the response of NGOs reveals that they all are aware about DIR. Most of them know that the DIR is prepared either by Protection Officer or Service Provider. Since some of the NGOs who are interviewed declared as Service Providers in their respective locations, therefore, the level of awareness is high with regard to the role of Service Provider in preparing DIR.

F. Nature of Relief: In order to understand the level of awareness concerning the type of relief envisaged under the Act which can be provided to the aggrieved parties, a question was asked to provide views about kinds of relief that can be provided to the aggrieved party under PWDV Act.

Before revealing the findings to this question, it needs to be mentioned that the PWDV Act provides for various kinds of relief like Protection Order (U/S 18), Residence Order (U/S 19), Monetary Relief (U/S 20), Custody Order (U/S 21) and Compensation Order (U/S 22). The study reveals that there is no enough clarity about the nature of order that can be passed and nature of services that would be rendered. While the Protection Officers feel that orders like Shelter, medical treatment, protection order, maintenance order custodian relief monetary relief, shelter home facilitation can be provided, the Lawyers were of the opinion that maintenance, residence, protection, compensation, medical facility, monetary relief, custody orders can be passed. The Magistrate opined that the orders such as shelter order, right to reside in a shared household, protection order, residence order, order for monetary relief, custody order and compensation order can be allowed. The Police Officials observed that the aggrieved parties are entitled to relief like police assistance, monetary support, free medical check up, sent the destitute lady to shelter home, police protection, economic facility, shelter order, maintenance order, protection order, custody order, compensation order, legal assistance and counselling. The NGOs believe that Women subjected to violence

are entitled to medical treatment, shelter, food, free legal aid, residence order, protection, compensation, child custody, maintenance order police protection, child care in child care institution, monetary relief, custody order etc.

G. Facility for Shelter Home: The PWDV Act provides for notification of Shelter Homes by the State Government to provide shelter to aggrieved person on the recommendation of Protection Officer or a Service Provider. In order to ascertain the level of awareness about such an institutional facility available in the area a question was asked about functioning of Shelter Home. It was revealed that the NGOs are aware about the facility as very often such institutions are run by NGOs only. Similarly there is a deep understanding among lawyers that the aggrieved parties can avail shelter facility in Shelter Home. The response of police is also comes in affirmative. In case of Magistrate 66% are aware about existence of Shelter Home. It is needless to say that all the Protection Officers are aware about functioning of Shelter Homes in their respective jurisdiction.

H. Service Providers: The PWDV Act envisages notification of Service Providers with a view to render services like record the Domestic Incident Report, get the aggrieved person examined and ensure that the aggrieved person is provided with shelter in a Shelter Home. In view of this unique approach of the law to expand the institutional mechanism in a wider scale, the study wanted to discover the level of awareness about functioning of Service Provider in different areas. It was found that in many places the Shelter Homes function as Service Provider. In response to a question about the Service Provider the Protection Officers provided detail information about the Service Providers whereas Magistrate and Lawyers are generally not aware about the Service Providers although they heard about Service Providers. Similarly, the Police Officials are also not aware about Service Providers and the difference between Service Provider and Shelter Homes. Since the NGOs who run Shelter Homes are also declared as Service Provider, therefore, they are aware about it.

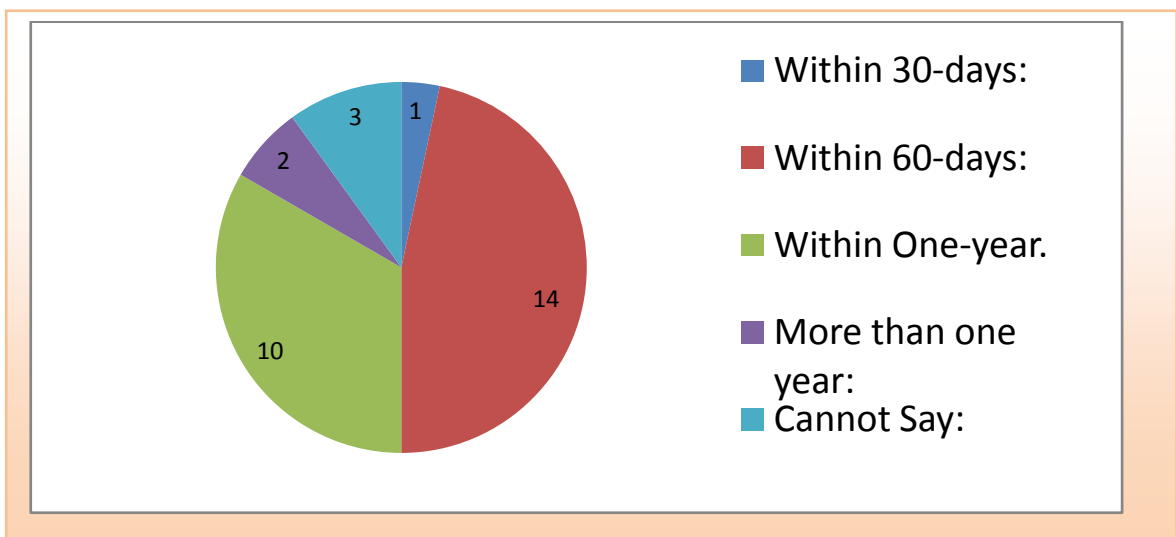
I. Provision of Legal Services: Legal Services has a pivotal role in the entire process as the application of the aggrieved parties goes through a process of

judicial proceeding. Access to justice, therefore, becomes essential prerequisite. In the present scenario the legal services are rendered through Legal Service Committees functioning at different level. Under this study an attempt has been made to ascertain the level of legal awareness about legal services. It was found that there is a complete awareness about availability of legal services at various level. The respondents are aware about the Legal Service Committee in their

Sl. No.	Stakeholders	% Of Awareness Level about the services provided under Legal Aid.
1.	Protection Officer	66%
2.	Police Officials	80%
3.	Non-Governmental Organisations.	50%

ctive areas which provides legal aid, however, it appears that the level of awareness about the exact services provided under legal services are lacking among stakeholders including Protection Officers and NGOs. The following table shows level of awareness about the services provided under legal aid among Protection Officers, Police Officials and NGOs.

J. Time Factor for Disposal of Case: The study made an attempt to collect views from various stakeholders about the prescribed time for disposal of cases. In response to this question the following responses were received:



K. Counselling: In response to a question about the provision for counselling there is awareness among all stakeholders about the provision for counselling. However, a further enquiry into the matter reveals that there is no awareness about the institutions rendering counselling services. The Protection Officers in one case stated that the counsellor operating from Collectorate provides counselling facility. The Service Providers on the other hand suggested that Women Support Centre, Counsellors appointed by NGOs, Front Office in Court, Service Provider, Mediation centre at Court provides counselling.

It is pertinent to mention that under section 14 of the PWDV Act counselling is to be arranged with any Member of Service Provider who posses qualification and experience in counselling.

L. Role of Welfare Expert: There is a provision for availing services of Welfare Expert for purpose of assisting the Magistrate in any proceeding under the PWDV Act. Accordingly, a question was framed about availing services from Welfare Expert. This question was asked to the Protection Officers, Magistrates, Lawyers and NGOs. In response to it there appears to be a confusion among the respondents. Most of them deny being aware about the provision. Thus it was found that facilities created by law like Welfare Expert is not yet availed for the benefit of aggrieved persons.

M. Criminal Proceedings: As a part of soliciting opinion about various aspects of law, a question was asked to Police Officials whether or not a case can be registered under 498-A in addition to a proceeding under PWDV Act. In response to it 90% of the respondent felt that there is no bar registering a case under 498-A if prima facie there is a commission of an offence. Similarly, the Police Officials also opined that Police can register a case if there is a commission of cognizable offence.

N. Service of Notice: In response to a question about how service of notice is made the Protection Officers stated "Postal, Service Provider, Police and as per order of Magistrate". According to NGOs the service of notice is made through Protection Officer and Service Provider. On the other hand the lawyers stated that service of notice is made by way of Process Server(Court), Protection Officer, Policy or by

Service Provider, through any person as directed by Magistrate or any other means as may be prescribed by Government and Postal process.

It is important to mention here that under section 13 of PWDV Act the service of notice is given by the Magistrate to the Protection Officer who shall get it served by such means as may be prescribed within a maximum period of 2-days or such further reasonable time as may be allowed by the Magistrate.

The study made an attempt to ascertain the level of awareness among the stakeholders which brings into focus the fact that even though there is an increasing awareness about the law exist among the stakeholders, still there is visible lacking in critical legal awareness which indicates inadequate understanding among the stakeholders. It is essential that the stakeholders must have proper understanding of their role and responsibility as they are the agencies through which the law is going to be translated into action. However, it was found that in many important spheres these stakeholders lack understanding. The study involving Protection Officers reveal that most of them are not aware about their role in respect of execution of order for monetary relief. Similarly, most of them are not aware who can approach seeking relief under the Act. Majority of them do not understand the difference between the shelter home and the role of service provider. Probably this has happened due to the fact that the NGOs who have Shelter Homes are declared as Service Provider. But the law envisages different roles for these two institutions created under the statute. Most significantly there is also absence of knowledge about the timeline within which the cases are to be disposed up. While the law says the first day of the hearing shall not ordinarily be beyond 3-days from the date of receipt of the application by the court, there is very little awareness available among the stakeholders about the timeline.

Chapter-III**IMPLEMENTATION OF THE ACT**

After analyzing the level of awareness and identifying gaps as well as challenges, an attempt has been made under the study to understand the nature, scope and extent of implementation of PWDV Act in different districts. In this regard a number of questions have been framed in a structured questionnaire to obtain views from Protection Officers about the status of cases under Domestic Violence Act. It was further corroborated by soliciting views from Magistrate about the number of cases registered and number of cases disposed up over 3-years. These data has been obtained from Kandhamal, Rayagada, Dhenkanal and Kalahandi district which is given below in a systematic manner:

Information obtained from Protection Officers;

A. Numbers of Cases Registered:

Sl No.	Name of District:	Year wise registration of Cases.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	12	1	0
3.	Dhenkanal	74	89	31
4.	Kalahandi	12	18	16

B. Numbers of DIR prepared:

Sl No.	Name of District:	Year wise Number of DIR made on cases registered.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	8	N/A	N/A
3.	Dhenkanal	59	60	31
4.	Kalahandi	04	07	12

C. Counselling rendered on registered cases:

Sl No.	Name of District:	Year wise counselling have been rendered on cases registered.		
		2013	2014	2015
1.	Kandhamal	N/A	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	04	03	07

D. Numbers of cases registered in the Court:

Sl No.	Name of District:	Year wise cases registered in the Court.		
		2013	2014	2015
1.	Kandhamal	7	5	10
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	74	89	31
4.	Kalahandi	03	03	04

E. Number of Protection order issued by the Court:

Sl No.	Name of District:	Year wise Protection Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	4	1	1
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	02	01	02

F. Number of Residence order issued by the Court:

Sl No.	Name of District:	Year wise Residence Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	N/A	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	07	06	03

G. Number of Compensation Order issued by the Court:

Sl No.	Name of District:	Year wise Compensation Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	2	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	02	01	02

H. Number of Custody of Children order issued by the Court:

Sl No.	Name of District:	Year wise Custody of Children Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	0	0	0
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	00	01	02

I. Year wise legal services provided to the victims:

Sl No.	Name of District:	Year wise Legal Services Provided to the Victims.		
		2013	2014	2015
1.	Kandhamal	2	3	1
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	20	20	20
4.	Kalahandi	06	07	08

J. Medical assistance provided to victims:

Sl No.	Name of District:	Year wise Share Household Order issued by the Court.		
		2013	2014	2015
1.	Kandhamal	N/A	N/A	N/A
2.	Rayagada	N/A	N/A	N/A
3.	Dhenkanal	N/A	N/A	N/A
4.	Kalahandi	0	0	0

The study made an enquiry into implementation of the various provisions of the Act. It reveals that there is inadequacy in terms of passing of orders by the Magistrate and also in the area if services provided. In respect of court proceedings it was found that barely any order is passed for counselling. It is not clear why orders are not passed for counselling when there is a provision for it during pendency of the case. Similarly, very few protection orders are passed by the Magistrates. In most of the cases only compensation order is being granted.

In case of services provided, it was found that the stakeholders are not making any attempt for medical assistance. The services of Welfare Expert are nowhere availed for the purpose of family welfare.

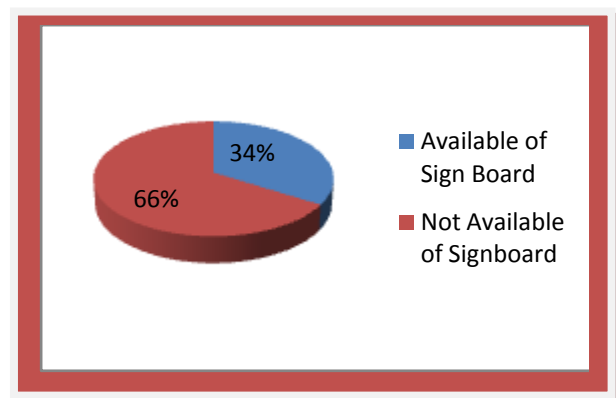
Chapter-IV

GAPS AND CHALLENGES

With a view to identify and locate the gaps and challenges in the process of implementation of PWDV Act, an attempt has been made under the study to collect views on it. In this regard the identified stakeholders have been interviewed through a structured questionnaire to collect views from them from their practical engagement in the day to day affairs. The following issues have been identified in course of interview from the respondents.

A. Infrastructure: The study reveals that one of the major gap in the system is inadequate availability of infrastructure. At present there are Protection Officers operating at the district level and one of the voluntary organisations of the district is notified as Service Provider. The organisations having a Swadhar Home or Short Stay Home with financial support from Government are declared as Shelter Home. It was revealed from the Protection Officer that there is no separate office provided to them to operate as Protection Officer. The Office of the Protection Officer is housed in the District Welfare Office building. Among the respondent Protection Officer 100%

said that they do not have a separate office. What is more important to learn is that even most of the office of the protection officer does not have a sign board displayed outside their building for wider visibility. 66% of respondents say that there is no

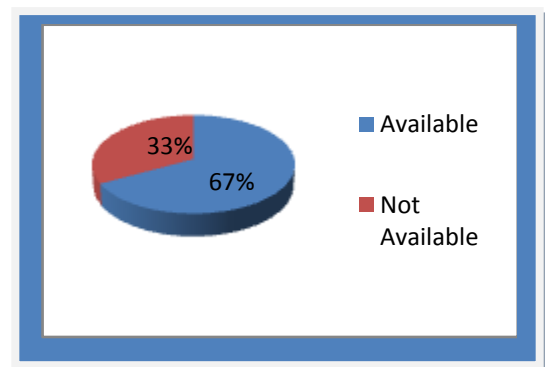


signboard available. The same thing happens in case of other office infrastructure like table, chair, drinking water, sanitation facility and seating arrangement for the beneficiaries. Since the office of the protection officer is presently operating from either District Social Welfare Office or District Collector’s Office no separate arrangement has been provided. It has a direct bearing on the beneficiaries who

face difficulty when they approach the Protection Officers. It was found that in many cases the aggrieved parties come to the office of Protection Officers or the Service Providers with their kids. However, in the absence of any earmarked space, it is difficult for them to feed their child and make sleeping arrangement. Overall it was revealed that infrastructure is lacking in cases of Protection Officer, Service Providers and Shelter Homes. Even the Shelter Home does not have much facility for aggrieved person. None of the Protection Officers are provided with a computer facility, although it becomes an essential tool both for maintenance of data and preparation of DIR.

B. Dual Responsibility: It has been ascertain that in Odisha the Programme Officer of Integrated Child Development Scheme (ICDS) are entrusted with the responsibility of Protection Officer under PWDV Act. It was revealed that due to dual responsibility it is very difficult for the Protection Officers to discharge their duties on time. While the role of Programme Officer under ICDS is extensive due to supervision of the work all across the district, an addition responsibility restricts their operation. In fact the role of a Protection Officer requires special knowledge and skill to handle issues of women subjected to violence. Hence, the study found dual responsibility as a major constraint. Almost all the respondent Protection Officer stated that dual responsibility is a major challenge.

C. Human Resource: Proper enforcement of PWDV Act requires appointment of adequate and separate human resource having skill and expertise to deal with a subject like domestic violence. Needless to say that the subject requires trained human resource to deliver services. However, on the contrary the study found that availability of human resource is a major challenge. While the Protection Officers, as has been discussed in the afro-mentioned paragraph, are discharging dual responsibility, 33% of Protection Officers responded to the interview by holding



that no support staffs have been provided to them to discharge their duty. In response to a general query about training undergone by Protection Officers on the subject of PWDV Act it was found 100% have attended training. A further investigation reveals that due to frequent change of Protection Officers adequate skill and expertise among Protection Officers are lacking. Even though the Protection Officers are required to perform technical activities like preparation of DIR the capacity to undertake the responsibility is not adequately built.

In case of Service Providers it was found that no special effort has been made to engage any specially designated person to manage affairs concerning domestic violence. It was completely left to the designated NGOs Service Provider to make their own arrangement. It was found that 90% of Service Providers have undergone training.

There is a provision in the PWDV Act under section 14 about counselling. It says that the Magistrate may, at any stage of the proceeding direct the respondent or the aggrieved person to undergo counselling either singly or jointly with any member of the Service Provider who possesses such qualification and experience in counselling. However, it was found that there are no trained counsellors available with Service Providers. However, where the Service Provider is also a Shelter Home and having a Counselling Centre they can arrange counselling in a professional manner. There was no training arranged for counsellors separately.

The Shelter Homes have their own structural arrangement with designated workers in accordance with the provision of various schemes like Swadhar and Short Stay Home. However, their understanding about PWDV Act is not adequate as the personnel engaged in Shelter Homes are not trained.

D. Experience and Training: The study reveals that most of the Protection Officers have at least education up to graduation and post-graduation level. All of them have long experience in their respective field. However, their experience as Protection Officer is usually less than 3-years. It was revealed that all the Protection Officers have undergone training on PWDV Act organized by different

agencies including the Department of Women and Child Development. There are examples of attending training outside the states like the Protection Officer of Kandhamal District attended a training organized by National Institute for People’s Cooperation and Child Development (NIPCCD), Guwahati, Assam. Overall it appears that there is absence of experience in case of preparation of DIR, rendering assistance to Magistrate and service of notice as well as execution of orders of monetary relief.

E. Budgetary Allocation: In response to a question regarding budgetary allocation to undertake various functions prescribed under PWDV Act, it was found that Protection Officers have been provided with a budget provision since 2008-09. Initially, the budget allocation was approximately 35,000/- which was given in two instalments. The study reveals the following information concerning budgetary allocation over last 3-years.

Name of District	2013-14	2014-15	2015-16
Kandhamal	130,000.00	132,000.00	20,000.00
Rayagada	N/A	N/A	N/A
Dhenkanal	130,000.00	50,000.00	20,000.00
Kalahandi	70,000.00	80,000.00	40,000.00

It was noticed that there is no uniform approach concerning budget allocation. There is a guideline for expenditures that can be incurred from the allocated budget. The study further reveals that in 100% the expenditure is less than the allocated budget. This has probably happened due to specific purpose of the allocated budget on which budget can be utilised. When the budgetary allocation stands like this, the respondent Protection Officers stated that the allocation is insufficient. Again this is so because the fund cannot be utilised for the purposes which the Protection Officers feel important or where there is a need for it.

It was found that the Service Providers were not provided with any financial assistance. Most of the Service Providers undertake their work as Service Provider from their own sources.

No separate funding or budget is allocated for the Shelter Homes. The Shelter Homes however receive grant-in-aid from government to run Swadhar Home or Short Stay Home.

F. Vast Geographical Area: In response to a question put forth before Protection Officers as to how do they manage cases coming from different nook and corner of the district, it was observed that due to vast geographical location, it is difficult to cover different areas. Therefore, vast geographical area for Protection Officer and Service Provider emerged as a major challenge. Although, the Protection Officers have stated that whenever there is a need they undertake travel to different areas, practically it is not possible to reach out to women subjected to violence. Similarly, in a district there are several Magistrates operating in different areas who are empowered to entertain cases under PWDV Act. The Protection Officers and Service Providers remained silent on the question as to how do they assist all Magistrates in the district to discharge function under PWDV Act. Generally, the Protection Officers and the Service Providers assist Magistrate in their place of operation. In most of the cases the Protection Officers and Service Providers are present in the district headquarter. That makes it clear that the Protection Officer and Service Provider are not assisting all Magistrates in that district.

G. Absence of Mechanism for Coordination: As implementation of PWDV Act rests on engagement of several stakeholders like the Protection Officer, the Service Provider, the Magistrate, the Shelter Home, the Counselling Agency and Legal Aid System etc there is a latent need for bringing about coordination among these actors. In this regard a question was asked to the Protection Officers about availability of mechanism for coordination in which the response came in negative. Although a coordinated effort seems to be essential for convergence of services and timely delivery of service, there is no effort made to bring about a mechanism for coordination.

H. Difficulties of Service of Notice: In response to a question regarding service of notice, the Protection Officer stated that as a matter of practice the notice is

served by post, by hand and also through Anganwadi Workers. The major problems in this case are delay in service of notice and non acceptance by respondent. Almost 50% of respondent Protection Officers said

Inadequate human resource for serving notice.

- No process server. Time taking.

Non-availability of contingency Fund.

- Postal expenses. No traveling expenses for service of notice.

that there is insufficient contingency to meet the postal expenses. The problem of inadequate human resource is also identified by Protection Officers as a major challenge in serving the notice. The response of the lawyers to this question was that the notice is being served by court process only. Here there is a confusion as the PWDV Act under section 13 concerning Service of Notice clearly provides that the notice will be served by Protection Officer. Similarly, the Police responded to this question by saying that the police assist the Protection Officers in serving the notice when it is required.

- I. **Filing of DIR:** The view of the Magistrates regarding filing of DIR was that DIR is mostly filed in time. The Service Providers responded the question regarding filing of DIR by saying that they do prepare DIR sometimes and submit it to the Protection Officers. The Lawyers corroborated the statement of Magistrate by saying that the DIR is filed on time. However, it is yet to be ascertained the manner in which DIRs are filed in Courts which are far away from District Headquarter.
- J. **Hearing of Cases within Stipulated Period:** One of the major aspect of PWDV Act is the time frame it suggests for hearing and finalisation of cases. A question in this regard put forth before Magistrates reveals that there are different opinions. While 70% of total respondent observed that the cases are heard within a period of 3-days. 30% stated that it is not possible to hear the cases within 3-days, of course, without assigning any reason. Similarly, the question regarding final

disposal of the case within 60-days from the date of first hearing, the response was that it is not done in time. The Lawyers have different opinion about total time required for disposal of cases. Almost 90% feels that the time required for finalisation of the case is more than 2-years. The following are suggested as the reason for delay in finalisation of the case on time:

- i) Appeal filed against the interim order.
- ii) The court does not have time.
- iii) The parties are not cooperating.
- iv) None appearance of opposite parties in time.
- v) Delay in serving notice to the respondent.
- vi) Aggrieved party seeks time/adjournment for giving evidence etc.
- vii) Court is not insisting for speedy disposal because of number of cases.

K. Availability of Counsellor: Counsellors has a definite role to play at any stage of the proceeding for the purpose of counselling between respondent and the aggrieved person. In view of this provision the question was asked to the Magistrates regarding any order passed by them for the purpose of counselling. In response to this question 70% of Magistrates say 'No'. Where the matter is referred to counselling the Magistrates opined that it goes to conciliators. Similarly 25% of Lawyers say that there is no counsellor available.

L. Execution of Orders: In all proceedings especially of women execution of the order of the court is important for actual realisation of rights conferred under the law. This statement is very much relevant in case of PWDV Act. Under the Act various orders like protection order, residence order, monetary relief, custody order and compensation order are being passed. The present study made an attempt to understand the extent of execution of the above mentioned orders. Before discussing about the findings it is better to understand the legal provisions relating to court orders. As per the provision under section 24 of the Act the Magistrate shall pass an order to provide copies of the order to the parties to the application, the Police Officer in charge of the Police Station in the jurisdiction in

which the Magistrate has been approached and the Service Providers within the local limits of the jurisdiction of the court.

In response to a question put forth before the Magistrate regarding proper enforcement of court orders, it was stated by the Magistrate that they are satisfied. However, the response of the lawyer does not corroborate the fact. 60% of the lawyers interviewed said that the execution of order is not properly done. Very often an execution proceeding is required to be filed again for execution of order. Many a time due to appeal against the order the orders are delayed for execution.

Similarly, the Police Officials responded to this question by holding that due to shortage of police personnel generally no actions are taken where such order is received. Secondly, two respondent Police Officials replied that opposite parties do not cooperate to abide by the order. The Police Officials feel that it takes long duration to get the order enforced.

M. In Camera Hearing: As a matter of practice sensitive issues like family disputes are generally heard by the judges in camera. This practice finds a place in the statutory provision by incorporation of a provision relating to proceedings to be held on camera under section 16 of PWDV Act. The Act says if the Magistrate considers that the circumstances of the case so warrant, and if either party to the proceeding so desires, he may conduct the proceedings in camera. In this connection a question was asked to the Magistrates as to whether or not he cases are being heard in camera. All the Magistrates said no. Similarly, when the lawyers were asked whether they have ever submitted before the court for in camera hearing. All of them said no. That means even though there is a provision for dealing with domestic violence cases in a sensitive manner and as far as possible in a private spear, it was never used.

N. Welfare Expert: In addition to various institutions and agencies envisaged under the Act, there is a provision under section 15 of PWDV Act to seek assistance of Welfare Expert. The Act says the Magistrate may secure the services of such

person, preferably a woman including a person engaged in promoting family welfare for the purpose of assisting him in discharging the functions. In this regard a question was put forth before Magistrates about use of services of a Welfare Expert. The response came in negative from all the Magistrates. Similarly, the Lawyers also expressed that the services of Welfare Expert was never availed. This shows that a opportunity created under the law is not being used in matters of domestic violence where family welfare is a major concern.

- O. **Convergence of Services:** As far as PWDV Act is concerned, there is a need to bring about convergence of services rendered by various actors. A journey through the legal provisions brings into focus that there are various institutions and agencies who have a role to play for delivery of services in a comprehensive manner. In this connection the role of health system, police, legal aid, shelter home and counselling appears to be very important. It is understood from the views of the Protection Officer that medical assistance is difficult to provide due to non-availability of human resource and contact person in the health system. Very often expenditure is involved in providing health related services. Similarly, the police do not cooperate in time to lodge a complaint. The convergence of services between Protection Officer and Legal Aid structure is also difficult. It appears from the study that there is a complete need for bringing about convergence of services for addressing issues of women subjected to violence in a holistic manner.

The study unravelled the fact that there is huge gap between the budgetary allocation and actual expenditure. Even though it is not clear whether the existing budget given to Protection Officers are sufficient or not, whatever is provided that is not been spent. It was found that the government has issued a circular which enables Protection Officers to spend up to Rs 5,000/- per month, in most of the cases the funds are underutilized. The major challenge before the Protection Officers is the wide geographical area to be covered by them. At present Protection Officers are appointed at the district level. There are several Magistrates empowered in one district to deal with cases of domestic violence. It is practically not possible for any single Protection Officer to present in all the courts to assist

the Magistrate to discharge their duty. Even though there is a Service Provider available in each district which has almost similar role like Protection Officer, the Service Provider is not provided with any budgetary allocation to discharge their duty. Another major gap is absence of coordination among the institutions who are entrusted with different responsibilities. Even through the nature of the law demands convergence of services like between medical assistance, shelter home facility and legal aid as well as counselling, however, it appears that all institutions operate in isolation.

Chapter-V

PERCEPTION OF SURVIVORS

Implementation of law finally can be measured through the way it provided benefit to the persons who are identified as the ultimate beneficiaries of the legislation. Therefore, the views of the real beneficiaries of the law are always significant. In case of the PWDV Act, the view of the women subjected to violence is important to understand the dynamics of the statutory provision and how the institutional arrangement made under the law impacts the lives of the aggrieved women. In this context, an attempt has been made under the study to collect the perception of survivors of domestic violence to understand the implementation of PWDV Act from the perspective of survivors. To that end, the study had a provision for holding focus group discussion with women who are subjected to various forms of domestic violence. The study covered as many as 6-identified districts where there is an intervention of Oxfam India with its local partners for ending violence against women. The focus group discussions were held in the district headquarters of the concerned district where 10-15 survivors of domestic violence were invited to present their perception on the impact of law. As many as 58 survivors of domestic violence attended the focus group discussion held in 6-different districts. The focus group discussion was held for almost 3-hour duration in each location where a field investigator was present to document the views of the participants. For the focus group discussion an agenda was developed with some structured questions which were used to solicit the views of the participants. The representative of the partner organisation of Oxfam India who plays significant role in rendering assistance to survivors were present in the focus group discussion as moderators. The participants attended the discussion with their case record for reference and also to understand the processes through which the cases are progressing.

It is pertinent to mention that all the participants in the focus group discussion were survivors of domestic violence. Almost 45% of the total participants have cases pending in the court under PWDV Act. Since the Judicial Magistrate First Class is empowered to

hear the domestic violence cases, all the participants have cases in the court of Judicial Magistrate First Class. None of them have a case pending in the form of appeal. From the enquiry it was revealed that out of all the participants who have a case pending in the court 65% cases are pending for more than one year. In all other cases the matters are less than a year.

The following views and opinions were obtained from the participants of the focus group discussion on different aspects of the law and the extent of implementation:

A. Forms of Abuse: The focus groups discussion began with a reference about the nature and extent of domestic violence perpetrated on the survivors. It was found that all the survivors were interested to discuss their issue at length probably with the idea that such discussion would help resolving their case. In course of discussion on individual cases, it was found that almost 80% of the participants were subjected to physical abuse. Cruelty in one or other form was inflicted on the survivors regularly. In order to understand whether the participants have a understanding about various forms of domestic violence, it was found that only a few (2%) are aware about the forms of violence. However, in course of discussion when various examples were given on various forms of abuse like physical abuse, sexual abuse, verbal and emotional and economic abuse, gradually the participants also indicated that in addition to physical abuse they were also subjected to other forms of abuses. Broadly, the following table shows the percentage of women participants who were subjected one or more forms of violence:

Forms of Domestic Violence	Response
a) Physical Abuse	80%
b) Sexual Abuse	30%
c) Verbal and Emotional Abuse	60%
d) Economic Abuse	20%

Most of the participants claimed that they were subjected to dowry torture and harassment by in-laws on a continuous basis. There were instances where the participants stated that due to birth of girl child they were subjected to both physical and emotional abuse.

B. Redressal of Grievance: It was understood that when the issue of domestic violence surfaced, the survivors or women who are subjected to violence generally seek solution to the problem through amicable settlement at the family level. Once, the family and community intervention to resolve the issue fails the survivors look for alternative mechanism. When the survivors were asked what steps were taken after failure of settlement of dispute at family level, it was opined that they generally approach police and some of them also referred the name of women commission. In course of discussion in the focus group it was revealed that they did not have any knowledge about any specific law including the PWDV Act. They were aware that in case of violence on women actions can be taken against husband and the in-laws. They never had the idea to seek shelter under PWDV Act. Therefore, it can be concluded that for redressal of grievance, the women who are subjected to violence do not use PWDV Act for their protection.

C. Knowledge about PWDV Act: It was found from the discussion that the decision to file a case under PWDV Act was made on the basis of recommendation of Women Support Centre run by different NGOs, Police and Lawyers. A majority of participants of the focus group discussion stated that when they approached the Women Support Centre or their lawyer, they suggested that for quick result it is better to file a case of domestic violence. Overall the survivors do not have much idea about the laws under which shelter can be taken. The decision is that of lawyers to decide what kind of cases to be filed based on the fact and circumstances of their case.

D. Relief sought for: The topic of relief required by the survivors of domestic violence was discussed at length. Almost 90% of the participants suggested that they need relief in the nature of maintenance. 40% of them insisted on shelter in

the matrimonial home. None of them were aware about the forms of relief that can be provided to aggrieved women under PWDV Act. All of them stated that maintenance and protection order is essential. It shows that the level of awareness among the survivors about the reliefs that can be made available to them under PWDV Act. It appears that this kind of critical legal awareness is not available.

E. Knowledge about Institutional Mechanism: All the participants stated that prior to filing of the case they did not have any idea about Protection Officer. Similarly, they were not aware about the Service Provider. It was revealed that almost 60% of the participants do not know about the Protection Officer even after filing of their case. Those who are aware about Protection Officer they know that the Protection Officer prepares their case record. Some of them also mentioned that the Protection Officer arranged rehabilitation of their children in Children Home.

F. Services availed: The PWDV Act makes provisions for medical facility, legal aid and shelter home etc. In order to understand the nature of services availed by the survivors of domestic violence, a discussion was made about the services availed by them in course of their case. It was found that none of the participants ever sought medical assistance from Protection Officer, Police or Service Provider. It was further stated that at the time of institution of case there was no complain of bodily injury or any other illness. Similarly, they did not have any idea about legal services. On the recommendation of the Women Support Centre, they have approached Legal Services Committee for free legal aid. They were provided with lawyer who is conducting the case. 40% of the participants sought shelter facility which was made available to them.

G. Orders Passed: The participants of the focus group discussion observed that after filing of the case they were allowed maintenance. 30% observed that they are receiving maintenance either regularly or occasionally. Similarly, 75% said that an order for shared household has been passed but it is not being carried out. The reason for its non-implementation is stated to be fear of atrocity which

prevents them from going to matrimonial home. The participants were not aware about any order for counselling. Some of them however observed that Women Support Centre invited the defendant husband for counselling. The discussion pertaining to custody of the child revealed that, the children are living with the survivors hence they have not sought any custody order. Protection order has been passed in almost 50% of cases as mentioned by the participants. Only one case was found where the participant said that compensation was claimed in her case for Rs 24,000/-.

H. Identified Problems: In the focus group discussion it was emerged that delay in court proceeding is a major problem. Even though interim orders have been passed these orders are not being implemented properly. 60% of participants observed that the lawyers are not cooperating with them for settlement of dispute. Overall the participants have lot of expectation from the court for resolution of their dispute and appropriate action against the defendant.

The overall findings suggest that the journey for justice for women subjected to domestic violence is not so far easy. There is still very little awareness among the survivors about the PWDV Act and the level of understanding about difference between proceedings under different laws for the protection of women. Until today women subjected to domestic violence run to post to pillar seeking intervention by institutions like Police, Counsellors and Women Commission. The visibility of the institutional mechanism is very poor for which unless there is some social arrangement like support of NGOs the survivors do not have access to Protection Officer and Service Providers. Even though the PWDV Act provides for medical assistance, shelter home facility, legal aid and counselling, in practice such services are not within the reach of women survivors. Similarly, due to absence of awareness various orders like protection order, residence order, monetary relief, custody order and compensation order are not exercised. It depends on the lawyer to decide what is going to be sought for the women. Thus, the PWDV Act cannot be held to be of much assistance for women survivors of domestic violence.

Chapter-VI

ANALYSIS OF DOMESTIC INCIDENT REPORTS

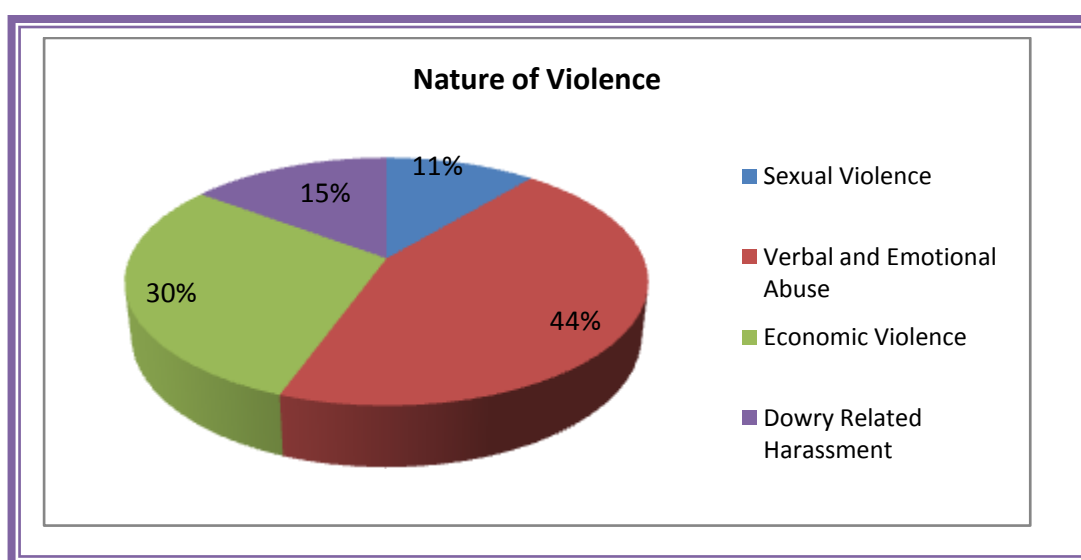
There is a provision for preparation and filing of Domestic Incident Report (DIR) under the PWDV Act. A Domestic Incident Report (DIR) means a report made in the prescribed form i.e. Form–A on receipt of a complaint of Domestic Violence from an aggrieved person. The Domestic Incident Report (DIR) is a major document which is relied on during passing of any order by the Magistrate when an application is made seeking relief under the Act. As per the legal provision the Domestic Incident Report (DIR) is to be filed by the Protection Officer under section 9(1)(b) or by the Service Provider under section 10(2)(a). Once the DIR is prepared either by the Protection Officer or the Service Provider copies of the DIR are to be forwarded 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 Provider in that area. Needless to say that a copy of the DIR is to be filed before the Magistrate.

Since every Domestic Incident Report (DIR) contains the views of the aggrieved person i.e. the Women who is subjected to violence, it is an important document to understand the matter in great detail. Keeping this in view, under this study an attempt has been made to review at least six numbers of DIR over last 3-years from identified six districts of Odisha where the study is conducted. This was reviewed with the aim that these documents would indicate various aspects of Domestic Violence such as the nature of violence, nature of relief sought and the kind of support an aggrieved party requires at the time of occurrence of the incident. It was also decided under the study to analyse further the DIRs and wherever possible with court orders for understanding the timeline, orders and actual relief provided.

The following findings were gathered from the review of a total number of 108 Domestic Incident Report (DIR) at the rate of six DIRs per year over three years from six-districts of Odisha.

(a) Nature of Violence: As has been discussed in previous Chapters there are various kinds of domestic violence. Broadly it is categorised under four heads such as Physical Abuse, Sexual Abuse, Verbal and Emotional Abuse and finally Economic Abuse.

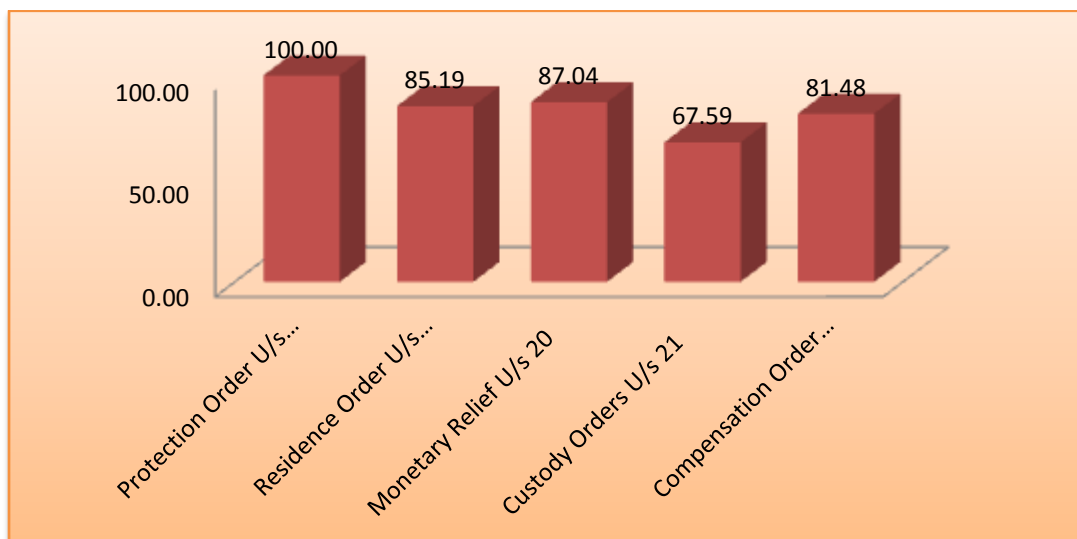
The study made an attempt to unravel the nature of violence perpetuated on aggrieved persons from the review of DIR. It indicates that 11 % face Sexual Abuse, 44% Verbal and Emotional Abuse, 30 % Economic Abuse and 15 % Dowry related harassment. Almost all the aggrieved person reported physical violence. Almost everyone has undergone and suffered more than one kind of abuse. The below diagram shows the nature of violence on women as reflected in the DIR.



A further investigation into the DIR indicates the following specific type of violence under each kind of abuse:

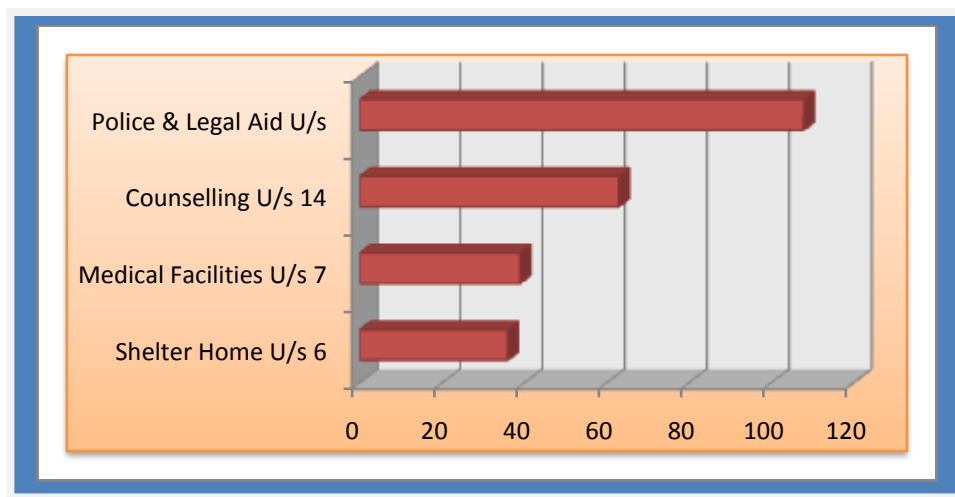
SI No	Nature of Violence and its types	Number	Percentage
1	Sexual Violence:	12	11.11 %
2	Verbal and Emotional Abuse	48	44.44 %
3	Economic Violence	32	29.63 %
4	Dowry Related Harassment	16	14.81 %

(b) Nature of Relief Claimed: The PWDV provides for various kinds of orders which can be passed in an application made to the Magistrate. The orders include Protection Order under section 18, Residence Order under section 19, Monetary Relief under section 20, Custody Orders under section 21 and Compensation Order under section 22. A review of DIR to understand the nature of relief sought by the aggrieved persons indicates the following:



It is pertinent to mention that in most of the cases more than one relief was sought by the aggrieved person.

(c) Nature of Assistance Sought: In addition to the provision for various kinds of orders that can be passed by the Magistrate in an application by the aggrieved person, the PWDV Act also provides for various kind of assistance that can be rendered to the aggrieved person. The assistance can be in the form of shelter home under section 6, medical facilities under section 7, counselling under section 14, assistance of the police and legal aid. A review of DIRs reveals that the following type of assistance were sought by aggrieved parties:



(d) Timeline for disposal of case: In order to understand the timeline that is used for disposal of cases after filing of DIR, an attempt has been made under the study to investigate the timeline from a comparative study of DIR and final orders of the court over last 3-years. In this regard the study covered 2-districts i.e. Cuttack and Dhenkanal with a total number of 04 numbers of cases respectively.

Sl. No.	District	Date of DIR	Date of Final Disposal	Total Days consumed
1	Cuttack	30.09.2013	30.07.2015	668 days
		13.09.2013	16.10.2014	398 days
		04.04.2014	04.06.2015	426 days
		05.10.2014	13.07.2015	281 days
2	Dhenkanal	10.05.2013	23.06.2014	409 days
		11.11.2013	02.07.2014	233 days
		12.06.2014	13.10.2015	488 days
		10.10.2014	21.11.2015	407 days

The above exercise reveals that on an average 413 days are required for final disposal of the case from the date of filing of DIR. It was noted that the highest day consumed for final disposal of the case is 668 days in the district of Cuttack and the lowest days

consumed is 233 days in Dhenkanal district. The reason for early disposal of cases need to be investigated to improve the practice in all courts for early disposal.

(e) Nature of Order Passed: A review of the orders of last 3-years in Cuttack and Dhenkanal districts provides information regarding nature of orders passed by the Magistrate.

Dispose Off DIRs	District / Duration	Relief Sought	Reliefs received in terms of Orders from the Court
DIR – 1	Dhenkanal / 409 days	Claiming relief under section 18,19,20 and 22 of DV Act.	Order has been passed to provide a habitable room in their shared household or to pay Rs.2000/- for a rented house and protection order.
DIR – 2	Dhenkanal / 488 days	Claiming relief under section 18,19,20 and 22 of DV Act.	Court passed an order for her protection u/s 18, residence order u/s 19, compensation order u/s 22 of Rs.10,000/-.
DIR – 3	Dhenkanal / 233 days	Prayer for passing of Residence order, Monetary Relief and Compensation Order.	The Court directed to the opposite party to pay monthly maintenance of Rs.2000/- to the aggrieved person. Also directed to keep one room for the aggrieved person for her living.
DIR – 4	Dhenkanal / 407 days	Claiming reliefs under section 18,19 and 20 of the DV Act	The respondent is prohibited from committing any act of domestic violence against the aggrieved person u/s 18 of the act, the aggrieved person is directed to live in her in-laws house or alternatively the respondent shall pay Rs.2000/- to the aggrieved person per month towards house rent u/s 19, under section 20 of the act the respondent is directed to pay a sum of Rs.5000/- per month to the aggrieved person

			towards her maintenance also a sum of Rs.24,000/- to the aggrieved person towards compensation under section 22.
DIR – 5	Cuttack / 668 days	The aggrieved person claiming reliefs U/s 18,19 and 20 of the Act.	Regards to U/s 18, the respondent are directed not to commit any domestic violence to the aggrieved person, U/s 19, the respondent is directed to secure share household or Rs.1500/- per month as house rent to the aggrieved person, the respect to U/s 20, a sum of Rs.3000/- per month is awarded towards maintenance of the aggrieved petitioner.
DIR – 6	Cuttack / 426 days	Claiming reliefs under sections 18, 19, 20 and 22 of the DV Act against the respondent	The respondents are prohibited from committing any act of domestic violence against the aggrieved person U/s 18 of the Act, the aggrieved person is directed to live in her in-laws house alternative by the respondent shall pay a sum of Rs.1,000/- per month towards house rent U/s 19, Husband is directed to pay a sum of Rs.5000/- to the aggrieved person towards her maintenance U/s 20 of the act and in addition to the monthly maintenance U/s 20 of the act, an lump sum compensation of Rs.40,000 is awarded to the aggrieved person U/s 22 of the Act within two months from the date of order.
DIR – 7	Cuttack / 281 days	The aggrieved person praying for Protection Order U/s 18, Monetary	The respondents are prohibited from committing any act of domestic violence

		Order U/s 20, Custody Order U/s 21 & Compensation Order U/s 22 of the PWDV Act.	against the aggrieved person U/s 18 of the Act, the respondent is directed to pay a sum of Rs.2,000/- per month towards house rent U/s 19, husband is directed to pay a sum of Rs.15,000/- to the aggrieved person towards compensation U/s 22 of the act and an amount of Rs.2,000/- per month as maintenance is awarded to the aggrieved person U/s 20 of the Act.
DIR – 8	Cuttack / 398 days	Petitioner claimed Protection Order U/s 18, Residence Order U/s 19 and Monetary Relief U/s 20 of the DV Act.	The respondents are prohibited from committing any act of domestic violence against the aggrieved person U/s 18 of the Act, the respondent husband is directed to pay Rs.3000/- per month to the aggrieved person as maintenance under section 20.

The study analysed 108 DIRs for last 3-years from 6 districts. The DIRs corroborate the fact that most of the women were subjected to physical violence. There are of course various other instances where women have also suffered violence of other nature like sexual violence particularly activities pertaining to derogatory remark on their dignity. A DIR analysis reveals that the survivors ask for almost all types of orders with focus on monetary relief. Similarly, the DIR indicates that services in the nature of legal aid and counselling are widely sought by the survivors. A review of DIR along with court orders indicates that on an average one year to three years are required for final disposal of the cases. Orders are passed by the Magistrate according to the reliefs sought by the parties. However, the level of execution of the orders is inadequate.

CASE STUDY

CASE STUDY - 1

Smt REBATI BEHERE, the aggrieved person aged about 32 years, W/o-Naran Behera, At-Manpur, PS-Kantabania, Dist-Dhenkanal has filed this case u/s 12 of the Protection of Women from Domestic Violence Act, 2005 claiming reliefs under sections 18,19 and 20 of the Act against the respondent , Sri Narayan Behera aged about 40 years S/o-Chatura Behera, At-Mangalpur, PS-Kantabania, Dist-Dhenkanal.

The case of the aggrieved person, as per the Domestic Incident Report (DIR), is that she is the legally married wife of Narayan Behera and their marriage was solemnized in the year 1999 as per Hindu rites and customs and led conjugal life with him in a shared household at Manpur with her parents in law till 2014. Out of wedlock two sons namely, Sangram Behera and Chandan Behera are born. The aggrieved person lived with her husband peacefully for a period of 14 years. Thereafter her husband fell in love with Subhadra @Mita Behera and started creating disturbances in the house and ultimately married her in February 2014 and brought her to the matrimonial house and kept her. Then the husband started neglecting, ill treatment, torture and domestic violence on the aggrieved person. He also assaulted her and her sons and did not provide any food to them and her parents in law. On their protest for such activities he threatened to kill them. Her husband snatched her gold ornaments and cash of Rs.14,000/ and took all her utensils and household articles and gave it to Mita. Due to the said domestic violence she reported the matter to village gentleman and the Kantabania police station and on the interference of police on 23.07.2014 a compromise was effected, wherein the opposite party agreed to pay her Rs.3500 per month as maintenance, and to return the gold ornaments and other household articles. But later on the opposite party did not obey the same. Hence the petitioner has prayed to pass protection order, residence order and monetary relief.

On the other hand, the respondent has appeared and has filed his show cause stating therein that the allegations stated against him are false and baseless. He also did not admit the fact of marriage with Mita@Subhadra Behera and contended that the petitioner always insisted her husband for separation from his family for which the petitioner started non co-operation and finally left the company of her husband as per her own accord. Hence the petition filed by the petitioner be rejected as she has concealed the real fact for causing under harassment to the opposite party.

After filing of the case, the prayer of the aggrieved person is partly allowed, which runs thus:

1. The respondent is prohibited from committing any act of domestic violence, aiding or abetting in the commission of acts of domestic violence against the aggrieved person u/s 18 of the Act.
2. The aggrieved person is directed to live in her in-laws house and the respondents are prohibited from restraining her there from or, in the alternative, the respondents shall pay Rs.2000/- in total per month to the aggrieved person towards house rent u/s 19 of the Act.
3. Respondent no.1 is directed to pay a sum of Rs.5000 per month to the aggrieved person towards her maintenance u/s 20 of the Act.
4. The respondent is directed to pay a sum of Rs.24,000 to the aggrieved person towards compensation.

The above payment shall be made from the 21.11.2015 and shall be payable within 10th of each succeeding English calendar month, failing which, the aggrieved person is at liberty to take recourse to law for realisation of the same.

CASE STUDY - 2

Smt Mamata Singh, the aggrieved person aged about 30 years, W/o-Madan Singh, At-Siminai (Nuasahi), PS-Sadar, Dist-Dhenkanal vide CrI. M.C. No.171/2011 has filed this case u/s 12 of the Protection of Women from Domestic Violence Act, 2005 claiming reliefs of residence order, monetary relief and compensation order of the Act against the respondent, Sri Madan Singh aged about 40 years, Sri Govind Singh aged about 60 years and Lata Singh aged about 55 years of village Siminai (Nuasahi), PS-Sadar, Dist-Dhenkanal.

The case is that the petitioner is the aggrieved person and had married to the respondent Madan Singh and has already spent 13-years of her married life with him. Her first son was born on 19.12.1998 and her second child was born on 11.06.2004. During the time of her marriage her father had given all household articles including Sofa set, TV and some of the gold and silver ornaments according to their capacity. Till 2009 she had been staying peacefully in her in-laws house. Although her mother in law always interfered in her conjugal life but with the love of her husband she stayed there peacefully. After 2009 her husband started to show an indifferent attitude towards her. When their families became the worse she started to go outside for work which created an unpleasant situation and her husband started to ill treat her. Since then she had been staying in her parental house and her two children under compelling circumstances. The matter was also tried to be settled in the police station but later on the opposite party married to another girl namely Anjanli. At present her husband is not giving a single pie to her maintenance. Since then she had staying in her parent's house with her two children. She has no income. Petitioner has prayed for protection order, residence order, monetary relief and compensation.

The Case is allowed on part on ex-parte against the opposite party. The opposite party is directed to pay monthly maintenance of Rs.2000/- to the petitioner from the 02.07.2012. The current monthly maintenance is required to be paid to the petitioner on or before the 10th day of each English calendar month, failing which the petitioner is at liberty to realise the same through the process of the Court. The opposite party is also directed to

keep on of their rooms to the petitioner for her living. The IIC of concerned PS is also directed to look after the protection of the petitioner in a fortnight basis.

CASE STUDY - 3

Smt Nabakumari Naik, aged about 35 years, W/o- Laljharan Naik, At/Po- Gopalpur, Block-Th. Rampur, Dist-Kalahandi has filed this case u/s 12 of the Protection of Women from Domestic Violence Act, 2005 seeking reliefs u/s 19, 20, 21 & u/s 22 of the Act against Sri Laljharan Naik, aged about 40 years, S/o Late Madu Naik, At/Po-Gopalpur, PS.-Th. Rampur, Dist-Kalahandi.

The case of the aggrieved person is as follows:

The aggrieved person has married the opposite party 22 years back as per the Hindu rituals. The opposite party as was not having any permanent residence, the brother of the aggrieved person has gifted a land to the aggrieved person where the aggrieved person and the opposite party constructed a house and started living. In the year 2012 the opposite party dragged the aggrieved person from the house and retained both the son and daughter who were born out of their wedlock. Further the aggrieved person has also pleaded that the opposite party is in relation with one Reena Naik for which he has dragged her out of the house. The aggrieved person has filed the petition before SDJM Court with a prayer to pass necessary order u/s 19 and has claimed a maintenance amount of Rs.35,000 u/s 20 of the Act, Rs.2,00,000/- as compensation u/s 22 of the Act and the custody of the children u/s 21 of the Act and also she prayed to return back the land which stands recorded in her name.

Taking into account the evidences available on record, it was concluded that the aggrieved person who is in domestic relationship with the opposite party is entitled to the relief which she has claimed except the relief for the custody of the children u/s 21 of the Act.

Finally the Hon'ble SDJM ordered that the opposite party is directed to give residential accommodation to the aggrieved person in the shared household in which the aggrieved

person wants to reside. The opposite party is further directed to remove himself from the share household which stands recorded in the name of aggrieved person and is further restrained from alienating the share household in any manner. The opposite party is further restricted from entering into any portion of the share household in which the aggrieved person resides. So far as Sec 20 is concerned as the aggrieved person is in domestic relationship with the opposite party the aggrieved person is entitled to get a monthly maintenance.

The claim of the aggrieved person is of Rs.35,000. But the court taking into account the submission made by both the parties and the evidence available on record, the court ordered that a monthly maintenance of Rs.1000 from 16.05.2013 will be sufficient for the maintenance of the aggrieved person. In regards to relief u/s 22 of the DV Act taking into account the facts and the circumstances of the case the court ordered a sum of Rs.10,000 only as compensation to be paid by the opposite party in two equal instalments within two months of this order.

CASE STUDY - 4

Smt. Sunanda Rani Pattnaik, aged about 32 years W/o – Manoranjan Das, residence of Kashibhadi, Po/PS- Lanjigarh, Dist-Kalahandi filed an application before SDJM, Bhawanipatana u/s 12 of Protection of Women from Domestic Violence Act, 2005 vide case no. C.M.C No.86 of 2014 against the opposite party Smt. Anasuya Das, aged about 63 years W/o- Managobinda Das and Sri Managobinda Das aged about 67 years of village Kashibhadi, Po/PS- Lanjigarh, Dist-Kalahandi seeking relief u/s 18, 20 and 22 of the Act.

The fact is that the Smt. Sunanda Rani Pattanaik is the daughter-in-law of the opposite party. The aggrieved person has married Manoranjan Das, the son of the opposite party in the year 2000. According to the aggrieved person since the date of her marriage, she has been subjected to harassment by her father-in-law as the marriage was against the consent of the opposite party. As per the averment of the aggrieved person after the marriage she had been to the house of the opposite party to reside there but she was insulted and drove out from the house. The aggrieved person along with her husband were shifted to Bhawanipatana town. In the year 2007 the aggrieved person was blessed with a girl child out of her wedlock. After birth of a deaf & dumb child the aggrieved

person was having a hope that she will be accepted by her in-laws but again she was blamed by the in-laws. Meanwhile she has given a loan of Rs.3,50,000 to the opposite party when she was in need of money. In the meantime for treatment of the handicap child the aggrieved party approached the opposite party to return the loan amount but the opposite party have abused her and have driven her out of the house.

So the aggrieved person has filed a case with a prayer to pass necessary protection order u/s 18 and to direct the opposite party to pay a sum of Rs.6,50,000 for medical expenses of the child which includes the loan amount of Rs.3,50,000/-.

On the other hand the opposite parties have filed a joint show cause stating that the allegation made in the application are false and are not correct. According to the opposite party the aggrieved person and her husband have never come to their since the date of marriage and as such the question of abusing and droving her out of the house do not arise. According to the opposite parties the husband of the aggrieved person is having a sound income and is working in Vedanta Company on contractual basis. Further they have never taken a sum of Rs.3,50,000 from the aggrieved party rather we are burdened with a tractor loan. The opposite parties have also submitted that they are not having enough income to meet the claim of the aggrieved person.

Finally the application filed by the aggrieved person u/s 12 of PWDV Act, 2005 is dismissed on contest against the opposite parties.

CASE STUDY - 5

Zahida Parbin aged about 36 years, W/o-Md. Sahid, Village-Pardesi para, PS-Bhawanipatna, Dist-Kalahandi filed an application before SDJM, Bhawanipatana u/s 12 of Protection of Women from Domestic Violence Act, 2005 vide case no. C.M.C No.91 of 2014 against the opposite party Md. Daud Khan, father in law of Zahida Parbin and Md. Shariff aged about 37 years of village - Pardesi para, PS-Bhawanipatna, Dist-Kalahandi seeking relief u/s 18, 19 and 20 of the Act.

The aggrieved person is the daughter in law of the Md. Daud Khan and the sister in law of the Md. Shariff. Both are causing mental and physical violence to Zahida Parbin since 15th December 2012. Also she was facing humiliation as she is being called as Bilei (cat)

and is asked not to show her face in the morning. Also she was abused by her father in law in obscene languages and her children were not allowed to play in the house and she was restricted from using the roof of the building. Md. Daud Khan has disposed of the paternal properties and has only allowed one bed room, kitchen and one bath room. Finally she was forced to vacate the premises where she was residing.

The Hon'ble court heard the case and ordered on dtd.18.09.2014 that Md. Daud Khan & Md Shariff are prohibited from committing any act of domestic violence or aiding or abetting in the commission of acts of domestic violence. Both of them are restrained from disposing or in any other manner distributing the possession of aggrieved person from the share household. Further also restrained from entering any portion of the share household in which the aggrieved person resides. But she did not get any monetary relief as far as relief u/s 20 is concerned.

CASE STUDY – 6

Smt Rajalaxmi Das, aged about 24 years W/o-Pradipta Ku Das, At-Nuabazar, PS-Madhupatna, Dist-Cuttack filed an application before Judicial Magistrate First Class (JMFC), Cuttack u/s 12 of Protection of Women from Domestic Violence Act, 2005 vide case no. C.M.C No.320/13, TR Case No.102/15 against the opposite party Sri Pradipta Kumar Das aged about 32 years S/o-Batakrushna Das and Anu Das aged about 33 years W/o-Lt. Prasanna Ku Das both are of village-Chanchapada, Po-Damodarpur, Dist-Cuttack seeking relief u/s 18, 19 and 20 of the Act.

The case is that Smt Rajalaxmi Das was legally married wife of Pradipta Ku Das and marriage between both of them having been solemnised as per Hindu rites and rituals. After marriage Smt Rajalaxmi Das stayed with her husband in her in-laws house for two and half years. But in 2013 her husband beat her and abused her in filthy languages. Smt Rajalaxmi Das alleged that her husband has illicit relation with another lady namely Anu Das. However the parents of Rajalaxmi Das have fulfilled all the demands of her in-laws family members at the time of marriage but after fulfilment of all the demand, her husband again demanded Rs.20,000, colour TV, refrigerator and hero honda motor cycle. As her father is a daily labourer so he could not fulfil their wants. Then she drove out of their house and then she stayed in her father's house.

Finally the Hon'ble court ordered on the application u/s 12 of Smt Rajalaxmi Das that as regards to u/s 18 of the Act both Pradipta Ku Das and Anu Das are directed not to commit such type of domestic violence to the Rajalaxmi Das. U/s 19 of the Act court directed to Pradipta Ku Das to secure some level of alternative accommodation for his wife as the shared household failing which he has to pay Rs.1500/- per month as house rent to Rajlaxmi Das. In respect to u/s 20, Court directed to Pradipta Ku Das to pay Rs.3000/- per month towards maintenance to his wife from the ordered date. 30th July 2015. Further Pradipta Ku Das is directed to pay an arrear amount within three calendar months to Rajalaxmi Das, failing which , she is at liberty to take shelter under Court of Law against her husband.

Case Study - 7

Smt. Sabita Mohapatra @ Moharana W/o Ajaya Mohapatra, At-Pipili Sasan, PS-Pipili, Dist-Puri filed an application u/s 12 of Protection of Women from Domestic Violence Act, 2005 before JMFC, Cuttack vide case no. Crl.M.C No.380/2011, TR Case No.2126/2014 against the opposite party Sri Ajaya Mohapatra & Others seeking relief u/s 18, 19, 20 and 22 of the Act.

The case of the aggrieved party, as per the Domestic Incident Report (DIR) is that she is the legally married wife of Ajaya Mohapatra. Their marriage was solemnised on 10.05.2009 as per Hindu rites and customs. At the time of marriage as per demands of opposite parties a cash demand of Rs.50,000/-, Rs.20,000/- towards procession charges, Rs.5,000/- towards dress along with gold ornaments & other household articles were given. After their marriage they maintained conjugal life happily and peacefully. But later the husband used to torture his wife physically by not supplying her basic necessities for her sustenance due to additional demand for dowry of Rs.50,000/- in cash.

Then, Smt. Sabita Mohapatra filed the case before the JMFC, Cuttack but Sri Ajaya Mohapatra was set ex-parte on 26.06.2014 due to non-appearance during trial and the case proceeded in his absence. The District Protection Officer has also submitted the DIR after making preliminary inquiry. In the DIR, Protection Officer has also mentioned that Smt Sabita Mohapatra was subjected to domestic violence.

On 4th June 2015, the Hon'ble Court ordered that Ajaya Mohapatra is prohibited from committing any act of domestic violence, aiding or abetting in the commission of acts of domestic violence against the Sabita Mohapatra u/s 18 of the Act.

Sabita Mohapatra is also directed to live in her in-laws house and her husband is prohibited from restraining her there from or, in the alternative, the husband shall pay Rs. 1000/- in total per month to her wife towards house rent u/s 19 of the Act.

Ajaya Mohapatra is directed to pay a sum of Rs. 5000/- to Sabita Mohapatra towards her maintenance u/s 20 of the Act. In addition to the monthly maintenance u/s 20 of the Act, an lump sum compensation of Rs. 40,000/- is awarded to Sabita Mohapatra. The husband is directed to pay the compensation u/s 22 of the Act within two months from passing of the final order. The monthly maintenance payment shall be made from the date of the order and shall be payable within 10th of each succeeding English calendar month, failing which, Sabita Mohapatra is at liberty to take recourse to law for realisation of the same.

Case Study - 8

Smt. Reeta Nayak, W/o Sri Tikan Nayak, At-Narayanpur, Kanderei, PS-Khuntuni, Dist-Cuttack filed an application u/s 12 of Protection of Women from Domestic Violence Act, 2005 before JMFC, Cuttack vide case no. CrI.M.C No.2014/2014, TR Case No.627/2015 against the opposite party Sri Tikan Nayak aged about 35 years S/o-Babaji Nayak & Smt. Sashi Nayak aged about 65 years, W/o- Babaji Nayak of At-Narayanpur, Kanderei, PS-Khuntuni, Dist-Cuttack seeking relief u/s 18, 20, 21 and 22 of the PWDV Act.

That Reeta Nayak married to Tikan Nayak in the year 2000 and at the time of marriage, her father had given cash of Rs.30,000/-, gold ornaments and other household articles. She stayed at her matrimonial house and maintained a happy and peaceful conjugal life for a period of two years. Out of her wedlock with Tikan Nayak, they are blessed with three children. After two years of marriage her husband demanded further dowry of Rs. 50,000/. Since she could not fulfil his demand, her husband assaulted his wife severely under the influence of alcohol and confined her in a room for two days along with her children without providing food and medicines to them. Again on 08.08.2012 at about 11

pm the husband assaulted her under the influence of alcohol and forced her to leave her matrimonial house and threatened to kill her in case she fails to fulfil the additional demand of dowry. Since then Reeta Nayak is residing at her father's house along with her two younger children. The husband instead of reunion of his family threatened his wife to kill her. In such circumstances Reeta Nayak filed the case before JMFC, Cuttack.

The husband did not appear in the court, hence they are set ex-parte in this case. The Hon'ble court ordered that Tikan Nayak is hereby prohibited from committing, aiding or abetting any act of domestic violence against the aggrieved person. Then he is directed to pay a sum of Rs.2000/- per month to Reeta Nayak as maintenance with effect from the date of filling of application. That Sri Tikan Nayak is further directed to pay a sum of Rs.15000/- as compensation to Reeta Nayak as one time compensation in the shape of Bank Draft within three calendar months of the order and the amount of Rs.2000/- as maintenance accruing from month to month is to be tendered to in shape of Bank Draft by the first week of every month. Further Tikan Nayak is directed to pay the arrear maintenance and house rent amount to Reeta Nayak within three calendar months from the date of this order, failing which Reeta Nayak is at liberty to take shelter of the Court.

Case Study - 9

Smt. Manaswini Sahoo, aged about 25-years, W/o Pramoda Ch Sahoo, and Prachismita Sahoo aged about 5-years of village-Saradhapur, PS-Itamati, Dist-Nayagarh filed an application u/s 12 of Protection of Women from Domestic Violence Act, 2005 before JMFC, Cuttack vide case no. CrI.M.C No.76/2012, against the opposite party Sri Pramod Ch Sahoo aged about 33 years S/o- Late Narasingh Sahoo, Sri Chandramani Sahoo aged about 60-years W/o- Late Narasingh Sahoo, Ragunath Sahoo aged about 42 years, Minati Sahoo aged about 34 years all are of Saradhapur, PS-Itamati, Dist-Nayagarh village seeking relief of protection order, residence order, maintenance and monetary relief for maintenance under PWDV Act.

The case is that, Manaswini Sahoo is the legally married wife of Pramoda Ch Sahoo and their marriage was solemnised on 29.04.2006 as per Hindu custom and rites in presence of family members and relatives. At the time of marriage the father of Manaswini Sahoo had given Rs.60,000/- in cash, one passion plus bike, one gold chain, two gold rings

along with other house hold articles and utensils to Sri Pramoda Ch Sahoo. After marriage both couple led happy conjugal life for a very short period because her husband started physical and mental cruelty on pretext of further dowry of Rs.45,000/-. Day by day the torturing was more to her due to non-fulfilment of such dowry amount. Thereafter the father of Manaswini Sahoo intervened into the matter and tried for amicable settlement but all his efforts are went in vain due to adamant nature of Pramoda Ch Sahoo as well as his family members. Hence, finding no alternative way Manaswini took the shelter of the police and lodged an FIR at Nayagarh police station but the police did not take any step, then she filed a complaint case against Pramoda Ch Sahoo in court SDJM, Nayagarh.

Meanwhile, it is also averred that Manaswini having no source of income to maintain herself as well as her daughter. So she filed an application u/s 12 of PWDV Act before the Hon'ble court SDJM, Nayagarh. But her husband appeared and filed their written show cause to the application u/s 12 of PWDV Act denying all the allegations made against him. He also denied that he has ever demanded any dowry from Manaswini or never tortured at any point of time so there is no question of domestic violence. Rather she deserted her matrimonial house as per her will and she has falsely lodged a criminal case against the opposite party to harass and impute his reputation in society. Also he stated that he has no source of income of his own and he is dependent upon the earning of his elder brother.

This case is allowed on part against the Pramoda Ch Sahoo without cost. Pramoda Ch Sahoo and his family are directed to return the dowry articles which are retained by them to Manaswini within 2-months from this order. Court directed to his family not to alienate the share of Pramoda Ch Sahoo over his landed property bearing Khatiyani No.447 under Saradapur Mouza. Further, Pramoda Ch Sahoo is directed to provide monthly maintenance of Rs.3,000/- along with Rs.800/- towards house rent to Manaswini. Along with the maintenance and house rent he is directed to provide Rs.1000/- towards her child for her educational expenses. He has to pay such amounts to Manaswini from the date of order i.e. 26.02.2014. Further, Pramoda Ch Sahoo is directed to pay monthly maintenance of Rs.4800/- to Manaswini within the first week of

each month. If there will be any deviation of this orders Manaswini is at liberty to realise the same through due process of law.

Case Study – 10

Smt. Gitanjali Dash, W/o Luna @ Pradip Dash of village-Karandimaska, PS-Sadar Phulbani, Dist-Kandhamal filed an application u/s 12 of Protection of Women from Domestic Violence Act, 2005 before Sub Divisional Judicial Magistrate (SDJM), Phulbani vide case no. M.C No.52/2011 on dtd.28.01.2012 against the opposite party Sri Luna @ Pradeep Dash, S/o- Raghunath Dash, Kumuduni Das, W/o- Raghunath Dash, Kuna Das, Buna Das, Sabita Dash, S/D/o- Raghunath Das all are of village-Karandimaska, PS-Sadar Phulbani, Dist-kandhamal and Geeta Rani Panda, W/o-Jaganath Panda and Jaganath Panda both are of village-Dalapada, PS-Khajuriapada, Dist-Kandhamal seeking relief of monthly maintenance, protection order, residence order, return of dowry articles and payment of compensation for mental agony under PWDV Act.

Fact of the case is that Smt Gitanjali Dash got married on 08.07.2007 as per their caste and custom. The father of her had given cash of Rs.90,000 and other house hold articles, gold and silver ornaments. Both of them led conjugal life till 11.12.2008 and one son was born from their wedlock. Before that i.e. just after 10-days of the marriage the husband demanded further dowry of Rs.20,000/- and abused her. Then she went to her parents house for delivery. After the delivery she along with her son and parents came to the in-laws house. But they did not allow her to enter into the house, so on the same day a village meeting was called and in the said meeting it was decided that the husband will keep her in a separate house. Thereafter one month all the family members attempted to kill her but she managed to escape there from.

Then Gitanjali reported the matter in the police station and went to her parents house to save her life. After few days both the parties compromised the matter in the police station. Then Gitanjali went to house of Pradeep Dash and found her husband contacted second marriage. Then she came back and lodged an FIR in the police station and from that day the case initiated by Gitanjali under DV Act demanding maintenance Rs.4000/-

per month and necessary arrangements for her residence. Also she has claimed Rs.1,00,000/- as compensation for mental agony, necessary protection order and return of dowry articles.

On the other hand her husband denied the averments of her wife and stated that this case is not maintainable in the eye of law and he never assaulted her in connection with dowry. Rather she went to her parents house voluntarily for delivery purpose. The husband said he never attempted to take the life of Gitanjali.

Finally the Hon'ble court heard the case and ordered that Gitanjali is allowed on contest against the husband and other family members. The husband and other family members are directed to vacate one room of their house in Olenbatchnagar mouza, Phulbani for the occupation of Gitanjali in which she has every right to reside. Also they are prohibited from committing any act of domestic violence or aiding or abetting in the commission of any acts of domestic violence and restrained from creating any disturbance with Gitanjali in their occupation of the house of husband and family members in mouza Olenbatchnagar, Phulbani. The husband is directed to pay a sum of Rs.2500/- per month to Gitanjali within 10th of the succeeding month towards her monthly maintenance from the date of filling of the application. The arrears be paid within 3-months in six instalments. The husband and their family members are directed to pay a sum of Rs.20,000/- as compensation to Gitanjali for the mental agony undergone by her. Further directed to the family members to return the dowry articles to Gitanjali.

The Protection Officer is directed to make available of a suitable room in the house of the husband in Mouza Olenbatchnagar for the occupation of Gitanjali and to ensure that the order of monetary relief u/s 20 and compensation order for mental agony u/s 22 what has been passed above have been compiled with as per the procedure prescribed in the Cr.P.C. The Protection Officer is further directed to personally supervise whether the aforesaid orders have been duly compiled with by the husband and his family members and any violation of the same be intimated to this court in every 15-days.

RECOMMENDATIONS

(A) Access to Institution: As the study shows that access to various institutions like the Service Provider, Office of the Protection Officer and Shelter Home is difficult to approach for their presence mostly in the district headquarters, therefore, it is recommended that the institutional arrangement like appoint of Protection Officer and Service Provider should be extended to Block levels in the rural area and cities in urban areas. A wide network of institution created under PWDV Act would definitely strengthen easy access to the Protection Officer and Service Provider by the women who are subjected to domestic violence.

(B) Appointment of Skilled Counsellor: Under the PWDV Act there is a provision under Section 14 for counselling. As per the provision, the Magistrate may at the any stage of the proceeding direct the respondent or the aggrieved person either singly or jointly to undergo counselling with any member of a Service Provider who possesses such qualification and experience in counselling as may be prescribed. In this regard there is a need to bridge the gap in the law by prescribing the qualification and experience of the counsellors. In addition to it steps may be taken to enable Service Providers to engage one of their members having prescribed qualification as counsellor. Sincere there is a detailed description of role of Counsellor in the Rules made under PWDV Act by the central government the counsellors may be given adequate training to learn about do's and don'ts.

(C) Synergy Building: Since there are various actors operating under the PWDV Act like the Protection Officer, Service Provider, Shelter Home, Medical System, Legal Service, Counselling and Police etc therefore, it was found necessary to build synergy among the actors by establishment of a coordination council. It is expected beyond doubt

that through effective coordination among various stakeholders convergence between services can be brought about and service delivery can be efficiently improved. It is therefore, recommended to constitute coordination mechanism at the district level or even lower level for bringing about responsiveness and accountability in the institutions.

(D) Effective Delivery of Legal Services: In the present context legal services are made available through the Legal Services Committees operating at different level. However, many a time it is difficult for the Protection Officer to ensure delivery of legal services to the aggrieved person. It is the aggrieved person who has to approach different institutions for a single case. In view of this it is recommended that the Protection Officers may be empowered to approve legal services and appoint lawyer from the list of panel lawyers at their level. In this process legal services can be easily available and accessible.

(E) Contact Person in Health System: It was found from the study that medical assistance is hardly arranged by various actors under the PWDV Act. A further investigation into the matter reveals that due to absence of any particular unit in the health system for women subjected to violence who need medical assistance, it is difficult for the actors to provide medical assistance. Bearing this in mind it is recommended to appoint a contact person in the health system, who can be approached by the actors under PWDV Act in case of need.

(F) Capacity Building: It was felt that there is a need for holding training programme for capacity building of different actors. Even though it was found that many of the Protection Officers have undergone training on PWDV Act, it was also identified that training for Service Provider and Counsellors are not being adequately made. Therefore, it is recommended that training programme must include Service Provider and Police Officials as well as Counsellors. Different types of training modules may be used for different actors keeping in view the type of role conferred on them under PWDV Act.

(G) Budget Allocation: Sufficient and timely budgetary allocation is important to translate the legal provisions into action. Through the study it was revealed that budget allocation is made but there are many areas which are completely overlooked. To that end it is suggested that special budget allocation must be made for Service Providers, Counsellors and Welfare Experts. Budget allocation for wider legal awareness among general public about the provision of PWDV Act, training for capacity building and improvement of infrastructure is very much essential. Accordingly a broad based budgeting based on law must be considered.

(H) Coverage of Geographical Areas: Due to vast geographical areas of a district, it is not possible for a single Protection Officer and Service Provider to cover the entire area for various purposes including reaching out to respondent to serve notice and execution of order of the court. Therefore as has been recommended earlier, there is a need to expand the system which is available and accessible as well as easy to deliver services.

(I) Assistance to Magistrate: As per the PWDV Act it is the duty of Protection Officer to assist the Magistrate in the discharge of his functions under this Act. However, it was found that there are many Magistrates empowered to deal with cases under PWDV Act in various parts of the district for which it is not possible for single Protection Officer to assist all the Magistrates in a district. In view of it the number of Protection Officers is required to be increased, so that, the Protection Officer can easily assist the Magistrate.

(J) Awareness: During the Focus Group Discussion with women survivors of domestic violence it was found that the level of awareness about the law is insignificant. In fact, the awareness level about the law among general public is demonstratively poor. The PWDV Act itself provides for legal awareness under section 11 for awareness through publicity in media including television, radio and print media. However, at present awareness about PWDV Act is grossly manifestly low. Therefore, it is suggested that a systematic legal awareness programme must be launched for creation of legal awareness.

CONCLUSION

A decade long experience concerning implementation of PWDV Act since its enactment in 2005 shows that there is new beginnings in various manners. The Protection Officers are appointed, Shelter Homes have been established, Service Providers are operating and a flexible legal procedure has been adopted by the court for dealing with cases of women subjected to violence. Thus, there is an ambivalent experience in this area of law. In one hand one has to be satisfied that there is a growth of a whole new system and institutions like Protection Officer, Service Provider, Counselling, Shelter Home and Welfare Expert. On the other hand what is unsatisfactory is that there is low level of awareness, there are still gaps and challenges in various spheres and the execution of orders are yet to be made. In view of this, a time has come to review the policies and necessary reforms must be undertaken to activate the institutions for robust function and specific outcomes. There is, also, a need to investigate further to understand whether the final outcome of the law is helpful for the women for whom the law has envisaged such an institutional arrangement.

The study also brings enough evidence which suggests that there is a need for more amounts of coordination and also ensuring convergence of services. If the findings of the study are accepted by the state agencies to improve upon the existing situation, there will be definitely a more responsive system emerged.

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ANNEXES

Annex-1

Study Questionnaires
QUESTIONNAIRE
(PROTECTION OFFICER)

Part-A: Basic Information

1.	Name of Protection Officer.			
2.	Qualification.			
3.	Experience			
4.	District.			
5.	Jurisdiction.			
6.	Date of Joining as Protection Officer.			
7.	Have you ever attended training/workshop on PWDV Act?	Yes	No	
If yes. Who was the organizer?				
a) Government.				
Name of Department / Training Institute.		Number of Times Attended.	Total Duration.	Year of Training.
b) NGOs.				
Name of Training Institute / Organiser.		Number of Times Attended.	Total Duration.	Year of Training.

	c) Any Other; Specify.			
	Name of Department / Training Institute.	Number of Times Attended.	Total Duration	Year of Training.
8.	Number of Cases handled (Last 3-years).	2013		
		2014		
		2015		

Part-B: Overall Awareness

1.	What are your broad functions as Protection Officer?	Functions:	Please Tick.
		a) To assist the Magistrate.	
		b) To make Domestic Incident Report.	
		c) Claiming relief for issuance of protection order.	
		d) Ensure the aggrieved person is provided legal aid.	
		e) Maintain a list of all Service Providers.	
		f) To make available a safe Shelter Home	
		g) To get the aggrieved person medically examine.	
		h) Oder for Monetary relief is excuted.	
	i) Any other , Specify:		
2.	Who can approach for relief under the PWDV Act?		Please tick
		a) Protection Officer	
		b) Directly by aggrieved party.	
		c) Service Providers.	
		d) Police.	
	e) Any Person:		
3.	Please provide 2-3 examples of each category of abuse mentioned below:		
	a) Physically abuse:		
	b) Sexual abuse:		

	c) Verbal and Emotional abuse:		
	d) Economic abuse:		
4.	Who are the beneficiaries of this Act?		
5.	Do you prepare DIR.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Whom do you provide copy of the DIR.		
7.	What kinds of relief that can be provided to the aggrieved party?		
8.	Is there a Shelter Home in your area of operation? Please provide the name, address and other details.		
9.	Are there Service Providers functioning in your jurisdiction? Please provide details about them.		
10.	Is legal service available in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.	Which Committee or Committees provides legal services?		
12.	What kind of services rendered under legal service:		
		a) Payment of the court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings.	<input type="checkbox"/> Please tick.
		b) Representation by a legal practitioner in legal proceedings.	<input type="checkbox"/>
		c) Supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings.	<input type="checkbox"/>

		d) Preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings.	
		e) Drafting of legal documents.	
		f) Any other please specify:	
13.	What is the prescribed duration for disposal of case?		
14.	How does service of notice made or served and what is the time frame?		
15.	Is there provision for counselling under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, who provides counselling services? (Is there a counsellor appointed)		
16.	What role a welfare expert is expected to perform?		

Part-C: Gap and Challenges.

1.	Do you have a separate office?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Is there a sign board displayed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Do you have minimum infrastructure available like Table, Chair, drinking water, toilet and crèche for children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Do you have required office stationary and contingency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Do you have any Assistant / Support Staff to help you perform your duties?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

6.	Is there a separate budget allocated for implementation of PWDV Act?	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Is there a financial guideline available for incurring expenditure?	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Is that budgetary allocation sufficient to carry out the work?	<input type="checkbox"/>	<input type="checkbox"/>	
9.	What was budget allocated and expenditure made for last 3-years.	Year	Budget	Expenditure
		2013		
		2014		
		2015		
	In case of low expenditure / utilisation, specify reason for it.			
10.	How do you serve notice on the respondent?	By Post:		
		By Hand:		
		Any Other:		
11.	What problems are faced in serving notice?			
12.	What are the major challenges you face in course of implementation of the Act?	1.		
		2.		
		3.		
13.	Is there a coordination mechanism available in your district / area for coordination of activity among Service Providers including Shelter Homes?			
14.	Do the Service Providers adequately provide services at the time of need?			
15.	Who are the Service Providers in your jurisdiction?			
16.	Have you filed DIR in all the			

	Magistrates of your District who are empowered to entertain Application under PWDV Act?			
	Please Specify Court wise cases for last 3-years.	Name of Court	Year	No of Cases
17.	How do you cover areas away from your Headquarter?			
18.	How many Magistrates are empowered in your jurisdiction to entertain application under PWDV Act?			
19.	How do you manage to cover all the Magistrates; Specify problems?			
20				
21				

Part-D: Implementation of PWDV Act.

1.	How many cases have you received over last 3-years?	Year	Number of Cases.
		2013	
		2014	
		2015	
2.	How many DIRs have been made against the cases registered over last 3-years?	Year	Number of DIRs.
		2013	
		2014	
		2015	
3.	In how many cases counselling has been rendered?	Year	Number of Cases.
		2013	

A Study on status of implementation of PWDV Act 2005 in Odisha

		2014	
		2015	
4.	How many cases are registered in the court?	Year	Number of Cases.
		2013	
		2014	
		2015	
5.	How many protection orders have been issued over last 3-years?	Year	Number of Protection Orders.
		2013	
		2014	
		2015	
6.	How many orders for share household issued over last 3-years?	Year	Number of Orders.
		2013	
		2014	
		2015	
7.	How many compensation orders issued over last 3-years.	Year	Number of Orders.
		2013	
		2014	
		2015	
8.	In how many cases order for custody of child is sought?	Year	Number of orders.
		2013	
		2014	
		2015	
9.	In how many cases legal services are provided over 3-years?	Year	Number of cases.
		2013	
		2014	
		2015	
10.	In how many cases medical assistance has been rendered over 3-years?	Year	Number of cases.
		2013	
		2014	
		2015	
11.	How many Shelter Homes operate in your locality?		
12.	Where do they operate?		

QUESTIONNAIRE

(Magistrate)

Part-A: Basic Information

1.	Name of the Judicial Magistrate.		
2.	Designation.		
3.	Name of the Court.		
4.	Jurisdiction.		
5.	Length of service in the present position.		
6.	Is he/she empowered to hear PWDV Act cases?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Does he have ever heard a case under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Part-B: Information about Domestic Violence Cases.

1.	Is there a Protection Officer functioning in your locality as per PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	If yes, Does she assist in cases of Domestic Violence and in what form?		
3.	Who can approach for relief under PWDV Act?		Please tick
		a) Protection Officer.	
		b) Directly by aggrieved party.	
		b) Service Providers.	

		d) Police.	
		e) Any Person:	
4.	What kind of abuse generally comes to your court?		Examples
		a) Physically abuse:	
		b) Sexual abuse:	
		c) Verbal and Emotional abuse:	
		d) Economic abuse:	
5.	Who are the beneficiary of the Act?		
6.	Have you ever asked for filing of DIR?		
7.	If yes whom did you ask:	Protection Officer	Service Provider
8.	What kind of relief do you provide?		
	<p>a) Shelter Order <input type="checkbox"/></p> <p>b) Right to reside in a shared household. <input type="checkbox"/></p> <p>c) Protection order. <input type="checkbox"/></p> <p>d) Residence order. <input type="checkbox"/></p> <p>e) Order for monetary relief. <input type="checkbox"/></p> <p>f) Custody order <input type="checkbox"/></p> <p>g) Compensation order. <input type="checkbox"/></p>		
9.	Is there a Shelter Home in your area operating? Please provide the name, address and other details.		
10.	Are there Service Providers functioning in		

	your district? Please provide details about them.		
11.	Is legal service available in your District?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12.	Which Committee or Committees provides legal services?		
13.	What kind of services rendered under legal service:		
		a) Payment of the court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings.	Please tick.
		b) Representation by a legal practitioner in legal proceedings.	
		c) Supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings.	
		d) Preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings.	
		e) Drafting of legal documents.	
		f) Any other please specify:	
14	Have you ever sought assistance of Welfare Experts?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Part-C: Gaps and Challenges.

1.	Do you think the DIR is filed on time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	If No. The reason for it?		
3.	Is it possible to hear the domestic violence case within 3-days of the receipt of application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	If No the reason for it?		
5.	Is it possible to dispose off every application within a period of 60-days for the date of first hearing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	If No. The reason for it?		
7.	Who serves notice about date of hearing?		
8.	Is service of notice made in time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Have you ever passed an order for counselling?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.	If yes whom did you ask for counselling?		
11.	Are you satisfied with the counselling facility?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

12.	Have you ever secured services of a Welfare Experts?	<input type="checkbox"/>	<input type="checkbox"/>
13.	If yes, who is he / she?		
14.	Are you satisfied with the assistance rendered by Welfare Expert?	<input type="checkbox"/>	<input type="checkbox"/>
15.	Does the Domestic Violence Case being heard in Camera?	<input type="checkbox"/>	<input type="checkbox"/>
16.	If No the reason for it?		
17.	Is Legal Service easily available for aggrieved parties from Legal Service Authority?	<input type="checkbox"/>	<input type="checkbox"/>
18.	Are the orders of the Court properly enforced?	<input type="checkbox"/>	<input type="checkbox"/>
19.	If No. What actions are being taken?		

Part-D: Implementation of PWDV Act.

1.	Number of cases registered each year over last 3-years?	Year	Number of Cases.
		2013	
		2014	
		2015	
2.	Number of cases disposed off each year over last 3-years.	Year	Number of Cases
		2013	
		2014	
		2015	

QUESTIONNAIRE (LAWYER)

Part-A: Basic Information.

1.	Name of the Lawyer.		
2.	Present Address.		
3.	Place of Practice.		
4.	Experience in the Bar.		
5.	Are you a Panel Lawyer of Legal Service Authority?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Number of Cases handled on Domestic Violence (Last 3-years).	2013	
		2014	
		2015	

Part-B: Overall Awareness

1.	What kind of role the Protection Officer under PWDV Act is expected to perform?		
2.	How many Protection Officer operate in your District?		
3.	Who can approach for relief under the PWDV Act?		Please tick
		a) Protection Officer.	
		b) Directly by aggrieved party.	
		b) Service Providers.	

		d) Police.	
		e) Any Person:	
4.	Which Magistrate is empowered to entertain application under PWDV Act?		
5.	Please provide 2-3 examples of each category of abuse mentioned below:		
	a) Physically abuse:		
	b) Sexual abuse:		
	c) Verbal and Emotional abuse:		
	d) Economic abuse:		
6.	Who are the beneficiaries of this Act?		
7.	Do you know about DIR?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8.	Who prepares DIR?		
9.	What kinds of relief that can be provided to the aggrieved party?		
10.	Is there a Shelter Home in your area operating? Please provide the name, address and other details.		
11.	Are there Service Providers functioning in your district? Please provide details about them.		
12.	Is legal service available in your District?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13.	Which Committee or		

	Committees provides legal services?		
14.	What kind of services rendered under legal service:		Please tick.
		a) Payment of the court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings.	
		b) Representation by a legal practitioner in legal proceedings.	
		c) Supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings.	
		d) Preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings.	
		e) Drafting of legal documents.	
		f) Any other please specify:	
15.	What is the prescribed duration for disposal of case?		
16.	How does service of notice made or served?		
17.	Is there a provision for counselling under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, who provides counselling services? (Is there a counsellor appointed)		
18.	What role a welfare expert is expected to perform?		

Part-Gaps and Challenges

1.	As per law the application of aggrieved person under PWDV Act shall be heard within 3-days from the date of receipt of application. Is it really taking place within the stipulated period?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Does the Magistrate seek DIR from Protection Officer or Service Provider after receipt of application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Do the Protection Officers / Service Providers submit the DIR on time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Does the filing of DIR take too much of time?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5.	Does the DIR helpful in getting relief for aggrieved person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	How long it takes to finalise cases under PWDV Act?		
7.	If it is delayed what are the reasons for it?		
8.	Is it possible for the aggrieved person to get legal services from the local Legal Service Committee?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Is the services of Welfare Expert availed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.	Is there a Counsellor available in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.	Is the Protection Order carried out?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Are there Service Provider functioning in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes who are they in the area?	a) Legal Aid	

		b) Medical Service c) Financial Service d) Any Other	
13.	Have you ever received a complaint from aggrieved person about poor quality of service by the Shelter Home?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14.	Have you ever heard about satisfactory remark by aggrieved person about Shelter Home?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15.	Is there a Shelter Home operate in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16.	Is it available for all aggrieved person who need Shelter facility?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
17.	How does notice on the party served?		
18.	How does the order of the Court served and is that sufficient?		
19.	Is the orders properly enforced in the following matters?		
	a) Shelter Order		
	b) Protection Order		
	c) Right to reside in a shared household.		
	d) Residence Order.		
	e) Monetary Relief.		
	f) Custody Order.		
	g) Compensation Order.		
20.	Does the Court provide interim relief when it is claimed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
21	Have you ever asked for	<input type="checkbox"/> Yes	<input type="checkbox"/> No
22	Was the submit.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

QUESTIONNAIRE (NGO Functionaries)

Part-A: Basic Information.

1.	Name of Non-Governmental Organisation with address.			
2.	Name of Chief Functionary.			
3.	Do you work on Domestic Violence Against Women?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4.	Area of Operation:			
5.	Have you ever attended training/workshop on PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes. Who was the organizer?				
a) Government.				
	Name of Department / Training Institute.	Number of Times Attended.	Total Duration.	Year of Training.
b) NGOs.				
	Name of Training Institute.	Number of Times Attended.	Total Duration.	Year of Training.
c) Any Other; Specify.				

	Name of Department / Training Institute.	Number of Times Attended.	Total Duration	Year of Training.
5.	Number of Domestic Violence Cases handled (Last 3-years).	2013		
		2014		
		2015		

Part-B: Overall Awareness

1.	What kind of role the Protection Officer under PWDV Act is expected to perform?	
2.	How many Protection Officer operate in your District?	
3.	Who can approach for relief under the PWDV Act?	Please tick
		a) Directly by aggrieved party.
		b) Protection Officer
		c) Service Providers.
		d) Police.
e) Any Person:		
4.	Please provide 2-3 examples of each category of abuse mentioned below:	
	a) Physically abuse:	
	b) Sexual abuse:	
	c) Verbal and Emotional abuse:	
	d) Economic abuse:	
5.	Who are the beneficiaries of this Act?	

6.	Do you know about DIR?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	Who prepares DIR?		
8.	What kinds of relief that can be provided to the aggrieved party under PWDV Act?		
9.	Is there a Shelter Home in your area operating? Please provide the name, address and other details.		
10.	Are there Service Providers functioning in your area? Please provide details about them.		
11.	Is legal service available in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Which Committee or Committees provides legal services?		
13.	What kind of services rendered under legal service:		Please tick.
		a) Payment of the court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings.	
		b) Representation by a legal practitioner in legal proceedings.	
		c) Supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings.	
		d) Preparation of Appeal Paper Book, including printing and translation of	

		documents, in legal proceedings.	
		e) Drafting of legal documents.	
		f) Any other please specify:	
14.	What is the prescribed duration for disposal of case?		
15.	How does service of notice made or served?		
16.	Is there provision for counselling under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, do you know who provides counselling services? (Is there a counsellor appointed)		
17.	What role a welfare expert is expected to perform?		

Part-C: Gaps and Challenges.

1.	Does your organisation have a Shelter Home?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, is it notified under PWDVA as a Shelter Home?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	As a Shelter Home, How many Women Victim of domestic violence are provided shelter facility over last 3-years?	Year	Number of Women.
		2013	
		2014	
	2015		
3.	Do you have minimum infrastructure available like Table, Chair, drinking water, toilet and	<input type="checkbox"/> Yes	<input type="checkbox"/> No

	crèche for children?		
4.	Is there a special budgetary allocation to provide service under PWDA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, please provide year wise amount.	Year	Budget.
		2013	
		2014	
		2015	
5.	Is the budget allocation sufficient to run the programme?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If no how do you manage with the existing fund.		
6.	What problem and challenges do you face as the Shelter Home?		
7.	Is your organisation notified as a Service Provider under PWDVA? If yes when?		
8.	Have you received financial assistance from Government to render services as a Service Provider?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	If no assistance has been received, how do you manage to provide services?		

10.	If you have received assistance please provide budget allocation and expenditure for last 3-years.	Year	Budget	Expenditure
		2013		
		2014		
		2015		
11.	Is the budget sufficient to manage the services?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
12.	What kind of service do you provide?			
13.	What expertise do you have in this area?			
	Expertise	Please provide details		
	(a) Trained Staff			
	(b) Infrastructure.			
	(c) Material Support			
14.	Have you ever prepared a DIR as a Service Provider?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
15.	Have you ever received a complaint from aggrieved person about poor quality of service by the Shelter Home?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
16.	Have you ever heard about satisfactory remark by aggrieved person about Shelter	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

	Home?		
17.	If yes, how many over last 3-years?	Year	Number of DIRs
		2013	
		2014	
		2015	
18.	Whom did you submit DIR?		
19.	What problems you faced in preparing DIR?		
20.	What are the challenges you face as a Service Provider?		
21.	How many cases have you handled for last 3-years?	Year	Number of cases.
		2013	
		2014	
		2015	
22.	How do you receive such cases? (Pease tick)	a) Referred by Protection Officer	
		b) Referred by the Magistrate.	
		c) Referred by the Police	
		d) Referred by Individual.	

QUESTIONNAIRE (Police Official)

Part-A: Basic Information.

1.	Name of Police Officer.			
2.	Designation:			
3.	Name of Police Station and Address.			
4.	Date of Joining in the current Police Station.			
5.	Have you ever attended training / workshop on PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes. Who was the organizer?				
a) Government.				
	Name of Department / Training Institute.	Number of Times Attended.	Total Duration.	Year of Training.
b) NGOs.				
	Name of Training Institute / Organiser.	Number of Times Attended.	Total Duration.	Year of Training.
c) Any Other; Specify.				
	Name of Department / Training Institute.	Number of Times Attended.	Total Duration	Year of Training.

	d) Total Duration of Training.		
6.	Number of Domestic Violence Cases handled (Last 3-years) by the Police Station.	2013	
		2014	
		2015	

Part-B: Overall Awareness

1.	What are the broad duties of the Police Officers under the PWDV Act?		
2.	Who can approach for relief under the PWDV Act?		Please tick
		a) Protection Officer.	
		b) Directly by aggrieved party.	
		c) Service Providers.	
		d) Police.	
		e) Any Person:	
3.	Please provide 2-3 examples of each category of abuse mentioned below:		
	a) Physically abuse:		
	b) Sexual abuse:		
	c) Verbal and Emotional abuse:		
	d) Economic abuse:		
4.	Who are the beneficiaries of this Act?		

5.	Have you ever received a copy of DIR; if yes please specify number.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="text"/>	
6.	Who prepares DIR?		
7.	Who is the Protection Officer in your area and where does she operate?		
8.	What kinds of relief that can be provided to the aggrieved party under PWDV Act?		
9.	Is there a Shelter Home in your area? Please provide the name, address and other details.		
10.	Are there Service Providers functioning in your jurisdiction? Please provide details about them.		
11.	Is legal service available in your area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Which Committee or Committees provides legal services?		
13.	What kind of services rendered under legal service:		Please tick.
		a) Payment of the court-fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings.	
		b) Representation by a legal practitioner in legal proceedings.	

		c) Supply of certified copies of judgements, orders, notes of evidence and other documents in legal proceedings.		
		d) Preparation of Appeal Paper Book, including printing and translation of documents, in legal proceedings.		
		e) Drafting of legal documents.		
		f) Any other please specify:		
14.	What is the prescribed duration for disposal of case under PWDV Act?			
15.	Is there provision for counselling under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	If yes, who provides counselling services? (Is there a counsellor appointed)			
16.	Does your Police Station extend support for service of notice? If yes mention numbers for last 3-years.	Yes	Year	Number of notices served
		No		
21.	Can there be case registered under 498-A, in addition to proceeding under PWDV Act:			
22.	Can Police register a case under criminal law, apart from Domestic Violence Case, if there is a commission of cognisable offence?			

Part-C: Gaps and Challenges.

1.	Do you know about the Office of the Protection Officer under PWDV Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	Is there a sign board displayed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Does the Protection Office approach to serve notice on the respondent?		
4.	What problems are faced in execution of orders?		
5.	Is there a coordination mechanism available in your district / area for coordination of activity among Service Providers including Shelter Homes?		
6.	Do the Service Providers adequately provide services at the time of need?		
7.	Was any aggrieved party ever approached you for appropriate action in case of domestic violence?		
8.	What kind of response you have given?		

Annex-2

**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 1
PRELIMINARY**

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.-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.-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 resource.'.) 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 H.-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.-(I) 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 (I).

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.-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.-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.-(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.-(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.-(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 (I 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.- 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.-(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.-(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.-

(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.-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.- 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.-(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.- 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.-(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.-(1) While disposing of an application under sub-section (I) 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 (I).

(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.-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.-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.-(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.- 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.-(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.-(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.-(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.-(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.- 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.-

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.-(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.-(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.-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.-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.-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 there under.

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.-(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;

(t) 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;

(1) 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.

