STATE FACILITATED SUPPORT SERVICES UNDER PWDV ACT 2005

A Review of Status of Implementation in Bihar

November 2016
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BIHAR
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We would like to express our sincere thanks to all the courageous women, the Survivors of violence at home, who generously spared their time and agreed to discuss their issues and challenges faced with us. Many of them have spoken for the first time about their personal experiences of violence with us.

We acknowledge the support of all the interviewees and the stakeholders who gave their valuable time and contributed to the study. We also thank various likeminded NGOs who supported this study by facilitating the research team and providing their insights on the subject.

MJK would like to acknowledge the support received from the Government institutions, officials and other civil society organizations in providing necessary information required for the study.

We are grateful to CARE- India for supporting us to implement the advocacy initiative “Justice to Domestic Violence Survivors in Bihar.”

We acknowledge the valuable directions received from Ms. Lata Krishnan from CARE India. She has provided valuable inputs on the design and execution of this study and has also supported in analyzing data and preparing this report. MJK is also grateful to Mr. Saibal Baroi, Mr. George Kurian and Ms. Renu Golwalkar from CARE- India for their overall guidance and support to the study.

This study would not have been possible without the support of the entire study team who worked together through all the phases in planning, designing and executing this study and finally supported in developing this report. First, our sincere thanks to Mr. Rupesh, Mr. Sanjay Kumar Sinha, Mr. Prabhakar Kumar and Ms. Mayuri for constructing the research design, methodology, data analysis and report writing. We also thank Ms. Babita for her support in overall coordination and all the field researchers along with Mr. Sriram Kumar and Mr. Prasoon Kumar who were part of the survey team.
In September 2005, the Indian Parliament passed the ‘Protection of Women from Domestic Violence Act’ (PWDVA), which came into force on October 26, 2006. It was landmark legislation, as it justified the constitutional promise of equality, non-discrimination and the Right to Life and Liberty for women. It also marked compliance by the Indian State with international obligations, especially under the Convention against Elimination of All forms of Discrimination Against Women (CEDAW). The Act provides emergency relief to women in the form of protection orders, residence orders, monetary relief and compensation orders. It also provides for an inbuilt mechanism to facilitate access to the entire system of justice. It identified specific functionaries such as the Protection Officers and Services Providers whose primary duty was to assist women in accessing reliefs provided under the law.

Mahila Jagran Kendra (MJK) is a woman lead organization working on women’s issue for more than two decades. MJK is involved in addressing child rights and eradication of all types of violence against women. The organization is also the implementing partner of the project “Justice to Domestic Violence Survivors” supported by CARE-India in two districts - Samastipur and Patna in the state of Bihar in India. The project is a part of the larger advocacy initiative of CARE, that is being implemented in three other South Asian Countries - Bangladesh, Nepal and Sri Lanka. One of the objectives of the project in India is to raise awareness in the community and among the relevant stakeholders on the PWDV Act 2005.

One of the action research initiative titled “An Analysis of Perceptions of Domestic Violence and Efficacy of the Implementation of the PWDV Act (2005) in Bihar”, carried out by MJK and supported by CARE-India, at the beginning of the current year. This study largely focused on people’s perception on domestic violence against women. It also analyzed the impact of such violence on the lives of women, their children and other family members. Apart from these, the study also aimed at understanding the implementation status of PWDV Act 2005 in the rural and urban areas of 9 districts across 9 commissionaires in Bihar.

Findings from ‘An analysis of perceptions of Domestic Violence and Efficiency of the Implementation the PWDVA Act (2005) in Bihar’ study highlighted on the need for another study to understand the major issues related to the gaps in implementation of the PWDV Act in Bihar. One of such findings indicated that although the state has ensured positive steps to implement the Act in Bihar; there is still substantially poor level of awareness among women and in society on the Act and its mechanisms. 80% of the target audience responded by showing their lack of awareness on registering domestic violence cases and 86% of the respondents again indicated that they have no information about Women’s Helpline in their district.

The current study “State Facilitated Support Services under PWDV Act 2005: A Review of Status of Implementation” attempted to delve down deeper to assess the efficacy of the support mechanisms institutionalized by the Government of Bihar and the services extended to the Survivors of domestic violence through these institutions.
The study captured the views of 71 stakeholders provisioned under the PWDV Act likely the Protection Officers, Rehabilitation and Training Officers at Short Stay Home, Police, Advocates, CDPO etc. from 9 districts under 9 commissionaires in Bihar. Looking at the role and responsibility of Sarpanch in Bihar, 11 Sarpanch were also included as stakeholders in the study. Following a random sample, 17 Survivors from different socio-economic backgrounds were included to understand their experience in accessing justice.

This study is expected to help the state and the civil society understand the awareness levels among the relevant stakeholders, the type and quality of services under the relevant institutions and on the overall the challenges faced by the Survivors and their families when they approach the institutions. It is expected that the report will bring forth the actual legal status following the Act and quality of the services being delivered to the Survivors of domestic violence. Various stakeholders including the Government will get evidence on areas for improvement to ensure substantial implementation of the PWDV Act. The report will be useful for all like-minded institutions and social organizations addressing the issue of Violence Against Women. The report can be also used as a base to further delve into the topic and analyze factors to improve the implementation of PWDVA in Bihar and the country.

1.1 Key findings of the Study

1.1.1 Findings at Stakeholders level:

Awareness on PWDVA and roles and responsibilities of Key stakeholders: The study revealed that only 72% of the stakeholders interviewed during the study actually could refer to the all the various provisions under the PWDV Act. Only 60% of the key stakeholders revealed that they could comprehend each other's roles and responsibilities. 40% of the stakeholders (Protection Officer, Helpline, Short Stay Home, Service Providers and NGOs) demonstrated limited understanding about each other's roles and responsibilities as prescribed in the Act, which directly impacts on fulfilling their own roles and responsibilities like referring Survivors to appropriate authority to ensure required redressal of complaints. 78% of the stakeholders interviewed, shared that they have defined jurisdictions to operate

Process adopted for implementing PWDVA and attitude and behavior towards Survivors: Only 56% of the Protection Officers, 67% of the Police Station In-charges, 20% of the CDPOs, 43% of the Advocates, 36.5% of the Sarpanch, 25% of the NGO representatives and 23% of the Social Workers interviewed during the study admitted of being in practice of preparing the Domestic Incident Report (DIR). Then, only 50% of the stakeholders said that they send the DIR to the Office of the Magistrate.

Regarding their behavior towards the Survivors, all the stakeholders responded that they have a positive and helpful attitude towards Survivors. More than 80% of stakeholders interviewed reported that staffs’ behavior towards Survivors is always cordial. Protection Officers (89%), CDPO (80%), Advocate (72%), Social Worker (69%) responded that Survivors were treated with dignity. Around 60% of the officials and other stakeholders reported that behavior of police and Protection Officers are friendly and supportive. All stakeholders are supposed to prepare report on any incident of domestic violence if it comes to their notice. However, only 44% of the total respondents said that they made report on violence against women in prescribed format.
Regarding adopting procedure as per law to resolve the cases, different stakeholders had different views in terms of the procedures they follow to address the domestic violence case. Protection Officers and Mahila Police Station In-charge mostly use counseling methods to deal with DV cases. NGOs and Social Workers also believe in counseling. All advocates responded in favor of using the provisions under the law. Only CDPOs said that they refer the cases to the concerned departments. Only 56% of the Protection Officers interviewed, said that they deal with the cases as per the provisions of the PWDVA, while rest of the stakeholders apply all laws that they find relevant under the conditions i.e. Dowry Act, PWDVA, Marriage Act to deal with DV cases.

Only 67% of the Protection Officers, 42% of the Police Station In-charge (General), and 20% of the CDPOs register cases under section 12 of PWDVA. However, majority of the stakeholders interviewed—Advocate, District Level Authority, NGOs and others did not apply section 12 of PWDVA.

It came out during the interviews that 82% of the total respondents interviewed, actually took help from police or Protection Officers while dealing with the cases of domestic violence. Concerned officials such as 89% Protection officer, 80% Police Station In-charge (Mahila Police Station), 92% Police Station In-charge (General) sought help from police/ Protection Officer during investigation.

Awareness around allocation of Fund under PWDVA: Stakeholders should have knowledge about the fund allocated for the services to effectively fulfill their obligations towards addressing DV cases. Majority of stakeholders (Police Station In-charge, Mahila Police Station, Advocates, Sarpanch, NGOs had no knowledge about allocation and existence of such funds. Only 45% of the Protection Officers and Rehabilitation and Training Officer knew about the existing fund allocation (Rs 2 lakhs in INR).

Health assistance to Survivors: If required, health assistance has to be given to the aggrieved persons as per the law. All Protection Officers, CDPOs, NGOs and Social Worker are aware about this assistance. But 60% of the Police Station In-charge (Mahila Police Station), 30% of Police Station In-charge (General), 86% of Advocates, and 64% of Sarpanchs are not aware about it and as a result do not facilitate such assistance for the Survivors.

Referral Assistance to Survivors: Short Stay Home turned out to be a most preferred institution by all stakeholders and most of them refer Survivors to these institutions in these districts. Only 45%- 89% of the officials including Protection Officers, Police Station In-charge, Mahila Police Station, Police Station In-charge (General), CDPO, District legal authority, Advocates, and other stakeholders facilitate legal help to Survivors. Less than forty percent of the respondents reported that they do not refer Survivors to Legal Service Authority for assistance. 44.5% of PO, 41.5% of Police Station In-charge, 40% of CDPOs, 57% of RTOs, 45% of Sarpanchs and 8% of Social Workers said that the courts refer cases to police station. Only small percentage of stakeholders reported that helpline received cases from court for counseling. It was reported that 63% of officials and stakeholders said that they sent counseling report to the court. 56% of Protection Officers reported that the court referred cases for counseling. Views of other officials and stakeholders varied between 15%-25%. Overall, 80% of the interviewed officials and stakeholders replied affirmatively.
1.1.2 Findings based on Survivors Experience:

Survivors experience on engaging with Stakeholders

All Survivors responded that lack of knowledge about various provision of the Act made them to run from one institution to another for relief.

Experience related to filing complaints: The Survivors filed their complaints in the nearby Police Stations, Helpline Centres, Gram Kachhari and other institutions. Few of the Survivors said that, after filing complaint to Protection Officers and Helpline they did not receive copy of the complaint. Few of the Survivors said that they had received assistance from these institutions while most of them said they did not get any help from the authority. Those who could follow their case and took legal actions said, although they could feel the apathy of these authorities, but this did not deter the morale of the survivors in approaching these institutions and registering their complaints.

Awareness about the provisions of PWDVA: Failing to know where to file their case, their most preferred destination to file the complaints was the Police Station (General), followed by Gram Kachahari and Helpline apart from others. 12% of Survivors still did not file complaints anywhere. Although the survivors preferred approaching the Police Station first to register their complaints but face the apathy of the Police in registering the complaint. Most of the time they are told by the police to resolve it at the family level. In most of the situation the Protection Officer and Counselor, did not explain the provisions of PWDV Act to the Survivors. They are not even told about free legal services being provided by the Legal Authorities.

Assistance received from stakeholders: Only 29% of the respondents received legal help while 23% of them were given counseling along with husband and other family members, 12% of the respondents were referred to other institutions respectively. 18% of the Survivors did not receive any help. Only 18% of the respondents replied that they were satisfied with the services provided by Court, Panchayat and NGOs while rest 82% of the respondents were not satisfied with redressal of their complaint by other institutions including Helpline, Police Stations etc. It was also found during the study that often concerned officials showed any empathy in taking the necessary steps to implement the orders received from court. Some of the Survivors said even after two or three years they have not got justice and now they stopped visiting these institutions.

Problems faced by Survivors after registration of complaint: Among the Survivors who spoke and shared their experience post filing the cases, did mention that few of them were thrown out of their house and few were threatened to be thrown out. Few said, they were pressurized by in-laws to withdraw the case. All of them said that their husbands had stopped talking to them. Also, all of them started experiencing further harassment.

Impact on children: One of the significant bearing of domestic violence cases are the effects it has on the children in the Survivor’s family. The previous study had also highlighted this with more details. But the law is silent about this and there are no such provisions to safeguard children from such environment. When relief or protection orders are provided to the Survivor, their children are not considered. Likely, when these Survivors are sent to Short Stay Home, services for the protection and care for the children often gets compromised.
Conclusion

The previous study ‘An Analysis of Perceptions of Domestic Violence and Efficacy of the Implementation of the PWDV Act (2005)’ conducted in 9 districts of Bihar earlier this year, has brought enough evidence to suggest that there is a need for better and relevant actions from all stakeholders to achieve visions set by the Act. The study highlighted that, after 10 years of existence of the law, still almost 50% respondent said that they did not know that violence against women is a legal crime. 75% of local level service providers admitted that they have never been part of any discussions regarding PWDVA. Also, there has been varied understanding about the PWDV Act at all levels and there is hardly any uniformity in perception of domestic violence among all stakeholders interviewed.

The evidences from current study suggest there are still low level of awareness and understanding on domestic violence and various provisions of the PWDV Act among all the stakeholders. On the Survivor’s front, there is huge confusion due to lack of knowledge about the PWDV Act and lack of empathy from appropriate authorities to deal with it. The study also brings out that the Survivors are not even getting timely relevant information regarding various provisions of PWDV Act from these stakeholders. The study also highlighted, that the Survivors who could take legal actions are being treated with indifferent attitude by these authorities. One of the finding indicates that other than District Legal Authority, health assistance to Survivors is being provided by all stakeholders, but none of the Survivors talked about it during the discussion. The additional charge to Programme Managers of Helpline as Protection Officer and their base at district has been again highlighted as major hurdle in accessing justice by Survivors in the study. The previous study has already highlighted how distance to state supported institutions are directly impacting the access and availability of justice to Survivors in remote locations. The study also brings enough evidence that suggests that there is a need for better coordination and ensuring convergence of services among various likeminded institutions/departments and stakeholders to achieve the goals of the policy. System of research and regular monitoring mechanism will strengthen the accountability among all stakeholders. It is also evident from the study, that allocation of sufficient funds and awareness about the fund among the stakeholders will increase the effectiveness of implementation of PWDVA.

Delay in relief or implementation of court order is diluting the overall purpose of the law on ground. These and many more findings in the report show that there is lot of hope from the Act when it is implemented in its full spirit. The state has already taken a lot of positive steps and there are many active civil society organizations working on this issue in Bihar. These are positive steps taken in the right direction. However, the findings also light up the road ahead and indicate all that needs to be done in line to promote the trust of Survivors and women in the provisions of Act in Bihar and largely in the judicial system of our country.
**Recommendation**

Based on findings of the present study, following recommendations are made. These recommendations are based on the opinion of the Survivors, officials and key stakeholders and other research works for the better implementation of the PWDVA and prevention of domestic violence:

**A. Allocation of adequate budget by the central and state government**

Sufficient budget allocation is necessary for effective implementation of any Act. All officials and stakeholders working under PWDVA 2005 should be given adequate budget on time. Budget has to allocated for wider legal awareness among public about the PWDVA, training for capacity building and creation of proper infrastructure.

**B. Special initiatives by State/Central Government**

a) The State of Bihar should create a separate department of women and child. At present, Women Development Corporation as a wing of Social Welfare Department takes up matter related to women and children.

b) Central and state government should take steps for convergence between multiple department and agencies and put in place monitoring mechanism for special attention on domestic violence cases.

c) The state and central government should formulate policy and strategies and Standard Operating Procedure (SoP) to deal with cases of domestic violence. Government should ensure implementation of court's order in time bound manner as per the law. All stakeholders should ensure Survivor’s rights when coordinating negotiation between both parties.

d) The Central and State Government need to emphasize on One Stop Centre with all facilities – medical, shelter, protection, socio-psycho support, rehabilitation and other necessary services at block level as early as possible.

**C. Empowering Panchayats to deal with Domestic Violence Cases:**

a. It is recommended that the State government should provide authority to Nyay Panchayat (Gram Kachahari in Bihar) to prepare DIR, investigate and give protection order. The Gram Kachahari should have power to direct local Police Station to help in investigation of the cases.

b. For community intervention in controlling violence against women, the state government should incorporate provision in Panchayati Raj Act for providing power to Gram Sabha for awareness, monitoring and rehabilitation regarding violence against women. Schedule of half yearly Gram Sabha for Women to discuss all kinds of women related issues should be notified by the state government.

c. Task force comprising women should be constituted at Panchayat, Zila Parishad, State Assembly Constituency and Parliamentary Constituency levels respectively under the leadership of Mukhiya, Chairperson of Zila Parishad, MLAs and MPs.
d. A complaint committee to look into cases of violence against women should be constituted at panchayat, block and district levels. The committee should have 11 members (mandatory 50 percent of women) to be headed by Panchayat Secretary at Panchayat level, BDO at block level and DM at district level respectively. The members should include AWW, ASHA, Vikas Mitra, and community at panchayat level, CDPO, Welfare Officer, Police Station In-charge, women constable, Social Worker, ANM, MOIC of block level and DPO (ICDS, Social Security), District Social Welfare Officer, SP and other at district level. SHGs should also be involved in monitoring and rehabilitation.

D. Recommendations for awareness and publicity

a) For awareness about the Act among people, the state government should organize workshops on gender issues and PWDVA at schools, colleges, various institutions, government and private offices. It is suggested that all acts related to women protection should be incorporated in curriculum of schools and universities. All institutions (government and private) should create a charter of behavioral norms for their staff.

b) One week of awareness campaign every month involving the community and different stakeholders, social organization, government agencies, institutions etc should be organized all over the state for behavioral change and gender equality. Publicity of different acts related to prevention of violence should be done regularly through display of posters, distribution of leaflets, announce through loud speakers/public address system, ‘nukkad natak’, puppet show, essay competition etc.

c) Proper publicity of Act, institutions i.e. Short Stay Home for Survivors at every public place should be ensured.

E. Infrastructure and human resources

a) The Central and State government should come up with policy to ensure immediate appointment all officials and staffs as provisioned in the Act. Protection officer, counselor, helpline workers should be appointed at block level with independent charge.

b) Shelter Home with full facilities- civic amenities, staff, counseling should be built at block level and connected with the PHC.

c) Government should ensure proper care and protection of Survivor’s children during conflict time. Provision of residential care of Survivor’s children in Short Stay home and ensuring linkages with different schemes.

E.1. Capacity building programs for officials, staffs and stakeholders of the Act

Time to time (at least quarterly), training programs regarding provisions of the Act and other related laws for prevention of violence against women for Protection Officers, police officials, advocates, counselors, staff of shelter home and other stakeholders should be organized. Training module should be prepared according to the responsibility conferred on them under PWDV Act.
E.2. Coordination among officials and various stakeholders under the PWDV Act

The state government should make policy to establish coordination among various actors like the Protection Officer, police officials, advocates, legal authority, shelter home, PRI members, NGOs, Social Workers and others. It is suggested that coordination committee at state, district, block and panchayat be formed. For effective coordination, quarterly meeting of all these actors may prove beneficial.

Data base on cases of violence, including domestic violence should be created at district level. Half yearly study on violence against women and implementation of various acts should be undertaken. This will help understand the situation and find out means of resolution.

For time-bound justice delivery, it is imperative that various functionaries of judiciary, police officials, Protection Officers, PRI members, counselors and other stakeholders should work in utmost cooperation and coordination.

F. Coordination among social organization, individuals, Social Workers and others

Network building among NGOs, INGOs, activists, social organizations, political parties etc is required to meet the challenges of preventing violence, particularly domestic violence against women. This may be done through creation of a forum involving all of them. This will help in devising strategy and advocacy with the government to plug gaps in delivery of justice.

G. Proper medical assistance to the Survivors

The government should ensure required medical assistance to Survivors by appointing doctors especially for domestic violence cases in PHC and district level hospitals. They should be available round the clock.

H. Follow up of cases, monitoring, evaluation and accountability

The government should form an effective mechanism involving society members to follow up cases under trial in courts, and monitor and evaluate the status of the implementation of the Act.

The provision of accountability should be introduced to penalize official concerned and other persons if investigation and conclusion of court cases do not comply with the stipulated time as provisioned under the Act.
CARE has been operational in India since 1950 and currently operates in 14 states of India, focusing on ending poverty and social injustice. In India, CARE focuses on the empowerment of women and girls because they are disproportionately affected by poverty and discrimination; and suffer abuse and violation in the realization of their rights, entitlements and access and control over resources.

CARE’s mandatory approaches across all programs, include fighting gender inequality and Gender Based Violence (GBV), and strengthening women’s voice. CARE supports voices from marginalized communities to represent and negotiate their rights at various forums including community, state, national, regional and global forums. CARE works through multiple entry points to prevent GBV at household, community and broader levels with a focus on transforming drivers and triggers of GBV, including women’s economic empowerment, engaging men/boys, facilitating community dialogues, strengthening community governance, research on GBV for advocacy and practice, and supporting movements and national advocacy for policy change. This includes making existing laws better known and stronger, while advocating for new laws or policies where they don’t exist. The strategy of CARE clearly articulates “the right to a life free from violence” as among one of the outcomes against which CARE will measure its work and be held accountable. CARE’s experience working in communities around the world has shown us that addressing Gender Based Violence (GBV) is possible through coordinated engagement and action by government and civil society actors across a range of sectors including health, social services, security and legal sectors.

Domestic violence is widespread in South Asia. In India, Nepal, Bangladesh and Sri Lanka, promulgation of several laws to criminalize domestic violence over the past decade have taken place. This represents breakthrough in the struggle for freedom from domestic violence. However, the implementation of these laws remains a major challenge and their potential has not yet been realized. Multiple barriers exist that impede the implementation of these laws. The regional effort of CARE entails advocacy for the effective implementation of national laws pertaining to the prevention, prohibition and criminalization of domestic violence. Working in alliances and generating and using evidence will be critical in lobbying for such changes in addressing the barriers faced by women in accessing justice through the existing domestic violence laws.

To advocate for effective implementation of the Protection of Women Against Domestic Violence Act (PWDVA), 2005, CARE India is implementing a project “Justice to Domestic Violence Survivors” through our partner Mahila Jagran Kendra (MJK) in two districts of Bihar- Patna and Samastipur.

As a part of this project, our partner MJK had supported us in undertaking an action research- ‘An analysis of perceptions of Domestic Violence and Efficiency of the Implementation the PWDVA Act (2005) in Bihar’ in the beginning of this year to gain a deeper understanding of people’s perception of domestic violence against women and its impact on the lives of women. It also aimed at understanding the awareness of the PWDV Act amongst the community and relevant stakeholders. The report on the
findings has been released by Smt. Manju Verma, Minister Social Welfare, Govt of Bihar on 30th March 2016 in Patna. One of the finding of the study indicated that the state has already taken lot of positive steps to implement the law in Bihar and despite of that, there is low awareness among the women in particular and society at large about these initiatives within the PWDV Act.

The current study ‘State Facilitated Support Services under PWDV Act 2005: A Review of Status of Implementation’ carried out by our partner, is an attempt to further delve deeper down to understand and assess the efficacy of the support mechanisms put in place by the state of Bihar and the effectiveness of the services extended to the Survivors of domestic violence through these institutions.

The study report developed will benefit key stakeholders like peer NGOs, Government agencies, academicians as well as implementing agencies nationally and internationally in increasing their knowledge and understanding on what affects positively the lives of the Survivors of domestic violence. The study will also support in staying connected with the real ground level issues and support in fixing up appropriate timely measures by all stakeholders to ensure quality and timely access to justice for all Survivors of domestic violence.

I see this as a contribution towards an onward journey to ensure a safer society for our women and girls with a prime objective to respect their fundamental right to life with dignity. I also see this as an important tool to advocate for effective implementation of PWDV Act 2005. On behalf of CARE, we are enthusiastic and happy to share the report and work closely with all relevant organizations and critical stakeholders on this important issue.

Mr. Rajan Bahadur
Managing Director & Chief Executive Officer
CARE India
Foreword

Mahila Jagran Kendra (MJK) has been striving hard for the rights of women for the last 25 years. Gender equality to ending all forms of violence against women have been the core agenda of MJK. To achieve its objective of equality of rights for both men and women, it organizes various awareness campaigns, imparts training to community members and the stakeholders and collaborates with other civil society organizations to advocate with governments and its agencies. In the last one decade, domestic violence and sexual harassment at workplace have surfaced as serious concern for everyone. MJK has put in endless efforts to influence the government for enactment of laws for preventing violence against women in Bihar.

In the last one decade, women’s participation at different level of economy has increased. Alongside we notice an increase in domestic violence and sexual harassment at workplace. MJK has been striving to highlight the cases in public domain through various democratic means and to facilitate redressal of complaints. Women’s movement for equality of rights and ending violence against women all over the country led to enactment of specific laws for protection of natural and constitutional rights of women. Towards this, Protection of Women against Domestic Violence Act is a landmark that came into existence on 26th October 2006. In Bihar, the Act was introduced very early, but required system was not placed in. Appointment of Protection Officers happened only on the order of the High Court after registering a Public Interest Litigation (PIL) by MJK.

At present, Mahila Jagran Kendra is implementing the project “Justice to Domestic Violence Survivors” with the support of CARE India in Patna and Samastipur districts of Bihar. The project aims at generating awareness about the PWDV Act and sensitize the stakeholders on issue of domestic violence. Two studies are part of the project. The first study “An analysis of perceptions of Domestic Violence and Efficiency of the Implementation the PWDVA Act (2005) in Bihar” was conducted to understand about people’s perception on violence against women and status of the implementation of the Act. The present study conducted in 9 districts focuses on the effectiveness of support institutions under PWDVA and the stakeholders engage within it in ensuring timely and quality services for Survivors in accessing justice.

I sincerely hope this study becomes a step forward, assisting in drawing interest towards research on women related issues and is useful to all organizations and stakeholders working on the subject.

Ms. Neelu
Chairperson
Mahila Jagran Kendra
Abbreviations

PWDVA : Protection of Women from Domestic Violence Act
MOIC : Medical Officer In-charge
PO   : Protection Officer
CDPO : Child Development Project Officer
DIR  : Domestic Incident Report
FIR  : First Information Report
NFHS : National Family Health Survey
RTO  : Rehabilitation Training Officer
DLA  : District Legal Authority
BSLSA: Bihar State Legal Service Authority
AWW  : Anganwadi Worker
ASHA : Accredited Social Health Activist
RTO  : Rehabilitation and Training Officer
DLSA : District Legal Services Authority
1. Violence against Women

Violence against women is present across the world cutting across boundaries of culture, class, education, income, ethnicity and age. In India 3,37,922 cases of crime against women (under various sections of IPC and SLL) were reported in the country during the year 2014 as compared to 3,09,546 in the year 2013, thus showing an increase of 9.2% during the year 2014. The crimes against women during the year 2014 increased by 9.2% over the year 2013 and by 58.2% over the year 2010. The IPC component of crimes against women has accounted for 96.3% of total crimes. The proportion of IPC crimes committed against women towards total IPC crimes has increased during the last 5 years from 9.6% in the year 2010 to 11.4% during the year 2014.

The cases of dowry deaths have increased by 4.6% during the year 2014 over the previous year (8,033 cases). The highest crime rate in respect of dowry deaths was reported in Bihar (2.8) followed by Uttar Pradesh (2.5) as compared to the national average of 1.4. The cases of cruelty by husband or his relatives have increased by 3.4% during 2014 over the previous year (1,18,866 cases).

Violence against women: Statistics of Crime in India 2015

<table>
<thead>
<tr>
<th>Place</th>
<th>Rape Cases</th>
<th>Dowry death</th>
<th>Sexual Harassment</th>
<th>Cruelty by husband or his relatives</th>
<th>Case under DPA 1961</th>
<th>Cases under PWDVA 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>34651</td>
<td>7634</td>
<td>24041</td>
<td>113403</td>
<td>9894</td>
<td>461</td>
</tr>
<tr>
<td>Bihar</td>
<td>1041</td>
<td>1154</td>
<td>78</td>
<td>3835</td>
<td>1912</td>
<td>161</td>
</tr>
</tbody>
</table>

Data on Protection of Women from Domestic Violence Act, 2005 has been collected for the first time in 2014. As per 2015 report a total of 461 have been reported, which is mere 40 cases more than previous year. As 2014 report, 426 cases were reported under this Act. In Bihar, total cases during 2014 have been 112, which is only 49 cases more during 2015.

1.1. Domestic violence

Domestic violence against women is a serious crime in all sections of the society all over the world. It is pitiable to report that independence has not brought freedom for a majority of women in India. Even today patriarchy continues to control women’s interests and desires and despite the constitutional guarantee of equality for all (men & women) women are not on an equal footing with men.

1 Crime in India – 2014 (NCRB): Chapter 5- Crime against women
In Bihar, several agencies did focused work around Violence Against Women including Legal campaign, awareness generation, working with community level institutions etc. in the state. One of such initiative has been ‘We Can Campaign End Violence Against Campaign’ with a core focus upon domestic violence. Bihar Women’s Network has been one of the core agencies to lead the campaign in Bihar highlighting women issues of violence covering a large mass of people of all walks of life.

1.2 What does justice mean for women?

Justice is an idea that has resonated throughout history, across all societies and cultures. But what is justice? When it comes to defining justice, women have a range of perceptions, closely linked to the injustices they see and experience around them. Justice may be collectively desired, but it is individually experienced. While law is intended to be a neutral set of rules to govern society, in all countries of the world, laws tend to reflect and reinforce the privilege and the interests of the powerful, whether on the basis of economic class, ethnicity, race, religion or gender. Justice systems also reflect these power imbalances. In all societies, women are less powerful than men and the two areas in which women’s rights are least protected, where the rule of law is weakest and men’s privilege is often most entrenched, are first, women’s rights in the private and domestic sphere, including their rights to live free from violence and to make decisions about their sexuality, on marriage, divorce and reproductive health; and second, women’s economic rights, including the right to decent work and the right to inherit and control land and other productive resources.²

1.3 The Protection of Women from Domestic Violence Act 2005

PWDVA 2005 came into existence on 29th October 2006 in response to the urgent need for a comprehensive and specific law to tackle domestic violence. The PWDVA in many ways is a path-breaking law. The legislation for the first time provided a statutory definition of violence. Under the ambit of the Act, physical, mental and economic abuses are recognized as forms of violence against women. Moreover, it identifies violence against women in the shared household as ‘domestic violence’ and at the same time, provides women the right to reside in the shared household and protects women in non-matrimonial relationships. In recognition of a woman’s inability to approach courts to initiate proceedings, due to her status of dependency, the law puts in place mechanisms that allow her access to court procedure and support services. The PWDVA mandates a multi-agency response for women facing violence in their homes.

In Bihar, the Women Development Corporation (WDC) is the nodal agency for the implementation of the PWDVA. In 2010, Bihar Government authorized the Program Officer of the corporation to work as Protection Officer. In the same year, many NGOs were selected to run Short Stay Homes in all districts. Service Providers are also appointed in every district. In the beginning, CDPOs were authorized to work as Protection Officers, but later with continuous efforts of civil society organizations in Bihar the government of Bihar notified Program Managers of Women’s Help Line to doubly Act as Protection Officer under the Act. A Helpline is established in every district and is under the direct supervision of the district magistrate.

² UN women.org
CARE-India supported the study conducted by MJK – ‘An analysis of perceptions of Domestic Violence and Efficiency of the Implementation the PWDVA Act (2005) in Bihar’. The findings urged the necessity to conduct another study for better understanding of few of the major issues highlighted in the previous study to assess the gaps at the implementation level. One of the finding of the previous study indicated that the state has already taken a lot of positive steps to implement the law in Bihar and despite of that, there is low awareness among the women and the society. 80% of the respondent had lack of information to file domestic violence cases and 86% respondents responded that they have no information about existence of Women Help Line in their district. The current study attempts further to delve down deeper to assess the efficacy of the support mechanisms put in place by the state of Bihar. It will also study the effectiveness of the services extended to the Survivors of domestic violence through these institutions.

2.1 Objectives of the Study:

1. To assess the clarity of roles and responsibilities among various stakeholders and identify gaps (if any) in the measures undertaken for the implementation of the PWDVA by various institutions.

2. To study the range of challenges and constraints faced by stakeholders in providing effective services/help to the Survivors of domestic violence.

3. To understand Survivors’ views on services being provided to them and assess the gap in current form of services being rendered by the stakeholders.

2.2 Methodology of the study

2.2.1 Sampling Design

The present study has been conducted in the rural and urban areas of 9 districts of 9 commissionaires in Bihar. Selection of Survivors has been done randomly from different socio-economic backgrounds for the study. Only 71 out of the huge universe of government and non-government key resource persons and 17 survivors has been considered for the study.
Details of stakeholders and Survivors considered for the study

Table No. Details of stakeholders from Block to District level from various institution:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Respondents</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Protection Officer</td>
<td>District 09</td>
</tr>
<tr>
<td>2</td>
<td>Police Station (Mahila Thana)</td>
<td>District 05</td>
</tr>
<tr>
<td>3</td>
<td>Police Station</td>
<td>Block 09</td>
</tr>
<tr>
<td>4</td>
<td>SHO (Police)</td>
<td>Block 03</td>
</tr>
<tr>
<td>5</td>
<td>CDPO</td>
<td>Block 05</td>
</tr>
<tr>
<td>6</td>
<td>District Legal Authority</td>
<td>District 02</td>
</tr>
<tr>
<td>7</td>
<td>Rehabilitation and Training Officer (Short Stay Home)</td>
<td>District 03</td>
</tr>
<tr>
<td>8</td>
<td>Advocate</td>
<td>District 07</td>
</tr>
<tr>
<td>9</td>
<td>Sarpanch</td>
<td>Panchayat 11</td>
</tr>
<tr>
<td>10</td>
<td>NGOs</td>
<td>District 04</td>
</tr>
<tr>
<td>11</td>
<td>Social Worker</td>
<td>District 13</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>Total 71</td>
</tr>
</tbody>
</table>

Table No. Number and type of stakeholders and Survivors at panchayat level

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Respondents</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Survivors</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>17</td>
</tr>
</tbody>
</table>

2.2.2 Area of Study

The survey covered 71 stakeholders from panchayat to state level. Total 17 Survivors were considered as part of survey process.

This study was conducted in following 9 districts of Bihar, covering two Panchayats from one block each district to gather evidence. The list is given below:
<table>
<thead>
<tr>
<th>S.N.</th>
<th>District</th>
<th>Block</th>
<th>Panchyat</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Patna</td>
<td>Barh</td>
<td>Ranabigha Bhatgaun</td>
</tr>
<tr>
<td>2</td>
<td>Gaya</td>
<td>Bodhgaya</td>
<td>Bakrour Kanhaul</td>
</tr>
<tr>
<td>3</td>
<td>Samastipur</td>
<td>Vidyapatinagar</td>
<td>Gardhsisai Sahit</td>
</tr>
<tr>
<td>4</td>
<td>Pachim Champaran - Betiya</td>
<td>Tarapur</td>
<td>Dakchin telua Mangalpur gadriya</td>
</tr>
<tr>
<td>5</td>
<td>Saran</td>
<td>Parsa</td>
<td>Pachlakh Bhelchi</td>
</tr>
<tr>
<td>6</td>
<td>Supaul</td>
<td>Kishanpur</td>
<td>Nehasimar Tulapati</td>
</tr>
<tr>
<td>7</td>
<td>Arariya</td>
<td>Bhargawa</td>
<td>Pakpar Bhargawa</td>
</tr>
<tr>
<td>8</td>
<td>Munger</td>
<td>Tarapur</td>
<td>Prwara Tarapur</td>
</tr>
<tr>
<td>9</td>
<td>Bhagalpur</td>
<td>Goradih</td>
<td>Murdhun Kashinpur</td>
</tr>
</tbody>
</table>
2.2.3 Tools & Techniques of Data Collection

A Mixed method approach was adopted for the study, utilizing both quantitative and qualitative data. The following tools and techniques were used for collection primary and secondary data.

A. Primary Data

The source of primary data has been Interview Schedule, Observation by investigators and Collection of information from Social Activists. Interface with PRI members, Social Workers and police officials was organized at district level. For Case study- the Survivors and the other associated people were approached.

Field-testing of the schedule was carried out to know the gaps and limitations of the interview schedule and has been revised based on the output received.

The investigators contacted all stakeholders to collect the data. At state level, different institutions-WDC, Gender Resource Centre, other women’s organizations and NGOs were contacted to gather relevant information for the study.

The investigators did face few challenges to seek information. Interviews with Survivors were of great challenge. But most of the Survivors responded positively since it was for the first time that they were approached to share their experience around accessing justice and seek their suggestions to improve the services. This being a sensitive issue, investigators faced difficulty to seek relevant information from the Survivors. On the other hand, availability of stakeholders to gather adequate and relevant information from their office was another significant barrier to overcome. Also, data collection took place in the months of monsoon. Floods in Bihar also created another level of difficulty to approach the stakeholders and Survivors within stipulated time.

B. Secondary data

Secondary Data was collected from different archives, government offices, state government, laws, NSSO, NCRB, Census, NFHS-IV and other available studies/surveys and researches.

B. Data Collection and Processing

A team of investigators were trained prior to the data collection. The Coordinator and Research Associates duly supervised the entire process of data collection.

Data from interviews were filled on tab and master sheets digitally to ensure smooth data processing. The data analysis plan was designed in such a way that all possible errors during data processing would be excluded. Codes were verified and rechecked for each case.
The PWDVA was the result of a long and concerted campaign against domestic violence by the women’s movement in India. The PWDVA has articulated magnitude of domestic violence and brought invisible problem to forefront of people of India. This Act has been in some measure justified the constitutional promise of equality, non-discrimination and the right to life and liberty for women. It also marked compliance by the Indian state with its international obligations, especially under the Convention against Elimination of All forms of Discrimination Against Women (CEDAW).

As the year 2016 marks 10 years of enforcement of a milestone Act - the Protection of Women Against Domestic Violence Act (PWDVA); while the CARE-India supported study conducted by MJK in Bihar shows on the ground things are yet to change. After 10 years of existence of the Act and despite of so much efforts put in by the Government of Bihar, still 55% among the females and 47% among male respondents said that they did not know that violence against women is a legal crime. Only 20% of male and 8% of female respondents replied that they are aware about the Law on protection from domestic violence. Local level service providers, 25 % of the stakeholders responded that institutions or NGOs organized discussions on domestic violence while 75% have never been part of any such discussions. At block level there is no uniformity in perception of domestic violence among stakeholders. And at state level as well, different stakeholders used a different definition for domestic violence with varied understanding about the PWDV Act.

Though the study highlighted few success stories of a Survivor of domestic violence getting justice under PWDVA, 2005, however these can be termed as universal ground reality. It is also noticed that domestic violence cases are still filed under section 498A of Indian Penal Code. This further makes the justice for Survivor in the form of maintenance, protection orders, residential order etc. difficult.

### 3.1 Interviews with Stakeholders

#### 3.1.1 Role and responsibilities of various institutions

PWDVA 2005, prescribes various institutions and stakeholders as part of the mechanism for the execution of the Act. Through this study, attempt has been made to understand these institutions and stakeholders’ roles and responsibilities to assess the effectives of the services being rendered to the Survivors. Protection Officers, Police Officers, District Legal Authority, Advocate are provisioned in the PWDV Act. As per the Act, these officials will receive complain of domestic violence, help the Survivors to get protection order, prepare report and provide to support in accessing other assistances. Rehabilitation and Training Officer (Short Stay Home) plays important role in providing residential cares to the Survivors.

There are other institutions and stakeholders who are also playing critical role in dealing with community level issues. The Child Development Program Officer (CDPO) is one of the officers at block level responsible for the implementation of Integrated Child Development Scheme. CDPO has been considered to be part
of interview to understand whether they play any role in handling the cases of domestic violence. Sarpanch is the elected representative at panchayat level and is responsible for resolving disputes at village level under Bihar Panchayati Raj Act 2006 and Gram Kachahari Sanchalan Niyamawali 2011. This is the community level institution for delivery of justice. Though the Act does not give any role to take up cases of domestic violence under PWDVA, but they are active in dealing with such cases and use their day today knowledge to resolve such cases amicably at community level. Representative of NGOs were also interviewed as they work closely with women, children and family members at community level. Social workers who work independently with women and children were also interviewed to find out their method and process of dealing with domestic violence cases. Rehabilitation and Training Officer (Short Stay Home) plays important role in providing residential cares to the Survivors.

Table No. Type and number of stakeholders considered for interview

<table>
<thead>
<tr>
<th>Respondents</th>
<th>No of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection Officer</td>
<td>9</td>
</tr>
<tr>
<td>Police Station In-charge (Mahila Police Station)</td>
<td>5</td>
</tr>
<tr>
<td>Police Station In-charge (General)</td>
<td>9</td>
</tr>
<tr>
<td>S.H.O. (Police)</td>
<td>3</td>
</tr>
<tr>
<td>CDPO</td>
<td>5</td>
</tr>
<tr>
<td>District Legal Authority</td>
<td>2</td>
</tr>
<tr>
<td>Rehabilitation and Training Officer (Short Stay Home)</td>
<td>3</td>
</tr>
<tr>
<td>Advocate</td>
<td>7</td>
</tr>
<tr>
<td>Sarpanch</td>
<td>11</td>
</tr>
<tr>
<td>NGO</td>
<td>4</td>
</tr>
<tr>
<td>Social Worker</td>
<td>13</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>71</strong></td>
</tr>
</tbody>
</table>

The table shows that officials like Protection Officer, Police Station In-charge (Mahila Police Station), Police Station In-charge (General), S.H.O, CDPO and stakeholders; Sarpanch, NGO, Social Workers were interviewed. Altogether there were 71 stakeholders.

### 3.1.2 Source of knowledge on PWDVA for the stakeholders

There are many sources like government’s publicity material (IEC), trainings, training modules, NGO’s campaigns from where they gained knowledge about PWDVA. In this study, we have tried to explore the source of knowledge of the various stakeholders. We also asked them to understand their source of information and the time of getting the information [on job or before that].

This table highlights that majority of the stakeholders came to know about the law during their job. All Protection Officers, Mahila Thana In-charge, CDPO and RTO said they came to know about the Act during work. For Advocates, they came to know about this Act during their studies. Interestingly District Legal Authorities mentioned gave equal importance to both the source - study and during job to know about the Act.
3.1.3 Awareness of stakeholders about different institutions authorized for implementation of PWDVA

It is expected that all relevant stakeholder who are dealing with domestic violence cases will have awareness about the different institutions authorized for implementation of PWDVA. Stakeholders will have knowledge about various institutions which are authorized to prevent domestic violence and dispense justice under the PWDVA. This will support them to facilitate relief for Survivors under different provision of this Act. And this will help Survivors to get relief in appropriate time without much hurdles.

This table shows that 78% Protection Officer, 60% Mahila Police Station In-charge, 75% Police Station In-charge, 60% CDPO, 9% Sarpanch and 38% Social Workers were aware of all the institutions related to PWDVA: Help line, Short Stay Home, service provider, NGOs working on DV. Surprisingly, 91% of Sarpanchs and 62% of social workers know only about the Helpline. There are still 22% of Protection Officers, 40% of Mahila Police Station In-charge and 20% of CDPO who are aware about only Short Stay Home.

Chart 2: Awareness about different institutions
When asked about what steps they take to address domestic violence, majority of them said they counsel the Survivors and if necessary they also keep in touch with the families of Survivors. Some of them said that they give legal advice to the Survivors and if required refer the case to the court, while others said that they make women aware about their rights.

3.1.4 Coordination among stakeholders

Coordination and cooperation among stakeholders is vital for proper implementation of the Act. Since there are many stakeholders provisioned in this Act, it is required that all of them work in coordination to provide justice to aggrieved person. According to the Section 5 of the Act, under ‘Duties of police officers, service provider 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 aggrieved person - 5(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 resident order, a compensation order or more than one such order”. The section further says “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 the law upon receipt of information as to the commission of a cognizable offence”. It is therefore clear that officials and service providers have to provide relief to Survivor at any cost.

Chart 3: Coordination among stakeholder

In response to this question, all officials and stakeholder clarified maintaining contact with the Department concerned under PWDVA: Protection Officer, Police Station In-charge (Mahila Police Station), 92% Social Workers and 86% Advocates.
3.1.5 Defined jurisdiction of stakeholders under the Act

The Act defines duties and functions, and jurisdiction of officials and service providers. Protection Officer, Magistrate, Service Providers, Shelter Homes are district level institutions while Thana In-charge is based at block. They are authorized to ensure all services like legal aid, counseling, medical assistance, shelter etc.

The study has tried to assess the awareness level of the stakeholders about their own working area as prescribed in the Act.

![Chart 4: Knowledge about jurisdiction of stakeholders](chart)

The chart indicates, overall, 78% of stakeholder said that they know their jurisdiction. Out of them, 57% of Advocates, 8% of Social Workers confirmed that they have fixed area of work. 92% of Social workers, 22% of Protection Officers and 43% of Advocates denied fixed areas of their work. This is very surprising that the most important stakeholder under PWDVA-the Protection Officer, 22 % of them said that do not know about their jurisdiction.
3.2 Process of implementation of PWDVA

3.2.1 Knowledge of stakeholders about DIR

Domestic incident report (DIR), as per the Act means *a report must be prepared in the prescribed format after receipt of a complaint of domestic violence from an aggrieved person*. This format is very different from any other complaint format including FIR. The study tried to understand the knowledge level of stakeholders about DIR and who is responsible for making DIR as per law.

**Chart 5: Preparation of DIR**

Overall status of preparation of DIR by stakeholders
As per Act only the Protection Officer and the Service Providers are authorised to make DIR. But the above table shows that all the stakeholders prepare DIR. Only 56% of Protection Officers and 25% of NGO representatives said they do it and out of that 44% of Protection Officer and 50% of NGO representatives do it frequently. There are still 44% Protection Officers who said they don’t do it.

On the other hand, 67% of general Police Station In-charge, 20% of CDPO, 43% of Advocates, 36.5% of Sarpanchs, and 23% of Social Workers also said that they prepare DIR. The highest number of stakeholders who claimed that they prepare DIR are general Thana In-charge. Though, in one to one meeting most of them said they are not aware of DIR and FIR is only prepared by them. Most of them said preparing simple report on domestic violence is DIR.

However, one interpretation of this data also indicates the understanding level among stakeholders on DIR and how much this is in practice.

### 3.2.2 Attitude of different institution towards DV cases

#### Chart 6: Attitude of different institutions

All the stakeholders said that they show positive and helpful attitude towards Survivors. Interestingly highest number of Thana In-charge said they are positive and helpful towards the Survivors. Few of Advocate, Sarpanch, NGO and Social Workers also said they are positive.

### 3.2.3 Knowledge of stakeholders about the procedure & provisions of PWDVA

PWDVA, 2005 provides legal recourse to women suffering from domestic violence. The Act is to be implemented in accordance with the Civil and all proceedings under sections 12, 18, 19, 20, 21, 22 and 23 are to be implemented as per the Criminal Procedure Code. The study attempted to assess the knowledge level among stakeholders on procedures and provisions provided in the law and the use of such procedures.
Cases are to be resolved as per the procedure prescribed in the law. PWDVA, lays down procedure in detail for providing monetary relief, counselling etc. The table shows that different stakeholders have different views regarding the procedure followed in domestic violence case. Protection Officer and Mahila Police Station In-charge use exclusively counselling method in dealing with DV cases. Even 75% of Police Station In-charges are using counselling with 25% stating that they are using the law. The interesting finding is that all advocates responded in favour of using the law. Only CDPO referred cases to the concerned department. NGOs and Social Workers believed in counselling.
The above graph shows the pattern of practice among the stakeholders. In general, counselling (62%) is common among all excluding District Legal Authority and Advocates. This pattern also indicates that preferred relief being provided by most of the stakeholders and preference of ‘compromise’ as remedy is being extended to the Survivors largely. Only 32% follow the legal procedure followed by 6% referral services.

3.2.4 Preferred law in dealing with Domestic violence cases

Though, there are many laws to deal with violence against women, the PWDVA, 2005 is enacted specifically to prevent violence against women in families. This is unprecedented step to provide civil relief to aggrieved persons.

Only 56% Protection Officers said they use PWDVA.

Data shows, only 56% Protection Officers said they use PWDVA and rest of them follow all other acts i.e Dowry Act, Marriage Act etc. 41% Police Station in-charge (Mahila Police Station), 57% advocates, 75% NGOs said they use Dowry Act, PWDVA, Marriage Act to deal with such cases. Surprisingly, CDPOs (60%), do not use any of the above laws. All these facts suggest that PWDVA, even after decade of existence, is not being recognized as the tool for resolution of domestic violence cases.

3.2.5 Registration of case under section 12 of PWDVA

Section 12 of the Act empowers Magistrates to restrain the respondent from removing the aggrieved person from shared household, to execute the bond for preventing domestic violence, to return the possession of the aggrieved person, direct the officer in-charge of the police station to assist in the implementation of the protection order and so on.

Chart 9: Registration of Case under section 12

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>% Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection Officer</td>
<td>43%</td>
</tr>
<tr>
<td>Thana Incharge (General)</td>
<td>36%</td>
</tr>
<tr>
<td>CDPO</td>
<td>7%</td>
</tr>
<tr>
<td>DLSA</td>
<td>7%</td>
</tr>
<tr>
<td>RTO (Short Stay Home)</td>
<td>7%</td>
</tr>
<tr>
<td>Advocate</td>
<td>0%</td>
</tr>
</tbody>
</table>
Section 12 of the Act is significant considering the fact that it provides various reliefs to the aggrieved person. The data shows that 67% of Protection Officers, 42% of Police Station In-charge (General), 20% of CDPOs register cases under section 12 of PWDVA. However, majority of stakeholders Advocate, District Level Authority, NGOs and others do not apply section 12 of PWDVA.

However, informal discussion with Advocates and Lawyers revealed that registration of domestic violence cases under 498 A by Police is still in practice. The awareness on DV Act is very poor among them. They also highlighted that Survivors who come to police for case to be registered are so frustrated with the violence that they just want the other party (husband, relatives) to get punished and do not emphasize on whether the Act of violence should get registered under DV Act or 498 A. This leads to most of the cases being registered under 498 A which in turn leads to denial of provisions (protection, right to residence in the same house, financial help etc) prescribed under the PWDVA. This has other negative repercussion on the familial relations and her living conditions within her family. The Protection Officer shared that most of the time the police do not refer the cases to Protection Officer and try to settle the matter in the police station. They were also of the opinion that among the Advocates and stakeholders there are questions regarding the level of understanding to differentiate between 498 and DV Act. Often the two laws are used simultaneously. And largely the attitude towards the case is to make both the parties Survivors and the accused to compromise rather than getting the case registered and move for legal relaxations.

3.3 Allocation of adequate Resource (Fund & Staff)

Achieving policy goals without allocating enough funds is not possible. And the previous study also highlighted the issue of managing implementation of the law with miniscule allocation of fund. Adequate allocation of fund for proper implementation of the PWDVA, 2005 remain an important area of concern. There are many issues ranging from monetary relief to medical necessities to arrangement of stay Home, which require adequate resource to address. Equally it is important that each stakeholder have enough awareness about the allocation of fund to deal with such cases. One of the areas that the study focused upon was to understand the awareness level among stakeholders on allocation of fund to provide relief to the Survivors.
Majority of the stakeholders (Police Station in-charge, Mahila Police Station, Advocates, Sarpanch, NGOs) have no knowledge about allocation of fund. Only 4 of the 9 (45%) Protection Officers and Rehabilitation and Training Officers knew about the existing fund (Rs 2 lakhs in INR). This also indicates that there are almost 55% of Protection Officers still don’t know anything about the fund allocation.

Another issue with the implementation of DV Act is appointment of full time Protection Officer and location of their placement. The Program Managers of Helpline have been provisioned with additional charge of PO in the state. And this position is based at the district level. The previous study has already highlighted how distance to state supported institutions directly impact the access and availability of justice for Survivors in remote location. In the state of Bihar, there is little clarity or awareness around Service Providers among the common people including civil society organizations. This also negatively impacts effective implementing this Act.

### 3.4 Assistance to Survivors under PWDVA

#### 3.4.1 Health assistance to Survivor

As per section 7 of the Act, there are provisions of medical facilities for aggrieved persons. Protection Officers or Service Providers shall ask the medical in-charge of medical facility, if needs be, to provide medical help to Survivors.
Health assistance is an important component of overall facilities and benefits provisioned in the Act. The table shows that other than District Legal Authority, health assistance to Survivors is being provisioned by all stakeholders. Stakeholders like PO, CDPO, RTO, NGO and Social Worker have said they do facilitate health services to the Survivors. Good number of Thana In-charge and few of District Legal Authority, Advocate and Sarpanch said this is not their part of job.
3.4.2 Stakeholder Referring Survivors to Short Stay Home

Section 6 of the Act says that if an aggrieved person or on her behalf a Protection Officer and 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 Survivor in the shelter home.

Chart 12: Refer to Short Stay Home

Findings indicate that all stakeholders do refer the Survivors to Short Stay Home. It also indicates the relevance of the institution for addressing the issue and belief of stakeholders and Survivors on the institution. Interestingly, all POs, Mahila Thana and Thana In-charge do refer the Survivors to Short Stay Homes.

Another finding reveals that in the last one year, 89% of POs and 42% of Police Station In-charge (General) said that they have referred more than 10 Survivors to the shelter home. Similarly, 80% Mahila Police Station, 25% Police Station In-charge (General) and 25% NGOs referred up to 10 Survivors to the shelter home. This confirms the importance and requirement of such institution in place.

3.4.3 Assistance to Survivor during the procedure of case in the court

Sections 14, 17, 18, 19, 20, 22 of the Act provision different kinds of assistance. When the case is pending in the court, a Survivor is entitled to residential, monetary and other reliefs. She can share house, entitled for compensation and damages for injuries, including mental and emotional torture and get maintenance as per provisions in the Act.
In contrast to findings regarding application of law in previous chapter, where most of all (100% PO & Mahila Thana In-charge) said they do counseling, but in the above table Legal Services appear to be a common assistance provided to Survivors by all stakeholders. There is a need to further understand the type of legal service being rendered to Survivors from their perspective. The survey team was informed by 25% of NGOs and 8% of Social Workers that they also provided monetary help to Survivors on their own.
3.4.4 Aggrieved persons referred by stakeholders to Legal Service Authority

Legal Service Authority established under the Legal Service Authority Act, 1987 provides counseling and legal aid to marginalized community who are socio-economically marginalized. Stakeholders are authorized to refer aggrieved persons to Legal Service Authority for legal aid or counselling as the case may require.

Chart 14: Referred to Legal Service Authority

The above table shows that most of the stakeholders do not refer cases for Legal Service Authority as indicated in the previous table. One of the reason quoted by these stakeholders has been lack of information. It is an interesting finding to further engage with the Survivors to understand the reason why their cases are not being referred to Legal Service Authority. Less than 40% of the respondents reported of not referring Survivors to Legal Service Authority for its service. Majority who refer cases for legal services are PO and Thana In-charge.

Less than 40% of the respondents reported of not referring Survivors to Legal Service Authority for its services.
3.5 Behaviour of staff of different institutions towards Survivors

Aggrieved person is entitled to stay in Short Stay Home. All basic facilities, including medical needs have to be provided and staffs must behave with them cordially and give them emotional support.

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Protection Officer</th>
<th>Police Station In-charge (Mahila Police Station)</th>
<th>Police Station In-charge (General)</th>
<th>CDPO</th>
<th>District Legal Authority</th>
<th>Rehabilitation and Training Officer (Short Stay Home)</th>
<th>Advocate</th>
<th>Sarpanch</th>
<th>NGO</th>
<th>Social Worker</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of respondent</td>
<td>9</td>
<td>5</td>
<td>12</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>7</td>
<td>11</td>
<td>4</td>
<td>13</td>
<td>71</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Behaviour of staff of short stay home towards Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal</td>
</tr>
<tr>
<td>Positive</td>
</tr>
<tr>
<td>Positive and Helpful</td>
</tr>
<tr>
<td>Helpful</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Behavior of officials of district legal authority cell towards Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal</td>
</tr>
<tr>
<td>Positive</td>
</tr>
<tr>
<td>Positive and Helpful</td>
</tr>
<tr>
<td>Helpful</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Behaviour of Police and Protection Officer towards Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Normal</td>
</tr>
<tr>
<td>Positive</td>
</tr>
<tr>
<td>Positive and Helpful</td>
</tr>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

More than eighty percent of stakeholders reported that staffs’ behavior towards Survivors was cordial. This fact, however, is not without contention. Some staffs take care of aggrieved persons while some do not pay proper attention to them. The above table shows that 61% of interviewed officials and other stakeholders reported that behavior of police and Protection Officer was friendly and supportive. It is not surprising that Protection Officer (89%), Police Station In-charge (Mahila Police Station and General) spoke in favour of police and Protection Officer, but only 27 percent Sarpanchs and 39 percent Social Workers said that behavior of police and Protection Officer was proper.
Pattern of behaviour of officials of district legal authority cell towards Survivors

![Pie chart showing the pattern of behaviour of officials.]

Pattern of behaviour of Police and Protection Officer towards Survivors

![Pie chart showing the pattern of behaviour of Police and Protection Officer.]

Majority of officials have reported their behavior to be positive and helpful towards Survivors, which is interesting to note and would be good to be reviewed from Survivors perspectives.

3.6. Court refers any case for counselling to the concerned officials/stakeholder

Chart 15: Refer case for counseling

![Line chart showing the number of cases referred for counselling to different stakeholders.]

Different Stakeholder

- PO
- Thana Incharge (Mahila thana)
- Thana Incharge (General)
- CDPO
- DLA
- RTO (Short Stay Home)
- Advocate
- Sarpanch
- NGO
- Social Worker
Overall status of cases referred to the officer and Service Providers for Counselling by court

56% of Protection Officers reported that the court refers cases for counseling. Views of other officials and stakeholders vary between 15%-25%. Overall, 80% of the interviewed officials and stakeholders replied affirmatively.

3.6.1 Cases referred to the officer and service providers for Counselling by court

The court has power at any stage of proceedings to direct respondents or aggrieved persons or both to go for counseling with Police Officer or Service Provider as provisioned in the Act to save the Survivor from unnecessary litigation, expenditure and so on.

Chart 16:
44.5% of PO, 41.5% of Police Station In-charge, 40% of CDPO, 57% of RTO, 45% of Sarpanch and 8% of Social Workers said that court referred cases to police station. Only small percentage of stakeholders reported that helpline received cases from court for counseling.

3.6.2 Report sent to the court after counseling by concerned officials and other stakeholders

Counseling is an important tool for resolving familial discords. PWDVA, 2005 has provision of resolving domestic violence by building mutual understanding between the parties. The process and discussion is properly documented and sent to the designated court by the concerned officer or Service Provider.

The table shows that 63% of officials and stakeholders said that they sent counseling report to the court, which included 89% of Protection Officer, all Police Station In-charge (Mahila Police Station), 83% of Police Station In-charge (general), 40% of CDPOs and 91% of Sarpanchs and 85% of Social Workers respectively. Sarpanchs and other stakeholders said that they sent report of counseling to courts, thereby indicating that they are not aware about the process of Act.

3.6.3 Court takes into account counselling report of officials, stakeholders and service providers

The report gives sufficient information on the whole incident as well as the ground on which counseling has been done. The court, therefore, considers the report before deciding on final judgment.
In this table, officials and stakeholders reported that court takes into account the counseling report of Protection officers (67%), Police Station In-charge (92%), CDPO (40%), District Legal Authority (100%) and stakeholders; Sarpanch (36%), Social Worker (92%) were of the same views. Interestingly, the findings indicate that Mahila Thana In-charge is more aware than PO. And there are more than 30% of POs interviewed who still don’t know about this procedure.

Stakeholders like CDPOs, Sarpanchs and Social workers are not authorized for counseling as per the Act; hence their positive response also indicates that they have not understood the Act.

3.6.4 Home visit of officials and other stakeholders regarding follow up of case on the order of the court

The Hon’ble court may issue orders to the concerned officials to visit homes of the Survivors and other places related to the case for recording the statements, collection of relevant evidence and follow up.
The table shows that the percentage of stakeholders not visiting Survivor’s home is quite high. The percentage of official visiting Survivors home varies between 14 percent to 44 percent (Protection officer 44%, Police Station In-charge 33% and advocate 14%). However, Service Provider is not identified by the Government of Bihar.

3.6.5 Sought help by officials and stakeholders from Police/Protection Officer while handling cases of domestic violence

Domestic violence cases are of serious concern and as per the Act the Investigation Official (IO) has authority to take extra help, if required during investigation, from Police'/PO.

In the above table, 82% of the total respondents replied that they are aware about taking help from police or PO while dealing with cases of domestic violence. Concerned officials such as 89% of Protection officer, 80% of Police Station In-charge (Mahila Police Station), 92% of Police Station In-charge (General) also said they sought help from Police/PO during investigation.

3.7 Preparation of report by officials and other stakeholders on violence against women

Preparation of report is an integral part of the responsibility of officials and stakeholders. However, findings reveal negligence on the part of the implementing authorities.
The series of steps a woman take to access the formal justice system, or to claim her rights. Women have a range of perceptions, closely linked to the injustices they see and experience around them. Services extended to them mostly do not consider the barriers that women face due to social norms, besides poverty or lack of awareness being a major problem on the other hand. The work and experiences on ground suggest that women do not readily prefer to get their cases registered, due to lack of trust on the capacity of the justice system and apathy of service providers, including the police and judiciary. Evidences show there is high level of under-reporting (reference: cases of domestic violence reported under PWDVA as per NCRB, 2015 report on crime against women) during last two years in India and Bihar and attrition, whereby cases are dropped before they come before a court. This also indicates the lack of empathy by the system which is failing women to get justice. This study re-establishes the fact how effective implementation of laws and of constitutional guarantees is still a key challenge for making the rule of law a reality for women facing violence in their life.

This chapter focuses on the profile of Survivors who have contributed in the study. This chapter also highlights the findings around the Survivor’s experience in engaging with stakeholders, their experience of using of PWDVA to access justice and their suggestions towards prevention of domestic violence and reforms required in implementation of law.

### 4.1 Profile of Survivors

<table>
<thead>
<tr>
<th>Caste</th>
<th>SC</th>
<th>OBC</th>
<th>General</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Respondent</td>
<td>11 (65%)</td>
<td>4 (23%)</td>
<td>2 (12%)</td>
<td>17</td>
</tr>
<tr>
<td>Married</td>
<td>11</td>
<td>4</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Employed</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2 (12%)</td>
</tr>
<tr>
<td>Un employed</td>
<td>10</td>
<td>4</td>
<td>1</td>
<td>15 (88%)</td>
</tr>
<tr>
<td>Single Family</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2 (12%)</td>
</tr>
<tr>
<td>Joint Family</td>
<td>9</td>
<td>4</td>
<td>2</td>
<td>15 (88%)</td>
</tr>
</tbody>
</table>

The total number of Survivors interviewed for the study has been 17 and all of them are married. They are in the age group of 25 to 40 years. Except one, all are married through family negotiations or arranged marriage. Among them, 76% of Survivors reported that dowry has been given by their parents during their marriage. Apart from that various other demands raised by in-laws had also been met by their parents. Caste wise profiling of Survivors indicate that percentage of SC (65%) Survivors is highest, followed by OBC (23%) and general (12%). And 12% of Survivors are only employed including one of them being from the SC community and rest are from General category. 12% of Survivors belong to a single family and 88% to joint families.
All Survivors who were interviewed were living in their In-laws house from one year to 13 years’ time. Survivors’ husbands are engaged in various kind of work: labour, mechanic, private job, office staff etc., earning between INR. 5000-20000.

**Profile of Survivors**

The above diagram also indicates that most married women who belong to SC community and are unemployed living in joint family are Survivors of domestic violence. Similar situation is for OBC, all women who are married living in joint family are Survivors of domestic violence.

4.2 Survivors experience on engaging with Stakeholders

12% of Survivors reported that one type of violence or another happened every day while rest of the Survivors said that violence happened frequently or sporadically. By registering a case against the in-law’s family and family members is in itself is a courageous step. While speaking to them, it was evident that these women have undergone lots of violence before taking up this step and all of them admitted that registering a case was their last resort.

Regarding complaints, 45% of Survivors have complaint against the mother & father in-laws, followed by 29% against husbands, 18% against other members of husband’s family and 6% against brother in-laws respectively. On the other end, after registering complaints their miseries did not stop at home. All Survivors were abused, beaten and thrown out of the house on one pretext or another. Survivors did mention, that the cause of violence was either suspicion or dowry demand.
Complaints have been filed in the nearby Police Stations, Helpline Centres, Gram Kachhari and other institutions. Few of the Survivors said that they had received assistance from these institutions while most of them said they did not get any help from the authority. Those who have been able to seek legal actions said, though they felt indifferent attitude from these authorities but their despairs did not discourage them to approach the available legal recourse for justice.

4.2.1 Registration of complaint at various institutions

All respondents except 3 Survivors, referred to problems they faced with their parents. Out of 3 Survivors, one discussed her problem with Sarpanch and villagers and another complained to her husband against her brother and third one discussed problem with no one.

Respondents registered their complaints at different institutions. 23% of Survivors interviewed complained at police station (General), followed by 18% in Gram Kachahari, 17% in Helpline, 12% in police station (Mahila Police Station), 12% in NGO and only 6% directly in courts respectively. 12% of Survivors did not file complaints anywhere.
4.2.2 Help from different institutions

During interview respondents replied that they received assistance from institutions. 29% of the respondents received legal help while 23% of them were given counselling along with husband and other family members, 12% of the respondents were referred to other institutions. 18% of the Survivors did not receive any help.

4.2.3 Problems faced by Survivors after registration of complaints

Among who spoke and shared their experience post registration of the cases, few of the respondents mentioned that they were thrown out of their house and few were threatened to be thrown. Few said, they were pressurised by in-laws to withdraw the case. All of them said that their husbands had stopped talking to them. Also, all of them started face further harassment. Still there were few Survivors who chose not to speak.

4.2.4 Survivor’s satisfaction from Institution (Helpline, Court, Panchayat, Police Station, NGOs)

Only 18% of respondents replied that they were satisfied with the services provided by Court, Panchayat and NGOs. Rest of the 82% of the respondents were not satisfied with redressal of their complaints from other institutions including Helpline, Police Stations etc.
4.3 Survivors experience of accessing justice under PWDVA

4.3.1 Through Group Discussion

While sharing their experience, most of the Survivors said that they are not expected to go out and discuss their problem outside the family including neighbours.

All Survivors responded that lack of knowledge about various provision of the Act forced them to run from one institution to another for relief.

Even if the Survivor finds courage to get her complaints registered after overcoming all hurdles and challenges and managed to get orders for her protection, financial assistance or residence in the house; concerned officials hardly support in taking necessary steps to implement the orders. As a result, Survivors become further vulnerable within the family.

Survivor shared that concerned officials hardly support in taking necessary steps to implement the orders.

While sharing their experience in accessing justice, they mentioned it’s not easy for them to follow up with the institutions. Interesting to note the Survivors shared that they prefer approaching Police Station first to register their complaints, while they also admitted that the Police do not pay attention to them and most of the time they ignore such cases. In general, Police refer to such cases as a family matter and without even listening to what the Survivor is trying to say, either they scold their husbands, relatives and on some instance to Survivors as well and ask them to resolve it at home. Few of them said that only sometimes Police warn their husbands not to repeat such violence again and send them back.

During discussion with Survivors, all Survivors responded that lack of knowledge about various provision of the Act forced them to run from one institution to another for relief. Since they had limited exposure to outer world they were scared of going to Police Station, Protection Officer and Court.

As shared by one of the Survivors that after several rounds of counselling by a NGO, they referred her case to the Protection Officer. Protection Officer also tried to influence her husband but he did not stop beating her and wanted her to leave his house and go back to her parents. Thereafter, her case was referred to the Helpline for counselling. Helpline counsellor also failed to persuade her husband. Then the counsellor told her to engage a lawyer at her level to file a case in the court as her husband was a very rigid and rich person. Lawyer took advantage of her situation and demanded first INR 500 to prepare her report. Then asked her to arrange another INR. 80000/- for fighting her case. The survivor had no support from her parents and had three children to look after. After two years of follow up today she has lost her trust and confidence on the system and decided to live with violence for the rest of her life.

NO MORE FAITH IN SYSTEM
On deeper inquiry, on why Survivors prefer to go to Police, it become clear that the Survivors did not know of any other option but to register complaints with the police only. Normally other than their parents and relatives, they don’t find anybody to share their miseries. They said that they initially hesitated to register complaints with their local Thana (Police Station) as that seemed a threat to their family’s reputation in the society.

The discussion with Survivors indicated that as expected from Protection Officer and Counsellor, Survivors are not explained the provisions of PWDV Act. They are not told about free legal services being provided by the Legal Authorities. However, in interview with these stakeholders, they referred that they explain the PWDV Act to the Survivors and also referred cases to Magistrate and Legal Authority as the cases demand.

According to some of the Survivors, more than two-three years have passed, but they did not get justice. In confusion and due to lack of knowledge of about PWDV Act or who would be appropriate authority to approach; Survivors simply leave the matter to their fate.

Few of the Survivors said that, when they went to Protection Officers and Helpline and complained, they did not get any receipt or copy of the registered complaints. However, during interviews Protection Officers and Helpline representatives mentioned clearly that they provide copy of DIR to every complainant.

Some of them shared that they had to visit Legal Service Authority several times to get required legal assistance. One of them said that, even after several visits she did not receive any legal assistance.

Some of the Survivors also said that Police Officers, Protection Officers and Helpline demanded money for registering their complaint. However, for obvious reasons they could not provide any evidence to support this grievance and violation of human rights.

One of the significant bearing of domestic violence cases are the effect it has on the children of the Survivor. The previous study had also highlighted this with more details. But the law is silent about this and there are no such provisions to safe guard children from such environment. When relief or protection orders are provided to the Survivor, their children are not considered. Likewise, when the Survivors are sent to Short Stay Homes, the children’s’ needs for care and protection are not adequately adhered to.
4.3.2 Survivors Experiences in accessing PWDVA (Case Studies)

1) Mansha Vs. Anand:

Mansha got married to Anand Prakash on 6th May 2007 as per Hindu rituals. Her father gave INR. 7,00,000 in cash, gold jewellery, utensils, furniture and electronic items as dowry to Anand’s family. From year 2008, the family members of Anand and Anand himself started assaulting Mansha physically, mentally and emotionally. During this period only, Anand got a job in a private company in Delhi and decided to go alone. But, Mansha expressed her wish to accompany Anand to Delhi. Initially, Anand ignored her wish but later agreed to take Mansha along with him. They both reached Delhi and Anand kept torturing her on one pretext or other in Delhi also. In November 2008, Anand went to Thailand on official assignment for 4 months. During this period family member of Anand started demanding money from Mansha and her parents to buy a house in Delhi. Later Mansha took some money from her father to complete her B. Ed from a University in Noida. But, her in-laws did not allow her to finish her B.Ed. With utter difficulty, Mansha’s father again arranged INR. 70,000 for his daughter to finish her B.Ed. The torture from in-law’s and Anand continued.

In the beginning of 2009, Mansha lodged an FIR in Beur Jail against all her in-laws and Anand for Domestic Violence. And this case is in court with demands under section 19 providing maintenance to the victim; under section 20 compensatory amount to be given for medical treatment and 50% of her husband’s salary for her living; under section 22- INR. 30 lakh to be given as penalty for Domestic Violence to Mansha.

Recently, Mansha has completed her B.Ed and is preparing to appear for competitive examinations. She is receiving only INR. 6,000 rupees as maintenance and residential order has still not been given to her as her husband still did not returned.

2. Rina Peter Vs. Amar

Rina was married to Amar on 23rd July, 2013 in Patna as per Hindu Rituals. They registered their marriage in the court on 7th May, 2014. When she was married, dowry of Rs.1 Lakh in cash, gold jewellery, utensils, furniture and other household items were given by her father. Later they were blessed with a daughter who is one year old now. Just because she gave birth to a girl child, her in-laws started abusing and assaulting her physically, mentally, emotionally as well as financially. They even stopped giving her medicines and milk to her little baby. They also started beating up Rina on some minor pretext just to harass her. Once they threw the baby on the floor. Her husband is a contractor and is financially very sound. He hands over all his income to his mother and Rina is devoid of any money from her husband.

Rina’s father tried to solve all these issues by talking to her in-laws but it was all in vain. One day, Amar and his family forced Rina to leave their house with the little baby.

Rina went back to stay with her parents and is somehow managing to take care of her baby with the support of her parents. Since she does not earn and she decided to get relief from the court under PWDVA so that she can look after herself and her baby.
On 22/07/2016 her case was filed in the court and the notice is also issued to the second party. Now this case is in court and she has demanded to provide INR. 20,000 for medical treatment and maintenance of INR 25,000 from her husband’s salary for her living. She has also demanded INR. 15 lakh as penalty for Domestic Violence to Rina.

On 22/07/2016 her case was filed in the court and the notice is also issued to the second party. Now this case is in court and she has demanded to provide INR. 20,000 for medical treatment and maintenance of INR 25,000 from her husband’s salary for her living. She has also demanded INR. 15 lakh as penalty for Domestic Violence to Rina.

3. **Abha vs. Mutuknath**

In the year 2007, Abha filed a case in the court against her husband Mutuknath for Domestic Violence under PWDVA, 2005. There is a provision in this Act, where the case has be solved within 60 days from the time victim files a plea in the court. But this case took more than 3 months time to file a petition. Lawyers who took up the case did not provide full information to Abha and cheated her by delaying the process to extract more money from her. Nothing concrete came out from the first two appeals.

Meanwhile, getting frustrated with the delay in justice, lack of apathy from her own lawyers, Abha decided to study Law so that she can equip herself to fight back the delayed justice. Though this took away another three years of her life, but after completion of her studies she herself took up the case.

On 8th January 2014 court ordered Mutuknath to give INR. 15,000 to Abha. This was the third appeal of this case who the new judge gave this judgment. Mutuknath challenged this order in the court again. Abha, challenged his appeal in the court by saying that she need money for her survival.

Later Trial court ordered Mutuknath to pay Rs. 15,000 w.e.f. 2007. Vice Chancellor of the University, where Mutuknath worked, was also ordered by the court to deduct INR 15,000 from his salary and the amount to be given to Abha. But still not a single penny has been transferred to Abha’s account. Mutuknath has challenged this order in the court again. Now this case is pending in the court and Abha is still fighting for her case as well as helping other survivors to file their case and fight for their rights.

4. **Vartika Rai Vs. Pramod Kumar Rai:**

Vartika got married to Pramod on 18th November as per Hindu rituals. Vartika’s father arranged the dowry including Rs. 12,00,000 in cash, jewellery, utensils, furniture, gifts and other household stuffs as demanded by Pramod’s family. Pramod used the cash received in dowry to clear the installments for his car.

Soon after the marriage Vartika’s in-laws forcibly took away all her jewellery and other valuable items claiming that they will keep them secured in the bank locker. Her husband did not wish to take her to Mumbai along with him as he demanded additional Rupees 5 lakh from Vartika. Denying that, she was harassed on regular occasions. She was being assaulted mentally, physically, emotionally
and financially as well. Vartika's father was suffering from cancer and expressed his wish to meet his daughter but Pramod and his family did not allow her to meet her father.

As for now after 3 years of marriage, Vartika is staying with her parents. A case has been lodged by Vartika in the court in which she has demanded maintenance to the victim; under section 20, where she has demanded Rs. 1,00,000 to be given for medical treatment and 40% of her husband’s salary for her living; under section 22 Rs. 15 lakh to be given as penalty for Domestic Violence to Vartika. On 27/10/2016 order for issuing notice is given in the court for the second party.

5. Lalita Vs. Prabhakar

Lalita and Prabhakar work as a nurse and compounder respectively in one Ayurvedic hospital in Patna. They have a daughter and a son from this marriage. Since 2004, her husband stopped paying the school fees for his children. Annoyed with all this, Lalita complained about it to her Superintendent who advised her to file a plea in the court.

In 2008, Lalita filed a petition in the court. After hearing from both sides, the court ordered Prabhakar to pay Rs.7000 to the victim every month and also an amount for the maintenance of the children.

Prabhakar challenged this to the Appellate court. But the court dismissed his plea. Later Prabhakar, did not give any amount to his wife. Lalita again went to the court. Court then ordered Superintendent of the Hospital to deduct Rs. 7000 from Prabhakar’s salary and pay it to Lalita.

Now, Lalita is getting the maintenance amount as directed by the court every month. Prabhakar has also changed himself and supports his wife and children. Lalita wants to take this case back as her husband has transformed.

6. Hemanti Vs Bhola Ram

Hemanti has two sons and three daughters. Her husband Bhola Ram alleges that she has illegal relationship with another person. To justify this he always beats her and abuses her, humiliates her and asks her to commit suicide. Or else he will give poison to her and then eat himself.

On 19 December, her husband insulted her in front of their eldest son and outraged her modesty. Hemanti Devi was tolerating all this. Not able to bear all this humiliation and harassment, she wrote an application to the local NGO, Gadhsisai panchayat of Vidyapati block of Samastipur. Receiving her application, the organization’s representative and counselor decided to talk to Bhola Ram.

On the morning of 23.01.13, Counselor and ward member tried to understand the whole matter. They came to know that Bhola Ram was suspicious of his wife and they explained Bhola Ram about PWDV Act and said that he was indulging in domestic violence against her. Thus, he could be booked under Domestic Violence Act, 2005. If Hamanti complained to the Protection Officer, then they would help her only. They gave three days time to Bhola Ram to respond to them.

After three days, counselor again visited Bhola Ram,s house and then Bhola shared his doubt which was clarified by talking to both the parties. Now the issue has been resolved and both are living a happy life with their son and daughter in-law.
7. Manisha Vs Surendra

Manisha Kumari was married to Surendra Kumar on 11 July 2005. He was working as a Police Officer in Patna. Everyday, Surendra used to take alcohol. His parents harassed Manisha that her parents did not give enough in the dowry she brought. On 30th November 2005 both husband and wife were asked to move out of the house by her in-laws. And they started living separately from his parents and from there she went to her parents’ house for her delivery.

On 6th September 2006, she gave birth to a son but neither her husband nor any other person from her –in-laws visited the new born. After one month Surendra’s parents again called back them to live in their house where they continued torturing her. In between, she again got pregnant with the second child. Her in laws continued harressing her emotionally and physically. With no hope and a small baby to take care and the other one on the way, she was forced to leave for her parent’s place. She gave birth to another son. During this time, Manisha was forced to part away from her jewelry which was given to her sister in law as her dowry.

Now she is living with her parents, without any support from her husband. With so much of mental torture and harassment and with no income and to bring up two children, she submitted her application in MJK on 28. 9. 2010 for justice. Her application was referred to Protection Officer the next day itself. PO took initiative and both the parties were counseled in this matter. Now Manisha is living peacefully with her husband and in-laws.

4.4. Suggestion from Survivors for prevention of domestic violence

- **Awareness generation on PWDVA**

  All Survivors said that they did not know about the Act before and their lack of awareness about the provisions of PWDVA, made them run from one stakeholder to another and had to depend on their limited guidance. This definitely highlights the greater need to generate awareness on the Act and provisions among the general population. Mere knowing about such law may not stop some men to stop abusing their wives. Increased and continuous awareness on the PWDVA will be a great and most necessary step from the Government towards the empowerment of women in the state. It's necessary to sensitize society on gender issues, PWDVA and other women related issues which is not in process. If this happens the Survivors will get support from family members and society.

- **Justice mechanism domestic violence Survivors at Panchayat & Block level**

  Helpline and Protection officers are based at districts level. Survivors informed that they had to go a long way to district headquarter for assistance. This also require additional money to meet the travel expense and most of the time due to distance many Survivors do not approach these institutions and those who approach do not follow it up regularly as required. It would be good to have Helplines at Block or Panchayat levels.

  Survivors also suggested on having effective mechanism for proper implementation of PWDVA at panchayat level and block levels as well. They also suggested that post registration of cases, proper monitoring of each case is required at various institution i.e. at Police Station, Protection Officer and Helpline etc. This will establish accountabilities among these institutions to address it on time.
• **Mobile complaint number at village level**

One of the Survivor suggested an exclusive mobile complaint number at the village level so that they could register urgent complaints under emergency conditions. There are incidences that impact mental and physical health or sometime the incidences happen at odd hours. And most of the time the Survivors do not have enough money to travel to district to register their complaint. In such situations, at least the numbers can be handy for all the Survivors to register their case to seek support on time.

• **Increased Number of women Police Officers**

They felt that women police officials would be better than male police officials to understand complaints, for disclosure of facts and obviously women officials would be more empathic to the Survivor. So, Survivors demand for larger number of women police officials to take up cases of domestic violence.

• **Adequate Provisions for Children of Survivors**

Survivors highlighted on the need for economic support and shelter as immediate provisions and support after they come out from the perpetrated place. Their children need to be have access to care, protection along with shelter.

• **Special monetary support for Survivors from marginal or vulnerable groups**

As most of the Survivors were from very poor families, they felt most of the time when Court orders for maintenance, their husbands are not able to extend that support. In this situation there needs to have some provision from Government to support the Survivor with monetary help as relief provisions under the Act.
5.1 Conclusion

The previous study ‘An Analysis of Perceptions of Domestic Violence and Efficacy of the Implementation of the PWDV Act (2005)’ conducted in 9 districts of Bihar earlier this year, has brought enough evidence to suggest that there is a need for more relevant actions from all stakeholders to fulfil the visions of the Act. The study highlighted that, after 10 years of existence of the law, still almost 50% respondents said that they did not know that violence against women is a legal crime. 75% of local level service providers admitted they have never been part of any discussion regarding PWDVA. Also, it was observed that there has been varied understanding about the PWDV Act at all levels and no uniformity in perception of domestic violence among all stakeholders interviewed could be established by the study.

The evidences from current study suggest there is still low level of awareness and understanding on domestic violence and various provisions of the PWDV Act among all the stakeholders. At Survivor’s front, there is huge confusion with lack of knowledge about the PWDV Act and appropriate authorities to deal with. The study also brings out that the Survivors are not even getting relevant information on time and as required on the various provisions of PWDV Act from the stakeholders. The study also highlighted that the Survivors who decided to approach and seek legal actions were treated with indifference by the authorities. One of the finding indicates that other than District Legal Authority, health assistance to Survivors is being provided by all stakeholders, but none of the Survivors talked about it during the discussion. The additional charge to Programme Managers of Helpline as Protection Officer and their base at district, has been again highlighted as major hurdle in accessing justice by Survivors in the study. The previous study has already highlighted how distance to state supported institutions are directly impacting the access and availability of justice for Survivors in remote location. The study also brings enough evidence that suggests that there is a need for greater coordination and ensuring convergence of services among various institutions/departments and stakeholders to achieve the goals of the policy. System of research and regular monitoring mechanism will strengthen the accountability among all stakeholders. It is also evident from the study that allocation of sufficient funds and awareness about the funds among the stakeholders should increase the effectiveness of implementation of PWDVA.

Delay in relief or implementation of court order is diluting the overall purpose of the law on ground. These and many more findings in the report show that there is lot of hope from the Act when it is implemented in its full spirit. The state has already taken lot of positive steps and there are many vibrant active civil society organizations working on the issues in Bihar. These are positive steps in the right direction. However, the findings also light up the road ahead and indicate all that needs to be done in line to shield the beliefs of Survivors in the Act and the system of our country.
5.2 Recommendation

Based on findings of the present study, following recommendations are made. These recommendations are based on the interviews of Survivors, officials and key stakeholders and other research works for the better implementation of the PWDVA and prevention of domestic violence:

A. Allocation of adequate budget by the central and state government

Sufficient budget allocation is necessary for effective implementation of any Act. All officials and stakeholders working under PWDVA 2005 should be given adequate budget on time. Budget has to be allocated for wider legal awareness among public about the PWDVA, training for capacity building and creation of proper infrastructure.

B. Special initiatives by State/Central Government

a) Bihar state should create a separate department of women and child. At present, Women Development Corporation as a wing of Social Welfare Department takes up matter related with women and children.

b) Central and state government should take step for convergence between multiple department and agencies and put in place monitoring mechanism for special attention on domestic violence cases.

c) The state and central government should formulate policy and strategies and Standard Operating Procedure to deal with cases of domestic violence. Government should ensure implementation of court’s order in time bond manner as per the law. All stakeholders should ensure Survivors’ right when compromising with both parties.

d) The Central and State Government start One Stop Centre with all facilities – medical, shelter, protection, socio-psycho support, rehabilitation and other necessary services at block level as early as possible.

C. Empowering Panchayats to deal with Domestic Violence Cases:

a. It is recommended that the State government should provide authority to Nyay Panchayat (Gram Kachahari in Bihar) to prepare DIR, investigate and give protection order. The Gram Kachahari should have power to direct local Police Station to help in investigation of the cases.

b. For community intervention in controlling violence against women, the state government should to incorporate provision in Panchayati Raj Act providing power to Gram Sabha for awareness, monitoring and rehabilitation regarding violence against women. Schedule of half yearly Gram Sabha for Women to discuss all kinds of women related issues should be notified by the state government.

c. Task force comprising women should be constituted at Panchayat level and Jila Parishad level, state assembly constituency and parliamentary constituency under the leadership of Mukhiya, Chairman of Jila Parishad, MLA and MP.
d. A complaint committee to look into cases of violence against women should be constituted at panchayat, block and district level. The committee should have 11 members (mandatory 50 percent of women) to be headed by Panchayat Secretary at Panchayat level, BDO at block level and DM at district level. The members should include AWW, ASHA, Vikas Mitra, and community at panchayat level, CDPO, Welfare Officer, than in charge, women constable, Social Worker, ANM, MOIC of block level and DPO (ICDS, Social Security), District Social Welfare Officer, SP and other at district level. SHG should also be involved in monitoring and rehabilitation.

D. Recommendations for awareness and publicity

a) For awareness about the Act among people, the state government should organise workshop on gender issues and PWDVA at school, college, institution and government and private offices. It is suggested that all acts related to women protection should be incorporated in curriculum of school and university. All institutions (government and private) should create a charter of behavioural norms for their staff.

b) One week awareness campaign in every month involving the community and different stakeholders, social organisation, government agencies, institutions etc should be organised all over state for behavioural change and gender equality. Publicity of different acts relating to prevention of violence should be done regularly through display of posters, distribution of leaflets, announcement, nukkad natak, puppet show, essay competition etc.

c) Proper publicity of Act, institutions i.e. Short Stay Home for Survivors at every public place should be ensured.

E. Infrastructure and human resources

a) The Central and State government should come up with policy through appoint all officials and staffs as given in the Act. Protection officer, counsellor, helpline worker should be appointed at block level with independent charge.

b) Shelter home with full facilities- civic amenities, staff, counselling should be built at block level and connected with the PHC.

c) Government should ensure proper care and protection of Survivor’s children during conflict time. Provision of residential care of Survivor’s children in Short Stay home and ensuring linkages with different scheme

E.1. Capacity building programmes for officials, staffs and stakeholders of the Act

Time to time (at least quarterly), training programmes regarding provisions of the Act and other related laws for prevention of violence against women for Protection Officers, police officials, advocates, counsellors, staff of shelter home and other stakeholders should be organized. Training module should be prepared according to the responsibility conferred on them under PWDV Act.
E.2. Coordination among officials and various stakeholders under the PWDV Act

The state government should make policy to establish coordination among various actors like the Protection Officer, police officials, advocates, legal authority, shelter home, PRI members, NGOs, Social Workers and others. It is suggested that coordination committee at state, district, block and panchayat be formed. For effective coordination, quarterly meeting of all these actors may prove beneficial.

Data bank of cases of violence, including domestic violence should be created at district level. Half yearly study on violence against women and implementation of various acts should be undertaken. This will help understand the situation and find out means of resolution.

For time-bound justice delivery, it is imperative that various functionaries of judiciary, police officials, Protection Officers, PRI members, counsellors and other stakeholders should work in utmost cooperation and coordination.

F. Coordination among social organization, individuals, Social Workers and others

Network building among NGOs, INGOs, activists, social organizations, political parties etc is required to meet the challenges of preventing violence, particularly domestic violence against women. This may be done through creation of a forum involving all of them. This will help in devising strategy and advocacy with the government to plug gaps in delivery of justice.

G. Proper medical assistance to the Survivors

The government should ensure the required medical assistance to Survivors by appointing doctors especially for domestic violence cases in PHC and district level hospitals. They should be available round the clock.

H. Follow up of cases, monitoring, evaluation and accountability

The government should form an effective mechanism involving society members to follow up cases in trail, monitoring and evaluation of the status of the implementation of the Act.

The provision of accountability should be introduced to penalize official concerned and other persons if investigation and trial of the case is not done in the stipulated time as given in the Act.

2. Implementing the PWDVA: Safeguarding women from domestic violence by Oxfam India in October 2015.


A Review of Status of Implementation in Bihar

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