

RESOURCE TOOL

for Monitoring and Evaluating the Implementation of the
Protection of Women from Domestic Violence Act, 2005



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**Resource Tool for Monitoring and Evaluating the
Implementation of the Protection of Women from
Domestic Violence Act, 2005**

Lawyers Collective
(Women's Rights Initiative)

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Foreword

I would like to congratulate the National Mission for Empowerment of Women (NMEW) and the Lawyer's Collective Women's Rights Initiative (LCWRI) for their unique efforts in monitoring the implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) in all states in the country. It is laudable that LCWRI has been conducting this exercise for the last six years.

The right to live with dignity is a constitutionally guaranteed and protected right. In addition to this, it is a fundamental right and fundamental freedom guaranteed under CEDAW. In fact, CEDAW has mandated to eliminate all kinds of violations against women and also to monitor implementation of all laws for women. On 26th October 2006, the PWDVA was brought into force by the efforts of the Ministry of Women and Child Development, Government of India and was a culmination of the aspirations of countless women activists, NGOs and lawyers. This Act gives comprehensive and effective civil remedies with criminal procedures to ensure effective protection and relief to the victims of domestic violence. However the Act is not the end of the journey but the beginning. It is necessary to not only bring about progressive new laws but also ensure their implementation to serve both the letter and the spirit of the law. Hence, it is necessary to continually monitor the law and evaluate its effectiveness with regard to its actual impact on women.

To strengthen the implementation of the PWDVA, NMEW and LCWRI are bringing out this resource tool for monitoring and evaluating the implementation of the PWDVA. This useful and informative tool would not only help the stakeholders facilitate the implementation process but also help us institutionalize the whole process of monitoring and evaluation of the PWDVA. Overall, it would effectively protect the human rights and freedom of all women and bring transformation to countless lives.

I hope this unique tool will inspire all stakeholders at the central and state level to increase and consolidate their actions for effective implementation of the PWDVA. It is my hope that this tool would result in more proactive action and participation by the State Governments and that it can serve as a guideline for implementing agencies for better enforcement of the law. I acknowledge the untiring efforts rendered by the NMEW, LCWRI, and UN Women who coordinated this process and conducted empirical research and state visits to aid the completion of this task and exhort them to continue the good work and hope that such initiatives are given cooperation and support by all stakeholders and government agencies.



Krishna Tirath
Minister of State (Independent Charge)
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Acknowledgements

This compilation puts together lessons learnt from Lawyers Collective, Women's Rights Initiative's (LCWRI) five-year long initiative (2007-2011) of annually monitoring and evaluating the implementation of the Protection of Women from Domestic Violence Act, 2005 (M&E initiative). The LCWRI would like to acknowledge the invaluable contribution of partners and collaborating agencies over the years- this endeavor would not have been possible without their support.

At the Lawyers Collective, Asmita Basu compiled this resource tool under Ms. Indira Jaising's guidance and with research assistance received from Philarisa Nongipur, Mangla Verma, Gayatri Sharma and Gurmit Tandon. Mayuri Singh, Prabhat Gautam, Afreen Siddiqui, Usha Varma, Liyi Marli Noshi and C.P. Nautiyal deserve special mention for providing research inputs and administrative support.

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Preface

Years of representing victim/survivors of domestic violence in courts and the accumulated experience of “case work” by women’s groups made it clear that “domestic violence” was a problem without a name and without a law. Violence within the home was considered a “family law issue”—involving matters of marriage and divorce only. The law addressed how to get married and how to get divorced but not what happened between marriage and divorce. This meant that the issue of violence against women in the matrimonial home could *only* be addressed in the context of divorce.

From 1984 onwards, these issues came to be addressed by criminal law, when Section 498A was added to the Indian Penal Code, making cruelty by a husband and his family members towards his wife, an offence. However, this proved to be an inadequate remedy, as it worked more on the basis of the fear of arrest, rather than on the basis of the rights of women. Although domestic violence was invariably accompanied by dispossession from the matrimonial home, there was no statutory recognition of the right to reside in the matrimonial home. Courts were not empowered to grant protection orders. Section 498A’s protective ambit did not extend to dependent female family members not in matrimonial relationships. Only physical violence was considered to be domestic violence, and that too, only when associated with the giving and taking of dowry. There was no law, which enabled the grant of reliefs or restoration to the matrimonial home, or protection from domestic violence.

It was in this context that the idea of the ‘Protection of Women from Domestic Violence Act’ (PWDVA) was born. This is all history, though only recent history, it has been no more than 6 years since the law has been passed.

The PWDVA recognizes that victim/survivors not only need a law, which protects them from violence, but also need the means with which to activate the law and use it. This is how the idea of ‘Protection Officers’, who a victim/survivor contemplating legal action could approach, was conceptualized. Protection Officers have a substantial pre-litigation role, facilitating victim/survivors approach to a court of law-- recording a ‘Domestic Incident Report’, informing a woman of her rights under the law and facilitating her access to required support services.

Protection Officers also have an important role in court. Once again, in recognition of the unequal relationship between the victim/survivor and the perpetrator of violence, the Protection Officer is not meant to be a passive player, but must be pro-active in collecting the missing evidence required to establish a case. A simple example will suffice to prove the point-- victim/survivors, in most cases; do not have access to the financial dealings of their partners. This may result in courts denying reliefs (e.g. maintenance) for want of evidence, as the burden is on the victim/survivor to prove the case. The PWDVA lessens this burden by empowering courts to direct Protection Officers to collect evidence on the basis of which relief can be granted. Hence, the PWDVA makes a major breakthrough from the adversarial system of court proceedings to a more inquisitorial one, where the judge has a major proactive role in fulfilling the object of the law.

Another major breakthrough made by the PWDVA is the inclusion of multiple service providers in its implementation. By including multiple service providers, the PWDVA recognizes victim/survivors' need for support services, particularly while pursuing legal remedies, and paves the way for coordinated multi-agency responses. It also provides victim/survivors multiple avenues to access the law, as most service providers are empowered to officially record complaints of domestic violence. Service providers, whose roles are recognized under the PWDVA include NGOs providing services to women who are registered as 'Service Providers'; and medical facilities and shelter homes, which are notified under PWDVA.

Finally, another significant jurisprudential contribution of the PWDVA is that it uses a judicious mix of civil and criminal procedural law to ensure that protective orders are expeditiously obtained and effectively enforced. Hence applications for reliefs under the PWDVA lie to Magistrates, who are part of the criminal justice system. They are empowered to grant injunctions of a civil nature, which they are not otherwise entitled to do in criminal jurisdiction. This means that other members of the criminal justice system are also implicated in the implementation of the PWDVA, such as lawyers, legal service providers and the police. The role of the police, though limited, is specifically recognized under the PWDVA, as they are required to inform victim/survivors of their rights and assist courts in enforcing their orders.

Protection Officers, service providers, the police, courts and lawyers, together constitute the infrastructure required to give effect to the objectives of the PWDVA and the means for victim/survivors to activate the law.

When the PWDVA was drafted, it contained a provision that mandated the State to monitor its implementation and produce annual reports. This provision was dropped from the draft before it was passed. We realized,

therefore, that the task of monitoring which should be of the State, would fall on our shoulders, if the law had to have any meaning at all. The idea of monitoring the PWDVA came with the knowledge that this was a new law with revolutionary concepts, which would require to be monitored in the first few years to help set precedents and standards. It would also allow for an assessment of practices to guard against wrong practices that would then become the norm and begin to appear normal.

LCWRI's focused work on the issue of domestic violence began with a grant from the Ford Foundation. The process of monitoring and evaluating PWDVA implementation – keeping as it does with the human rights standard of due diligence-- was supported from its very conception by the UN Women (South Asia office) and subsequently funded by the UN Trust Fund on Violence Against Women. Surveys on Knowledge, Attitude and Practice, which form part of the last three years' (2009-2011) annual Monitoring and Evaluation Reports, were done in collaboration with the International Center for Research on Women (ICRW).

Six years of monitoring the implementation of the PWDVA, has shown that there will always be limitations to a process conducted by an NGO such as ours. First, the State is the only source of authentic information on infrastructure. Hence data collection for an NGO is a major concern due to the lack of easy access to documents and services. Second, the lack of convergence within the government itself-- between the Ministries of law and justice, home, women and children development, etc. -- is another significant issue, almost impossible to overcome.

On the other hand, the advantage that an NGO has in undertaking a process such as this is that it can independently assess government and judicial practices and hold the State accountable to its statutory goals. We have dealt with our challenges and opportunities and the results can be found in the six annual monitoring and evaluation reports from 2007 to 2012.

So what does the future hold? Given the trend in governance in the country, monitoring the implementation of law must become a function of the State, while evaluating or assessing monitoring measures must be the function of its autonomous bodies such as the National Commission for Women. For instance, in the case of primary education, the Right to Primary Education Act, 2009 appoints the National Commission for Protection of Child Rights to monitor compliance with statutory objectives.

Another factor critical to the success of the PWDVA, is the attitude of judges into whose hands the law is entrusted-- they can either chose to interpret the law in a manner that outlaws all violence against women, or remain in the patriarchal mould-- a clear choice, which must be evaluated by reading and understanding orders and judgments of the court. Hence for a comprehensive monitoring and evaluation exercise, it is essential not

only to monitor administrative measures taken for implementation, but also assess its outcomes by examining court orders and judgments.

Implementation in letter and spirit is critical to making a difference in the lives of victim/survivors. The danger of backlashes and settling into old patterns of thinking fortifies patriarchy, which is ever present. Eternal vigilance is required to defend a life free from violence, and that is the significance of monitoring and evaluation-- it is a tool of accountability. Unlike other forms of enquiry, an enquiry into the functioning of law is relatively straightforward. The law functions through a paper trail and there is no scope for changing what has been put in print. This enables documentation, which is required when it comes to monitoring a law. Evaluation is reading the meaning of what the paper trail is telling you. It is only through regular monitoring and evaluation that the goal of realizing a woman's right to a violence free home can be achieved.

As our project period comes to a close, we also close and complete a full circle, from campaigning to legislation to monitoring/evaluating implementation. Yet we know the circle never closes, only grows larger to incorporate new experiences, hopes and aspirations of the affected community. We have labored all these years in the hope that we will leave the lives of affected women a little better, more livable, and the world a better a place. Our work is dedicated to survivors of domestic violence, who inspired the work to begin with.



Indira Jaising
Director

Lawyers Collective (Women's Rights Initiative)

Introduction

Background

International law defines violence against women (VAW) as gender-based violence, which is 'disproportionately directed against women because she is a woman or affects women disproportionately.' VAW is, therefore, both a cause and consequence of women's subordinate position vis-à-vis men. It is recognized as a violation of women's human rights and as constituting an impediment to the realization of equality, development and peace. Domestic violence is the most insidious form of VAW, faced by women of all ages within family relationships. The root cause of domestic violence is unequal gender relations, which is often exacerbated by economic, social and cultural factors. Addressing VAW entails tackling the root causes of the problem from the home to the transnational arena.

International law mandates that States take steps to eliminate all forms of discrimination against women and to exercise 'due diligence' to prevent the violation of their rights. The 'due diligence' standard requires States to take positive action to prevent and protect women from violence, punish perpetrators and compensate victims of violence. (See Box 1) In order to comply with this standard, States must *inter alia* enact, implement and monitor legislation on VAW.

It is internationally recommended that VAW legislation must be comprehensive and multi-disciplinary, encompassing aspects of criminalization, prevention, protection, survivor empowerment and support. However, enacting legislation is only a first step in combating VAW, it is also essential that laws are implemented effectively. In order to ensure effective implementation, legislation should be accompanied by a comprehensive policy framework, which includes a national action plan or strategy for implementation; as well as provisions for training and sensitizing implementing agencies, creating public awareness, promoting coordination and multi-agency responses and budgetary allocations.

Checklist for Determining State Compliance with Due Diligence Obligations

1. Ratification of international human rights instruments
2. Constitutional guarantees on equality for women
3. Existence of national legislation and/or administrative sanctions providing adequate redress to women victims of violence
4. Policies or plans of action that deal with the issue of VAW
5. Gender sensitivity of the criminal justice system and the police
6. Accessibility and availability of support services
7. Existence of measures to raise awareness and modify discriminatory policies in the field of education and media
8. Collection of data and statistics on VAW

Report of the UN Special Rapporteur Radhika Coomaraswamy, 1999; E/CN.4/1999/68

Box 1

Monitoring and evaluating implementation

A significant aspect for ensuring effective implementation is the regular monitoring of laws to assess government compliance with statutory objectives and to track the progress of such laws in addressing VAW. Regular monitoring also serves to assess whether further law or policy reform is required, to discern unintended consequences of law, reveal the need for capacity development and training for implementing agencies and the need for coordinated responses.

Monitoring of laws is the process of tracking implementation of laws and progress towards meeting statutory goals. Monitoring focuses on processes - such as measures taken to give effect to statutory obligations, including activities undertaken, who delivers them and how many people they reach. Monitoring must be conducted by those vested with the responsibility of implementing the law.

To assess progress made in attaining statutory goals, it is essential that monitoring of the law be complemented by systematic evaluation of implementation measures. Evaluation brings together monitoring data and findings from additional research to assess the relevance, efficiency, effectiveness, impact and sustainability of implementation measures undertaken. While monitoring is an on-going process, evaluations are more time bound interventions, conducted at particular moments, and by independent agencies. Monitoring and evaluation done together, allow implementing agencies to track and assess the effectiveness and impact of implementation measures undertaken.

Practices in monitoring the implementation of laws

The basic point of reference for monitoring implementation is the statute itself, which outlines duties of the State. However, modern legislative approaches give options to implementing agencies of the State to adopt practices that suit local imperatives. This may result in diverse implementing practices. It is therefore, necessary to map these practices as they emerge through monitoring and guard against practices that defeat the spirit of the law and statutory goals.

In some countries, laws on violence against women contain specific provisions mandating regular monitoring either by implementing agencies themselves or by creating special agencies to monitor implementation. For instance, the “Philippines Anti-Violence Against Women and their Children Act, 2004” establishes the ‘Inter-Agency Council on Violence Against Women’. Constituted with representatives from different government departments, this agency monitors initiatives taken to address VAW. Similarly the “Spanish Organic Act on Integrated Protection Measures against Gender Violence, 2004” establishes a ‘Special Government Delegation on VAW’ and a ‘State Observatory on VAW’ to *inter alia* supervise the implementation of laws and prepare annual reports.

In other countries, monitoring of laws is conducted under national action plans or strategies that examine all aspects of law implementation, service delivery, awareness creation, etc. Some countries prepare action plans to give effect to specific legislation on VAW. To illustrate Sri Lanka’s “Plan of Action Supporting the Prevention of Domestic Violence Act (2007)” covers various aspects of training and capacity building, creating awareness, coordination and collaboration, record maintenance; as well as monitoring the implementation of the law.

Although, India has one of the highest numbers of laws on women’s rights, there have been limited attempts at monitoring and evaluating the implementation of such laws. There have, however, been some individual studies assessing the impact of laws, which have mostly been conducted by civil society or research organizations. Relevant to the context of VAW is the Lawyers Collective’s six-year long initiative to monitor the implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) (2007-2012).

The Lawyers Collective (Women’s Rights Initiative) (LCWRI), which played a significant role in drafting the PWDVA in consultation with women’s groups from across the country, commenced its monitoring activities in 2007-- a year after the PWDVA was brought into effect. Data for monitoring implementation was compiled from nodal agencies of state governments, by interviewing implementing agencies and surveying ‘Knowledge, Attitude

and Practices' (KAP)(KAP Surveys were conducted in collaboration with the International Center for Research on Women). Additionally, the LCWRI collected and analyzed court orders granted under the PWDVA and decisions of the higher judiciary to assess how the PWDVA is being enforced and interpreted by courts.

How to use this resource tool

This compilation draws on LCWRI's experience of monitoring the PWDVA over the last five years (2007-2011) to provide a

- Monitoring Framework (Chapter 4) including a 'Monitoring Tool', which can be used by the nodal agency of the Central Government to monitor measures taken by State Governments to comply with obligations under the PWDVA. The Monitoring Tool may also be used by State Governments to compile and present information collected from implementing and enforcement agencies. Details on how to use this tool is provided in Chapter 3.
- Evaluation Framework (Chapter 5) lists key and sub questions for assessing relevance, effectiveness, efficiency, impact and sustainability of measures taken to implement the PWDVA. The framework also sets out 'criteria for judgment' and methods for collecting data to answer key and sub questions. This framework can be used by entities commissioned to conduct evaluations or independent authorities seeking to assess implementation measures taken under the PWDVA. It can also be used by implementing agencies to contextualize and assess data collected using the Monitoring Tool and through other sources.
- To set the context for the Monitoring Tool and Evaluation Framework, Chapter 2 provides a brief overview of PWDVA, its objectives and implementation mandates.

Terms used in the Monitoring and Evaluation Frameworks are explained under the section 'Acronyms and Glossary'.

This compilation has been prepared with for the specific purpose of guiding monitoring and evaluation exercises. However, users may also consult LCWRI's range of other publications on the PWDVA and resources mentioned in the last section on 'Resources'.

Compilations of this scope require to be regularly updated in light of legal and other developments. It is therefore, suggested that persons conducting such exercises keep abreast of case law evolved by the higher judiciary, as well as guidelines/protocols/instructions/orders issued by supervising authorities and other implementing agencies.

Ethical issues while monitoring and evaluating the implementation of the PWDVA

In fact the major source of information for monitoring the PWDVA is the documentation maintained by various implementing agencies. The major advantage of tracking legislative implementation is that there is a body of existing documentation, which can be compiled for review.

Documentation that shall be reviewed while monitoring and evaluating the PWDVA are most likely to be in the public domain, such as activity registers, reports prepared by PWDVA agencies, court orders and documentation of court proceedings, etc. However, it is essential that strict confidentiality be maintained over the identity of victim/survivors at all times so that the safety and privacy of victim/survivors is not compromised or affected adversely.

Implementing the PWDVA

Since monitoring and evaluating is aimed at assessing the implementation of a law it is important to first accurately identify the objectives of the law and the mechanisms and procedures prescribed therein to meet these objectives. The second step is to identify and examine administrative steps taken to give effect to the law, such as policy directives and action plans/strategies, budgetary allocations, protocols issued by implementing agencies, etc. The third step is to examine orders granted by courts to examine the outcomes of implementation measures undertaken.

This chapter undertakes these three steps to set the context for the Monitoring and Evaluation Frameworks provided in the subsequent chapters.

PWDVA

In India, prior to 2005, domestic violence was addressed primarily under criminal law, namely Section 498A of the Indian Penal Code. However, due to its limited scope and coverage and the lack of civil remedies, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to recognize women's rights to civil reliefs in situations of domestic violence and to recognize women's right to reside in the shared household. The PWDVA defines 'domestic violence' in a comprehensive manner and covers all women in domestic relationships living in a shared household.

Orders available to victim/survivors of domestic violence under the PWDVA include:

- Protection orders – civil injunctive orders to stop and prevent acts of domestic violence, as well as acts adversely affecting legitimate rights and interests of victim/survivors.
- Residence orders - to prevent victim/survivors' illegal dispossession and prevent any acts that impact on her peaceful occupation of the shared household.
- Orders for monetary reliefs - to reimburse actual expenses incurred due domestic violence (e.g. medical expenses, loss of earnings) as well as maintenance.

- Orders granting temporary custody of children.
- Compensation orders – for mental trauma and emotional distress caused to the victim/survivor as a result of acts of domestic violence.

By empowering courts to grant these orders, the PWDVA attempts to build more equal relationships within the home. It can be used in addition to other civil laws (e.g. family laws) and criminal laws (e.g. Section 498A of the IPC on cruelty within marriages), thus reducing multiplicity of forums, while simultaneously providing multiple avenues for victim/survivors to seek legal redress.

As the PWDVA recognizes domestic violence as a violation of women's human rights, it provides for a mechanism or infrastructure to facilitate women's access to justice and support services. The nodal agency of the State Government (e.g. the Department of Women and Child Development or the Department of Social Welfare) is vested with the responsibility of putting in place the mechanism under the PWDVA.

Although the law is primarily civil in nature, applications for reliefs primarily lies with Magistrates of criminal courts. Hence, the criminal justice system, including criminal courts, lawyers and the police are implicated in the enforcement and implementation of the PWDVA.

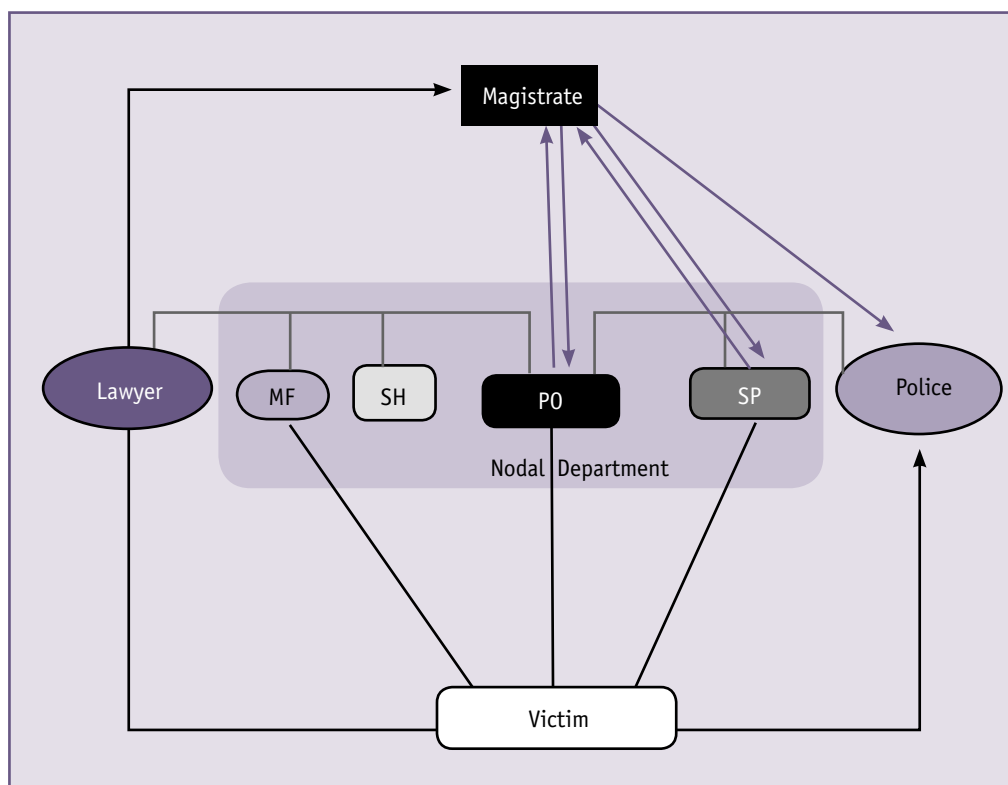
PWDVA Agencies

Infrastructure under the PWDVA is constituted by the following entities, collectively referred to as the 'PWDVA agencies':

- **Protection Officers-** the key implementing agency under the PWDVA. They are appointed to receive complaints from victim/survivors and record 'Domestic Incident Reports' (DIR); provide information on available legal rights and remedies; and facilitate victim/survivors' access to justice and support services. Additionally, the Protection Officer is also required to assist the court in serving notices, collecting evidence, and enforcing orders. They are also required to coordinate between other PWDVA agencies.
- **Service Providers-** in recognition of the pivotal role-played by women's organizations and women's NGOs, Section 10 of the PWDVA allows for the registration of voluntary organizations or companies as 'Service Providers.' Organizations that can be registered are those providing services to women, such as counseling, shelter, medical aid, legal aid, financial support, etc. Service Providers are required to provide assistance to victim/survivors by recording DIRs, and facilitating their access to other support services, e.g. medical aid and shelter. The PWDVA protects actions taken in good faith by Service Providers.
- **Medical Facilities-** the PWDVA empowers State Governments to notify medical facilities. Once notified, Medical Facilities are authorized to record DIRs and are duty bound to provide services victim/survivors.

- Shelter Homes- akin to medical facilities, State Governments are also required to notify Shelter Homes. Once notified, shelter homes cannot refuse to provide services to victim/survivors.
- Police- although the police have a limited role in the implementation of the PWDVA, they are duty bound to provide information on available rights and remedies, facilitate victims'/survivors' access to Protection Officers, initiate criminal proceedings when appropriate, and act on the directions of the court to assist in the enforcement of orders or provide assistance to Protection Officers and Service Providers.
- Lawyers and Legal Service Providers- provide legal representation in court to victim/survivors filing applications under the PWDVA.
- Magistrates- applications under the PWDVA are primarily filed before Magistrates. Magistrates are empowered to grant orders under the PWDVA and order the police and Protection Officers to collect evidence and assist in the enforcement of orders. Magistrates may also refer cases for counseling to Service Providers during the course of legal proceedings.

Additionally, the nodal agency of the Central and State Governments have the responsibility of ensuring that adequate infrastructure is provided to Protection Officers, ensure effective coordination, prepare protocols for service delivery, provide periodic trainings to PWDVA agencies, create awareness on the law, and allocate funds for implementation.



Box 2

The organogram in Box 2 shows the manner in which PWDVA agencies are required to function.

As depicted in the organogram, a victim may approach one or more agencies to access assistance under the PWDVA. Equally, in recognition of the fact that victim/survivors of domestic violence require more than legal aid to support them during litigation, the law enables the creation of a coordinated multi-agency service delivery system for victim/survivors.

Methods of implementation under the PWDVA

Duties of PWDVA agencies arise at different stages, which may be categorized as follows:

- *Putting in place infrastructure under the PWDVA*- As mentioned earlier, the State Governments are required to establish the infrastructure under the PWDVA. This is to be done by appointing Protection Officers, registering Service Providers and notifying Shelter Homes and Medical Facilities. To ensure effective functioning and coordination between PWDVA agencies, the nodal agencies are required to provide trainings and develop protocols to ensure coordinated service delivery.
- *Pre-litigation stage*- A complaint of domestic violence may be received by Protection Officers, Service Providers, Medical Facilities and the police. Protection Officers, Service Providers and Medical Facilities are empowered to record DIRs. PWDVA agencies are required to provide information to the victim/survivor of her rights and remedies and facilitate her access to support services (e.g. shelter, medical aid, counseling, legal aid). They are also required to assist victim/survivors file applications under the PWDVA in courts against 'respondents' or persons alleged to have committed domestic violence.
- *Litigation stage*- Once an application is filed before the Magistrate, he/she can order Protection Officers to make enquiries, conduct home visits and serve notices. Magistrates may also refer matters for counseling, as per the procedure laid down in Rule 14 of the Protection of Women from Domestic Violence Rules (PWDVR). Magistrates may order the police or Service Providers to assist Protection Officers or provide assistance directly to court. The litigation stage ends with either the grant or rejection of orders applied for by the victim/survivor.
- *Enforcement stage*- After an order has been granted by courts, Protection Officers and the police may be directed to ensure that such orders are enforced. Applications for alteration or modification of court orders may be filed by either of the parties (victim/survivors and respondents). Victim/survivors may also apply for discharging the order granted. Both parties are allowed to file appeals against orders granted. Breach of court orders is a punishable offence. In cases of breach, victim/survivors may initiate criminal proceedings against the respondent.

International Principles on Effective Implementation of Laws on Domestic Violence

- Zero tolerance of domestic violence
- Legal provisions to protect women, including provisions on reliefs and remedies
- Provisions facilitating access to justice and support services
- Implementation of laws in a manner that gives effect to women's agency
- Effective implementation measures including links with action plans/strategies/policies, adequate budgetary allocations, preparation of protocols, provisions for training and capacity development of enforcement agencies
- Measures for prevention including awareness creation, publicity campaigns, etc.

Adapted from the UN Handbook on Legislative Approaches to VAW

Box 3

Key questions for monitoring and evaluating the implementation of the PWDVA

Monitoring and evaluating the implementation of the PWDVA requires an enquiry into the extent to which objectives of the law are being met with. The objectives of the law may be summarized as follows:

- To recognize domestic violence as a violation of women's human rights and not merely as a matter of a family dispute.
- To put in place an infrastructure that facilitates women's access to timely court orders as provided under the PWDVA and to ensure that court orders are enforced.
- To put in place an enabling environment by making provision for a range of support services, which are easily accessible to victim/survivors and are delivered in a coordinated and efficient manner.
- To avoid multiplicity of forums.
- To create awareness on the law and build capacity of implementing agencies to respond to victim/survivors of domestic violence in a gender sensitive and effective manner.

In keeping with the objectives of the PWDVA and State duties prescribed, information on monitoring the PWDVA must be collected under the following categories or 'Monitoring Focus':

1. Infrastructure established under the PWDVA.
2. Nature of office assistance and support provided to Protection Officers and other PWDVA agencies to perform their duties under the PWDVA.

3. Functioning of Protection Officers.
4. Methods of coordination between implementing agencies and service delivery mechanisms.
5. Methods of record keeping by PWDVA agencies, of activities conducted under the PWDVA.
6. Trainings and capacity development.
7. Publicity and awareness creation.
8. Allocation of funds for the implementation of the PWDVA.

For the purposes of assessing or evaluating compliance with PWDVA's objectives and State obligations, the following key questions require examination:

1. To what extent has the PWDVA enabled the recognition of domestic violence as a violation of women's human rights?
2. To what extent has the PWDVA met the needs of victim/survivors?
3. Is the infrastructure put in place for the implementation of the PWDVA adequate in meeting the needs of victim/survivors?
4. Is the infrastructure put in place under the PWDVA effective in creating an enabling environment for victim/survivors to seek legal redress?
5. Are PWDVA agencies equipped to perform their roles effectively?
6. Do PWDVA agencies work in a coordinated manner to provide assistance to victim/survivors?
7. Is the work of PWDVA agencies monitored in a systematic manner?
8. Is the support provided to PWDVA agencies adequate to ensure their efficient functioning?
9. To what extent have remedies under the PWDVA reached victim/survivors of domestic violence?
10. What has been the impact of awareness creation under the PWDVA on preventing domestic violence?
11. Are the methods of establishing infrastructure under the PWDVA sustainable?
12. Are victim/survivors able to sustain themselves during legal proceedings?

Challenges to monitoring and evaluating the PWDVA

The PWDVA is a relatively recent enactment hence implementation methods and practices are still evolving. There are, however, variations in implementation practices adopted, as establishing infrastructure is left to the discretion of State Government. The Indian Constitution being partly federal in nature leaves the implementation of central legislation to states. State Governments may, therefore, adopt diverse methods of establishing infrastructure under the PWDVA, best suited to the local context. (For more details on practices adopted by states see the LCWRI *Manual on Best Practices under the PWDVA* January, 2013). Though variations are inevitable, which may impede easy national level comparisons, each variation requires to be evaluated to assess whether or not it gives effect to statutory objectives and the spirit of the law.

Of particular significance to the current context, is the lack of uniformity in the manner and method of maintaining documentation by implementing agencies, which may result in inadequate monitoring of data. To overcome this lacuna, it is essential that State Governments systematize and harmonize methods of record keeping and documentation, as well as systematically collect data on domestic violence and the impact of implementation measures on incidence levels.

It is also essential that there is uniform implementation of the PWDVA to the extent possible, so that minimum standards of efficiency and service delivery are met. This requires central guidelines setting minimum standards of implementation and a national action plan to ensure adherence to such standards. Further, there is an urgent need for protocols on various aspects associated with the implementation of the law such as methods of providing trainings, coordination and maintaining referral networks, counseling, case management by implementing agencies, etc. These will further improve the manner in which the law is implemented and will, in turn, allow for more effective monitoring and evaluation of the law.

Framework for Monitoring the PWDVA

The PWDVA was enacted to provide protection to victim/survivors of domestic violence by:

- Recognizing domestic violence as a human rights violation and women's right to reside in the shared household.
- Recognizing women's rights to civil orders—protection orders, residence orders, orders for monetary relief and temporary custody of children and compensation orders—and treating the breach of orders as a criminal offence.
- Outlining a procedure for obtaining orders in an efficacious manner.
- Establishing an infrastructure to facilitate women's access to justice and support services.
- Requiring that implementing and enforcing agencies work in a coordinated manner to provide multi-agency and gender sensitive responses to victim/survivors.

Reliefs under the PWDVA are meant to be in addition to reliefs and remedies available under other existing laws such as Section 498A of the Indian Penal Code on cruelty within marriages. Obligations of the State to implement the PWDVA are:

1. To establish an infrastructure to facilitate women's access to justice and support services and to assist the court in the discharge of its functions. In this regard state governments are required to
 - a. Appoint Protection Officers (Section 8), register Service Providers (Section 10), notify Medical Facilities (Section 2(j)) and Shelter Homes (Section 2(t))
 - b. Provide necessary office assistance to Protection Officers to discharge their duties efficiently (Rule 3(5))
2. Ensure effective coordination between services provided by different ministries and periodically review steps taken to address issues of domestic violence (Section 11 (c))
3. Prepare protocols for service delivery, including court services (Section 11(d))

4. Provide periodic trainings and develop capacity of implementing agencies, including the police and judicial officers on issues covered under the PWDVA. (Section 11(b))
5. Publicize the law using television, radio and print media (Section 11(a))

Using the 'Monitoring Tool'

The following section provides a "Monitoring Tool" that can be used by the Central Government to monitor measures taken by State Governments to comply with obligations under the PWDVA. State Governments may use this tool to compile information received from PWDVA and other agencies on implementing the law.

Information collected by using the Monitoring Tool is categorized under 8 focus areas. In addition to the information required in the tool, the following points must be borne in mind while filling in the Monitoring Tool:

- The Reporting Period must be clearly mentioned. Monitoring PWDVA implementation must be conducted on an annual basis, at a minimum.
- Persons filling in information in this tool/format must provide their names, designation, department and contact details to identify themselves and to facilitate follow ups.
- Persons filling in information in this tool/format must also provide basic demographic information of the state to allow the supervising authorities contextualize information received and facilitate evaluations. Relevant demographic information includes:
 - Number of districts in the state
 - Land Area of the state
 - Total population in the state (Male/Female)
 - Juvenile and child sex ratios
 - Major religions followed in the state
 - Major languages spoken in the state
 - Economic activities for a majority of the population in the state
 - Crime statistics on offences against women in the state
 - Statistics on domestic violence as provided in reports of the National Crime Research Bureau, National Family and Health Surveys etc.
- Copies of relevant protocols/government orders/advisories/instructions/public advertisement/reporting formats and other relevant documents should be appended to the completed form.
- Service/personnel/cadre rules relevant to appointments made under the PWDVA must be mentioned or provided where relevant.
- While filling in the tool/format, efforts must be made to fill in all sections and not leave any blanks. Instances where information is either not available or not applicable should be recorded accordingly.
- Completed forms must be signed; and the date and place of signing must be recorded.

Monitoring Tool

Monitoring focus 1: Infrastructure established under the PWDVA

1. Protection Officers

a. Total Number of Protection Officers appointed:

b. Number of Protection Officers appointed in the reporting period:

c. Administrative levels at which appointments are made and numbers:

State: _____ District: _____ Block: _____ Any other (please specify): _____

d. Details of appointments

(Fill in to the extent applicable. When not applicable, please record 'NA'. In cases where cadre rules exist to regulate tenure and selection criteria, please mention the relevant rules and provision.

Nature of appointment	Numbers			Designation/ Grade	Pay scale	Tenure of service	Other posts held	Selection criteria (E.g. education/ qualifications and experience)	Level (District/Block/ any other)	Number (Range of courts served)
	Male	Female	Total							
Government servants with additional charge										
Government servants with independent charge										
Appointments on contractual basis										
Separate cadre of Protection Officers										
Any other										

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Evaluating the Implementation

Monitoring focus 1: Infrastructure established under the PWDVA

3. Notification of medical facilities and shelter homes

a. Details of notified facilities

Total number notified	Number notified in the reporting period	Level/Areas covered				Description of unit (capacity, facilities and services available) Please mention if free services are available. If not, please provide information on charges payable and if there are any minimum/maximum ceilings prescribed
		State	District	Block	Any other	
Medical facility						
Government medical facility						(E.g. Clinics, hospitals, centers)
Private Medical facility						
Any other						
Shelter home						
						(E.g. short stay homes, Please also provide information on schemes that fund such facilities and other services available in such units)
State funded/run						
Privately funded/run						
Any other						

1. Details of office assistance provided to Protection Officers

Description of Protection Officers	Level	Office space provided (Yes/No)	Staff		List of other entities provided (Yes/No)				Nature of financial assistance and description			Any other form of support
			Description (E.g. data entry operator, home guards)	No.	Service Providers	Medical facilities	Shelter homes	Counselors	Allowances (amount)	Reimbursement for expenses	Any other	
Government servants with additional charge												(E.g. vehicles, phones, computers, legal counsel, etc.)
Government servants with independent charge												
Appointed on contract												
Separate cadre of Protection Officers												
Any other												

Monitoring focus 2: Assistance provided to PWDVA Agencies

2. Details of assistance provided to any other agency for performing their duties under the PWDVA

(a) Details of assistance provided to Service Providers

Nature of assistance	Description/Details
Office assistance	
Conveyance	
List and contact details of Protection Officers and other entities	
Funds for performing duties under the PWDVA	
Reimbursements for expenses undertaken	
Any other	

(b) Is there any form of assistance provided to notified Medical Facilities and Shelter Homes to perform their duties under the PWDVA? If yes, please provide description and details.

1. Facilitating access to justice

	Average number of aggrieved persons attended to in a month	Number of DIRs recorded in the reporting period	Number of applications filed in the reporting period	Number of complaints of breach of orders received
Protection Officers at the block level				
Protection Officers at the District level				
Any other Protection Officer				
Service Providers				
Medical Facilities				
Any other entities dealing with aggrieved persons				

Monitoring Focus 4: Coordination between implementing agencies and service delivery mechanisms

(1) Referral systems- please provide the number of referrals made and received by Protection Officers in the reporting period

Referring agency	Number of referrals made to POs	Number of referrals received by POs
Police		
Service Providers		
Medical Facilities		
Shelter homes		
NGOs		
Lawyers		
Courts		
Any other		

(2) Coordination Committees

Level	Number	Constitution of coordination committees/agencies represented	Date of constitution and manner of constituting	Number of meetings in reporting period	Description of activities undertaken and comments
State					
District					
Block					
Any other					

(3) Guidelines on coordination

Has the State Government or any other entity (e.g. police, State Legal Services Board, courts) issued any guidelines/protocols/advisories/instructions to ensure coordination between implementing agencies and service delivery? If yes, please provide description below and attach copies

Monitoring Focus 5: Documentation and reporting on work done to address domestic violence under the PWDVA

(1) What kind of records are the following entities required to maintain:

	Description of records maintained (E.g. DIR Index, entry registers, visitors' registers, intake registers)
Protection Officers	
Service Providers	
Any other	

(2) Has the State Government issued any protocols for maintaining documentation for work done under the PWDVA? If yes, please provide description and provide copies.

(3) Reporting and method

	Designation of person reported to	Method of reporting and frequency (E.g. submission of quarterly reports, oral reporting at meetings, etc.)
Protection Officer at the Block level		
Protection Officer at the district level		
Any other Protection Officer		
Service Provider		
Any other entities reporting to the nodal agency under the PWDVA		

1. Details of trainings provided in the reporting period

Date, name and location of the event	Profile of attendees and numbers (E.g. district level Protection Officers, police, Service Providers, lawyers, etc.)	Profile of trainers	Issues covered in the training	Materials distributed	Any assessment of the training conducted? (E.g. pre and post workshop capacity assessments)	Any follow-up to the training?

2. Functionaries receiving trainings and numbers

Agency	Number Receiving training in the reporting period
Protection Officers	
Service Providers	
Medical/health professionals	
Counselors	
Police	
Magistrates and other judicial officers	
Any other	

3. Is there any form of ongoing trainings provided to any agency on performing their roles under the PWDVA?

4. What kind of information is made available to Protection Officers to equip them to perform their role under the PWDVA?

5. Any other activities undertaken by the State Government to develop capacity of Protection Officers, Service Providers, police, lawyers/legal aid providers, judges, health professionals, NGOs, shelter service providers, etc. on the PWDVA and issues addressed by it?

1. Measures taken to publicize names and contact details of entities under the PWDVA

	Publication in print media/ newspapers and frequency	List of PWDVA agencies displayed in government website	List of PWDVA agencies displayed in police stations, tehsil office, police control rooms, government hospitals. Please specify	Any other methods used
Protection Officers				
Service Providers				
Medical Facilities				
Shelter Homes				
Police Personnel				
Any other				

2. Details of IEC activities

	Nature of program/ publication	Reach/coverage	Number of programs/ activities	Content/Message	Evaluation of Impact
Radio					
Hoardings					
Electronic Media					
Newspaper and Print Media					
Awareness Campaigns					
Any other					

Monitoring Focus 8: Allocation of funds for the implementation of the PWDVA

1. Is there a separate budget for the implementation of the PWDVA? If yes, is the budget provided through a State Plan Scheme or is there any other mode of funding? If no, how are expenses under the PWDVA met?

2. If there is a separate budget for the PWDVA, please provide the following information

Budget estimate for the reporting period: _____

Revised estimate figures for the last year: _____

Actual figure for the last to last year: _____

3. Please provide information on allocations made under the following specific components

Specific head	Amount
Protection Officer	
Salary of PO and staff to assist PO	
Office equipment	
Transport and conveyance	
Any other allowances to POs for performing their duties	
Service Providers	
Medical facilities	
Shelter homes	
Awareness creation activities	
Training and capacity building of entities	
Coordination	
Any other	

4. If expenditure was low, what were the reasons for this?

5. Do you think that the aggregate budget is adequate? Also, are there any specific components for which there are less allocation or which are completely missed out?

Evaluation Framework on Implementing the PWDVA

The Evaluation Framework below may be used to assess progress made in attaining statutory goals under the PWDVA. To conduct a holistic evaluation, it is essential that in addition to examining information compiled as a consequence of monitoring the law, evaluating agencies also conduct additional research, particularly by interviewing PWDVA agencies and supervising agencies, other service providers (legal service and counseling service providers) and members of the criminal justice system, as well as beneficiaries (victim/survivors who have used the PWDVA or sought assistance from any PWDVA agency).

The Evaluation Framework can be used as a whole or tailored to meet specific evaluation objectives. It can be used by agencies commissioned to conduct evaluations or by independent entities seeking to assess progress of PWDVA implementation. Evaluations should be conducted on a regular basis to complement monitoring initiatives.

Key questions in the Evaluation Framework are categorized under evaluation criteria of relevance, effectiveness, efficiency, impact and sustainability.

Evaluation criteria: **Relevance**

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
1. To what extent has the PWDVA enabled the recognition of domestic violence as a violation of women's constitutional rights?	a. Is there any increased reportage of cases involving domestic violence?	• Increase in the number of cases filed in courts to address domestic violence.	♦ Court records and documentation on the number of cases filed under the PWDVA including orders granted by Magistrates' and other courts.
2. To what extent has the PWDVA met the needs of victim/survivors?	b. To what extent has the PWDVA been able to address the concerns of women facing domestic violence? c. What are the advantages/disadvantages of using the PWDVA when compared to pursuing remedies available under other laws? (E.g. maintenance under Section 125 CrPC, divorce on grounds of cruelty under marriage laws, injunction orders under the CPC, criminal remedies under the Dowry Prohibition Act and the IPC)	• Increase in the number of applications filed under the PWDVA. • The PWDVA reduces multiplicity of forums for victim/survivors • Increase in the number of women approaching Protection Officers, Service Providers, police, NGOs, telephone help-lines, lawyers, etc. to seek assistance in cases of domestic violence.	♦ Documentation maintained by each of the PWDVA agencies. ♦ Interviews with implementing/enforcement agencies. ♦ Interviews with women litigants and victim/survivors of domestic violence.
	d. Is there any further law reform required to protect women from domestic violence?		

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
1. Is the infrastructure put in place for the implementation of the PWDVA adequate in meeting the needs of victim/survivors of domestic violence? 2. Is the infrastructure put in place under the PWDVA effective in creating an enabling environment for victim/survivors to seek legal redress?	Protection Officers a. Is the number of Protection Officers appointed adequate in meeting the needs of victim/survivors and providing assistance to courts? What are the criteria used to assess whether the number of Protection Officers appointed is adequate? b. Are Protection Officers easily accessible to victim/survivors of domestic violence? c. In cases where existing government servants are vested with additional charge as Protection Officers, what are their other responsibilities and how does that impact on their availability to victim/survivors and courts? d. Have there been any increases/decreases in the number of Protection Officers appointments made and reasons thereof?	• Number of Protection Officers in comparison with the ▪ Population, ▪ Crime rates on offences against women and ▪ Number of courts to be attended by Protection Officers. • Offices of Protection Officers are located in places, which are easily accessible to victim/survivors. • Number of hours spent by Protection Officers to comply with their duties under the PWDVA is adequate. • Victim/survivors are satisfied with the performance of Protection Officers.	♦ Census reports ♦ Crime reports and NCRB and NHFS reports ♦ Government circulars/orders/ guidelines/notes specifying selection criteria for appointment, jurisdiction of Protection Officers appointed and the courts they are required to attend. ♦ Interviews with members of state government nodal agencies ♦ Interviews with Protection Officers and other PWDVA agencies. ♦ Interviews with victim/survivors and women litigants ♦ Documentation maintained by Protection Officers.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	Service Providers e. Is the number of Service Providers registered adequate in meeting the needs of victim/survivors of domestic violence? f. What is the selection criteria used in registering Service Providers? g. What is the process used in the registration of Service Providers? What is the selection criteria applied? h. Is the range of services provided by registered Service Providers appropriate and reflective of the various forms of support that victim/survivors' need while seeking justice? i. Are there any variations (increases or decreases) in the numbers of Service Providers registered in the reporting period? What are the reasons for such variations? j. Have there been any efforts made to increase the number of service providers registered? (E.g. by registering non-government funded organizations as service providers) How effective have the measures been?	- Number of Service Providers compared to: - Population - Crime statistics on offences against women in the area - Number of courts in the area - Availability of other non-registered service providers in the area. - A wide range of services is provided by registered Service Providers including medical, shelter, legal aid and psychological counseling services. - Services provided are appropriate to the needs of victim/survivors. - There is an increase in the outreach and numbers of support services available to victim/survivors.	- Government circulars/orders/advertisements on issues relating to the registration of Service Providers. - Interviews with Service Providers and those accessing their services. - Documentation maintained by registered Service Providers.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	Medical Facilities and Shelter Homes k. Is the number of Medical Facilities and Shelter Homes notified under the PWDVA adequate in meeting the needs of victim/survivors of domestic violence? What is the capacity of facilities/homes that have been notified? l. Are the services provided by Medical Facilities and Shelter Homes appropriate to the needs of victim/survivors? What are the selection criteria used in notifying facilities/homes under the PWDVA? m. Have there been any initiatives to notify private facilities under the PWDVA? n. Have there been any increases in the numbers of facilities/homes notified in the reporting period? o. Do any of the notified Medical Facilities have a special unit to deal with victim/survivors of domestic violence?	• Number of Medical Facilities and Shelter Homes compared to: ▪ Population ▪ Crime statistics on offences against women in the area ▪ Availability of other non-notified medical facilities and shelter homes in the area. • Services provided by Medical Facilities and Shelter Homes are appropriate to the needs of victim/survivors. • There is an increase in the outreach and numbers of medical and shelter facilities available to victim/survivors.	♦ Government circulars/orders/ advertisements on issues relating to the notification of Medical Facilities and Shelter Homes. ♦ Interviews with functionaries of Medical Facilities and Shelter Homes and those accessing their services. ♦ Documentation maintained by notified Medical Facilities and Shelter Homes.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
3. Are the PWDVA agencies equipped to effectively perform their roles under the PWDVA?	a. Are Protection Officers qualified to effectively assist victim/survivors of domestic violence? Is the selection criteria (qualifications, experience, etc.) used for the appointment of Protection Officers appropriate? b. Are PWDVA agencies, including judicial officers and police, provided adequate training to perform their duties? c. To what extent has the capacity of PWDVA agencies been developed on the following: ▪ Issues of domestic violence ▪ Emergency interventions ▪ Law and procedure ▪ Case management ▪ Maintaining documentation ▪ Reporting and coordination d. Have the trainings imparted and capacity development initiatives been evaluated to assess its usefulness in equipping PWDVA agencies to perform their duties in an effective and gender sensitive manner? e. Is there any provision for regular orientation and ongoing trainings for Protection Officers?	• Selection criteria used for the appointment of Protection Officers enables an assessment of skills and experience required for dealing with victim/survivors. • Content and methods of training are comprehensive and effective in building capacity of different PWDVA agencies on issues of domestic violence, law and procedure, referral systems, multi-agency and gender sensitive responses. • Victim/survivors are provided with gender sensitive responses when they approach PWDVA agencies.	♦ Advertisement or circulars incorporating selection criteria used for the appointment of Protection Officers. ♦ Pre and post assessment of training and training reports ♦ Interviews with Protection Officers and PWDVA agencies who have received trainings. ♦ Interviews with victim/survivors who have approached Protection Officers and other PWDVA agencies for assistance.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
4. Do implementing PWDVA agencies work in a coordinated manner to provide assistance to victim/survivors?	a. Are PWDVA agencies aware of each other's location, contact and other details? b. Have effective referral networks been established between PWDVA agencies? How have these networks strengthened the work of individual functionaries under the law? c. Is there effective coordination between the police and Protection Officers in complying with court orders? d. Have any protocols been developed for facilitating coordination and multi-agency responses? e. How effective have coordination committees been in delivering multi-agency responses and services to victim/survivors of domestic violence?	• PWDVA agencies, particularly Protection Officers, have lists of agencies and organizations that victim/survivors of domestic violence can be referred to. • A referral system has been put in place and is functioning effectively to provide coordinated and multi-agency responses to victim/survivors approaching PWDVA agencies for assistance. • Protocols have been issued to ensure effective coordination between PWDVA agencies. • Coordination Committees have effective participation from all implementing/enforcement agencies.	♦ Protocols issued by the state nodal agencies to facilitate coordination. ♦ Government circulars/instructions/orders establishing coordination committees and referral systems. ♦ Record of proceedings of coordination committees and reports of coordination committees ♦ Interviews with PWDVA agencies and beneficiaries.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
5. Is the work of implementing/enforcement agencies monitored in a systematic manner and their grievances redressed?	a. Is reporting by PWDVA agencies systematized? Is there any method of record keeping that is followed by PWDVA agencies? b. How regularly is the work of Protection Officers and other PWDVA agencies reviewed? c. What are the outcomes of the review process? How are grievances put forth by PWDVA agencies addressed? d. Is there any protocol for monitoring the activities of PWDVA agencies, particularly Protection Officers? e. To what extent are Protection Officers able to perform their statutory duties, including: - Protecting victim/survivors approaching them from domestic violence and taking emergency action - Informing victim/survivors of their available legal rights and remedies - Assisting victim/survivors with initiating legal proceedings, including recording DIRs, filling in applications, facilitating access to legal aid - Assisting victim/survivors access legal, medical, shelter and other support services.	- Work of PWDVA agencies are regularly reviewed and monitored through: - The submission of periodic reports by each of the PWDVA agencies on work done on the implementation of the PWDVA - Study of documentation maintained on work conducted under the PWDVA - Periodic meetings held for review and planning - There is an available database on cases dealt with under the PWDVA - Protection Officers are able to: - Protect victim/survivors from domestic violence - Facilitate their access to remedies of their choice including legal remedies and court orders under the PWDVA; criminal proceedings and to support services provided by Service Providers, Medical Facilities and Shelter Homes - Assist the court in discharging their functions - Assist with the enforcement of orders granted.	- Protocols on reporting issued by the state government. - Record notes of review meetings. - Periodic reports submitted by Protection Officers and other PWDVA agencies. - Assessment reports prepared or commissioned by the nodal agency. - Documentation maintained by Protection Officers and other PWDVA agencies. - Interviews with various PWDVA agencies and beneficiaries.

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	v. Identifying appropriate counselors and counseling services vi. Conducting home visits and making financial and other enquiries as directed by courts. vii. Assisting in restoring victim/survivors to the shared household and retrieving her possessions. viii. Maintaining records of cases ix. Assisting in the enforcement of court orders (including serving notices expeditiously) and following through with court proceedings till the victim/survivor receives appropriate reliefs. f. To what extent are Service Providers able to perform their statutory duties, including: i. Informing victim/survivors of remedies available under the PWDVA, her right to initiate criminal proceedings and her right to legal aid. ii. Informing her of the availability of Protection Officers and other Service Providers iii. Recording Domestic Incident Reports and assisting in the filing of applications iv. Facilitating her access to Medical Facilities and Shelter Homes.	• Service Providers are able to: ▪ Maintain statutory records of cases involving domestic violence. ▪ Provide victim/survivors with necessary services or facilitating their access to support services. ▪ Facilitate victim/survivors' access to court orders and remedies ▪ Protect victim/survivors from domestic violence.	

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	v. Providing counseling to victim/survivors vi. Providing counseling at the directions of courts g. To what extent are Medical Facilities able to perform their duties under the PWDVA and assist victim/survivors?	- Medical Facilities are able to provide effective and adequate services to victim/survivors, including - providing information on legal rights and remedies, - informing victim/survivors on the availability of Protection Officers and other PWDVA agencies - providing necessary treatment - providing assistance with initiating legal proceedings (including recording DIRs) and collecting medico-legal evidence.	
	h. To what extent have Shelter Homes been able to provide services to victim/survivors of domestic violence?	Shelter homes are able to provide safe shelter to victim/survivors and support them in accessing legal remedies and other support services.	

Evaluation Criteria: Effectiveness

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	i. To what extent are the police able to protect victim/survivors of domestic violence and perform their duties under the PWDVA, including: i. Initiating criminal proceedings when the domestic violence reported amounts to a criminal offence ii. Informing victim/survivors of available legal rights and criminal and civil remedies iii. Referring victim/survivors to Protection Officers and Service Providers to initiate appropriate actions and access support services iv. Assisting the Protection Officer while responding to an emergency situation. v. Assisting the Protection Officer in enforcing court orders. vi. Initiating criminal proceedings in cases of breach of protection orders. vii. Providing protection to victim/survivors of domestic violence as may be required. j. What are the hurdles that Protection Officers and other PWDVA agencies face while performing their duties under the PWDVA and protecting victim/survivors? k. Are there any practices/methods of functioning adopted by PWDVA agencies that have proven to be effective in protecting victim/survivors and facilitating their access to justice and support services?	• Police are able to: ▪ Protect victim/survivors of domestic violence ▪ Conduct criminal investigations and proceedings ▪ Comply with orders of the court ▪ Provide assistance to Protection Officers when sought ▪ Serve notices to respondents efficaciously when required ▪ Ensure that court orders are enforced.	

Evaluation Criteria: Efficiency

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
1. Is the support provided to implementing/enforcing agencies under the PWDVA adequate in ensuring that they efficiently perform their duties under the PWDVA?	a. Have Protection Officers been provided with adequate and appropriate staff, equipment and office space to perform their functions in an effective manner? b. How many persons and in what capacities have been appointed to assist Protection Officers? c. Are any funds provided to Protection Officers to perform their duties under the PWDVA? Are Protection Officers provided additional allowance to meet travel expenses? d. Are funds/reimbursements made available to Protection Officers in a timely manner? e. Are any funds, reimbursements or office assistance provided to registered Service Providers for expenses incurred and for performing their duties under the PWDVA? If yes, is any separate budget provided to Service Providers? If not, are Service Providers able to meet their expenses within their existing resources? f. Do notified Medical Facilities and Shelter Homes have sufficient budgets? Does the budget cover all critical expenses?	- Office assistance provided to Protection Officers, including office space, equipment and staff is sufficient for performing their duties under the PWDVA. - Specific budgetary allocations are made for supporting the work of Protection Officers, Service Providers and other PWDVA agencies; and such funds are utilized in an optimal manner.	- Review of budgetary allocations and spending under the PWDVA. - Reports of Protection Officers and Service Providers. - Interviews with Protection Officers and Service Providers.

Evaluation Criteria: Impact

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
1. To what extent have remedies under the PWDVA reached victim/survivors of domestic violence?	a. Has there been an increase in the number of orders granted to victim/survivors under the PWDVA? b. To what extent has the women's right to reside in the shared household been protected? c. To what extent have non-physical acts of violence within the home been recognized as domestic violence? d. To what extent have non-marital domestic relationships (e.g. unmarried women, daughters, widows, divorced women, sisters) been covered under the implementation of the PWDVA? e. To what extent has the right to be compensated for acts of domestic violence been recognized? f. To what extent has the use of the PWDVA reduced multiplicity of forums? What is the impact of pending proceedings in applications filed under the PWDVA?	- Increasing numbers of women are using legal remedies to address domestic violence. - Interpretations of the PWDVA are in consonance with human rights principles and reflective of the spirit of the PWDVA. - The PWDVA is not used to effect forced reconciliations or force victim/survivors to return to violent homes. - Courts are able to rely on Protection Officers and police to discharge their functions, such as service delivery, collection of evidence and in the enforcement of orders. - Contributions of Protection Officers, police, Services Providers allow for the efficacious disposal of cases filed under the PWDVA.	- Analysis of court orders and court records. - Analysis of case law developed by higher judiciary. - Interviews with PWDVA agencies, lawyers/legal aid providers, women litigants and other beneficiaries. - Interviews with judicial officers and other officers of the court.

Evaluation Criteria: Impact

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
	g. To what extent have orders granted under the PWDVA prevented domestic violence? h. To what extent do courts rely on Protection Officers and Service Providers in dealing with applications under the PWDVA? How has assistance provided by Protection Officers and Service Providers enhanced adjudicatory processes? i. How expeditiously are applications under the PWDVA disposed? To what extent do the Protection Officers, Service Providers and police contribute to the efficient disposal of cases filed under the PWDVA? j. How have orders granted by courts been enforced? To what extent have Protection Officers and the police aided in the enforcement of orders granted under the PWDVA? k. Are victim/survivors receiving the kind of support they require at the pre-litigation stage? How have these impacted on legal proceedings filed under the PWDVA? l. Are victim/survivors able to access coordinated multi-agency responses?	- Victim/survivors are able to access comprehensive, effective and coordinated services to at the pre-litigation stage, which enable them to pursue legal remedies. - Victim/survivors are able to rely on the support of Protection Officers and other PWDVA agencies during the course of litigation.	

Evaluation Criteria: Impact

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
2. What has been the impact of awareness creation under the PWDVA on reducing incidences of domestic violence?	a. Has the government provided wide publicity to the PWDVA including: - rights and remedies available under the PWDVA - PWDVA agencies, their location and contact details - support services available to victim/survivors of domestic violence - methods of accessing available support - methods/procedures of accessing justice. b. Has the government undertaken public awareness creation campaigns to bring about attitudinal changes and zero tolerance of domestic violence?	- Increasing numbers of women are aware of their legal rights and available support services as well as methods of accessing them. - Increasing numbers in the general population who do not condone domestic violence. - Domestic violence is understood by the general population as a violation of women's equality rights and not tolerated in any form.	- IEC materials produced under the PWDVA. - Content and form of messages in print, and on radio and electronic media. - Evaluation studies of public awareness campaigns.

Evaluation Criteria: Sustainability

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
1. Are the methods of establishing infrastructure under the PWDVA sustainable?	a. Is there a sustainable source of funding available for the implementation of the PWDVA? b. Is the method of appointing and equipping Protection Officers to efficiently discharge their duties, sustainable? c. What are the steps taken to ensure the sustainability of services required to be provided under the PWDVA? d. Are methods adopted in ensuring coordinated service delivery sustainable? e. Are methods adopted in monitoring the implementation of the law sustainable? f. Has there been any evaluation of implementation measures undertaken under the PWDVA?	• Dedicated funds are made available for the implementation of the PWDVA. • Protocols have been prepared for implementation of the PWDVA including: ▪ Protocols for maintaining documentation for services rendered under the PWDVA ▪ Protocols for referrals ▪ Protocols for counseling ▪ Protocols for training to perform duties under the PWDVA ▪ Protocols for case management ▪ Protocols for coordination ▪ Protocols for monitoring and evaluation.	♦ Budgets prepared by Central and State Governments. ♦ Government orders/circulars/instructions/guidelines on aspects covering the implementation of the PWDVA. ♦ Protocols prepared by nodal agencies and other implementing agencies. ♦ Monitoring and evaluation reports on the PWDVA.

Evaluation Criteria: Sustainability

Key questions	Sub-questions	Criteria for judgment	Sources of data/Methods of data collection
2. Are victim/survivors able to sustain themselves during legal proceedings?	a. Are victim/survivors getting access to necessary support services? (E.g. shelter, counseling, medical aid, legal aid) b. Do victim/survivors receive protection while pursuing legal remedies? (E.g. accompaniment, witness/victim protection, legal aid, police protection) c. Are victim/survivors protected from further acts of violence while undergoing court mandated or any other forms of counseling? d. Are victim/survivors able to choose appropriate legal remedies? e. How is victim/survivors' access to legal aid services ensured on a sustainable basis?	• Victim/survivors are able to access required support services and choose appropriate remedies and forums. • Victim/survivors and their legal rights are protected during the course of proceedings under the PWDVA. • Legal aid is made effectively available as a right to victim/survivors of domestic violence.	♦ Interview with victim/survivors and women litigants. ♦ Interviews with PWDVA agencies and private agencies supporting victim/survivors of domestic violence accessing justice, particularly lawyers, legal aid service providers and judicial officers.

Acronyms and glossary

Civil remedies	Remedies under civil laws cover claims under family laws and injunctive and compensatory relief under the laws of torts.
CPC	Code of Civil Procedure, 1908
Criminal offence	Criminal offences are punishable illegal acts recognized in the IPC.
CrPC	Code of Criminal Procedure, 1973
Domestic Incident Report or 'DIR'	A record of a domestic violence complaint in Form I of the PWDVR.
Domestic relationship	Includes all forms of relationship between those living together in a 'shared household'. This includes relationships through marriage, consanguinity, or between family members living together as a joint family.
Domestic violence	Under the PWDVA, domestic violence is defined as any form of physical, sexual, emotional, economic and/or verbal abuse that injures, threatens, or endangers the physical, mental and emotional well being of the aggrieved person.
Family laws	Laws regulating matters of marriage, divorce, maintenance, inheritance, guardianship and custody.
IPC	Indian Penal Code, 1860
Legal Service Providers	Legal aid service providers as per the Legal Services Authorities Act, 1987.
Magistrate	Judicial Magistrate of the first class or Metropolitan Magistrate with jurisdiction over the place where either the victim/survivor or respondent resides or works or the place where domestic violence has taken place.
Medical Facilities	Those facilities notified under the PWDVA by State Governments. Notified medical facilities are duty bound to provide medical aid to victim/survivors. They are also authorized to record DIRs.
Nodal agencies	Departments of the Central and State Governments that are vested with the responsibility of implementing the PWDVA. At the central level, the Ministry of Women and Child Development is the nodal agency. At the state level, nodal agencies are either the Department of Women and Children or the Department of Social Welfare.

Protection Officers	An officer appointed by the State Government under Section 8 of the PWDVA to assist victim/survivors and facilitate their access to justice. Protection Officers are also required to assist the court while discharging its functions under the PWDVA.
PWDVA	Protection of Women from Domestic Violence Act, 2005
PWDVA agencies	Entities involved or implicated in the implementation/enforcement of the PWDVA, including: • Protection Officers • Service Providers • Medical Facilities • Shelter Homes • Magistrates and judicial officers • Police • Lawyers, legal aid service providers
PWDVR	Protection of Women from Domestic Violence Rules, 2006
Respondent	Persons against whom proceedings can be initiated under the PWDVA. This includes adult males who are in a domestic relationship with the victim/survivors and relatives of the husband/male partner's
Service Providers	Voluntary organizations (NGOs) or companies providing services to women, such as counseling, shelter, medical aid, legal aid, financial support, etc. may be registered as Service Providers under the PWDVA (Section 10). Service Providers may record Domestic Incident Reports and are required to assist victim/survivors of domestic violence.
Shared household	The household where the aggrieved person and the respondent have lived together in a domestic relationship. The household need not be owned by either of the parties. All that needs to be established is that both parties have resided in the place together.
Shelter Homes	Those notified under the PWDVA by the State Governments. Notified shelter homes are duty bound to provide shelter to victim/survivors.
VAW	Violence against women and girls
Victim/survivors	Women and girls subjected to domestic violence. Victim/survivors are recognized as 'aggrieved persons' under the PWDVA-- those who can initiate proceedings under the PWDVA.

Resources

Resources from the Lawyers Collective (Women's Rights Initiative)

Staying Alive: First Monitoring & Evaluation Report 2007 on the PWDVA

Staying Alive: Second Monitoring & Evaluation Report 2008 on the PWDVA

Staying Alive: Third Monitoring & Evaluation Report 2009 on the PWDVA

Staying Alive: Fourth Monitoring & Evaluation Report 2010 on the PWDVA

Staying Alive: Fifth Monitoring & Evaluation Report 2011 on the PWDVA

Staying Alive: Sixth Monitoring & Evaluation Report 2012 on the PWDVA

Best Practices in Implementing the PWDVA- A Compilation, 2012

Ending Domestic Violence through Non-Violence – A Manual for PWDVA Protection Officers (2009)

Handbook on Law on Domestic Violence (2009)

Law on Domestic Violence: A user's manual for women (2007)

www.lawyerscollective.org

International Resources

UN Handbook for Legislation on Violence Against Women (2010)

UN Handbook for National Action Plans on Violence Against Women (2012)

UN Secretary General's Database on Violence Against Women

<http://sgdatabase.unwomen.org/home.action>

UN Virtual Knowledge Center to End Violence Against Women and Girls

<http://www.endvawnow.org/en/about>

