



75  
Azadi Ka  
Amrit Mahotsav

# TRAINING MODULE

on Addressing  
Domestic Violence



In collaboration with  
**National Commission for Women**



**NATIONAL GENDER AND CHILD CENTRE**



**LAL BHADUR SHASTRI NATIONAL ACADEMY OF ADMINISTRATION**

Mussoorie - 248 179 | Uttarakhand | INDIA





TRAINING  
MODULE ON  
ADDRESSING  
DOMESTIC  
VIOLENCE



NATIONAL GENDER AND CHILD CENTRE  
Lal Bahadur Shastri National Academy of Administration

In collaboration with  
National Commission for Women

© NG&CC, LBSNAA

**Published by**

National Gender and Child Centre (NG&CC),  
Lal Bahadur Shastri  
National Academy of  
Administration, Mussoorie – 248179,  
Uttarakhand, India  
Phone: (91) 135 2633295  
email : [ngc.lbsnaa@nic.in](mailto:ngc.lbsnaa@nic.in)  
[www.lbsnaa.gov.in](http://www.lbsnaa.gov.in)

**Printed in India, 2021**

The contents of the summary may be freely used for non-commercial purposes with due acknowledgment.

All rights reserved. No part of the publication may be reproduced, stored in a retrieval system, or transmitted in any form, or by any means, electronic, mechanicals, photocopying, otherwise, without an acknowledgment to the copyright owner. Such acknowledgement may be communicated, with a statement of the purpose and extent of reproduction, on email addressed to the Executive Director, National Gender and Child Centre, Lal Bahadur Shastri National Academy of Administration, Mussoorie, India.

**Processed and Realization**

Print Vision  
Rajpur Road, Dehradun  
Phone: (91) 135 2741702  
email: [printvisionddn@gmail.com](mailto:printvisionddn@gmail.com)  
[www.printvisionindia.com](http://www.printvisionindia.com)





**Rekha Sharma**  
Chairperson

Tel. : 011-26944808  
Fax : 011-26944771



सत्यमेव जयते



भारत सरकार  
राष्ट्रीय महिला आयोग  
प्लॉट नं. 21, जसोला इंस्टीट्यूशनल एरिया  
एफ सी-33, नई दिल्ली-110 025

Government of India  
National Commission for Women  
Plot No.-21, FC-33, Jasola  
Institutional Area, New Delhi-110 025  
Website : [www.ncw.nic.in](http://www.ncw.nic.in)  
E-mail : [chairperson-ncw@nic.in](mailto:chairperson-ncw@nic.in)  
[sharma.rekha@gov.in](mailto:sharma.rekha@gov.in)

## Message

Every woman, no matter her background or economic condition deserves to live in a violence-free environment. The National Commission for Women has a long history of addressing the issues of women and helping them in exercising their rights. Every time a women in need receives timely institutional help, it sends out a message across the society that the cries of women will not be unanswered.

The National Commission for Women believes that Protection Officers have a crucial role to play in getting justice for women affected by violence and they act as a bridge between the system and women in distress in making justice accessible for them.

The Commission stands committed in providing every possible support to women in accessing justice. To ensure women enjoy their right to free movement and independence, it is important that they receive timely support.

NCW is proud to have associated with LBSNAA for this training programme which will better prepare the protection officers in helping the victims access their legal right and assisting them in accessing medical/legal aid, counselling, safe shelter and other necessary help.

Women face different forms of violence in both public places and their homes which threatens their freedom of movement and independence and it is our collective responsibility as a society to make the world a violence-free and better place for women. NCW believes that our joint initiative will go a long way in ensuring women their rights and in creating a safer environment for women all over.

**Rekha Sharma**

Chairperson, National Commission for Women

# Note from the EXECUTIVE DIRECTOR, National Gender and Child Centre



The litmus test of any socially evolved and developed society is to gauge the measure of inequities that prevailed there. The more equity in terms of access to resources and opportunities to all members of the society, especially all genders, is ensured, the stronger it is an indication of that society being evolved holistically. Dishearteningly, not many countries can boast of passing such litmus tests, including India. Though India has been a pioneer in recognizing the equal role of women in society, which is evident in the constitutional provisions and policies, it has to traverse a long path in ensuring equalities. The historical and cultural background of why gender inequality persists after centuries lies in abstractions like patriarchy, capitalism, religion

and politics. One of the manifestations of gender inequality comes out strongly through gender-based violence.

During the COVID-19 pandemic, associated quarantines and nationwide lockdowns, the statistics highlighted the steep increase in the cases of violence against women across the globe, including India. Even though most women in India do not prefer to report such violence cases due to social and cultural reasons, the numbers apparently saw a rise. Though detailed provisions have been given under the Protection of Women from Domestic Violence Act 2005, enacted to protect women from domestic violence but like any other law, it is as good as its implementers. One of the critical stakeholders under the Domestic Violence Act responsible for providing the first contact to the victims is the Protection Officers.

National Gender and Child Centre, in collaboration with National Commission for Women, reached out to the Protection Officers of Uttar Pradesh and Haryana and provided four sets of one-week intensive workshops highlighting the evident and subtle reasons for such violence at homes and provided them with a clear framework of their roles and responsibilities given under the Act. Experts on the subjects were invited who guided the Protection Officers on all the Act's provisions, including the landmark judgements.

I would like to express my gratitude to Smt. Smriti Zubin Irani, Hon'ble Minister, Ministry of Women and



Child Development, for her unwavering support in all the projects of the Centre and her expert guidance and support in rolling out the project.

I would like to express my heartfelt appreciation to the then Director of the Academy, Shri Lok Ranjan, for guiding us in this journey from conceptualization to implementation. He stood with the team like a pillar of strength and gave his unflinching support in all the Centre's decisions.

I am grateful to the Director of the Academy, Shri Srinivas R Katikithala, for providing the vision to the Centre that is driven by a passion for making a meaningful impact in the lives of women and children.

I must thank Ms. Rekha Sharma, Chairperson National Commission for Women, for her commitment and devotion to the endeavours of bringing effective change in the conditions of women and her forethought in envisaging the need for such training programs for Protection Officers.

I would like to place on record my sincere appreciation to all the resource persons who, with their subject expertise, enhanced the levels of learning. Ms. Meeta Rajivlochan, Shri A. Chalai and Ms. Kanchan Khattar from the National Commission for Women for their contribution and continued support

during the project. I would like to congratulate Ms. Anupam Talwar, Deputy Executive Director, Ms. Anjali S Chauhan, Chief Programme Officer, Ms. Sangeeta Bisht and the entire team of National Gender and Child Centre and National Commission for Women for their exceptional work in putting the training programs together and delivering them in the most engaging of ways.

This module is an attempt to compile the learnings of such training programs and become a ready reckoner for facilitators, trainers, and institutions to leverage and build capacities of Protection Officers across states. I hope this module paves the way for detailed discussions and deliberations around the critical role of the Protection Officers and the dutyholders, identifying areas of opportunities and sharing of best practices being implemented across states in strengthening the capacities of the Protection Officers.



(Disha Pannu)

Executive Director,  
National Gender and Child Centre,  
Lal Bahadur Shastri  
National Academy of Administration,  
Mussoorie

## Editor's Note

For a cohort which constitutes almost 50% of our country's population, the fight for balancing the scales of equality and equity continues. Several stimuli in the forms of national and state level policies, legal frameworks and programmes have been designed and implemented for the advancement and empowerment of women and children in spheres of economic empowerment, representation, social security, education, access and allocation of resources and opportunities. While several strides have been made in this direction and the 75 years since Independence have been epochal in this regard, the journey continues, especially to recover from the gaps which have been exacerbated by the Covid-19 pandemic.

Gender based violence forms a critical yardstick of the degree of advancement and empowerment of women and children. While crimes against women and children have seen a manifold increase over the years, the legal provisions and frameworks have evolved to ensure a corrective mechanism. As per the National Crime Record Bureau's Report, crimes against women increased 7.3% in 2019 with majority of the cases under crime against women under IPC were registered under 'cruelty by husband or his relatives' (30.9%), followed by 'assault on women with intent to outrage her modesty' (21.8%).

As per the National Commission for Women there was a sharp rise in the number of cases with nearly 25% of the total 23,722 complaints of domestic violence in 2020. There has been a 46% increase in complaints of crimes against women in 2021 with Uttar Pradesh recording the highest number of complaints followed by Delhi. The highest



number of complaints were recorded under 'right to life with dignity' followed by 'domestic violence' and 'dowry harassment'. As per National Family Health Survey 4, released by the Union Health Ministry, every third woman, since the age of 15, has faced domestic violence of various forms in the country.

Between January and May 2021 only, over 2,300 complaints of domestic violence were filed with the National Commission for Women-the highest for any year since 2000. As per the National Family Health Survey 5 data released in 2021, 70% of women in the major states who faced physical violence did not inform anyone about it. Less than 20% of the women who experienced physical violence sought help from the relevant authorities such as medical personnel, protection officers, police and service providers. This includes some states where, despite the number of cases, there were 0% of women seeking help from the relevant authorities. Such data only reinforces the need to not only spread awareness but empower all duty-holders to act in coordination and drive interventions to arrest the multiple forms of gender-based violence.

It was against this background that the collaboration between National Commission for Women and National Gender and Child Centre, Lal Bahadur Shastri National Academy of Administration, regarding the training of Protection Officers was undertaken.

In alignment with the National Commission for Women, three states were identified basis the number of cases. The first set of training was rolled out for Uttar Pradesh from



28<sup>th</sup> June to 2<sup>nd</sup> July, 2021. Basis the feedback and learnings which were incorporated in the following set of trainings, three programmes for Haryana and Uttar Pradesh were conducted. With approximately 25 participants in every training, we had subject matter experts and state specific resource persons joining over the 5 day training programme, each week. It was a whole new learning experience as we navigated through the uncharted path of online trainings.

This module is a result of the consolidated feedback, shared learnings and best practices shared by the participants over the course of the four trainings. Developed for the purpose of trainings for Protection Officers as well as for a pool of trainers, the module consists of a chapter wise overview of the key topics and themes, the learning objectives and expectations from that session, the methodology, exercises and resources that can be utilized. Baseline and endline questionnaires along with the feedback from the training programmes have also been shared to enhance the training programmes.

I take this opportunity to place on record our immense gratitude to the Union Minister for Women and Child Development, Ms. Smriti Zubin Irani, for her continued encouragement and guidance in the rolling out of the training programmes for Protection Officers.

I would like to place my sincere appreciation and gratitude on record to Shri Lok Ranjan Sir, the then Director, Lal Bahadur Shastri National Academy of Administration, who has been a guiding light and played a pivotal role in the implementation of the project and Shri Srinivas R Katikithala Sir, Director, Lal Bahadur Shastri National Academy of Administration, for his visionary guidance and constant support in the development of the handbook.

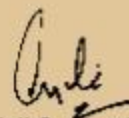
I would also like to extend my heartfelt gratitude to Mrs. Rekha Sharma, Chairperson, National

Commission for Women, for playing a pivotal role in rolling out this project and Ms. Disha Pannu, Executive Director, National Gender and Child Centre, LBSNAA, for her invaluable encouragement and unwavering passion for the rollout of the programmes and the development of the module.

I would also like to sincerely thank Ms. Sarojini Ganju Thakur, I.A.S. (Retd.), Gender Expert, Adv. Flavia Agnes, Founder of Majlis, Adv. Audrey D'Mello, Director, Majlis and Dr. E. Aravind Raj, Associate Professor, NIMHANS, for taking out time from their busy schedules to review and share their feedback to further enhance this training module.

I would like to extend my deepest gratitude to Ms. Meeta Rajivlochan, Member Secretary, National Commission for Women, Shri A Chalai, Joint Secretary, National Commission for Women, and Ms. Kanchan Khattar, Senior Legal Advisor, for their continued support and mentorship to this project. Last, but by no means the least, I would like to congratulate and thank the entire NG&CC team, particularly Ms. Sangeeta Bisht, the NCW team and the IT Team for their unwavering commitment and tireless efforts in bringing this to fruition.

It is hoped that the module will serve as a ready reckoner for the training of dutyholders across states and the shared learnings and feedback can be leveraged to ensure the effective implementation of the Protection of Women from Domestic Violence Act, 2005 on the ground.



(Anjali S. Chauhan)

Chief Programme Officer,  
National Gender and Child Centre,  
Lal Bahadur Shastri  
National Academy of Administration,  
Mussoorie



## ABOUT US



### **Lal Bahadur Shastri National Academy of Administration (LBSNAA)**

The Lal Bahadur Shastri National Academy of Administration (LBSNAA) is the premier institute of the country, entrusted with the task of training senior officers of the Indian Civil Services. It conducts several training programmes such as the common Foundation Course for entrants to the All India Services; followed by professional training for the regular recruits of the Indian Administrative Service (IAS) and members of the Royal Bhutan Service. The Academy also conducts in-service and Mid-Career Training Programmes (MCTPs) for members of the IAS and Induction Training Programme for officers promoted to the IAS from State Civil Services. In addition, workshops and seminars on policy and governance-related issues are held from time to time.



## National Gender and Child Centre (NG&CC)



The National Gender and Child Centre (NG&CC), has been running under the aegis of Lal Bahadur Shastri National Academy of Administration (LBSNAA) since 1995. Bringing gender into the mainstream is the first step towards addressing the related issues in entirety and Lal Bahadur Shastri National Academy of Administration has been successful in ensuring the mainstreaming of gender training into all courses at the Academy.

NG&CC, over the past 26 years, has collaborated with several national and international organizations including Ministry of Women and Child Development, Ministry of Health & Family Welfare, National Commission for Women, NITI Aayog, both to enhance gender sensitization and to increase capacities for gender analysis and gender planning. The Centre has designed and developed thematic workshops, programmes and trainings including Training of Trainers for policy makers and practitioners.

## ABOUT OUR PARTNER

### National Commission for Women

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Govt. of India) to: review the Constitutional and Legal safeguards for women; recommend remedial legislative measures; facilitate redressal of grievances and advise the Government on all policy matters affecting women.

In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report. NCW has been striving towards enabling women to achieve equality and equal participation in all spheres of life by securing her due rights and entitlements through suitable policy formulation, legislative measures, effective enforcement of laws, implementation of schemes/policies and devising strategies for solution of specific problems/situations arising out of discrimination and atrocities against women, especially during the pandemic.





Training Programme for Protection Officers in Addressing  
DOMESTIC VIOLENCE

28<sup>th</sup> June - 2<sup>nd</sup> July, 2021

**INAUGURAL**

28<sup>th</sup> June, 2021



**Ms. Smriti Zubin Irani**

Hon'ble Minister

Ministry of Women and Child Development and Textiles  
Government of India





**Shri Lok Ranjan, IAS**

Director, Lal Bahadur Shastri National Academy of Administration and Chairperson, NG&CC



**Ms. Rekha Sharma**

Chairperson, National Commission for Women



**National Gender and Child Centre (NG&CC) Team**

# Contents

*Message from Chairperson, NCW*  
*Note from the Executive Director, NG&CC*  
*Editor's Note*  
*List of Abbreviations*

## **About the Training Module** **02**

The Context	03
Development of this Module	04
Participatory methods of Training	05
Objectives of Gender Inputs	09
Getting Started	10

## **SESSION 1: Setting the Context and Getting to Know Each Other** **11**

Setting the Context	11
Learning Objectives	14
Scope	15
Learning Outcomes	16
Methodology	16
Learning Effectiveness: Resource Material and Feedback	17
Introductions and Ice-breaker Sessions	17

## **SESSION 2: Understanding Gender and Domestic Violence** **18**

How is 'Sex' and 'Gender' different?	18
Going Beyond the Binary of Male & Female	19
Inter-sectionality	19
Everything is Gendered	20
Patriarchy	21
Gender Equality	21
Gender Based Violence	22

<b>SESSION 3: The Wheel of Power and Control</b>	<b>38</b>
What is the Wheel of Power and Control?	38
The Three Phase Cycle of Violence and How to Break the Cycle?	40
<b>SESSION 4: Understanding Legal Provisions on Domestic Violence</b>	<b>43</b>
Historical Context	43
Legal Provisions and Acts	45
Key Challenges	50
Recent Judgements	50
Landmark Judgements under the Domestic Violence Act, 2005	56
<b>SESSION 5: Roles and Responsibilities of Protection Officers</b>	<b>82</b>
Roles and Responsibilities	83
Challenges	86
<b>SESSION 6: Turning the Table Around – Seeing Things from the Perspective of the Survivors</b>	<b>91</b>
Developing Empathetic Attitudes	92
Effective Communication	93
Psycho-social Support	94
<b>SESSION 7: Multi Sectoral Approach in Prevention of Domestic Violence</b>	<b>97</b>
Registered Dutyholders	98
Non-Registered Dutyholders	99
Counselling of the Aggrieved Women	100
<b>The Way Forward</b>	<b>102</b>
<b>Glimpses of the Programme</b>	<b>111</b>
<b>Report</b>	<b>114</b>
<b>Annexures</b>	<b>145</b>

# LIST OF ABBREVIATIONS

<b>PWDVA</b>	Protection of Women from Domestic Violence Act
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>MWCD</b>	Ministry of Women and Child Development
<b>NCW</b>	National Commission for Women
<b>NG&amp;CC</b>	National Gender and Child Centre
<b>MoHFW</b>	Ministry of Health and Family Welfare
<b>OSC</b>	One Stop Centre
<b>PO</b>	Protection Officers
<b>SDG</b>	Sustainable Development Goals
<b>BBBP</b>	Beti Bachao Beti Padhao
<b>NCRB</b>	National Crime Records Bureau
<b>BPfA</b>	Beijing Platform for Action
<b>UNDP</b>	United Nations Development Programme
<b>NRHM</b>	National Rural Health Mission
<b>LGBTQIA+</b>	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual
<b>WHO</b>	World Health Organization
<b>IPC</b>	Indian Penal Code
<b>CrPC</b>	Criminal Procedure Code
<b>DIR</b>	Domestic Incident Report
<b>FIR</b>	First Information Report
<b>NGO</b>	Non Governmental Organization
<b>PTSD</b>	Post Traumatic Stress Disorder
<b>SOP</b>	Standard Operating Procedures
<b>FAQ</b>	Frequently Asked Questions



TRAINING  
MODULE

ON  
ADDRESSING

*Domestic  
Violence*





## About the Training Module

Domestic violence affects women from every social background irrespective of their age, religion, caste or class. To minimize the cumbersome position of law, be it procedural or substantive, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to protect the women from acts of domestic violence. As the COVID 19 pandemic situations emerged in the country with the subsequent lockdowns, there was an increase in the reported incidents of domestic violence due to various reasons-women were confined with their abusers for long periods of time, their mobility was restricted, loss of livelihoods and income and an increased burden of household chores and care giving, all of which resulted in a massive increase in cases of domestic violence.

As per the National Crime Records Bureau (NCRB) 2019 data, 30.9% of the 4.05 lakh cases under crimes against women were registered under Section 498A of the Indian Penal Code (IPC) which deals with 'cruelty by husband or his relatives'. In 2020, as per National Commission for Women, nearly 25% of the total 23,722 complaints were of domestic violence. Gender Based Violence (GBV) and violence against women exists in different



Welcome to the

### **TRAINING PROGRAMME for PROTECTION OFFICERS in ADDRESSING DOMESTIC VIOLENCE**

28<sup>th</sup> June - 02<sup>nd</sup> July, 2021

by

**National Gender and Child Centre,  
Lal Bahadur Shastri National Academy of Administration and  
National Commission for Women**



forms and manifestations. One such form is domestic violence which is rampant across different parts of the country and which exacerbated during the Covid-19 pandemic.

The Pandemic has highlighted, more than ever before, the necessity of coordinated services being available. The World Health Organization appealed to all governments to include services for survivors of gender-based violence into the essential services package. The Ministry of Health & Family Welfare (MoHFW) order reflected this and Ministry of Women & Child Development (MWCD) directed all One Stop Centres (OSCs), shelter homes, Protection Officers (POs) etc. to continue to provide services to women survivors of violence.

The increase in domestic violence and the need for coordinated services for survivors of domestic violence has made the role of the Protection Officers (POs) particularly critical at this time. However, the challenges faced by Protection Officers (POs) are many that hinder the effective implementation of the Act in dealing with the cases especially during the pandemic.

This Training Module is designed as a response to the need of strengthening capacities of Protection Officers in the prevention of domestic violence and addressing the challenges they face on-the-ground in implementation of the related legal provisions. This training module contains a chapter on each of the sessions of the training programme. Each of the chapters begin with a brief summary of the key concepts discussed during the course of the training programme and then delves into the suggested session plan for the topic, namely:

- Learning Expectations
- Learning Objectives
- Scope of the Session
- Learning Outcomes
- Methodology
- Resource Materials
- Learning Effectiveness and Feedback

The Training Module seeks to become a ready reckoner for facilitators and trainers who may then impart training to Protection Officers across the country.

## CONTEXT

2020 marked an all-time increase in the domestic violence cases in India, amidst the Covid pandemic. While the increase has been steep during the pandemic, violence against women, especially domestic violence has been increasing steadily and diversifying its forms and shapes. Hence, the role of Protection Officers becomes all the more important and it will be considered ideal if they are trained to handle the different types and cases of domestic violence, guide the aggrieved woman to the service provider and gather the right kind of support.

The United Nations Development Programme (UNDP) Human Development Report of 1995 made way for gender equality, women's rights and empowerment to be brought into the mainstream. This was further taken ahead through the platforms of Beijing Platform for Action (BPfA, 1995) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Goal 5 of the internationally adopted Sustainable Development Goals (SDGs) aims to "Achieve gender equality and empower all women and girls" with a



focus on 'ending all forms of discrimination against all women and girls everywhere' and 'undertaking reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws'.

India also saw a significant shift in the support towards women empowerment policies with the enactment of the National Policy for Empowerment of Women (2001), the Draft National Policy for Women (2016) and policies across all levels of governance in India. Discussions on these policies led to widespread awareness on several priority areas for intervention including access to resources of nutrition & health for women and children, access to education at all levels, access to employment opportunities and viewing domestic chores as unpaid work, elimination of violence against women, representation of women in different levels of governance among others.

However, the targets set within the Sustainable Development Goals (SDGs) framework are bold and require continuous monitoring and specially designed interventions to counter the diversifying forms of violence. Hence, there is a critical need to build the capacity of change makers and key personnel at the ground level so that they can lead the change and transformation and help in effective implementation of the policies and Act on the ground. This will also help in enabling empowerment of women for greater participation and decision-making at all levels of governance. There are various schemes at both Central and State level such as the Beti Bachao, Beti Padhao (BBBP), Sukanya Samriddhi Yojana, UJJWALA Yojana, National Rural Health Mission (NRHM) and several others that seek to address and empower women. In addition, various legal provisions exist and continue to be amended such as the Protection of Women from Domestic Violence Act, 2005, The Dowry Prohibition Act, 1961 (Amended in 1986), The Indecent Representation of Women (Prohibition) Act, 1986, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, The Criminal Law (Amendment) Act, 2018, The Immoral Traffic (Prevention) Act, 1956, among others.

## **DEVELOPMENT OF THIS MODULE**

The module has been developed with the primary focus to strengthen the capacity of Protection Officers who play a critical role in the effective implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA) by acting as the interface between the aggrieved woman and providing adequate support and guidance to her. While these set of 4 trainings have served as a pilot to understand and gain feedback on the design, methodology, content and overall structure of the programme, this also seeks to provide an in-depth analysis of the challenges faced by the Protection Officers on the ground so that interventions can be taken up to address and resolve the challenges for effective implementation of their duties and responsibilities.

The objective of such training programmes is to create a pool of trainers at state and national level institutions in order to further build and strengthen capacities of Protection Officers and other duty holders across the country. This Training Module will continue to serve as a ready reckoner for the facilitators and trainers in understanding the current situation, the key challenges faced by duty holders and detailed pedagogical resources to enable the capacity building.





A compendium of tools, exercises and activities, the module can be used to convey, demonstrate and apply gender concepts and analysis for gender equality and women's empowerment. This module is organized into separate chapters. Each chapter contains :

- A brief overview of the key concepts, definitions and current scenario, drawn heavily from the training programmes that were conducted by the National Gender and Child Centre, Lal Bahadur Shastri National Academy of Administration.
- Learning objectives seek to lay out the key takeaways of the participants at the end of the session and what they will be able to learn and identify after the session. This aims in aiding the facilitators/ guest speakers to design the flow of their sessions to be able to provide a holistic idea centering around the learning objectives.
- Scope of the session provides a broad outline of the coverage expected and is linked to the anticipated learning outcomes from the session.
- Learning Outcomes are linked to the Learning Objectives and aim to provide a framework for the trainer/ facilitator around which they can plan their session. The purpose of providing the Learning Outcomes is to ensure that the sessions are structured and provide a holistic view of the topic for the participants basis their relevancy.
- Methodologies and pedagogical tools detail out the techniques that can be adopted in various sessions to bring out the learning objectives.
- Content and resource materials include suggested readings as well as exercises, films and video clippings, which could be used by the trainer. Each of the materials is readily available as a resource.

The module can be adapted and used flexibly by the trainer who may cover only selected topics, although contextualized to the needs of the participant group. The aspects outlined in this booklet are a broad guide to potential trainers regarding the nature of coverage and scope of sessions expected at the various stages of training outlined above.

## **PARTICIPATORY METHODS OF TRAINING**

Any session is distinguished by how interactive it is with the participants and whether it enables them to share their experiences and learnings rather than being a one-sided flow of communication from the facilitator's side. Participation from attendees also provides a glimpse into what they are gaining out of the session and is also a way to ensure that the participants are attentive and are paying attention throughout the session. The value of participatory methods in conducting group events cannot be over-emphasized. With a focus on e-learning and online trainings, ensuring the participatory nature of trainings has become even more essential and relevant.

Participatory methods of trainings provide a rich exchange of information and expressions, especially from the participant pool. This also enables shared and reciprocal learning between the facilitator and the participants who share about their unique experiences and situations. This helps in making learning more demonstrative and memorable as the participants are able to correlate. This also aids in simplifying complicated topics and keeping the participants engaged through the session.



Some of the most common and effective participatory methods are included below for reference and they may find recurring mention during the course of the module in the chapters.

It is important to highlight that the facilitators are not limited to using only these methods, but may also tweak the exercises basis the learning objectives and desired outcomes as per the specific training contexts.

**Brainstorming** - means a quick generation of ideas. Participants share their ideas on a given question and the facilitator records them on cards or newsprint. The points are then synthesized and discussed afterwards. Brainstorming allows for a relatively free discussion where focus is on idea generation where participants discuss one idea springing from the previous one, thereby bringing out a variety and diversity of aspects related to the topic.

The key steps to follow in brainstorming are:

- Write and read out the question on which ideas are required.
- Let participants individually shout out their ideas from the plenary.
- Capture the ideas on cards or newsprint and display.
- Synthesize the ideas by clustering them and use clusters to develop the topic.

**Expert Panel Interview/ Panel Discussions** - is a popular technique to bring together on the same platform experts from across fields for a common discussion. This technique has been found to be extremely effective in multi-sectoral approaches wherein the experts provide their distinct expert ideas and perspectives on a particular topic, thereby highlighting the multi-sectoral approach which is essential in achieving a shared objective. Panel discussions can either be in the form of prepared statements or as responses to questions from the audience. Through this method, we would be able to provide technical information from experts on a specific subject area.



The process is as follows:

- a. Place a row of chairs for your experts (usually not more than four).
- b. Let the experts sit facing the audience of participants who are sitting in a semi-circular arrangement with no tables in between the two groups.
- c. Each panelist is introduced by the facilitator. Panelists are then requested to share their opinion on the given topic. Time is allocated to each expert during which they can put forward their perspectives.
- d. Interaction of the participants with the experts is essential in this method, hence the Q&A session should be approximately one-third of the entire session.
- e. In the process, the facilitator captures the questions and points of discussion and uses them for further discussion or to wrap up.

**Buzz Groups/ Focus Group Discussions** - are another common participatory technique in which the participants are divided into groups of not more than 4. This is used as a qualitative approach to gain an in-depth understanding on a given topic. The participants are required to quickly discuss a given topic for some 5-10 minutes after which they verbalize their point, which is then shared with the other groups and recorded on board.

The key steps in using buzz groups are:

- a. Divide the participants into groups and set the topic for discussion.
- b. Ask each group to summarize the key points of their discussion.
- c. Synthesize the ideas by clustering them and use them for further discussion.

**Group Work** - is another popular technique wherein the participants are divided into groups of about 5-8 to undertake a specified task and prepare a presentation for the plenary. This exercise seeks for the participants to undertake a more detailed and comprehensive discussion (than the brainstorming or Focus Group discussions) leading to deeper learning. What makes it even more effective is that each group utilizes the diverse talents of their group members and also helps in fostering a closer bond amongst the participants.

Key steps in using group work are as follows:

- a. Set the task for each group – in the form of a problem statement, a case study, preparing an action plan as per the desired outcome.
- b. For online trainings, separate breakout rooms were created for the participants to discuss their group work. For offline, separate tables/ space can be arranged.
- c. During the group-work sessions, the facilitator/s would need to move around to supervise, monitor progress and offer any required assistance.
- d. Multiple time slots may be given to the participants to discuss together, depending on the duration of the training programme.





**Debates** - is another common technique wherein two individuals from the group or from different groups are nominated to discuss a given topic, taking opposing sides on an issue and presenting points either in favour or against the topic. Debates can be set up in different formats depending on the duration of the training programme.

Key steps in using debates are as follows:

- Share a statement for discussion. More than one topic can also be given if the participant pool is large.
- Divide participants into two groups, one in favour and the other opposing the statement.
- Invite each participant to share their views depending on the allotted time.
- Once the participants have shared their arguments, there is also an opportunity for rebuttal from the opposing speaker, the audience or judges.

Note that debates can easily escalate into arguments and hence will require continuous moderation. The choice of topics should also be done carefully to ensure that they are meaningfully debatable.

**Role Play** - is a short (5-10 minutes) dramatic illustration of an imaginary or actual situation. This is helpful in focusing on the non-verbal communication in which participants take on role of various dutyholders as part of the role play. This is extremely effective in person.

The key steps in using role-plays are:

- Divide participants into groups and assign the topics for discussion and role-playing. Mentioning the list of dutyholders can aid.
- Ask each group to develop a clear story line scene by scene and to rehearse.
- Let groups present in turns.
- Lead the plenary in identifying key lessons from the plays.

**Case Studies** – Based on real-life incidents, the case studies provide a detailed account of incidents, the role of other characters and aim to bring out the gaps in the process for the participants to identify, discuss and propose interventions to avoid such challenges and gaps in the effective implementation of the Act. The case studies are very useful in exploring attitudes, behaviour, actions, etc. and more importantly in developing practical solutions. Case studies from published sources (such as manuals, newspapers and magazines, story books, etc.), videos or real life experiences can be utilized.



Key steps in using case studies are:

- Get a case relevant to the subject matter. Design questions for participants to answer.
- Divide participants into groups to discuss the questions.
- Take responses in plenary and allow for inputs from other participants.
- Summarise key lessons and clarify any misconceptions.

**Videos** – Visual and audio aid are extremely effective techniques as they have higher recollection among participants. They come in either animated forms or as documentaries and full feature films.

Key steps in using videos are:

- Get a video relevant to the subject matter and screen it for the participants.
- Design questions for participants to answer and ask participants to share how they felt watching the video.
- Take responses in plenary and allow for inputs from other participants.
- Relate their responses to the key messaging from the video and summarize key lessons emerging from the discussions.

One of the key aspects for the trainer/ facilitator to keep in mind is that the exercises should be preceded with a Briefing Session and succeeded by a Debriefing Session.

#### **In the Briefing Session**

- Clear instructions should be shared on what is the purpose of the exercise,
- The format and rules to be kept in mind and
- Most importantly, what is expected from the participants.

#### **In the Debriefing Session, following the activity.**

- Acknowledge, recognize the efforts and participation of the participants.
- Draw out the key insights/ lessons from the activity with a focus on the action items that can be taken up.
- Linking the insights/ lessons to the sessions and learning objectives of the programme.

### **OBJECTIVES OF GENDER INPUTS**

The training is designed with the intent to make the participants more sensitized and aware of the multiple challenges that exist on the ground and to equip them with the resources to enhance their capacity building and knowledge. Designed with a special focus for Protection Officers who play a critical role as the interface between the aggrieved woman and the judicial system, the training programme and the module are designed with two broad objectives –



- Inputs of general nature so as to develop a gender perspective and its inter-linkages with domestic violence. This will familiarize all trainees with concepts of gender so that irrespective of the service they are allocated they can apply a gender lens.
- Inputs related to law, where the focus would be on domestic violence which is an issue that cuts across personal and professional lives. This would involve:
  - Overview of the legal framework.
  - Roles and responsibilities of Protection Officers.
  - Convergence of multi-sectoral approach in addressing the challenges and gaps.

## GETTING STARTED

In order to meet the learning objectives, the following sessions were built into the training programme. The module contains eight chapters as briefly described below ranging from understanding the fundamental difference between sex and gender to the vicious cycle of perpetuating violence, to the legal provisions and landmark judgements to the roles and responsibilities of the Protection Officers under the Act. Focus has also been on mental health and how it translates into psycho-social support for the aggrieved woman and multi-sectoral approach in achieving the objectives. The sequence of the modules and the time to be spent on each can be changed as per the trainer's discretion and the needs of the target group.

<b>Session 1</b>	Setting the Context and Getting to Know Each Other.
<b>Session 2</b>	Understanding Gender and Domestic Violence.
<b>Session 3</b>	The Wheel of Power and Control.
<b>Session 4</b>	Understanding Legal Provisions on Domestic Violence.
<b>Session 5</b>	Roles and Responsibilities of Protection Officers.
<b>Session 6</b>	Turning the Table Around – Seeing Things from the Perspective of the Survivor.
<b>Session 7</b>	Multi-Sectoral Approach in Prevention of Domestic Violence.

Based on the medium of the training programme (online, in-person or mixed), a variety of learning materials and resources are required to realize the training envisaged in this module. The resources vary from module to module.

However, below is a list of standard resources the facilitator may use :

- Reference materials (handouts) of case studies or topics to be give out for any of the exercises.
- PPTs, video clippings, or any other resource that the guest speaker may like to use in their sessions. In case of technical glitches, this back-up can help.
- In case of offline trainings, a white board with markers, chart papers, rough paper and pens will come in handy.
- In case of online trainings, back up for technical glitches should be prioritized.
- Laptops and projector.





# 01.

## Session

# SETTING THE CONTEXT AND GETTING TO KNOW EACH OTHER

One of the fundamental factors that determine the success of any training programme, be it online or offline is for the participants to find it value-adding and they take-away some of the key lessons and learnings from the programme. However, any training-programme can only become value-adding for any participant, if the objectives and the expectations of the training programme are clearly defined and communicated. The objectives of any training programme are strongly rooted in its purpose which essentially answers the question of 'Why is this training being done?'. Hence, it is very critical for the trainer / facilitator to set the the Context behind the conceptualization of the training programme. This aids in establishing the purpose of the training programme.



## SETTING THE CONTEXT

The Training Programme for Protection Officers in Addressing Domestic Violence is a collaboration between National Gender and Child Centre (NG&CC), Lal Bahadur Shastri National Academy of Administration (LBSNAA) and National Commission of Women (NCW), New Delhi. As part of this collaboration, a set of four trainings were organized for the states of Uttar Pradesh, and Haryana. The virtual training programmes were organized on :

Uttar Pradesh (Batch 1)	-	28 <sup>th</sup> June to 02 <sup>nd</sup> July, 2021
Haryana	-	05 <sup>th</sup> to 09 <sup>th</sup> July, 2021
Uttar Pradesh (Batch 2)	-	12 <sup>th</sup> to 16 <sup>th</sup> July, 2021
Uttar Pradesh (Batch 3)	-	26 <sup>th</sup> to 30 <sup>th</sup> July, 2021

Domestic violence has been a prevalent form of violence in India. Data from the National Family Health Survey 5 released by the Union Health Ministry in 2021, shows that married women, between the ages of 18 to 49, who have ever experienced domestic violence, has more than doubled from 20.6% in 2014-15 to 44.5%. The rise of spousal violence among pregnant married



women has come down marginally from 6.5% in 2014-15 to 5.8%. The number of young women in the age of 18-29, who have experienced sexual violence by age 18, has risen from 10.3% in 2014-15 to 11.0%, data shows, indicating to a higher instances of domestic and sexual violence during the Covid-19 pandemic-induced lockdowns.

As per National Crime Records Bureau (NCRB), in the year 2019, 36% cases of violence were registered under cruelty by husband and his relatives. More than 7000 women were harassed and killed due to dowry issues but only 550 cases were registered with the Protection of Women Domestic Violence Act (PWDVA). These statistics highlight areas where gaps exist in the translation of the implementation of the Acts.

In light of the rising cases of domestic violence during the Covid-19 pandemic and the upward trend of diversification of violence into mental, financial and emotional, there has been an almost obvious responsibility of all the dutyholders in stepping up the interventions to combat domestic violence. Protection Officers, appointed under the Protection of Women from Domestic Violence Act, 2005, serve as the interface between the system and the aggrieved woman. The need for the programme was critical to address the specific needs of Protection Officers to respond to survivors of Domestic Violence, especially during the pandemic through capacity building, knowledge updation, experience sharing and best practice sharing.

As per the United Nations, lurking beneath the COVID-19 is the pandemic of gender-based violence. "With restricted mobility and limited access to essential services, the rise in violence is often hidden. We must deal with both of these crises." Data from National Commission for Women (NCW) highlights that domestic violence complaints doubled following the nationwide lockdown. As the women remained trapped with their abusers, the incidences of violence increased while it was difficult for the Protection Officers and other duty holders to extend help. Many incidences were attributed to loss of employment of the perpetrators which led to abuse. The lockdown exacerbated the factors contributing to domestic violence, severely limited survivors' ability to seek help and redressal, and placed severe burdens on providers seeking to intervene and respond to survivors. While domestic violence cases increased globally, in India, 5 states saw the maximum hike, namely Uttar Pradesh, Delhi, Maharashtra, Haryana and Bihar. As per National Commission for Women, the State-wise and month-wise data indicating number of complaints registered with NCW under the category "Protection of Women against Domestic Violence", have been received between March 2020 till 18<sup>th</sup> September, 2020 is as follows:

S. No.	State	2020							Received through Whatsapp Helpline	Total
		Mar	Apr	May	Jun	Jul	Aug	Sep		
1	Uttar Pradesh	110	47	85	110	208	163	55	190	968
2	Delhi	63	60	94	76	119	115	76	181	784
3	Maharashtra	17	45	60	59	56	56	22	143	458
4	Bihar	6	20	31	31	43	29	16	78	254
5	Haryana	22	13	15	27	41	19	17	75	229
6	West Bengal	10	16	19	16	24	12	5	80	182





The Government of India classified domestic violence shelter and support services as “essential” – an important step in COVID-19 response. During the first and second waves of the pandemic, 700 One-Stop-Crisis Centres remained open in India, supporting over 300,000 women who suffered abuse and needed shelter, legal aid and medical attention. To deal with them, NCW started a Whatsapp helpline.

Sharing the idea behind the programme helped in creating a transparent communication on why the training programme was required. Additionally, this was also acknowledged by the participants in sharing that such courses help them to refresh their knowledge, especially on legal provisions, help them connect with other Protection Officers and provide a platform to them to share their unique experiences and take guidance from experts in handling them.

**LEARNING EXPECTATIONS ARE TWO-FOLD:** Firstly from the facilitator’s side on the components that should be included in the training basis analysis of parameters such as number of cases as per NCRB data, state-specific reports and data. This forms the basis of defining the objectives and the related outcomes of the training programmes. The second set of learning expectations are shared by the participants in terms of what they seek to gain and takeaway from the training programme.

This allows the facilitator to share the learning expectations from their end regarding the conceptualization and development of the training programme and also provides a platform for the trainer/facilitator to hear from the participants on what is it that they are looking to learn from this programme. This helps in giving an insight into the expectations of the participants and help in aligning the speakers in case any specific changes are required or any specific topics can be touched upon during the course of the training programme.



In addition, expectations from the participants should also be set in terms of the time at which they have to be present for the programme, the decorum to be maintained. For the online training programme, participants were requested to switch on their video and keep their audio mute till the Q&A portion of the sessions. Additionally, for asking questions, they were asked to either put their question on chat or raise their hand. These minute details of what is expected from the participants will ensure in a smoother flow of events during the session.

For the training programmes designed for the Protection Officers, the learning expectations from National Commission for Women and National Gender and Child Centre’s side revolved around:

- Contextualizing Domestic violence, its causes, forms and impact on survivors and their children.
- Understanding of the legal system and recent landmark judgements related to domestic violence.



- Role of Protection Officers and the role of different dutyholders/ service providers under the Act.
- Principles of gender sensitive psycho-social support to survivors of domestic violence.
- Understand the challenges and specific needs of Protection Officers in enabling and building their capacities to effectively respond to survivors of domestic violence.

The participants reiterated the need for refresher training sessions from time to time with an emphasis on the recent landmark judgements. In addition, the content of the training was customized with reference to the state-specific data and reports which made it relevant and relatable for the participants.

## LEARNING OBJECTIVES

They are the goals that the training programme seeks to achieve. These objectives should be based on the expectations of the facilitator considering the state-specific data and reports. Objectives give an insight into the range of areas associated with the topic which will be delved into, during the course of the training programme.

Sharing the key objectives of the training programme with the participants helps in defining and arriving at what the outcomes should be. Thus, there is an alignment and acceptance of the different aspects the training will cover to achieve these objectives. In addition, it is also critical for the trainer/ facilitator to keep the end outcomes in mind while defining the objectives of the training programme. This helps in ensuring how the sessions should be structured and designed to be in alignment with the overall objectives and outcomes of the programme.

The key objectives of the training for Protection Officers included focusing on the following:

- Capacity building and knowledge updation of Protection Officers regarding domestic violence, its causes, forms and impact on survivors and their children with a focus on recent landmark judgements.
- Role of different dutyholders/service providers under the Act including police, legal aid services, health system, service providers, shelter services, One Stop Centres (OSCs) etc.
- A multi-sectoral approach and coordination among dutyholders under PWDVA, 2005.
- Understanding the challenges faced by the Protection Officers in effective implementation of the Act.
- Highlighting the importance of psycho-social support to survivors of Domestic Violence.
- Leverage the shared learning from experience-sharing from the participants and speakers.

The session plan and all the sessions were designed with the same objectives in mind so that these overall objectives of the training could be achieved. Similarly, the trainer/ facilitator may examine the outcomes of the training programme specific to the learning expectations, and on the basis of that, design the learning objectives for the same.



## SCOPE

This defines the key concepts and aspects that will be addressed and covered in the particular session. This helps the speakers as well as the participants to familiarize themselves with the topics that will be included in that session. The details of the session wise scope are highlighted as below:

Session	Scope
Setting the Context	To provide an overview of the training programme and conduct ice-breaking sessions for the participants to comfortably interact with each other.
Getting to Know Each Other	Exercises to be designed as per online medium as the training would be conducted online.
Understanding Gender and Domestic Violence	To enable the participants to effectively identify and differentiate between the terms of gender and sex, understand how gender percolates all spheres, and develop familiarity across concepts of patriarchy, gender equality and inequality and gender-based violence.
The Wheel of Power and Control	To bring out the correlation between power and violence – how power and control is exerted in myriad forms, the cycle of violence and steps that can be taken to break the cycle. This session should also involve experience-sharing sessions for the participants to share how they have been identifying markers of violence and designing interventions.
Understanding Legal Provisions on Domestic Violence	To provide an overview of the different legal provisions/ Acts related to domestic violence, draw linkages between the different provisions/ Acts and how they are used through examples. Focus on recent landmark judgements to help refresh the participants' knowledge.
Roles and Responsibilities of Protection Officers	While the Protection Officers are well-aware of their roles and responsibilities, the idea behind the session is to shed light on the challenges faced by them in effectively implementing their roles and how these challenges can be addressed. This will also help enable innovative and practical approaches in providing support to the survivors.
Turning the Table Around – Seeing Things from the Perspective of the Survivor	Psycho-social support is an integral component of the support extended to the survivor. The session will enable the participants to step into the shoes of the survivor and through experiential exercises, understand the challenges faced by the survivors. The session will also focus on the importance of non-verbal communication and how the participants can interact with the survivors in a more effective way.





### Multi-Sectoral Approach in prevention of Domestic Violence

This session will delve into the importance of multi-sectoral approach and the convergence of the duty holders in prevention of domestic violence. This session will also highlight the challenges faced and the possible solutions on how the different duty holders can converge to implement the provisions of the Act more effectively.

## LEARNING OUTCOMES

The outcomes are the key outputs expected out of each session and training. They include details of the key concepts that the participants should be familiar with at the end of the session and the practical implementation of the concepts on the ground. These are closely related to the objectives defined for the session and training. The learning outcomes designed for the training programmes are as follows :

- Develop a clear understanding of key concepts and terms, the importance of gender equality and how gender inequality plays a role in furthering gender-based violence.
- In-depth knowledge and application of the various legal provisions and Acts and updated information about recent landmark judgements related to domestic violence.
- Detailed understanding of the roles and responsibilities of Protection Officers as per the Act.
- Detailed comprehension of the role of the multiple dutyholders as mentioned in the Act and the convergence of the dutyholders for the effective implementation of the Act.
- Identification of key challenges faced by Protection Officers in the effective implementation of the Act so that interventions can be designed and implemented to reduce the barriers.

## METHODOLOGY

Revolving around the various types of participatory methods of training, the methodology highlights the multiple types of mediums and methods that may be utilized to effectively bring out the learning objectives while ensuring maximum participation and engagement from the participants. Details of the different participatory methods of training are elaborated in detail in the earlier section.

In each of the training programmes, a wide variety and mix of methodologies ranging from buzz groups, focus group discussions, case studies, panel discussions and videos have been utilized for each session with the purpose of making each session interactive and engaging for the participants. In each of the training programmes, a group work was also designed in which the participants were divided into groups and were given different caselets to analyze and discuss. The time of the group work was built into the session plan given the training was being conducted online. In different sessions of the group work, different questions were presented, culminating with group presentations on the final day in the presence of a plenary. For each session, the multiple methodology options are highlighted towards the end of the chapter.



## RESOURCE MATERIALS

These include the suggested reading material, audio and visual content that are utilized by the speakers and trainers in effectively delivering the training. The ready repository of resource materials utilized in the training programmes have been compiled and are included at the end of each session.

## LEARNING EFFECTIVENESS AND FEEDBACK

This forms an integral part of every training programme. In order to achieve the learning objectives of the training programme, which are defined at the time of the conceptualization of the programme, it is also essential to design the programme in a way which adds value to the participants knowledge and the learning expectations are fulfilled. Each of these components result in the **overall learning effectiveness and feedback** of the training programme which helps in determining if the training programme was able to cater to the learning expectations and fulfill the learning objectives and outcomes defined.

Hence, in order to determine the impact of the training programme on the knowledge and understanding of the participants in a positive way, the participants are required to fill in 2 questionnaires – baseline and endline.

- **Baseline** questionnaire is filled at the start of the programme, before any session to gauge their existing understanding of conceptual topics and ideas.
- **Endline** questionnaire is filled at the end of the training programme, after all the sessions. The questions can either remain the same or different questions can be framed but on the same concepts.

Each question has a scoring pattern based on which an aggregate score for the entire participant pool is arrived at. Both Baseline and Endline scores are compared, for every single participant and on an overall level to determine the overall effectiveness of the training programme. In addition, feedback is taken at the end of each session to dive deep into how effective the session was for the participants with respect to their learning expectations and objectives.

Most importantly, the idea for the training programme is to create a pool of trainers who can leverage their knowledge as well as those of their co-participants. Hence, it is extremely critical that the participants are not only introduced to the speakers but also to each other so that they may continue to network and connect with each other even after the training programme ends.

## INTRODUCTIONS AND ICE-BREAKER SESSIONS

Any training should include a segment wherein the participants are asked to introduce themselves. Introductions generally should include their name, their designation or current role, their location where they are currently based and an interesting information about them. This helps in engaging the participants and also serve as an ice-breaker session. This can be done in many ways depending on whether the programme is being held online or in-person.

In person, the participants are usually requested to stand or wave before beginning to the entire audience so that they can identify the speaker. In online trainings, like for this set of trainings, the participants were requested to switch on their cameras and share a brief about themselves.



# 02.

Session

## UNDERSTANDING GENDER AND DOMESTIC VIOLENCE

To sensitize participants to the concepts of gender, nature of gender inequalities and the relationship between gender and domestic violence.

One of the common set of terms used interchangeably are 'sex' and 'gender'. Contrary to expectations, the two terms are extremely different and it is critical for all dutyholders, especially those dealing with violence against women and children to be well aware of the difference.

### HOW IS 'SEX' AND 'GENDER' DIFFERENT?

Sex is defined as the biological distinction between men and women and is usually determined on the basis of genetic and physical characteristics. While used interchangeably on a day-to-day basis, Gender represents the roles that are socially-constructed and prescribed to males and females as an "expected" behaviour. These roles vary and differ from place to place, change from time to time and imbibe aspects of dressing, grooming, occupations, access to spaces, mobility, among others.

In order to understand the two terms better, let us look at the basic differences between them.

This forms the fundamental conceptual understanding between sex and gender and how gender is society made and it is critical for dutyholders to recognize and be sensitive to this difference.

SEX	GENDER
Natural Biological	Socially Constructed
Normally Unalterable	Attributes change over time and space
Largely innate than learned	Largely learned
May involve physical differences	May involve sociological differences and inequalities like gendered roles, gendered careers, gender-based violence etc





The facilitator may delve deeper into the difference between sex and gender through examples, such as those illustrated. The participants should also be encouraged to share examples and instances that highlight the difference. This also helps in ensuring that they have understood the concept.

## GOING BEYOND THE BINARY OF MALE AND FEMALE

The term 'sex' had generally referred to either male or female. However, 1990s onwards, there has been an increasing trend and change to recognize individuals who do not identify with either of the two sexual identities. In addition, as a push towards inclusion, the term 'sex' expanded to include individuals who, even in terms of physical attributes, identified as intersex. Intersex refers to physical attributes that are neither male nor female.

Increasingly, one's identity has also grown to relate to one's recognition and relation of their biological sexual identity. As a result, perceptions have evolved to include the spectrum of LGBTQIA+ as part of the definition of 'sex'. It includes Lesbian, Gay, Bisexual, Transsexual, Queer, Intersex and Asexual based on their identities. Understanding that sex can no longer be seen in the binary version is also very important because the individuals who fall under the LGBTQIA+ umbrella face discrimination and violence on these grounds. Only when a duty holder is conscious and aware of these terms, their meanings and difference, will they become more sensitive and empathetic in dealing with cases of violence.

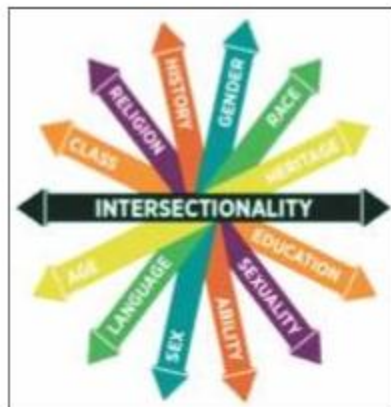
## INTERSECTIONALITY

When we look at any individual, we see them through not just the lens of sex – as a man, woman or LGBTQIA+ but an amalgamation of several lenses. These lenses are of race, caste, age, language, class, religion, occupation, education, ability, among others. These lenses become the basis and grounds for discrimination, unequal access of resources and violence which is why intersectionality becomes critical in understanding gender.

Men and women do not exist in singular but play multiple roles and bear multiple identities. Just as a woman is a daughter, mother, sister, wife, she is also someone who speaks a particular language, is of a certain race, has an education, falls within a certain age-group, is from a particular region across the country. Similarly, every individual bears multiple identities. For these multiple identities that converge into a single individual, to become the reason and basis of discrimination, violence and lack of access to basic amenities is a cause of concern.

The context of gender becomes more clearer in terms of its practical manifestation with the understanding of

Gender	Sex	Gender
<ul style="list-style-type: none"> <li>• Strong</li> <li>• Hierarchy</li> <li>• Protector</li> <li>• Tough</li> <li>• Provider</li> <li>• Chivalry</li> <li>• Tall</li> <li>• Muscular</li> </ul>	<ul style="list-style-type: none"> <li>• Moustaches</li> <li>• Beard</li> <li>• Pregnancy</li> <li>• Child Birth</li> <li>• Breast Feeding</li> </ul>	<ul style="list-style-type: none"> <li>• Elegant</li> <li>• Soft</li> <li>• Docile</li> <li>• Caring</li> <li>• Emotional</li> <li>• Empathetic</li> <li>• Tender</li> <li>• Cooking</li> </ul>



<https://gencen.isp.msu.edu/features/gender-dialogues/>



intersectionality. Just as men and women are seen through multiple lenses, gender also manifests itself not as a singular identity but a cross-section of multiple lenses. A woman is not just a female, but a result of her religion, caste, creed, race, education, ethnicity, among others. Hence, an upper-caste Brahmin woman may relatively have more opportunities and access to resources than a Dalit woman. Similarly an urban working woman may have relatively better opportunities than a woman working in the rural areas. This highlights that the multiple lenses of race, caste, creed, education, ethnicity, age group, region, language have a direct impact on the power exerted by the individuals and influence the degree of violence inflicted on individuals, access to nutrition, education, health, and several other basic amenities. It is critical for the participants to understand that violence also manifests itself through intersectionality and hence, understanding the different lenses helps them to become more sensitized and aware.

## EVERYTHING IS GENDERED

Contrary to perception, Gender is an omnipresent part of our daily life. It manifests itself in the entire lifecycle of every individual. At multiple levels, in multiple forms, gender is an entrenched part of everyone's lives. This has been so deeply rooted in our society that today, everything is gendered – from jobs, names, clothes, languages, spaces, resources and things.

The role of the trainer will be to highlight, through real-life examples, how gender percolates across all spheres. Some of the key aspects that can be discussed are as follows :

- **Grooming and Dressing** – from the time a baby is born, there are general perceptions that make a baby boy wear blue or a baby girl wear pink. As the child grows, gender is reinforced through the dressing, long vs short hair, shorts vs. skirts, playing sports vs playing with dolls, studying in college vs. getting married. Jewellery is also a key differentiator that reinforces the gender divide.

- **Roles and Qualities** – When we look at behavioural side for both, girls and women are expected to be caring and nurturing in nature while boys and men are considered weak if they openly express feelings or cry. This leads to women being primary care givers and taking care of the household through unpaid work of cooking and cleaning. Boys and men on the other hand are expected to be reasonable, rational, objective and responsible for all decision making of the house.

QUALITIES	SPACE	OCCUPATION	OBJECTS
Reasonable Objective Ambition Power Control	Public Office Cinema, Shops Street Corners In the night	Doctor Engineer Chef Defense Services Earning Member	Short hair Cricket, bat ball Toy Gun Colours (Blue, Black) Motorcycle
Emotional Subjective Caring Nurturing Selfless	Private Household Kitchen School	House-maker Secretary Nurse Air Hostess Teacher	Longer Hair Bangles, Jewellery Dolls, Dress Up Colour (pink, purple) Scooty, Cycle

**Everything is "Gendered"**

<https://gencen.isp.msu.edu/features/gender-dialogues/>

- **Space and Mobility** - While men have a claim to all public spaces including street corners, roads, especially in the night, women are expected to 'belong in the kitchen' taking care of household chores. In terms of mobility, while men are relatively free to go anywhere, at anytime of the day and night, women observe restrictions like being back home before dark.
- **Occupations** - This correlation is apparent even in occupations. While men are encouraged to become doctors, engineers, chefs, join defense services, women are encouraged to take





up jobs like that of nurses, teachers, secretaries, air hostess, home-makers or jobs which are part of the informal economy.

- **Objects** – The most common toys or games that boys play video games or running around games, while girls are bought kitchen sets, dolls etc.

## PATRIARCHY

The facilitator must also highlight why everything is being gendered through the context of Patriarchy. Patriarchy is a social system or structure which encompasses all of us – both males and females. It is defined as ‘rule of the father’ however it has grown to be a tool of domination and suppression of women and marginalized sections of society at the hands of male members. The differentiations of how an individual based upon their sex should behave, how they should dress and groom, what occupations they should pursue have robbed both men and women of their individualities. The rights for males and females are subscribed differently, their responsibilities varied, their understanding of what is expected out of them is entrenched. From early age, a boy is always referred to as a ‘kul ka deepak’, a girl is considered ‘parayadhan’ by her family. The facilitator may shed light on how patriarchy and the concept of male-dominated society has adversely affected men by making them responsible for being the bread-winner of the family and for shouldering the responsibilities of the house.

The term ‘gender’ in itself is a neutral word. However, it’s linkage with inequality and violence that are born out of the discrimination based on gender pose a serious threat to the forward-looking steps and approaches that have been adopted to strengthen and empower women.

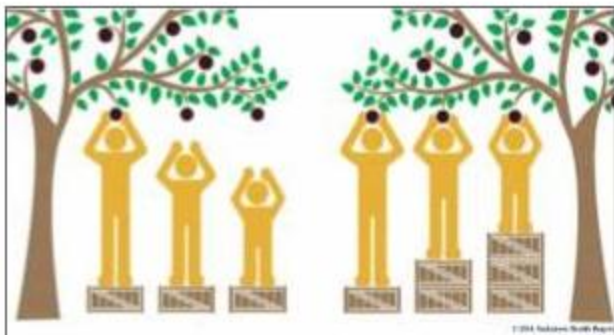
## GENDER EQUALITY

The facilitator would like to bring out the definition of equality through a comparison between equality and equity. By this depiction by the Saskatoon Health Region, it is clearly highlighted that

**Equality** refers to Sameness which implies a similarity of treatment as legally and constitutionally granted as a fundamental right.

**Equity** refers to Fairness which refers to a fair sharing of resources, opportunities and benefits according to a given framework. It is one of the measures of equality but not the only one. Equity is measurable and manifested in parity.

**Gender Equality** thus implies a situation wherein any individual is able to avail equal opportunities and resources and enjoy equal access to amenities and facilities. It is imperative to highlight that equality will help in yielding the results when every individual is at the same level. However, the reality gives a clear glimpse of the glaring disparities and inequalities existing between



<https://www.saskatoonhealthregion.ca>



individuals, especially on the basis of gender. This gender inequality has resulted in largely women exercising restricted or removed access to decision making, employment opportunities and financial independence, resources like education, health and nutrition, unequal division of labour especially in terms of household chores. A critical aspect of empowering the disadvantaged sections of society and promoting gender equality is Gender Equity. In its process of fairness for all, it recognizes the differences and disadvantages and in order to prevent this divide from increasing, provides for various mechanisms of empowerment and support to bridge the gap.



<https://indianexpress.com/article/trending/trending-in-india/anand-mahindras-viral-post-saluting-working-women-5573873/>

Gender Inequality is the result of this divide, a gap which has been exacerbated during the pandemic with reduced opportunities, loss of livelihoods, increased violence and restricted mobility. The primary burden of unpaid household work and care has been shouldered by women. It is important for the Protection Officers to understand the challenges faced by women on a day to day basis. When coupled with intersectionality, the range of challenges differ basis the multiple lenses of region, caste, creed, language, urban-rural setting, among others.

The facilitator would like to highlight that the first step in bridging the gap between gender equity and equality is recognizing that the divide exists. Only then can the participants begin to understand the challenges and provide the required support to survivors.

## GENDER BASED VIOLENCE

Violence, discrimination and harmful acts on the basis of an individual's gender is known as gender-based violence. Gender based violence is deeply rooted in gender inequality and patriarchy and ranges from physical violence manifested in forms of domestic violence, sexual violence, acid attacks, psychological violence through sexual harassment, intimidation, verbal violence through abuses, taunts, threats. Gender based violence poses a serious threat to society and is recognized world-wide as an aspect which needs to be eliminated for the empowerment and growth not just of women and marginalized sections but of the society.

One of the most common forms of gender-based violence prevalent across the globe is domestic violence – violence by male partners or male family members. The concept of domestic violence is based on the notion of patriarchy, which needs to be converted into equality. Generally domestic violence initiates from home and for married women, it also occurs outside home and for unmarried women by their family members. General perception of domestic violence is to be in the form of physical assault, mental and emotional harassment, use of foul language, etc. also constitutes domestic violence. The instances of domestic violence cases and deaths in women had seen a sharp rise, which became the driving force of the enactment of a civil law in the form of the Protection of Women from Domestic Violence Act 2005(PWDVA).



## GENDER VIOLENCE DROPS, BUT PREVALENCE REMAINS HIGH IN BIGGER STATES: NFHS-5

Gender-based violence across most Indian states declined in the past half-a-decade, according to the latest National Family Health Survey (NFHS). There were, however, several outliers. Karnataka, Assam and Sikkim, for instance recorded a spike in spousal violence cases.

In Bihar, the cases of physical violence almost halved during a woman's pregnancy in the last five years.

Factsheets for the 22 states surveyed in the first round of NFHS-5 were recently released by the Union Ministry of Health and Family Welfare.

The factsheets analysed domestic violence under three categories: Married women between 18 and 49 years who have ever experienced.

- Spousal violence (both physical and sexual violence)
- Physical violence during pregnancy
- Young women aged between 18 and 29 years who experienced sexual violence by age 18

### Spousal Violence

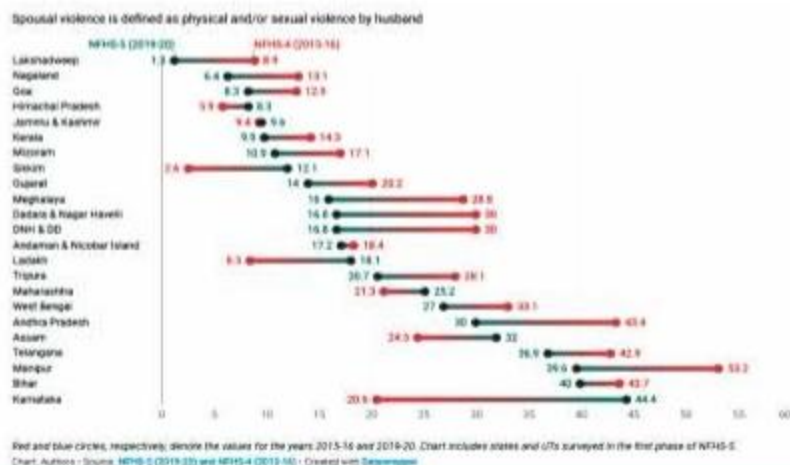
Most states experienced a downward trend in the cases of spousal violence. The trend, however, was still prevalent (at 35 per cent) in Telangana, Manipur, Bihar and Karnataka.

Karnataka, Sikkim and Assam saw the maximum rise in spousal violence in the last five years. Himachal Pradesh and Maharashtra also reported significant hike in prevalence of spousal violence; the figures for Jammu and Kashmir remained unchanged.

Manipur, Andhra Pradesh and Meghalaya witnessed a steep reduction in spousal violence.

### Ever-married women age 18-49 years who have ever experienced spousal violence (%), 2015-16 & 2019-20

Spousal violence is defined as physical and/or sexual violence by husband







A majority of states reported a higher prevalence of spousal violence in rural areas except Meghalaya and Sikkim. Bihar, Kerala and Mizoram reported almost equal prevalence among rural as well as urban areas.

The data from the first phase was collected before the pandemic and pertains to 17 states and five Union territories. The survey in rest of the states and UTs is underway and is expected by 2021.

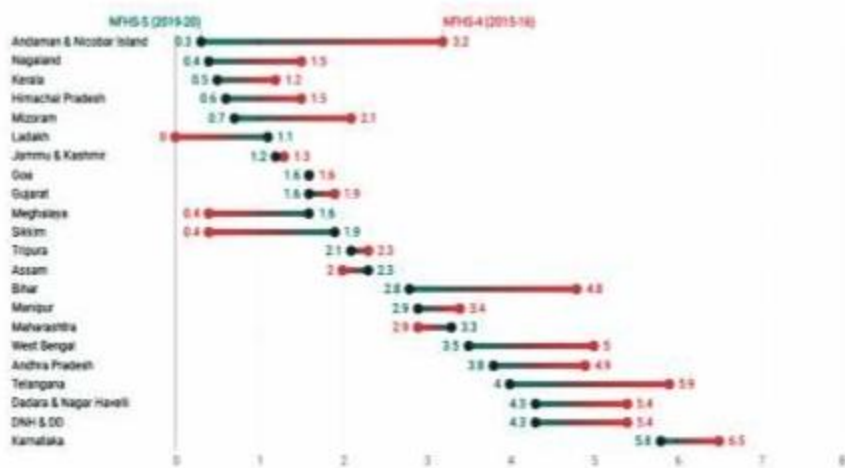
### Physical violence during pregnancy

According to the data, 17 of the 22 surveyed states / UTs showed a positive decline in cases of physical violence against women during their pregnancy. Telangana reported the highest fall in such cases followed by Bihar, while Andaman saw the maximum overall decline of three per cent since 2015-16.

The maximum rise in cases was led by three north-eastern states of Meghalaya, Sikkim and Assam followed by Maharashtra. Nagaland and Kerala continued to witness the least violence, i.e. the prevalence there was less than 0.5 per cent.

However, despite a huge fall, Karnataka and Telangana had the highest percentage of cases at 5.8 and 4 per cent respectively. Goa was the only state that saw no change in its figures in the last five years.

### Ever-married women age 18-49 years who have experienced physical violence during any pregnancy (%)



Red and blue circles, respectively, denote the values for the years 2015-16 and 2019-20. Chart includes states and UTs surveyed in the first phase of NFHS-5.  
Chart Author - Source: NFHS-5 (2019-20) and NFHS-4 (2015-16) - Created with Datawrapper



A majority of states reported higher prevalence of physical violence during pregnancy in rural areas except Meghalaya and Gujarat, where urban women were more exposed to the same.

### Sexual violence against young women

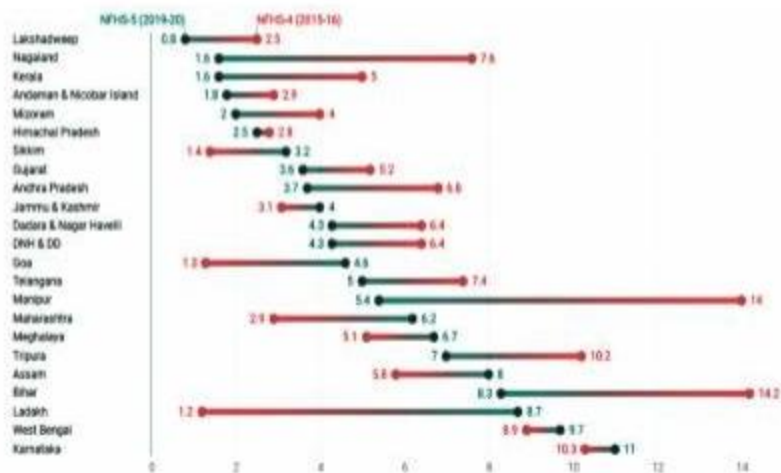
The data on young women aged between 18 and 29 years who experienced sexual violence by age 18 indicated a mixed trend: As many as nine states and union territories showed a rise in numbers amongst 22 surveyed states.

Goa and Maharashtra witnessed the highest rise in cases of 3.3 per cent each, Manipur that saw the maximum reduction of 8.6 per cent in the last five years.

According to the data, Karnataka, West Bengal and Bihar were the most unsafe places for girls.

Sexual violence against young women was the least reported in Nagaland, Kerala and Mizoram. Rural girls were more exposed to violence across a majority of states except Andhra Pradesh, Meghalaya, Sikkim and Nagaland.

### Young women age 18-29 years who experienced sexual violence by age 18 (%)



Red and blue circles, respectively, denote the values for the years 2015-16 and 2019-20. Chart includes states and UTs surveyed in the first phase of NFHS-5.  
Chart Authors - Source: NFHS-5 (2019-20) and NFHS-4 (2015-16) - Created with [Datawrapper](#)



Bihar showed a high prevalence of violence despite the alcohol ban imposed in 2015.

The trend can be attributed to poverty, unemployment, low female literacy rate and lower status of women in the state. Unemployment and illiteracy leads to reduced autonomy and say in family decisions by the female members.

Low percentage of cases in Kerala under all categories can be attributed to its human development index (HDI) score in the country.

The rising cases of spousal violence in Karnataka, however, need more analysis. Karnataka ranked third on Good Governance Index, has a relatively high HDI and a female labour force participation rate above the national average.

According to experts, an increase in awareness and trust in the system can help more women report cases of violence. This may be a strong reason behind the high prevalence of domestic violence in southern states.

The survey was done in two phases, one before the lockdown and another after it. It is, therefore, possible that the data in the second phase showed inflated figures. The United Nations agency for sexual and reproductive health (UNFPA) estimated that there would be 31 million more cases of domestic violence worldwide during the lockdowns imposed due to the COVID-19 pandemic.

Closer home, the data provided by the National Commission of Women (NCW) in mid-April, suggested an almost 100 per cent increase in domestic violence cases during the lockdown across the country.

**Source:** <https://www.thehindu.com/data/data-domestic-violence-complaints-received-in-past-five-months-reach-a-21-year-high/article34877182.ece>





## SESSION PLAN

**DURATION : 90 mins – 120 mins**

### Learning Expectations

1. Familiarizing the participants with the concepts related to gender inequality and gender-based violence.
2. Using exercises and experience-sharing sessions, highlighting how gender is all-pervasive and increasing sensitization of how gender inequality leads to domestic violence.

### Learning Objectives

1. To enhance understanding of
  - a. Rationale behind gender equality;
  - b. The difference between gender and sex - going beyond the binary.
2. To define and explain how gender inequality is linked to domestic violence.

### Scope of the Session

1. Distinction between sex/ gender with definitions/ illustration.
2. Nature of gender inequalities in the various institutions, access and control of resources, entitlement / rights and empowerment.
3. Linkages to patriarchy, masculinity.
4. Domestic violence as a form of gender-based violence.

### Learning Outcomes

1. To be able to distinguish between the terms of 'sex' and 'gender'.
2. To be able to understand why it is necessary to be familiar with the concept of gender equality when dealing with domestic violence cases.
3. Clear understanding of the linkages between gender inequality and domestic violence.

### Methodology

#### Online

1. Exercises/activities for gender sensitization: some examples
2. Sharing of participants' experiences on gender
3. Exercises and activity sheets – Gender/Sex, Roles and responsibilities of women/men, Myths & Facts
4. Quiz - Based on Census data, NSO data, education survey, NFHS data etc on differences in attainment of



men and women in survival, longevity, education, employment, health to present the current situation to participants

### **In Person**

1. Power Walk
2. Ball Game - in view of large numbers and to keep attention focused on subject, we have a ball which is passed to the participant by the facilitator to reflect and share experiences/ understanding on questions such as -
  - a) What was the time when you felt you are treated differently?
  - b) What things made you realize that you are different from the other sex.
3. Role Play - the facilitator can identify a few trainees to do a role play on various subjects such as :-
  - a) Panchayats meeting - the situation of Panchayats meeting in northern state.
  - b) Difference in treatment of siblings - boy / girl.

### **Resource Materials**

The suggested resources have been divided in two sections as follows :

#### **READINGS :**

#### **GENDER**

- a) **Understanding Gender - Kamla Bhasin**  
<https://www.arvindguptatoys.com/arvindgupta/kamla-gender1.pdf>
- b) **Key Concepts - The Oxfam Gender Training Manual (page 4 – 8)**  
<https://oxfamilibrary.openrepository.com/bitstream/handle/10546/141359/bk-gtm-1-preface-010194-en.pdf?sequence=1>
- c) **Achieve Gender Equality and Empower all Women and Girls**  
[https://www.un.org/sustainabledevelopment/wp-content/uploads/2019/07/E\\_Infographic\\_05.pdf](https://www.un.org/sustainabledevelopment/wp-content/uploads/2019/07/E_Infographic_05.pdf)
- d) **Gender Equality: Why It Matters**  
[https://www.un.org/sustainabledevelopment/wp-content/uploads/2016/08/5\\_Why-It-Matters-2020.pdf](https://www.un.org/sustainabledevelopment/wp-content/uploads/2016/08/5_Why-It-Matters-2020.pdf)



- e) **Violence against Women**  
<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>
- f) **Definitions of Key Concepts – NGC**
- g) **“What is a boy what is a girl” – Jagori**
- h) **The many faces of Inequality (Sen,A.2001)**  
<http://prof.chicanas.com/readings/SenInequality.pdf>

## Resource Materials

### DOMESTIC VIOLENCE

- a) **The Protection of Women from Domestic Violence Act, 2005**  
[https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection\\_of\\_women\\_from\\_domestic\\_violence\\_act%2C\\_2005.pdf](https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf)
- b) **Understanding Domestic Violence in India During COVID-19: A Routine Activity Approach**  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7945968/>
- c) **An Ongoing Pandemic Domestic Violence during COVID-19**  
[https://www.epw.in/journal/2021/17/review-womens-studies/ongoing-pandemic.html?0=ip\\_login\\_no\\_cache%3D5057072\\_ef502b6e75fb3c156e36112f0](https://www.epw.in/journal/2021/17/review-womens-studies/ongoing-pandemic.html?0=ip_login_no_cache%3D5057072_ef502b6e75fb3c156e36112f0)
- d) **From Mathura to Bhanwari by L. Murthy (2013) in Economic and Political Weekly**  
<https://www.epw.in/journal/2013/23/commentary/mathura-bhanwari.html>
- e) **Frequently Asked Questions on Domestic Violence Act – Breakthrough**  
<https://inbreakthrough.org/wp-content/uploads/2019/10/DV-FAQs-Booklet-English-Issue.pdf>
- f) **Bell Bajao: Advocacy Kit Against Domestic Violence by Breakthrough**  
<https://www.breakthrough.tv/inwp-content/uploads/2015/02/Bell-Bajao-advocacy-toolkit.pdf>
- g) **Not Just a Thappad on Domestic Violence**  
<https://www.epw.in/journal/2020/26-27/commentary/not-just-thappad.html>
- h) **The Protection of Women from Domestic Violence Act 2005**  
<http://ncw.nic.in/sites/default/files/Chapter04.pdf>





## Resource Materials

### FILMS :

- 1) **Understanding Gender with Kamla Bhasin**  
<https://www.youtube.com/watch?v=y6WYBu7vuYY>
- 2) **A Powerful Poetry "Kyunki Main Ladki Hun, Mujhe Padhna Hai" by Kamla Bhasin**  
<https://www.youtube.com/watch?v=5ApWogZjZNC>
- 3) **Patriarchy Dehumanises Men | Kamla Bhasin | TEDxRamanujanCollege -**  
<https://www.youtube.com/watch?v=TXXVfGAzcYw>
- 4) **COVID-19-Get the latest information from the Ministry of Health and Family Welfare-**  
<https://www.youtube.com/watch?v=lthLW7Ik6Ck>
- 5) **Run like a girl**  
<https://www.youtube.com/watch?v=XjJQBjWYDTs>
- 6) **Masculinity by Kamla Bhasin**  
<https://www.youtube.com/watch?v=aOLYIzJnKT4>
- 7) **Impossible Dream – 8 mts – Czechoslovak Film -** this is an animation film which shows the stress of work on the lady of the family. The film gives the messages that most men do not want to give up their traditionally superior position in the family and do not offer any assistance to their wives in domestic chores. <https://youtu.be/t2JBPBIFR2Y>
- 8) **Man ke Manjeere - 5 mts -** An Album of Women's Dreams, which has, focuses on promoting women's rights and bringing attention to domestic violence. The aesthetically and emotionally powerful music video was shot by Sujit Sircar and Gary and tells the true story of Shameem Pathan, who courageously broke out of her abusive marriage and became a truck driver to support herself and her child away from her violent husband.  
<http://www.youtube.com/watch?v=9rJRQk26RbU>
- 9) **Saahas Ke Chaar Adhayay: Profiles in Courage –** Documentary film "Saahas Ke Chaar Adhayay" records the life, struggle and ultimate triumph of four outstanding individuals from diverse backgrounds and different parts of India who braved great



odds—such as intimate partner violence, domestic violence, discrimination at the workplace and patriarchal mindsets; to finally reclaim their sense of agency. The main objective of the film was to celebrate the courage shown by these extra-ordinary women and men to not only inspire but also give strength to others who have faced similar forms of violence.

<https://www.youtube.com/watch?v=2ugNhaNIEps>

10) **Satyamev Jayate S1 | Episode 7 | Domestic Violence | Full episode (Hindi)**

For countless women, entering married life often means the beginning of a stressful, violent existence. Beating one's wife seems to be ingrained in many men's mindsets as the appropriate behaviour for a strong male, but the consequences are misery for the wife and children, and often a broken, unhappy home.

<http://www.youtube.com/watch?v=fGoWLWS4-kU>

11) **Bell Bajao**

A couple hears a man beating his wife in their apartment building. Watch to see if take action to bring domestic violence to a halt.

<https://www.youtube.com/watch?v=1DWK2115LI4>

## EXERCISES

**Exercise 1:** The facilitator can begin with the image of a new-born baby whose gender cannot be known just by looking at the baby. Various stages of the baby growing up are shown and how clothes, jewellery, hair, colours, sports, etc. become the differentiating factors thereby enforcing how gender plays a role in determining what a man and woman should do, wear, what occupation to pursue, among others.





**Exercise 2:** Quiz on Myths and Facts, Statistics, Sex or Gender. This includes statements and sentences and the participants have to highlight if it is related to gender or sex and if it is a myth or a fact. This exercise will give an insight into the participant's conceptual understanding of the differences between the terms.

Classify the following whether it is a myth or fact:

- It's alcohol that causes men to be violent.
- Profession of women does not determine their partner's violent behaviour.
- Violence is part of our culture.
- Domestic quarrels and beatings are characteristics of the lives of uneducated and poor people.
- Only married women are the victims of violence.
- The incidences of domestic violence have gone down in lockdown times comparatively as spouses could spend time together.
- When there is family violence, it is not only the perpetrator's fault but also that of the woman.
- If women continue to stay with their abusers, it means that they enjoy it silently.
- Domestic violence is an occurrence of the past when people were more violent and uncivilized.
- Domestic violence is an anger control issue.
- Abusers and/or victims have low self-esteem.
- Boys who witness violence will grow up to be abusers.
- Domestic violence is a crime. It is against the law for anyone to physically harm or harass another person.
- Domestic and family violence happens only to poor, uneducated women and women from certain cultures.
- Some people deserve to be abused; they are responsible for the violence or they provoke it.

**Exercise 3:** Identifying using words/ phrases, common distribution of how roles and responsibilities, mobility, division of labour is different for males and females. The trainer will also need to link how patriarchy plays a role in fostering violence and the unequal relationship between males and females. This will provide a glimpse of how society plays a key role in determining the roles and shaping the outlook of the members of the society.

#### **Exercise 4: Power Walk**

Identities with criss-crossing intersectionality's are given to participants. If done in person, the participants are asked to stand in a straight line. Statements are then read out by the facilitator and the participants have to respond to the statements by either stepping ahead or behind depending on whether they feel powerful or powerless. At the end of the exercise, the





participants should be able to understand the basis of discrimination and the social institutions that keep inequalities in place and how gender intersects with other systems of dominance to produce positions of power and powerlessness.

## METHODOLOGY

- a) All the participants are asked to stand in a row and each of them is assigned an identity (list attached on the following page). If the training participant pool is of a larger size, volunteers can be requested for the activity. Ideal participant size in the activity is 15-20, given the space available.
- b) The trainer/ facilitator will begin reading out statements (given on the following page) and the participants are expected to respond to the statements by taking a step ahead or behind based on whether their identity feels '**Powerful**', '**Powerless**', '**Not so Powerful**' and '**Not so Powerless**' as they respond to the statements.
- c) Identities should not be revealed by the participants.
- d) The facilitator is expected to clarify that the participants should take:
  - A full step ahead if they feel **Powerful**
  - Half a step ahead if they feel **Not so Powerless**
  - A full step behind if they feel **Powerless**
  - Half a step behind if they feel **Not so Powerful**
- e) Based on the statements, the participants will continue to take the steps appropriate to their identities.
- f) Towards the end of the activity, the participants will be spread across, despite starting from the same line. At this point, the facilitator should request the participants to share their assigned identities with the larger group.
- g) A debriefing session will follow in which the facilitator, taking the examples of the assigned identities, will relate how the multiple identities of an individual – like that of caste, creed, religion, sex, education, language intersect with each other and cause individuals to be in positions of power and powerlessness with respect to each other.
- h) The exercise should throw light on how these multiple identities intersect and become the basis of discrimination, lack of access to amenities thereby causing individuals to be in positions of powerlessness.
- i) One of the key aspects to be highlighted is the number of female/ women identities that feel Powerful and Powerless. There are situations where vulnerability is measured as 'not so powerful' and 'not so powerless'.
- j) The Facilitator should have the identity slips prepared prior to the exercise and ensure that the participants understand the identity so that they are able to respond to the statements.



### IDENTITIES / CHARACTERS

1	Female Sarpanch	Male Sarpanch
2	Dalit Female Cook	Dalit Male Cook
3	Dalit Woman Rural	Dalit Man Rural
4	Female District Magistrate	Male District Magistrate
5	Transgender	Homosexual
6	Poor Class X Rural Girl Student	Poor Class X Rural Boy Student
7	Divorced/Single Woman with 2 Children	Divorced/Single Man with 2 Children
8	Urban Single Working Woman	Urban single working Man
9	Tribal Rural Woman Farmer	Tribal Rural Man Farmer
10	Woman with Disability	Man with Disability

### STATEMENTS

- I can access all public spaces in my community easily.
- I will inherit an equal share in property in my parental home.
- At village weddings/social functions, I can easily and freely socialize and eat together with other communities.
- I can marry partner/spouse of my choice.
- Whenever I wish, I can meet my family/friends or socialize and relax.
- I have an easy access to government programmes/scholarships.
- I can leave home to attend training programmes for 2-3 days outside my village.
- My daughter/son/myself can easily access higher education in nearby town.
- I can choose a profession of my choice.
- There is a new factory near my house and they are hiring people. I have a chance of getting a job.
- In my family, my parents welcomed/ would welcome the birth of a third girl child.
- I or my children can access reservation quotas for jobs and admissions.
- I can take decisions regarding purchase of assets.
- I can support my parents financially and emotionally.
- I can enter all places of worship of my religion.







### Question 6

According to National Family Health Survey (NFHS) 5 what is the % of surveyed women who suffered from anaemia

- A) 28
- B) 46
- C) 66

### Question 7

In Census 2011, tick the literacy % of men and women in UP

Men	Women
a. 56	46
b. 77	60
c. 85	69

### Question 8

According to NCW of 23,722 complaints received over 50% were from one state. Which state do you think it was ?

- a) Haryana
- b) Delhi
- c) Uttar Pradesh
- d) Maharashtra

### Question 9

According to National Family Health Survey (NFHS) 4 data, what is % of ever married women who have experienced violence by husband

- a) 24%
- b) 31%
- c) 44%

### Question 10

Of the following crime which is the most prevalent :

- a) Rape
- b) Dowry Abuse
- c) Domestic Violence
- d) Cyber Stalking
- e) Sexual Harassment



## Polling Questions

- Men are considered to be brave that's why they are recruited as soldiers in Army/ पुरुषों को बहादुर समझा जाता है, इसलिए उन्हें सेना में सैनिकों के रूप में भर्ती किया जाता है। (Sex/Gender).
- As per UN reports, Women are paid less remuneration than men for same work/ संयुक्त राष्ट्र की रिपोर्टों के अनुसार, समान कार्य के लिए पुरुषों की तुलना में महिलाओं को कम पारिश्रमिक दिया जाता है। (Sex/Gender).
- Voice of young boys cracks and deepens during adolescence/ किशोरावस्था के दौरान लड़कों की आवाज कुर्दरी और भारी जाती है। (Sex/Gender).
- Women generally keep long hair and men short hair/ आमतौर पर महिलाएं लंबे बाल रखती हैं और पुरुष छोटे बाल रखते हैं। (Sex/Gender).
- Boy get blocks and cars as gifts while girls get dolls/ लड़कों को उपहार में ब्लॉक और कारें मिलती हैं, तथा लड़कियों को उपहार गुड़िया मिलती है। (Sex/Gender).
- Men have beards, women have babies/ पुरुषों की दाढ़ी होती है, महिलाओं के बच्चे होते हैं। (Sex/Gender).
- Women are better nurses and child cares, and men make better drivers and masons/ महिलाएं बेहतर नर्स और बच्चों की देखभाल करने वाली होती हैं तथा पुरुष बेहतर चालक और राजमिस्त्री बनते हैं। (Sex/Gender).
- Women should be shy and quiet/ महिलाओं को शर्मीली और शांत होना चाहिए। (Sex/Gender).
- Men are physically stronger than women and hence are able to do heavy lifting work/ पुरुष शारीरिक रूप से महिलाओं की तुलना में अधिक शक्तिशाली होते हैं और इसलिए भारी वजन उठाने का काम करने में सक्षम होते हैं। (Sex/Gender).
- Men should not wear colours like pink, purple but should wear more neutral colours/ पुरुषों को गुलाबी, बैंगनी जैसे रंग नहीं पहनने चाहिए बल्कि तटस्थ (neutral) रंग पहनने चाहिए। (Sex/Gender).
- Men are more intelligent to take financial decisions/ पुरुष वित्तीय निर्णय लेने में अधिक बुद्धिमान होते हैं। (Sex/Gender).
- Woman always needs protection as she is more vulnerable than man/ महिला को हमेशा सुरक्षा की आवश्यकता होती है क्योंकि वह पुरुष से अपेक्षाकृत अधिक असुरक्षित होती है। (Sex/Gender).



# 03.

Session

## THE WHEEL OF POWER AND CONTROL

To familiarize the participants with the ways that various forms of power and powerlessness influence those that use violence.

The purpose of the session is to highlight how violence is a manifestation of power and control, and the facilitator should bring out how perpetrators use a wide range of abusive and coercive mechanisms to exert power over their partners and victims. The enactment of the Protection of Women from Domestic Violence Act 2005 (PWDVA) highlighted the different forms that domestic violence can undertake and it is imperative for the participants of the training to identify the markers of what constitutes as violence or can become a potential domestic violence issue. Violence and abuse can be both physical as well as emotional, mental or financial and thus it is important for the dutyholders to understand the different types of violence. Many times, just because the abuse is not visible does not mean it is not occurring. Hence, this session will seek to explain how the dynamics of power and control result in a vicious cycle of domestic violence and how to break the cycle by understanding the root cause.



<https://coercivecontrolcollective.org/news/2018/3/12/the-power-and-control-wheel-1>

The wheel is extremely critical in our understanding of how perpetrators behave and operate. The wheel was created by the Domestic Abuser Intervention Programmes as part of "The Duluth Model", which focuses on training how communities can work together to shift blame to abusers and better support survivors.

### WHAT IS THE WHEEL OF POWER AND CONTROL?

Each of the aspects highlighted as part of the Power and Control Wheel constitutes domestic violence under the Protection of Women from Domestic Violence Act. The wheel highlights the most common aspects and experiences of victims who have experienced violence or sustain abuse. It delves into the variety of ways and tactics resorted to by abusers. Here again it is





critical to note that violence may not be just physical but also emotional, verbal, mental and financial – which may not have any visible signs.

The trainer should focus on how domestic violence is a pattern of abusive behaviour which begins with insults, shouting, restricting mobility of the victim, financial constraints and rules. The participants should be able to understand the dynamics of domestic violence, identify defining influencing factors, recognize the cycle of violence and its markers and to enhance knowledge on reasons for lack of reporting, barriers for victims etc. For the purpose of the training, the facilitator should highlight “the other person” mentioned in the description of each aspect is the “aggrieved person – woman/wife” under the Act.

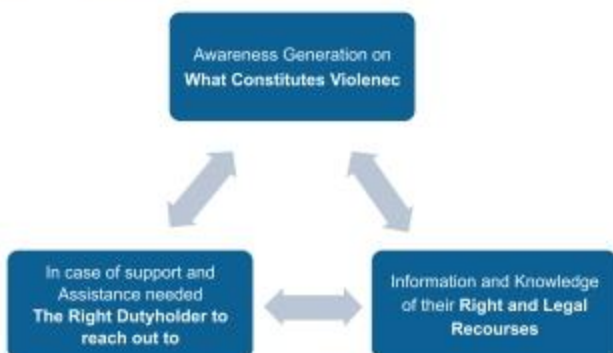
<p><b>Coercion and Threats :</b></p> <ul style="list-style-type: none"> <li>• Making and carrying out threats to do something to hurt the other person</li> <li>• Threatening to leave, to commit suicide, to report the other person to the authorities</li> <li>• Making the other person drop charges</li> <li>• Making the other person do illegal things</li> </ul>	<p><b>Intimidation:</b></p> <ul style="list-style-type: none"> <li>• Making the other person afraid by using looks, actions, gestures</li> <li>• Smashing things</li> <li>• Destroying the other person's property</li> <li>• Abusing pets</li> <li>• Displaying weapons</li> </ul>
<p><b>Emotional Abuse:</b></p> <ul style="list-style-type: none"> <li>• Putting the other person down</li> <li>• Making the other person feel bad about themselves</li> <li>• Calling names</li> <li>• Making the other person think they are crazy</li> <li>• Playing mind games</li> <li>• Humiliating the other person</li> <li>• Making them feel guilty</li> </ul>	<p><b>Isolation :</b></p> <ul style="list-style-type: none"> <li>• Controlling what the other person does, who they see and talk to, what they read, where they go</li> <li>• Limiting their outside involvement</li> <li>• Using jealousy to justify actions</li> </ul>
<p><b>Minimizing, Denying and Blaming :</b></p> <ul style="list-style-type: none"> <li>• Making light of the abuse and not taking their concerns about it seriously</li> <li>• Saying the abuse didn't happen</li> <li>• Shifting responsibility for abusive behaviour</li> <li>• Saying the other person caused it</li> </ul>	<p><b>Using Children :</b></p> <ul style="list-style-type: none"> <li>• Making the other person feel guilty because of the children</li> <li>• Using the children to relay messages</li> <li>• Using visitation to harass the other person</li> <li>• Threatening to take the children away</li> </ul>
<p><b>Economic Abuse :</b></p> <ul style="list-style-type: none"> <li>• Preventing the other person from getting or keeping a job</li> <li>• Making them ask for money</li> <li>• Giving the other person an allowance</li> <li>• Taking their money</li> <li>• Not letting the other person know about or have access to family income</li> </ul>	<p><b>Male privilege (if the abuser is male and the victim female) :</b></p> <ul style="list-style-type: none"> <li>• Treating her like a servant</li> <li>• Making all the big decisions</li> <li>• Acting like the 'master of the castle'</li> <li>• Being the one to define men's and women's roles</li> </ul>



The facilitator should emphasize that the categorization and examples included are not limited to the various tactics employed by them to terrorize and exert power over their victims. Hence, participants should be encouraged to identify how these symptoms or signs can be caught on early so that preventive action can be taken.

### THE THREE PHASE CYCLE OF VIOLENCE AND HOW TO BREAK IT?

The facilitator should draw attention to the cycle of violence – how the perpetrator threatens violence, exerts violence and then apologizes before the cycle begins again. The participants as key duty holders should be enabled with the capacity to identify these initial signs of violence and take actions wherever possible. In addition, interventions should be identified, designed and implemented to stop the violence.



One of the most effective ways of arresting violence is spreading **awareness on what constitutes violence**. Many women may attribute their partner's violent behavior to drunken state and find some form of justification. It is important to highlight how raising a hand even once is violence and this will go a long way in generating awareness among women and the society.

**Knowing the right dutyholder** to reach out to in case of any support or assistance needed is critical in arresting instances of violence from increasing. Very often women or those who wish to report violence approach the police directly. While police is a key dutyholder, the presence of Protection Officers, details of connecting with them is often not commonly known. This results in an unpleasant experience of the aggrieved woman and her family members. Interventions should be designed to highlight the role of Protection Officers among the masses and how they can reach out to them – through helpline numbers, contact details, addresses.

It should be a common aim to **educate** the public about the **rights and legal recourses** that are available to them in the unfortunate event of domestic violence. Many times, women are trapped in the cycle of violence as they are unaware of how they can end it. They should be equipped with the basic knowledge of their rights and the legal recourses that can be adopted in cases of domestic violence.

It is important to highlight how the duty holders can support the victims or the aggrieved women in breaking the cycle of violence. It is observed that the longer one endures the violence and abusive relationship, the more violent the relationship becomes. The participants should be made aware that despite any circumstances, there is never a justifiable excuse for violence – even if it is a one slap. Hence, the more sensitized and aware the Protection officers are, the more support and guidance they can provide to the aggrieved women and take preventive actions.

It is important for the trainer to highlight that while the maximum percentage of victims of



Domestic Violence are female but men are also suffering from this problem. Domestic violence is widespread and deep-rooted in India and its ubiquity was highlighted prominently during the COVID-19 lockdown. Domestic violence is a public health concern and has adverse effects on the physical and mental health of women – an aspect which is included in the definition of domestic violence under the PWDVA - physical, sexual, verbal, emotional, and financial abuse against a woman by her partner or family members residing in a joint family.

## SESSION PLAN

### DURATION: 60 mins – 90 mins

#### Learning Expectations

1. For the participants to be able to identify the markers of violence and to recognize the different forms of violence.
2. To design interventions in order to generate awareness among women and adopt different approaches to break the cycle of violence.

#### Learning Objectives

1. To deepen understanding of the dynamics of domestic violence.
2. To identify defining influencing factors.
3. To recognize the cycle of violence and its markers.
4. To enhance knowledge on reasons for lack of reporting, barriers for victims etc.

#### Scope of the Session

1. Learn about diverse forms of abusive behaviours used to gain and exert power and control by means of the wheel of power and control.
2. Impact of domestic violence on the victims as well as on society.
3. Sensitize professionals on reasons why survivors are unable to leave the vicious cycle of violence.
4. Identify specific needs of survivors of violence at different levels, possible solutions to support women and ways to meet their needs.

#### Learning Outcomes

1. Understanding the different manifestations of domestic violence.
2. Identify myths and facts regarding domestic violence.
3. Understanding the challenges in dealing with cases of domestic violence.

#### Methodology

1. Case Study - Analyze a given case study and apply the risk assessment grid.





2. Brainstorming on potential factors that influence domestic violence situations and to identify the impact that such factors could have on the woman's decision to stay or to leave.

### Resource Materials

### READINGS

1. <https://www.theduluthmodel.org/wheels/understanding-power-control-wheel/>
2. **How to find Domestic Violence helplines and counseling in India**  
<https://www.naaree.com/domestic-violence-helplines-india/>
3. **Problem of Women from Domestic Violence**  
<https://wcd.nic.in/sites/default/files/wdvact.pdf>
4. **Domestic violence complaints received in past five months reach a 21-year high**  
<https://www.downtoearth.org.in/blog/health/gender-violence-drops-but-prevalence-remains-high-in-bigger-states-nfhs-5-74652>

### VIDEOS

1. **Power and Control Wheel - Understanding the Power and Control Wheel:** Batterer Intervention Specialist explains the Power and Control Wheel and the different tactics batterers use.  
<https://www.youtube.com/watch?v=5OrAdC6ySiY>
2. **'Thappad' film** - is a silent slap on our society's age-old belief that 'shaadi mein sab kuch chalta hain'. But honestly, should it be that way? And that is what we need to start talking about. Now it is not just a film aimlessly ranting about borderline domestic violence; it brings to light the years of conditioning that a woman is subjected to by her own family and the society that she lives in.

## EXERCISES

**Exercise 3.1 :** The trainer can utilize case studies / caselets and ask the participants to identify forms of behaviour that were at work in the said case study. This will help the participants in identifying the subtle forms of violence and how they get manifested on a day to day basis.

**Exercise 3.2 :** Experience sharing wherein participants are encouraged to share examples from their experiences on the presence of these behaviours in the perpetrator and how violence can be averted if these signs are caught on early.



# 04.

Session

## UNDERSTANDING LEGAL PROVISIONS ON DOMESTIC VIOLENCE

This module is designed for professionals to refresh their knowledge about legal regulations in the field of domestic violence in order to be able to provide more effective support to victims of domestic violence.

1 in 3 women worldwide are known to have experienced physical and/or sexual abuse from their intimate partners or non-partners (WHO 2017). In India, the definition of a 'domestic relationship' includes a woman's relationship with her husband or live-in partner and with his relatives. As per the National Family Health Survey 5 data 2021, 44.5% of married women aged 18-49 years experienced spousal violence at least once in their lives. In addition, un-married women also face violence at the hands of their family members. The National Crime Records Bureau reports that, "Majority of cases under the category of 'crimes against women' as recognized by the Indian Penal Code were registered under 'Cruelty by Husband or His Relatives' (31.9%)."

These statistics merely reiterate what is already known – how rampant domestic violence is. It cuts across caste, age, religion, economic status. One of the surveys even highlighted that contrary to common belief, there is a small percentage of males who also face domestic violence. It is no more a violence but a public health issue.

### HISTORICAL CONTEXT

The legal framework in India provides for various provisions and Acts that directly deal with the protection of women from violence, especially domestic violence. The 1980s were dominated by the prevalence of dowry deaths, harassment and the emotional and mental pressures which paved the way for the domestic violence act wherein the provisions for the criminal offence were made. The social climate was also such that women were discouraged from registering complaints and were asked to not air their issues in public. Statements such as 'things like these happen between couples' were commonly used and this only belittled the struggle and ill-treatment being faced by them.

It is important for the facilitator to shed some light on the historical context of the developments and updation in the legal framework that eventually led to the enactment of the Protection of



Women from Domestic Violence, Act in the year 2005. This enables the participants to understand the journey and the purpose behind the enactment of the legal Acts and provisions. In the 1960s, the Dowry Prohibition Act, 1961 was enacted to address a social evil that was plaguing the nation.

<b>1983</b>	<b>Section 498 A,</b> Indian Penal Code	It is important to highlight that this section of Cruelty to Women was introduced as a criminal remedy in which there was no civil relief and the husband was awarded punishment if the offence was proved.
<b>1986</b>	<b>Section 304 B,</b> Indian Penal Code	As the scope of 498A IPC is only useful where the woman is alive and capable of lodging complaints under this section. Hence, Section 304 B IPC was introduced in cases of death in a marriage home of women within 7 years of marriage as a criminal offence.

As such issues were dealt under criminal law, it was often the fear of arrest than the rights of the victims that had some impact. In addition, in the long run, the shortcomings were apparent enough as the right to live in the marriage home was not recognized legally. Besides, the courts were unable to issue security orders nor could the Section extend protection to non-matrimonial, dependent, women family members. In addition, only physical abuse, when combined with dowry was considered as domestic violence. It was against this background that a need for a more holistic legal provision was felt and demanded to protect the rights of women from all kinds of violence. And thus, the law was enacted in 2005.

It is imperative for the facilitator to highlight the difference between Section 498 A and the Protection of Women from Domestic Violence Act.

#### **Section 498 A, Indian Penal Code states -**

##### **Husband or relative of husband of a woman subjecting her to cruelty**

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation: For the purpose of this section, "cruelty" means-

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

**Section 498 A** provides for a **criminal remedy** under the Indian Penal Code in case of 'cruelty to the woman wherein punishment is awarded to the husband if the offence is proved of mental or physical injury. Whereas the enactment of the **Protection of Women from Domestic Violence**





**Act** provides for a **civil remedy** with relief in the form of maintenance, residing orders, right to shared household, among others. It has an expanded scope than Section 498 A in terms of recognizing different forms of violence - Physical, Sexual, Emotional & Economical abuse against women and all these are broadly defined under Section 3 of the Act.

### Section 3 in the Protection of Women from Domestic Violence Act, 2005

Definition of Domestic Violence: For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it:

- (a) harms or injures or endangers the health, safety, life, limb or well being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

Explanation I.-For the purposes of this section,-

- (i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;
- (ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;
- (iii) "verbal and emotional abuse" includes-
  - (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and
  - (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.
- (iv) "economic abuse" includes-
  - (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
  - (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the



domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

- (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

It is also important to highlight that the Act not only includes married women but also un-married and those in live-in relationships from violence from partners. It also includes the right to a shared household, maintenance from the abuser and financial support. In the context of marital rape, it is considered a physical offence and is covered under the ambit of physical cruelty of Section 498 A. In addition, there are several other Legal Provisions and Acts that provide for the protection of rights of women.

## LEGAL PROVISIONS AND ACTS

**Constitution of India :** The Fundamental Rights, Directive Principles of State Policies and Fundamental Duties, that are enshrined in the Constitution, highlight the duty of the state to ensure the protection and development of women.

**The Factories Act, 1948 :** This law provides for health like such every factory must have enough latrines and urinals and safety provisions like prohibition of employment of women near cotton-openers and other dangerous machines.

**The Equal Remunerations Act, 1976 :** The law protects the economic rights of women by making it compulsory for employers to not discriminate against women on the basis of sex. The law details various aspects related to appointment in a particular job, promotion, training, transfer, etc.

**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 :** This law protects women against sexual harassment at workplaces. The Act provides for prevention, prohibition and redressal mechanisms. Under the Act, every employer is required to have an Internal Complaints Committee that would be required to investigate the matter in cases of sexual harassment.

There are several personal laws as well that provide for relief measures such as the Hindu Succession Act which recognizes that women have an equal right in ancestral properties of their families, after the 2005 amendment.

The following excerpts are from the Indian Penal Code and Criminal Procedure Code (CrPC) that highlight various other related sections:

### Section 306 in The Indian Penal Code

306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.



### 313. Causing miscarriage without woman's consent.

Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

#### CLASSIFICATION OF OFFENCE

**Para I:** Punishment-Imprisonment for life, or imprisonment for 10 years and fine-Cognizable-Non-bailable-Triable by Court of Session-Non-compoundable.

### 314. Death caused by act done with intent to cause miscarriage.

Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term may extend to ten years, and shall also be liable to fine;

**If act done without woman's consent-** And if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned.

#### Explanation-

It is not essential to this offence that the offender should know that the act is likely to cause death.

#### CLASSIFICATION OF OFFENCE

**Para I:** Punishment-Imprisonment for 10 years and fine-Cognizable-Non-bailable-Triable by Court of Session-Non-compoundable.

**Para II:** Punishment-Imprisonment for life, or as above-Cognizable-Non-bailable-Triable by Court of Session-Non-compoundable.

### 315. Act done with intent to prevent child being born alive or to cause it to die after birth.

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

#### CLASSIFICATION OF OFFENCE

Punishment—Imprisonment for 10 years, or fine, or both—Cognizable—Non-bailable—Triable by Court of Session—Non-compoundable.

### 316. Causing death of quick unborn child by act amounting to culpable homicide.

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

#### Illustration-

*A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.*





### **CLASSIFICATION OF OFFENCE**

Punishment—Imprisonment for 10 years and fine—Cognizable—Non-bailable— Triable by Court of Session—Non-compoundable.

#### **Section 340 in The Code of Criminal Procedure, 1973**

340. Procedure in cases mentioned in section 195.

(1) When, upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of sub- section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary,-

(a) record a finding to that effect;

(b) make a complaint thereof in writing;

(c) send it to a Magistrate of the first class having jurisdiction;

(d) take sufficient security for the appearance of the accused before such Magistrate, or if the alleged offence is non- bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate and

(e) bind over any person to appear and give evidence before such Magistrate.

(2) The power conferred on a Court by sub- section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub- section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub- section (4) of section 195.

(3) A complaint made under this section shall be signed-

(a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;

(b) in any other case, by the presiding officer of the Court.

(4) In this section, " Court" has the same meaning as in section 195.

#### **Section 350 in The Indian Penal Code**

350. Criminal force.—Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other. Illustrations:

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or in-tending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.



- (b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here Z has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.
- (c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.
- (d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.
- (e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes. A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.
- (f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.
- (g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.
- (h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

### Section 351 in The Indian Penal Code

351. Assault.—Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault. Illustrations

- (a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z, A has committed an assault.
- (b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.





- © A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

**Section 494 of Indian Penal Code. "Marrying again during lifetime of husband or wife"**

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, *shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.* Exception- This section does not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

**Section 495 of Indian Penal Code. "Same offence with concealment of former marriage from person with whom subsequent marriage is contracted"**

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, *shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*

**Section 496 of Indian Penal Code. "Marriage ceremony fraudulently gone through without lawful marriage"**

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, *shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*

## KEY CHALLENGES

Key challenges in the implementation of the legal provisions, basis the feedback received from participants includes:

- The delays in the criminal justice system resulting in lack of support. Often the domestic violence survivor has to fend for herself and children as the court procedures takes long time.
- Regular updation of legal knowledge, of the provisions and most importantly of landmark judgements can aid in more enhanced guidance of aggrieved women.
- Convergence of multi-sectoral dutyholders is essential in the effective implementation of the Act.





## RECENT JUDGEMENTS

There are several key landmark judgements, many of them recent, in which the law has been interpreted with the interest to protect women's rights. They are as follows:

### 1. **Satish Chander Ahuja vs Sneha Ahuja (February 2021)**

The Supreme Court opined with reference to the definition of 'shared household' in Section 2 (s) of the PWDVA that an estranged wife can claim a right to residence in a shared household, even if the house is in the name of the partner's relatives, as under Section 17(1). This has been seen as a breakthrough judgement as it overrules the earlier precedent as laid down in **SR Batra vs Taruna Batra** in which the Supreme Court had opined that shared household included any house taken on rent or belonging to the husband or joint family of the husband. However, it did not include properties belonging exclusively to in-laws or family members.

In another case **Roma Rajesh Tiwari vs Rajesh Dinanath Tiwari**, the Bombay High Court observed that the 'Domestic Violence Act' is enacted "to secure the right of a woman to reside in her matrimonial home or shared household, irrespective of the question whether she has any right, title or interest in the said household or not".

In **Shachi Mahajan vs Santosh Mahajan**, the Delhi High Court opined that in case of the sale of a property in which the aggrieved woman can claim residence or shared household, the aggrieved woman would be entitled to an alternate residence or compensation for the same level of alternative accommodation.

### 2. **Binita Dass v. Uttam Kumar**

The Delhi High Court has opined that a wife cannot be denied interim maintenance only because she has earning capacity or is a qualified person.

### 3. **Smt. Haimanti Mal vs The State of West Bengal**

Section 22 of the PWDVA revolves around compensation and damages for injuries, including mental torture and emotional duress, caused by the acts of domestic violence. The Calcutta High Court awarded Rs. 1,00,000/- as compensation to the wife for mental agony suffered due to the conduct of the husband, even though evidence or materials on record were limited.

### 4. **Vikas Bhutani v. State, 2019**

With reference to Domestic Violence vs. Section 125 CrPC related to the entitlement of a wife to claim maintenance under both provisions subject to adjustment, the Delhi High Court opined that the wife is entitled for maintenance for domestic violence, even if maintenance under Section 125 is granted, though that amount may be subject to adjustment. The objective of the grant of maintenance is to afford a subsistence allowance to the wife, who is not able to maintain herself.

### 5. **Manju Sharma vs Vipin, 2019**

In cases where the husband does not disclose his true income, the maintenance can be enhanced. In this case, the husband had an annual turnover of Rs. 1 crore and was pleading his income as Rs. 10,000/-. The Delhi High Court enhanced the maintenance to his wife from Rs. 10,000/- to Rs. 30,000/- keeping in mind the requirements of the wife and child.

### 6. **Megha Khandelwal v. Rajat Khandelwal, 2019**

The Supreme Court observed that the husband has to pay maintenance to his wife even if she is well-educated. In this case, the Supreme Court enhanced the interim maintenance to Rs. 25,000 per month to be paid to the petitioner even though she was well-educated.



### 7. Sandhya Wankhede vs. Manoj Bhimrao Wankhede

Earlier the precedent was set that Section 2 (q) of the PWDVA defined respondent as 'any adult male person who is, or has been, in a domestic relationship with the aggrieved person and against whom the aggrieved person has sought any relief under this Act:

*Provided that an aggrieved wife or female living in a relationship in the nature of a marriage may also file a complaint against a relative of the husband or the male partner.'*

However the Supreme Court in this case upheld the proviso to Section 2 (q) highlighting that it does not exclude female relatives of the husband or male partners from the ambit of a complaint under the provisions of the PWDVA.

### 8. Lalita Toppo v. State of Jharkhand

With reference to estranged wives or live-in partners, the Supreme Court opined that maintenance can be claimed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (Domestic Violence Act) even if the claimant is not a legally wedded wife and therefore not entitled to claim of maintenance under Section 125 of Code of Criminal Procedure. The Bench explained that the provisions contained in Section 3(a) of the Domestic Violence Act, 2005 which defines the term "domestic violence" also constitutes "economic abuse" as domestic violence.

### 9. V.D. Bhanot Vs. Savita Bhanot

With respect to the retrospective application of the PWDVA, the Supreme Court upheld the Delhi High Court's judgement that "even a wife who had shared a household before the Domestic Violence Act came into force would be entitled to the protection of the Domestic Violence Act". Hence, the Domestic Violence Act entitles the aggrieved person to file an Application under the Act even for the violence and abuse acts committed prior to the commencement of the Domestic Violence Act.

The Supreme Court in its judgement in the Krishna Bhattacharjee v. Sarathi Choudhury and another case enumerated upon the duty of the courts while deciding the complaints under the PWDVA. It included:

- It is the duty of the Court to scrutinize the facts from all angles whether a plea advanced by the respondent to nullify the grievance of the aggrieved person is really legally sound and correct.
- The principle "justice to the cause is equivalent to the salt of ocean" should be kept in mind. The Court of Law is bound to uphold the truth which sparkles when justice is done.
- Before throwing a petition at the threshold, it is obligatory to see that the person aggrieved under such a legislation is not faced with a situation of non-adjudication. The 2005 Act is a beneficial as well as assertively affirmative enactment for the realization of the constitutional rights of women and to ensure that they do not become victims of any kind of domestic violence.

In another recent case, the Supreme Court exercised its plenary powers under Article 142 of the Constitution and granted divorce by mutual consent to a couple, however maintaining that while a man may divorce his wife, he cannot divorce his children. The man was thereby directed by a bench of Justices DY Chandrachud and MR Shah to pay the required compensation to the wife and children.



The purpose of this session is to equip the participants with the resources and knowledge to carry out the effective implementation of their roles and responsibilities. This includes being updated and aware of the landmark judgements and how the law is being interpreted to protect the rights of women, so that they can guide the aggrieved women accordingly.

## SESSION PLAN

### DURATION: 90 mins - 120 mins

#### Learning Expectations

1. To drive conceptual understanding regarding the difference between Section 498 A of IPC and the PWDVA.
2. Familiarize the participants with recent key landmark judgements that will equip them with the knowledge to support a survivor in a much more effective manner.

#### Learning Objectives

1. Detailed exposure to provisions of following acts (DV Act, Dowry, and relevant provisions of IPC).
2. Implementation (variation in states, good practices) & challenges of above laws (bias in institutions, including judicial pronouncements) and non-availability of adequate infrastructure both social and physical.
3. To be able to describe how to proceed in case of domestic violence and how to communicate this to the survivor.

#### Scope of the Session

1. Detailed exposure to provisions of following acts (DV Act, Dowry, and relevant provisions of IPC).
2. Implementation (variation in states, good practices) & challenges of above laws (bias in institutions, including judicial pronouncements) and non-availability of adequate infrastructure both social and physical.
3. To be able to describe how to proceed in case of domestic violence and how to communicate this to the victim and survivor.

#### Learning Outcomes

1. Identify and understand the applicability of different provisions/ Acts in various types of cases.
2. Familiarity with recent judgements so that they are able to support the survivors in a much more effective way.





## Methodology

1. Lecture on provisions of Acts, practice and citing cases of judicial pronouncements
2. Experience sharing by participants
3. Exercises
4. Role Play
5. Panel Discussion

## Resource Materials

### READINGS :

1. **Handbook for National Action Plans on Violence against Women -**  
<http://www.unwomen.org/publications/handbook-for-national-action-plans-on-violence-against-women-2/>
2. **Judgements and Orders** – Lawyers Collective  
<https://lawyerscollective.org/our-initiatives/hiv-and-law/judgement-orders/>
3. **Domestic Violence as a Public Issue** – Nishi Mitra
4. **Handbook on Law of Domestic Violence** – Lawyers Collective – Edited by Indira Jaising
5. **Bell Bajao!** - Virtual Knowledge Centre to End Violence  
[https://www.endvawnow.org/uploads/browser/files/bell\\_bajao\\_case\\_study\\_english.pdf](https://www.endvawnow.org/uploads/browser/files/bell_bajao_case_study_english.pdf)
5. **who.int/news-rooms/fact-sheets/detail/violence-against-women**

### VIDEOS:

1. **Nasreen O Nasreen**- 28 mts- this film is based on the work of Delhi's NGO Shakti Shalini. The organisation does counselling for women facing violence and helps them by providing other services also. This film is based on the real life situations of women. It shows that irrespective of class, caste, religion and age, women could face violence.
2. **Babul** - different forms of domestic violence against women.
3. **Satymaev Jayate Clippings** - on domestic violence, sexual abuse, female feticide.



#### 4. Bell Bajao Clippings -

- a) When a man (played by Boman Irani) hears a neighbor beating his wife, he suddenly wants to make a call-at his neighbor's house. Breakthrough's latest multimedia campaign "Bell Bajao" (Ring the Bell), urges men to take a stand against domestic violence.  
<https://www.youtube.com/watch?v=zmNz0cTcxnFU>
- b) She asks her husband if he could stop drinking. He becomes outraged. When a bus driver passing by overhears the conversation, see what he does to bring domestic violence to a halt.  
<https://www.youtube.com/watch?v=-9dKXXriVmo>
- c) Knock Knock. Who's there? Watch what happens when of a group of young boys playing cricket take a time out.  
<https://www.youtube.com/watch?v=-9dKXXriVmo>
- d) A man attacks his wife when he notices a spot on his clothes. A bank teller passing by hears this behind closed doors. Watch what he does to bring domestic violence to a halt  
<https://www.youtube.com/watch?v=qAYDmZ19nG4>

## EXERCISES

**Exercise 4.1 :** The trainer can utilize case studies / caselets based on the concepts of the recent landmark judgements and ask the participants to identify the course of action that should be adopted in them.

**Exercise 4.2 :** Experience-sharing by participants helps in highlighting the unique cases that they may have faced, providing a learning opportunity for other participants. In addition, this will also bring out the on-ground challenges and if the case could have been approached in an alternate manner.



# LANDMARK JUDGEMENTS UNDER THE DOMESTIC VIOLENCE ACT, 2005

Compiled by Ms. Flavia Agnes and Ms. Audrey D'Mello - Majlis Legal Services, Mumbai

The purpose of this session is to equip the participants with the resources and knowledge to carry out the effective implementation of their roles and responsibilities. This includes being updated and aware of the landmark judgements and how the law is being interpreted to protect the rights of women, so that they can guide the aggrieved women accordingly.

There are several key landmark judgments, many of them recent, in which the law has been interpreted with the interest to protect women's rights.

## PART I – PROCEDURAL

### Divorced Women are Entitled to Reliefs under the Act

#### **Aradhana Walkade v Chandrashekar Vaidya, MANU/MH/0662/2014**

The husband refused to maintain the wife and their child. So the wife filed an application u/s 12 of the DV Act. The husband challenged the application contending that it was not maintainable since they were divorced but it was rejected by the magistrate. Aggrieved, the husband filed a revision in the sessions court where the magistrate's order was quashed. Therefore the wife filed a writ petition in the High Court.

Setting aside the sessions court's order, the Bombay High Court held that the defining clause in section 2 of the DV Act suggests that persons who "live" or "have at any point of time lived together in a shared household, dating back to past matrimonial relationship. Nowhere in the section is the word 'wife' mentioned. Further, the definition further has mentioned the word "maintenance". Therefore, if there is an order of the court to pay maintenance to the "aggrieved person" then if such maintenance is stopped or the aggrieved person is deprived of such maintenance, it can be considered as an economic abuse.

#### **Krishnendu Das Thakur v State of West of Bengal, MANU/WB/1496/2019**

The wife filed an application u/s 12 of the DV Act against the husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.3,000/- p.m. for maintenance and





Rs.800/-p.m. for rent of alternative accommodation to the wife. Thereafter the husband initiated a matrimonial suit for dissolution of his marriage and obtained an ex-parte decree of divorce. Then the husband filed an application u/s 25 of the DV Act seeking modification or revocation of the order contending that their marriage was dissolved which was rejected. Therefore he filed an appeal in the High Court.

While dismissing the appeal, the Calcutta High Court held that the wife was in a domestic relationship with the husband. 'Change in circumstances' and 'change of marital status' are quite different. A divorced wife has a right to claim and get maintenance allowance. The right continues till her remarriage. The DV Act provides additional rights and remedies to the aggrieved person.

### **Divorced Muslim Women are Entitled to Reliefs under the Act**

#### **Juveria Abdul Majid Patni v Atif Iqbal Mansoori, MANU/SC/0861/2014**

The wife obtained an ex parte Khula (Divorce initiated by the wife as per the Muslim Personal Law) from her husband because he did not maintain her and their minor child. The husband filed an application to the family court to set aside the Khula. Thereafter, the wife filed an application u/s 12 of the DV Act against her husband for maintenance. The magistrate directed the husband to pay an amount of Rs.25,000/- to the wife as interim maintenance. The husband challenged this in the sessions court which held that the application filed by the wife was not maintainable because she accepted that she is divorced and thus there is no domestic relationship between them. The wife filed a writ petition in the Bombay High Court which was dismissed. Thereafter she appealed in the Supreme Court. The Supreme Court held that even if the wife obtained ex-parte Khula from the Mufti, the application u/s 12 of the DV Act was maintainable. The judgements passed by the High Court and the sessions court were set aside and the magistrate's order was upheld.

#### **Sherokh Rashid Hazarika v Jafrina Hazarika, MANU/GH/0026/2017**

Thereafter the wife filed an application u/s 12 of the DV Act against her husband for maintenance. The magistrate directed the husband to pay an amount of Rs.15,000/- p.m. to the wife as maintenance. The husband filed a revision in the High Court for quashing this order. Dismissing the petition, the Gauhati High Court held that an act of domestic violence once committed, subsequent decree of divorce will not absolve the liability of the respondent from the offence committed or to deny the benefit to which the aggrieved person is entitled under the DV Act. There can be no dispute that a divorcee can file an application under the provisions of the DV Act.

#### **Mohd. Kaleem v Waseem Begum, MANU/HY/0578/2018**

The widow filed an application u/s 12 of the DV Act against her in-laws seeking monetary reliefs, maintenance and compensation. The in-laws filed an appeal in the High Court contending that the husband and wife were divorced a long time ago and hence the application was not maintainable.



Dismissing the petition, the Telangana High Court held that the domestic relationship between the wife and the deceased husband did not cease upon her obtaining a divorce and the application u/s 12 of the DV Act, was maintainable in relation to the past acts of domestic violence allegedly committed by the husband and his family members. Mere grant of a divorce would not absolve the husband's family members from the criminal misdeeds allegedly committed by them during the existence of a domestic relationship.

### **Widows are Entitled to Relief under the Act**

#### **Chhangur Ram Nishad v State of UP, MANU/UP/1086/2015**

After the husband expired, his widow was residing at her parental home as she was not allowed to stay in her matrimonial home. So she filed an application u/s 12 of the DV Act against her father-in-law for residence and maintenance. The magistrate directed the father-in-law to pay interim maintenance to the widow and her three children as well as to allow her to live along with him in the shared household. The father-in-law filed a revision against this order.

Dismissing the petition, the Allahabad High Court held that the aggrieved person, the daughter-in-law, who is a widow, is entitled to use, enjoy and have access to the shared household. The prohibition or putting any restriction comes within the definition of domestic violence as provided u/s 3 of the DV Act. Section 17 of the Act also provides that the aggrieved woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same and the aggrieved person shall not be evicted or excluded from the shared household or any part of it, save in accordance with the procedure established by law.

#### **Surekha Nanaso Jagtap v Dhanaji Jalindar Jagtap, MANU/MH/2708/2019**

The widow had filed an application u/s 12 of the DV Act against her brothers-in-law for maintenance. The magistrate passed an order directing the respondents to pay Rs.5,000/- p.m. as interim maintenance. An appeal was filed by the brothers-in-law before the sessions court that set aside the order passed by the magistrate and held that the brothers-in-law are not under an obligation to pay maintenance to the widow.

In an appeal filed by the widow, the Bombay High Court held that the widow has been granted an independent remedy under the DV Act. The sessions court did not acknowledge the fact that the applicant was a widow and by way of interim maintenance, the respondents were obligated to pay maintenance to her. Prima facie, the directions issued by the magistrate could not be treated as unreasonable. The High Court quashed and set aside the session court's order and the order passed by the magistrate, directing the respondents individually and collectively, to pay interim maintenance to the widow, was restored.

### **Women can be "Respondents" under the DV Act**

#### **Hiral P. Harsora v Kusum Narottamdas Harsora, MANU/SC/1269/2016**

The mother and the daughter filed an application under the DV Act against the brother/son, and his wife, and two sisters/daughters. The respondents filed an application for discharge on the



grounds that an application under the DV Act can be filed only against male members. The magistrate dismissed it. Thereafter the respondents filed a writ petition in the High Court.

The Bombay High Court discharged the respondents. Aggrieved, the mother and daughter filed an application in the Supreme Court challenging the constitutional validity of section 2(q) of the DV Act. The Supreme Court held that the words adult male in Section 2(q) of the DV Act will stand deleted since these words do not comply with Article 14 of the Constitution of India. Consequently, the provision to Section 2(q), being rendered otiose, also stood deleted.

### Temporary Residence creates Jurisdiction

#### **Hima Chugh v Pritam Ashok Sadaphule, 2013 ALLMR( Cri) 167**

The wife filed an application u/s 12 of the DV Act against her husband. The magistrate, dismissing her application held that the wife was a permanent resident of the U.K. prior to her wedding and the domestic relationship, domestic violence and shared household continue to be in the U.K. Therefore, her application cannot be entertained by Indian courts. Aggrieved, the wife filed an appeal in the sessions court which was dismissed on the same grounds. Thereafter she moved the High Court. Allowing her appeal, the Delhi High Court held that simply because the wife returned to India either temporarily or permanently, it will not disentitle her to invoke the provisions of the DV Act, if she has a case on merits.

#### **Rabindra Nath Sahu v Susila Sahu, 2016 Cri.LJ 4931**

The mother was subjected to physical and mental cruelty by her son and daughter-in-law and was driven out of her matrimonial home at Berhampur so she took shelter at her daughter's home at Phulbani. There she filed a complaint u/s 12 of the DV Act. The son and daughter-in-law filed an application in the High Court to transfer the proceedings to Berhampur. Dismissing the application, the Orissa High Court, held that the legislature, u/s 27 of the DV Act has given options to an aggrieved woman to institute proceedings even from a place where she resides temporarily. The word "temporarily" means not lasting, but existing, serving for a limited period of time only and which is not permanent. A temporary residence is a temporary dwelling place of the aggrieved person who has for the time being decided to make that place as her home.

#### **Rahul Bhargava v State (NCT) of Delhi, 2018 (1) JCC 482**

The incidents of domestic violence started in Australia which left the wife with no choice but to return to Delhi. After some time, the husband and her in-laws came to Delhi and assaulted her physically. So she filed an application u/s 12 of the DV Act. The husband filed an application for quashing in the High Court contending that the alleged acts of domestic violence took place in Australia while the application under the DV Act was filed in Delhi, hence, it was not maintainable. Dismissing the application, the High Court, imposed a cost of Rs.25,000/- on the husband and laid emphasis on section 2(f), 2(s), 2(g) and 27 of the DV Act which grants jurisdiction to the place where the wife temporarily resides.

#### **Zeba Khan v State of UP, 2019 (1) ACR 503**

The wife was ill-treated, harassed and tortured for dowry demand by her husband. She was forced to leave the house and stay in Rampur to live peacefully. There she filed an application u/s





12 of the DV Act against her husband. The husband contended that the wife was not even a temporary resident of Rampur, hence, it was not maintainable. The magistrate dismissed the husband's contention. In an appeal in the sessions court, the magistrate's order was set aside. Thereafter, the wife filed an appeal in the High Court. The Allahabad High Court, held that the session's court erred in law by completely ignoring the distinction between the provisions of sections 27(a) and 27(b)-27(c) on the other hand.

#### **Vijay Ramesh Varnekar v Urvashi, MANU/KA/7924/2019**

The wife filed an application u/s 12 of the DV Act at Bengaluru seeking maintenance and compensation. The husband challenged this contending that the wife was not a resident of Bengaluru and that there was no report of the service provider. The magistrate directed the husband to pay an amount of Rs. 10,000/- p.m. and compensation of Rs. 5,00,000/-. The husband filed an appeal in the sessions court which was dismissed. Thereafter he filed an appeal in the High Court. Dismissing the appeal, the Karnataka High Court held that the wife is entitled to file the case where the aggrieved woman resides temporarily or permanently. The High Court also held that the report of service providers is not compulsory hence, procedure under section 12 was properly followed by the lower court.

#### **Shyamal Devda v Parimala, I (2020) DMC 395 SC**

The wife filed an application u/s 12 of the DV Act against her husband and his relatives. The husband filed an application for quashing in the Karnataka High Court contending that the matrimonial home is not in Bengaluru where the application has been filed by the wife, hence, it is not maintainable. Dismissing the petition, the Karnataka High Court held that in the complaint filed by the wife, various instances of domestic violence at different places viz. Chennai, Rajasthan and Gujarat are described by the Respondent (wife) and therefore, the complaint filed in Bengaluru is maintainable u/s 27 of the Domestic Violence Act. Thereafter the husband challenged it in the Supreme Court.

The Supreme Court made it clear that an application under the DV Act can be filed in a court where the aggrieved person permanently or temporarily resides or carries on business or is employed. In the present case, the Respondent is residing with her parents within the territorial limits of the Metropolitan Magistrate's Court in Bengaluru. In view of s. 27(1) (a) of the Act, the Metropolitan Magistrate's Court, Bengaluru has the jurisdiction to entertain the complaint and take cognizance of the offence.

### **Ex-parte ad-interim Orders - DIR from PO not mandatory - Judge's Discretion**

#### **Gandhimathi v Devi, MANU/TN/3421/2018**

Soon after her marriage, the wife left the matrimonial home due to mental and physical torture and dowry demands by her husband, mother-in-law and sister-in-law, and filed an application u/s 12 of the DV Act against her husband as well as his family members seeking residence, maintenance and compensation. The husband preferred a petition in the Madras High Court to quash the proceedings filed by the wife and contended that the magistrate erred in passing an order without a report from a protection officer.



The High Court dismissed the petition and held that section 12(1) does not mandate that an application seeking relief under the DV Act be accompanied with the Domestic Incident Report (DIR) or that the application should be moved by a protection officer (PO). Even rule 6 which stipulates the form and manner of making an application to the magistrate does not require that the DIR must accompany an application for relief sought u/s 12 of the DV Act. There is no obligation imposed on the magistrate to call for a DIR.

### Protection Officer's report an Important Piece of Evidence

#### **Jaya Sagade v State of Maharashtra, MANU/MH/3017/2015**

The petitioner is a service provider under the DV Act. As a part of her study she had filed a PIL with her suggestions for implementations of the DV Act. The petitioner made a recommendation that the Domestic Incidents Report (DIR) filed by the Protection Officer is an important piece of evidence. It is recommended by the Lawyers' Collective that it would be a sound practice for a DIR to be filed under section 10(2)(a) of the DV Act after the woman consents to counselling, before commencing counselling, so as to constitute a record of domestic violence, to be followed up by an application u/s 12 if required, for seeking the reliefs under the Act. The procedure may be informed to the husband along with the fact that upon any breach of the settlement entered into, the DIR would show prima facie the occurrence and record of domestic violence. The Bombay High Court gave a positive response that they have taken care of the same.

### At interim stage, not required to go into Merits, prima facie evidence sufficient

#### **Ajay Kumar v Lata, Crl. Apl. No. 617 of 2019, SC**

After the death of the husband, his widow was not allowed to reside at her matrimonial house. The deceased husband and his brother jointly carried on the business from which, each had an income of about Rs.30,000/-p.m. So she filed an application u/s 12 of the DV Act seeking maintenance. The magistrate directed the brother-in-law to pay an amount of Rs.4,000/-p.m. to the widow and Rs.2,000/-p.m. to the child as interim maintenance. When challenged in the sessions court as well as in the Punjab and Haryana High Court, the magistrate's order was upheld. Thereafter an appeal was filed in the Supreme Court contending that since he was merely the brother-in-law, he had no liability to maintain the widow.

The Supreme Court held that the complaint prima facie indicates that the house where the husband and the wife resided belonged to a joint family. The two brothers carried on a joint business. Ultimately, whether the requirements of sections 2(f), 2(q), and 2(s) are fulfilled is a matter of evidence which will be adjudicated upon at the trial. At this stage, for the purpose of an interim order for maintenance, there was material which justifies the issuance of a direction in regard to the payment of maintenance.

### Simultaneous Proceedings in other courts

#### **Niharika Yadav v Manish Kumar Yadav, MANU/DE/4334/2019**

The wife has filed an application in the family court u/s 125 of Cr PC for grant of interim





maintenance, which the magistrate denied on the grounds that wife was capable of maintaining herself and that the husband was voluntarily paying the wife Rs. 10,000/- as maintenance in her application u/s 24 the Hindu Marriage Act. Aggrieved, The wife filed an appeal in the High Court. The Delhi High Court, setting aside the order, held that a grant of maintenance u/s 24 of the Hindu Marriage Act does not bar maintenance from the other proceedings.

### **Allegations against the wife not to be considered**

#### **Shri Vishal Kaushik v Shipra Kaushik, 2013 (2) WLN 611**

The wife filed an application u/s 12 of the DV Act against the husband. The magistrate directed the husband to pay an amount of Rs. 4000/-p.m. as maintenance to the wife. Aggrieved, the wife filed an appeal in the sessions court where the maintenance amount was enhanced to Rs. 10,000/-p.m. Thereafter the husband filed a revision in the High Court contending that the wife was adulterous and that she left the matrimonial house on her own accord and hence he was not entitled to maintain her. He further contended that the investigation reports in her criminal cases show that there are false allegations against him and his family.

Dismissing the petition, the Chandigarh High Court held that since the wife was living separately from her husband and was not in a position to bear the economic expenses, it was the responsibility of the husband to maintain it according to law. It further held that the proceedings in the criminal case are still pending before the competent court. So, only on the basis of the final report given by the police no adverse inference can be drawn against the wife. Both the Courts have passed the orders on interim maintenance and the parties are free to lead evidence before the magistrate. Further, mere production of the letter in support of the arguments that the wife is having relation with another person is not sufficient for any court to render a decision. With regards to the enhancement, the court further held that in fixing the quantum of maintenance, standard of living consistent with the status of the family must be taken into consideration. The husband cannot say that he is unable to maintain his wife and children or wife is also educated or quite competent to earn.

### **Contempt Proceedings for Non-compliance of Orders**

#### **Meera Somil Lodaya v Somil Hirji Lodaya, 2018 ALL.MR(Cri) 4609**

The wife filed an application u/s 12 of the DV Act against her husband and the magistrate granted interim maintenance orders. The husband did not comply with the orders. In this matter, the wife filed three revision applications before the High Court of Bombay seeking relief for initiating appropriate action for non-compliance of the interim orders. The wife filed an application u/s 31 for non compliance but was rejected. An appeal to the sessions court was also rejected. Aggrieved, the wife filed an appeal in the High Court.

Dismissing the orders of the magistrate and sessions court, the Bombay High Court held the magistrate is empowered to entertain complaints u/s 31 of the DV Act and that the magistrate had refused to discharge the responsibility and also failed to exercise his power merely on the ground that the prayer made in the application was to initiate proceedings under contempt.





### Attachment of In-Law's Property in Execution Process

#### **Randhir Jain, MANU/DE/5678/2012**

The wife filed an application u/s 12 of the DV Act against her husband, father-in-law, mother-in-law and brother-in-law. The magistrate directed the husband to pay an interim maintenance to the wife. In execution proceedings, the magistrate passed an order which disposed of the execution application without attaching the properties indicated in the execution application to satisfy the monetary claim of the wife. Thereafter, the wife filed an appeal in the High Court.

Allowing the appeal, the Delhi High Court held that the magistrate should execute the order passed for interim maintenance. It further held that at the remanded stage the magistrate ought not to have made disparaging comments on the wife who was fully justified in seeking attachments of properties which were in India. Use of expressions 'target' etc. have to be avoided in judicial decisions when referring to interpersonal relationships, unless there is no other word to express oneself for the reason a person who is pursuing her legitimate right would feel hurt if told that she is targeting somebody. As a matter of fact, the wife was targeting nobody. Her husband had abandoned her and had left for the United States of America soon after the marriage. Her in-laws threw her out of the matrimonial house. This judgement sets a guideline for the lower courts to respect women who have been subjected to violence. Further it lays emphasis on the fact that execution against in-laws ought to be allowed if it is more practicable than that against the husband.

### Arrest Warrant Under DV Act for Non Payment of Maintenance

#### **Sagar Sudhakar Shendge v Naina Sagar Shendge, 2013 (3) ABR 597**

The wife filed an application u/s 12 of the DV Act against her husband. The magistrate directed the husband to pay maintenance to the wife which he breached. Hence the wife filed an application for issue of warrant for recovery of the maintenance amount. Consequently, NBW has been issued. Aggrieved, the husband challenged this order but it was dismissed. The magistrate held that if he paid off the arrears of maintenance which is an amount of Rs.56,000/-, he would be released at the time of execution of the non-bailable warrant. Aggrieved, the husband appealed in the sessions court which was dismissed. The magistrate issued a non-bailable warrant against the husband on his failure to pay the maintenance amount. Thereafter the husband filed an application for quashing in the High Court contending that the warrant cannot be issued under the DV Act. Dismissing the husband's contentions, the Bombay High Court considering the various provisions of the Act, stated that a warrant can be issued if the husband flouts the orders of the Court.

## PART II – STATUTORY

### Residence Orders - Residence orders in Favour of Wife

#### **V. D. Bhanot v Savita Bhanot, MANU/SC/0115/2012**

Due to harassment by the husband, the wife started residing separately and filed an application u/s 12 of the DV Act. The magistrate granted residence orders. The husband filed an application



praying that the wife should be directed to remove herself from the residence since the accommodation was provided by the government in the course of his employment and he has since retired. The magistrate directed the husband to allow her to stay in the upper portion of the premises owned by him or arrange for her alternative accommodation or provide her rent amount of Rs.10,000/- p.m.

Aggrieved, the husband challenged this in the sessions court which was allowed. The wife filed an appeal in the Delhi High Court, which set aside the orders of the sessions court. Aggrieved, the husband filed an appeal in the Supreme Court. The Supreme Court held that a wife has the right to stay in a shared household with dignity. The Supreme Court allowed the wife's re-entry in the permanent residence of the husband, with protection order and awarded maintenance of Rs.10,000/- p.m. The court further clarified that even if a wife, who had shared a household in the past, but was no longer doing so when the Act came into force, would still be entitled under DV act.

#### **Saraswathy v Babu, MANU/SC/1193/2013**

The husband and his family tortured the wife for dowry ever since marriage. Therefore, the wife filed an application u/s 12 of the DV Act seeking residence order, maintenance, monetary relief and compensation. The magistrate directed the husband to not inflict domestic violence on the wife, to allow her in the matrimonial house and to pay her an amount of Rs.2,000/- p.m. as maintenance. The husband challenged this in the sessions court where the maintenance order was upheld but the residence order set aside. Aggrieved, the wife filed an appeal in the Madras High Court where the previous order was upheld. Thereafter, she filed an appeal in the Supreme Court.

The Supreme Court while allowing the appeal of the aggrieved wife held that section 2(g) of the DV Act states that "domestic violence" has the same meaning as assigned to it in section 3 of the DV Act. Section 3 is the definition of domestic violence. Clause (iv) of section 3 relates to "economic abuse" which includes prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household as evident from clause (c) of section 3(iv). In the current case, even after the order passed by the magistrate the husband did not allow the wife to reside in the matrimonial home which was the shared household. It was held that there was continuance of domestic violence committed by the husband against the wife. The judgement of the High Court was set aside and the husband was directed to pay a sum of Rs.5,00,000/- to the wife.

#### **Radha v Deputy Tahsildar (RR), Mukundapuram, MANU/KE/0119/2015**

The wife had been deserted by the husband for about 8 years and is reported missing by the police. She received a notice from the Revenue Recovery Act, proposing a sale of the property for realisation of dues, amounting to Rs.2,84,23,722/- together with interest and collection charges thereon, owing to the Sales Tax department from her husband. This was brought to the notice of the police, but was of no use. Therefore she files a writ in the High Court as the house is her only last refuge where she lives with her daughters.

The Kerala High Court observed that the trauma that she has had to endure all these years, in trying to find financial resources to sustain herself and her two daughters, would have sufficed for any deserted wife to maintain a complaint against her husband, alleging domestic violence,





inter alia, under the heads of emotional and economic abuse. In that event, such a person would have been entitled to the protection offered by section 17 of the DV Act, the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same, and notwithstanding anything contained in any other law for the time being in force. The rights available to a deserted wife under the DV Act must surely be available to the petitioner whose husband has been missing since 2006. Although the petitioner may not, strictly speaking, have the locus standi to maintain a complaint under the DV Act, principles of equity and fairness can certainly be taken into consideration while dispensing justice in any particular case.

Mentioning the definitions of economic abuse and right of a woman to reside in her shared household under the DV Act, the High Court held that any action that is proposed by the respondents, for sale of the property must necessarily take into account the rights of the wife in respect of the said property. The said aspect not having engaged the attention of the respondents in the instant case cannot be legally sustained. The court declares that proceedings for sale of the property, at a time when the wife's husband's whereabouts are not known, cannot be continued under the Kerala Revenue Recovery Act, without first ensuring that the petitioner's rights under the DV Act are adequately safeguarded.

#### **Sunita Motwani v Amitabh Sinha, MANU/KA/4619/2018**

The wife filed an application u/s 12 of the DV Act. The magistrate directed the husband to pay an amount of Rs.30,000/- p.m. as maintenance and Rs.19,000/- p.m. as rent for alternative accommodation. Aggrieved, the husband filed an appeal in the sessions court that set aside the trial court's order. Thereafter, the wife filed an appeal in the High Court.

While setting aside the order of the sessions court, the Karnataka High Court held that the magistrate can pass an order under the DV Act for alternative residence sought against the husband or for accommodation to the victim of domestic violence and that she is also entitled to secure same standard of living in which she has shared the residential house. The object of the DV Act is to provide effective and speedy protection to the women, who are victims of domestic violence. The said provision of the Act has to be read with flexibility and not in a restricted way.

### **Residence Orders - Claims Against In-laws**

#### **S. Vanitha v Deputy Commissioner, Bengaluru Urban District, 2020 SCC (SC) 1023**

The wife was deserted by the husband and he got married for the second time. After three months from the marriage, the husband bought a property, partly out of the money that the wife got in dowry. Thereafter he sold that property to his father who in turn gifted it to the mother of the husband. The parents, in connivance with the husband, took shelter of the Senior Citizens Act in order to evict the wife and the minor daughter from the house. The Tribunal, under the said Act, passed an order of eviction.

The question before the Supreme Court was whether the daughter-in-law can be evicted by the summary proceedings of the Senior Citizens Act. It was held that Parliament enacted a legislation which would "provide for a remedy under the civil law which is intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society.





A significant object of the legislation is to provide for and recognize the rights of women to secure housing and to recognize the right of a woman to reside in a matrimonial home or a shared household, whether or not she has any title or right in the shared household. Allowing the Senior Citizens Act to have an overriding force and effect in all situations, irrespective of competing entitlements of a woman to a right in a shared household within the meaning of the DV Act, would defeat the object and purpose which the Parliament sought to achieve in enacting the latter legislation.

The law protecting the interest of senior citizens is intended to ensure that they are not left destitute, or at the mercy of their children or relatives. Equally, the purpose of the DV Act cannot be ignored by a sleight of statutory interpretation. Both sets of legislations have to be harmoniously constructed. Hence the right of a woman to secure a residence order in respect of a shared household cannot be defeated by the simple expedient of securing an order of eviction by adopting the summary procedure under the Senior Citizens Act.

#### **Satish Chander Ahuja v Sneha Ahuja, (2021) 1 SCC 414 (S.R. Batra (2006) overruled)**

The wife faced severe emotional and mental abuse by her husband and in-laws after marriage. So she filed an application u/s 12 of the DV Act seeking multiple reliefs including residence orders. The magistrate directed the respondents not to alienate the wife from her shared household. The father-in-law filed a separate suit for injunction against the order contending that the house belongs to him and he has no responsibility to maintain the wife in the lifetime of her husband which was allowed. Aggrieved, the wife filed an appeal in the High Court. The High Court held that the wife had the right to reside in the shared household. Thereafter, the father-in-law filed an appeal in the Supreme Court citing the judgment, S.R. Batra v Taruna Batra (2006), wherein it was held that a wife can claim the right to residence under section 17(1) of the DV Act only if the property is owned or rented by the husband, or which belongs to the joint family with whom the husband resides.

Overruling its own judgement, the Supreme Court reinterpreted the term 'shared household' under section 2(s) of the DV Act. It was held that the definition of the term 'shared household' is exhaustive and not enumerative. For a property to be considered as a 'shared household', it has to be proved that it is either owned/co-owned or rented by a 'respondent' in a complaint under the DV Act and that the aggrieved person has resided in the said house at any stage of her domestic relationship. The aggrieved person is not required to own or rent the premises, either by themselves or jointly with the family. A 'shared household' is also one that may also belong to a joint family of which the aggrieved person is a member irrespective of whether they have any right, title or interest in the shared household.

### **Residence Order in favour of Mother**

#### **Shaikh Husain Yasin v Bashira, MANU/MH/0591/2020**

The mother filed an application u/s 12 of the DV Act against her son. The magistrate partly allowed her application, granted only protection order and refused maintenance and residence order. Aggrieved, the mother filed an appeal in the sessions court where the court restrained son from creating any third-party interest in the shop and granted half of the license fees for the shop



and granted maintenance order. Thereafter, the son filed an appeal in the High Court. The Bombay High court affirmed the residence order of the session court on the ground that mother is the joint owner and has share in the shop.

### **Economic Abuse - Maintenance and Compensation Orders** **Economic Abuse constitutes Domestic Violence**

#### **Shalini v Kishor, MANU/SC/0688/2015**

The wife was driven out of her matrimonial house by her husband and thereafter she started living in her maternal uncle's house. The husband filed for divorce in the family court that was stayed on an appeal by the wife. Later she filed an application u/s 12 of the DV Act against her husband seeking maintenance. The husband challenged this in the sessions court where it was dismissed. Upon challenging it in the High Court, the wife's application was quashed. The wife therefore filed an appeal in the Supreme Court.

Allowing the petition of the wife, the Supreme Court held that considering that the wife has clearly stated that her maternal uncle is no more ready to allow her to stay in his house, the High Court had erred in quashing the proceedings under the DV Act and set aside the order of the High Court.

#### **Surya Prakash v Rachna, MANU/MP/1091/2017**

The wife filed an application u/s 12 of the DV Act against her husband seeking maintenance and compensation. The magistrate directed the husband to pay an amount of Rs.2,500/- p.m. as maintenance and Rs.20,000/- as compensation to the wife. The husband challenged this in the sessions court where the compensation was set aside. The wife filed an application u/s 31 of the DV Act on account of non-payment of the maintenance in the High Court.

Allowing the appeal, the Madhya Pradesh High Court held that section 20 of the DV Act deals with grant of monetary relief to meet the expenses incurred and the losses suffered by an aggrieved person and any child of the aggrieved person as a result of domestic violence. Such provision enlarges the scope of domestic violence as defined in section 3 of the Act which states that "economic abuse" includes deprivation of all or any economic or financial resources, payment of rental related to shared household and maintenance.

#### **Nandita Nag v State of West Bengal, MANU/WB/0582/2019**

The husband filed a divorce petition in the family court where he was directed to pay alimony pendente lite to the wife and their son but he failed to do so. Aggrieved, the wife filed an application u/s 12 of the DV Act seeking maintenance from the husband but it was dismissed on the ground of maintainability. A challenge to this order in the sessions court was also dismissed. Thereafter the wife filed a revision in the High Court.

Allowing the application, the Calcutta High Court held that there is no limitation in filing an application u/s 12 of the DV Act and hence its maintainability cannot be questioned. Economic abuse also constitutes domestic violence. An act of domestic violence, once committed, subsequent decree of divorce would not absolve the husband from his liability for maintaining the wife. Hence, the magistrate was directed to hear the matter afresh.





## Mental Agony constitutes Domestic Violence under the DV Act

### **Smt. Haimanti Mal v The State of West Bengal, 09.07.2019**

The Calcutta High Court held that compensation is awarded for the loss or injury suffered by the person due to the act of the opposite party. Section 22 of the DV Act speaks about compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondent. The determination of compensation has to be rational, to be done by a judicious approach and it should not be an outcome of guesses or arbitrariness. At the same time, it should be remembered that in absence of any evidence or materials on record the grant of compensation cannot be justified.

Compensation for mental or physical shock, pain, suffering, frustration, mental stress, etc can be given if there is sufficient evidence on record in this regard. It was also observed that no doubt that the wife has definitely suffered pain and mental agony due to the conduct of her husband. It was directed that some reasonable amount can be awarded as just and proper compensation for the mental pain and agony of the wife. It is very difficult to assess the actual compensation for mental pain and agony. The court directed a lump sum of Rs.1,00,000/- would be sufficient in this regard.

## Order restraining Respondents from committing further acts of violence

### **Saraswathy v Babu, MANU/SC/1193/2013**

The husband and his family tortured the wife for dowry ever since marriage. Therefore, the wife filed an application u/s 12 of the DV Act seeking residence order, maintenance, monetary relief and compensation. The magistrate directed the husband to not inflict domestic violence on the wife, to allow her in the matrimonial house and to pay her an amount of Rs.2,000/- p.m. as maintenance. The husband challenged this in the sessions court where the maintenance order was upheld but the residence order set aside. Aggrieved, the wife filed an appeal in the Madras High Court where the previous order was upheld. Thereafter, she filed an appeal in the Supreme Court.

While allowing the appeal filed by the aggrieved wife, the Supreme Court held that section 2(g) of the DV Act states that "domestic violence" has the same meaning as assigned to it in section 3 of the DV Act. Section 3 is the definition of domestic violence. Clause (iv) of S.3 relates to "economic abuse" which includes prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household as evident from clause (c) of section 3(iv). In the current case, even after the order passed by the magistrate the husband did not allow the wife to reside in the matrimonial home which was the shared household. It was held that there was continuance of domestic violence committed by the husband against the wife. The judgement of the High court was set aside and the husband was directed to pay a sum of Rs.5,00,000/- to the wife.

## Order restraining Respondent from Alienating Assets

### **Ambujakshi Amma v State of Kerala, MANU/KE/1137/2013**

The wife filed an application u/s 12 of the DV Act against her husband. The magistrate directed the husband to not cause harm to her and dispossess her from the shared household and pay an





amount of Rs.5,000/- p.m. as maintenance and restrain the husband from alienating the residential property having an extent of 42 cents belonging to him. The husband, aggrieved by this order, filed an appeal in the sessions court where the limit to the restriction regarding alienation of property was limited. So the wife filed an appeal in the High Court.

The Kerala High Court, upholding the magistrate's order, while emphasizing on the point held that the residence order which has been passed by the sessions court was confined to shared household u/s 19 of the Act, alongside any other property other than shared household will come u/s 18 of the Act.

### **Retaining Stridhan and neglect to maintain constitutes continuous economic abuse**

#### **Gangadhar Pradhan v Rashmibala Pradhan, MANU/OR/0128/2012**

An application u/s 12 of the Dv Act was filed by the widow against her father-in-law for maintenance. The magistrate directed the father-in-law to pay an amount of Rs. 1,500/- p.m. as maintenance to the daughter-in-law. The order was challenged in the sessions court by the father-in-law and the amount of maintenance was reduced to Rs. 1,000/- p.m. A writ petition was filed thereafter by the father-in-law in the High Court.

While dismissing the writ petition, the Orissa High Court held that after the death of her husband, his widow had acquired rights in the joint family property. Since she was not given her share in the joint family properties, the lower courts rightly granted monthly maintenance to the wife till she gets a share in the properties. The court further observed that the definition of "domestic violence" given in section 3 of the DV Act and Explanation (iv) explaining the economic abuse, the courts below were fully justified in granting monthly maintenance to the widow.

#### **Ramachandrachar v Devakumari, 2016 Cri.LJ 2497**

The husband was earning Rs.45,000/-p.m. as rent from shops yet refused to maintain the wife. So the wife filed an application u/s 12 of the DV Act against her husband for maintenance. The magistrate directed the husband to pay an amount of Rs.5,000/-p.m. to the wife as maintenance. The husband challenged the order in the sessions court where it was rejected. He thereafter filed a revision petition in the High Court. While dismissing the revision, the Karnataka High Court held that given the husband's income, the amount of maintenance was not exorbitant and that there was no good reason to interfere with the well considered judgment passed by the sessions court.

#### **A.C. Deepak Kumar v P. Priyanka, MANU/KA/7005/2019**

The husband physically and mentally harassed the wife for dowry. He retained her stridhan and refused to maintain her so she was constrained to leave the matrimonial home. Later, they were divorced. Then the wife filed an application u/s 12 of the DV Act against her husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.6,000/- p.m. as maintenance. The order was challenged by the husband in the sessions court where it was dismissed. An appeal was then filed in the High Court.

While dismissing the appeal, the Karnataka High Court held that retention of stridhan by the husband or any other family member is a continuing offence. In the DV Act the definition of "aggrieved person" clearly postulates about the status of any woman who has been subjected to



domestic violence as defined under section 3 of the said Act. "Economic abuse" as it has been defined in section 3(iv) of the DV Act has a large canvas. The husband was held liable in regards to payment of maintenance. It was further held that though the respondent is divorced, the woman would remain as the wife of the husband throughout and when the said relationship was existing, a duty was cast upon the husband to maintain the wife even though she was a divorcee.

### Order to Return Stridhan

#### **Krishna Bhattacharjee v Sarathi Choudhury, III (2015)DMC 823 SC**

The wife filed an application u/s 12 of the DV Act against her husband seeking seizure of stridhan that is in his possession. Meanwhile the family court passed an order of judicial separation. The magistrate dismissed the petition holding that there was no domestic relationship. This was challenged in the sessions court where it was dismissed. It was thereafter appealed in the Tripura High Court where, again, it was dismissed. So the wife appealed in the Supreme Court.

Allowing the appeal, the Supreme Court held that as long as the status of the aggrieved person remains and stridhan remains in the custody of the husband, the wife can always put forth her claim u/s 12 of the DV Act. Since the status between the parties is not severed because of the decree of dissolution of marriage thus the concept of "continuing offence" gets attracted from the date of deprivation of stridhan, for neither the husband nor any other family members can have any right over the stridhan and they remain the custodians.

### Maintenance and Compensation - Standard of living

#### **Vishal Bohra v State, MANU/UP/2260/2015**

The wife was subjected to physical and mental harassment and later was abandoned and the husband started residing with another woman. So, she filed an application u/s 12 of the DV Act seeking maintenance and compensation. The magistrate directed the husband to pay an amount of Rs.10,000/- p.m. The husband challenged this in the sessions court contending that the wife had already been granted maintenance u/s 125 CrPC. This was rejected. Thereafter the husband filed an appeal in the High Court. The Allahabad High Court laid emphasis on sections 2(a), 2(f), 20(d) and 20(2) of the DV Act and upheld the orders of the magistrate on the ground that she is entitled to lead a life in the similar manner as she would have lived in the house of her husband.

#### **Akshay v Arti, MANU/MH/2672/2016**

The wife filed an application u/s 12 of the DV Act against her husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.5000/-p.m. as interim maintenance to the wife. This was challenged by the wife in the sessions court where the maintenance amount was increased to Rs.15,000/-p.m. The husband filed a writ in the High Court challenging the sessions court's order as well as the family court that had directed maintenance order separately.

The Bombay High Court, upholding the magistrate's order, held that the husband was jobless, but is capable of earning One lakh after perusal of record at the same time considered the earnings of the wife and specified that the wife is entitled to life of the same standard as that of the husband. Also, upheld the orders of family court however, the writ was partly allowed and the





order of session's court in enhancing the maintenance was quashed on the ground that the sessions court failed to appreciate section 25 and procedure laid down therein pertaining to change in circumstances was not followed.

#### **Nayanika Thakur Mehta v Mohit Mehta, MANU/DE/0841/2017**

The wife filed an application u/s 12 of the DV Act against the husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.70,000/- per month to the wife and the minor daughter. The husband challenged this in the session court where it was held that the wife is not entitled to maintenance as she earns and maintenance was granted only to the daughter of Rs.45,000/- per month. Aggrieved, the wife challenged the order in the High Court.

The Delhi High Court held that the session's court took into consideration only the salary but overlooked to ascertain his financial status and standard of living which was correctly concluded by the magistrate, taking into the consideration the perks received by the husband and also, the lifestyle of having luxurious cars and fixed deposits. The High Court upheld the orders of maintenance on the ground that the petitioner and her daughter are entitled to maintenance on the principle of equi-status and respect that they would have enjoyed if they continued to live with the respondent in the matrimonial home.

#### **Noor Alam Khan v Hasina Bano Noor Alam, 2018 ALLMR(Cri)4675**

The wife filed an application u/s 12 of the DV Act seeking maintenance and other reliefs. The magistrate directed the husband to pay an amount of Rs.10,000/- p.m. as maintenance to the wife. This was challenged in the sessions court where the maintenance amount was reduced to Rs.6,000/- p.m. Thereafter the husband filed an appeal in the High Court contending that the marriage has come to an end by pronouncing talaq and that the deduction of his salary was not considered.

The Bombay High Court dismissed the petition of husband and held that, it is the bounden duty of husband to maintain his wife and wife is entitled to have equal status of husband/father in the society, and cannot be treated as chattels. It is a sacrosanct duty to render financial support even if the husband is required to earn money with physical labour and there can be no escape route to the husband.

#### **Kanupriya Sharma v State, MANU/DE/1928/2019**

The wife has filed an application u/s 12 of the DV Act against her husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.19,000/- p.m. to the wife. The husband challenged it to the sessions court where it was held that the wife is qualified enough to earn herself and that there is no reason for her to not earn. Aggrieved, the wife filed an appeal to the High Court. The Delhi High Court confirmed the order of the magistrate. Further emphasis was laid on S.20(2), that the monetary relief granted has to be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed to.

### **Maintenance Sufficient to Maintain Same Standard of Living even when Husband is not Working**

#### **Akshay v Arti, MANU/MH/2672/2016**

The wife filed an application u/s 12 of the DV Act against her husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.5,000/- p.m. as interim maintenance to





the wife. This was challenged by the wife in the sessions court where the maintenance amount was increased to Rs.15,000/- p.m. The husband filed a writ in the High Court challenging the sessions court's order as well as the family court order which had awarded maintenance separately.

Upholding the magistrate court, the Bombay High Court, held that the husband was jobless, but is capable of earning one lakh after perusal of record. At the same time, the court considered the earnings of the wife and specified that the wife is entitled to enjoy the same standard of living as that of the husband. Also, upheld the orders of family court. However, the writ petition was partly allowed and the order of session's court in enhancing the maintenance was quashed on the ground that the sessions court failed to appreciate section 25 of the Hindu Marriage Act, and procedure laid down therein pertaining to change in circumstances.

#### **Dr. Nihal Singh v Priyanka Singh Badalia, MANU/DE/3157/2017**

The wife filed an application u/s 12 of the DV Act against her husband seeking residence and maintenance orders for herself and minor daughter. The magistrate directed the husband to pay an amount of Rs.10,000/-p.m. to the wife, Rs.5,000/-p.m. to the minor daughter and Rs.10,000/-p.m. as rent and increase of 10 percent every year. This was challenged in the sessions court where the husband's appeal was dismissed. Thereafter a revision was filed by the husband in the High Court contending that he is unemployed whereas the wife is earning handsomely by running a clinic and being a physiotherapist.

The Delhi High Court upheld the orders of the trial court and held that it is the moral duties of the parents to give their best education and standard of living to the child and the mere fact that the husband is jobless cannot absolve his part of contribution towards maintenance.

#### **Sunita Motwani v Amitabh Sinha, MANU/KA/4619/2018**

The wife and her minor son were victims of domestic violence and were thrown out of the house by the husband. She was taking loans from friends and relatives for survival as she herself was not having any source of income and was residing with her father at a rented accommodation. So the wife filed an application u/s 12 of the DV Act against the husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.30,000/- p.m. as interim maintenance and Rs.19,000/- p.m. as interim monthly rent to the wife. The rent amount was challenged by the husband in the sessions court where the order was set aside. The wife challenged this in the High Court.

The Karnataka High Court upheld the magistrate's order and held that the interim maintenance and the rental amount was calculated while giving the maintenance amount which was insufficient. The wife has the right to the same standard as she was living before which casts duty upon her husband to make her live with dignity.

#### **Ramsagar v Rajeshwari, MANU/KA/1541/2020**

The wife and the daughter filed an application u/s 12 of the DV Act against the husband seeking maintenance and compensation orders. The husband failed to appear before the trial court and ex-parte orders were passed and he was directed by the magistrate to pay an amount of Rs.5,000/- p.m. to the wife and Rs.4,000/- p.m. to the daughter till she marries as maintenance, compensation of Rs.2,00,000/-. This was challenged in the sessions court by the husband where the order was upheld. Thereafter he filed a revision petition in the High Court contending that the address where the summons was served is a vacant site and he received no summons and also that he has no income.



The Karnataka High Court held that a husband/father cannot escape from his responsibility on mere contention that he is not earning any income. However, the quantum of maintenance was reduced in case of a wife from Rs.5,000/-p.m. to Rs.3,000/- p.m.

### **Working Women are entitled to Maintenance**

#### **Vipul Lakhnupal v Pooja Sharma, MANU/HP/0443/2015**

Ever since the marriage, the wife was subjected to domestic violence by her husband. So she filed an application u/s 12 of the DV Act seeking maintenance and compensation. The magistrate acknowledging such occurrences directed the husband to pay a maintenance of Rs.5,000/- p.m. along with a compensation of Rs.10,000/-. An appeal was filed by the husband in the sessions court stating that the wife was not entitled to maintenance as she was a working woman, earning Rs.9,000/- p.m. The appeal was dismissed, hence, he moved the High Court in revision.

The Himachal Pradesh High Court held that it was absolutely clear that once the husband is an able-bodied young man capable of earning, he cannot simply deny his legal obligation of maintaining his wife. Therefore, the lawful imposition for grant of maintenance allowance. It is to be remembered that it was probably because of the fact that the husband was getting Rs.60,000/- when he was at Mumbai and his carry home salary was Rs.45,000/-, that the matrimonial relationship came into existence. It was after taking into consideration the status and the earning capacity of the husband that the marriage proposal was accepted and thereafter solemnized.

Therefore, taking into consideration the aforesaid facts, coupled with the price index and the high cost of living, maintenance of Rs.5,000/- was not held to be excessive. The High Court further held that after having rendered the wife a total destitute, the husband cannot be heard to complain that because she was earning, therefore, she was not entitled to any maintenance. Afterall, it was the circumstances created by the husband which compelled the wife to look for means to sustain herself and she accordingly took up the job of teaching.

#### **Dibya Prasad v Vikash Kumar Bari, MANU/WB/0350/2020**

An application u/s 12 of the DV Act was filed by the wife against her husband seeking interim monetary relief. The wife, who was employed as a teacher on a temporary basis, earned only Rs.5,000/- p.m. and was unable to maintain herself. Her husband was a teacher in a reputed school and earned Rs.20,000/- p.m. along with an additional amount of Rs.30,000/- p.m. by running a coaching centre. The magistrate dismissed her prayer and she appealed in the sessions court. There too, the magistrate's order was upheld. So, she moved the High Court in revision.

The Calcutta High Court held that the magistrate is bound to look into the requirement of the wife in the context of economic and social status of both the parties. In this regard, the principle of law as had been settled by the Supreme Court was that an estranged wife was entitled to maintenance considering her economic and social status even if she had some independent income. Initially, there was a mis-conception that a working lady was not entitled to claim maintenance as she had substantial earnings of her own to maintain herself. Accordingly, the orders passed by the courts below were set aside. The husband was directed to pay a sum of Rs.10,000/- p.m. by way of interim maintenance to the wife till disposal of the main proceeding u/s 12 of the DV Act.





## **A dependent wife is entitled to maintenance despite Qualifications**

### **Kanupriya Sharma v State, Crl. Rev PETITION 849/2018**

The wife was subjected to cruelty by her in-laws, even her stridhan was taken away. The wife fell sick because of the husband's neglect and was compelled to go to her parents' house in Delhi. So she filed an application u/s 12 of the DV Act. The magistrate directed the husband to pay an amount of Rs.16,500/-p.m. as interim maintenance. Aggrieved, the husband filed an appeal in the sessions court where the order of maintenance was reversed on the ground that the wife was a qualified and educated person and there was no reason mentioned as to why she was unemployed. Thereafter the wife filed an appeal in the High Court.

Setting aside the sessions court's order, the Delhi High Court held that interim maintenance is fixed on taking a prima facie view of the matter. Unless undisputed evidence is produced by the husband, clearly establishing that the wife is gainfully employed, relief of interim maintenance cannot be declined. No material has been produced by the husband to show the same.

### **Binita Dass v Uttam Kumar, MANU/DE/2870/2019**

The wife filed an application u/s 12 of the DV Act and along with it, an interim application u/s 23 for maintenance. The application was rejected by the trial court on the ground that the wife and the husband were equally qualified and the wife was previously employed and had not disclosed any cogent explanation or disability which prevented her from earning her living.

In appeal, the Delhi High Court commented that it was not the case of the husband, that his wife was actually employed or earning. The only ground taken was that she was qualified and capable of earning. The High Court held that the qualification of the wife and her capacity to earn cannot be grounds to deny interim maintenance to a dependent wife who does not have any source of income. The appeal filed by the wife was allowed and the orders of the sessions and the trial courts were set aside and the case was remitted back to the magistrate to be decided on merits.

### **Ramiz Raja v State of West Bengal, MANU/WB/0324/2020**

The wife filed an application u/s 12 of the DV Act against her husband seeking maintenance. The magistrate directed the husband to pay an amount of Rs.5,000/- p.m. to the wife and Rs.5,000/- p.m. to the minor child as interim monetary relief. On challenging this order by the husband in the sessions court, the order was modified and maintenance to the wife was increased to Rs.10,000/- p.m. Thereafter the husband challenged this in the High Court.

The Calcutta High Court ruled that there wasn't any just ground to interfere with the order passed by the appellate court on the finding with regard to the medical condition of the wife that she had incurred expenses on account of the treatment of injury suffered by her. The High Court considered the quantum of earning of the wife and that of the husband and in order to maintain equilibrium position, the monetary relief of Rs.10,000/- granted by the sessions court below in favour of the wife was modified to the extent of equated monthly instalment of Rs.5,724/- payable by the wife to liquidate the loan taken by her for the purpose of treatment of injury suffered by her.

## **Obligation of Husband to maintain Child even if Wife is Earning**

### **Manjunath v Latha B. P, MANU/KA/1186/2020**

The husband inflicted domestic violence on his wife after their marriage and thereafter deserted





her. So the wife was compelled to stay at her parents' house. So, she filed an application u/s 12 of the DV Act against the husband seeking maintenance for her and her child. The magistrate directed the husband to pay Rs.5,000/- p.m. towards maintenance of the child. Aggrieved, the wife challenged this in the sessions court where the amount was increased to Rs.12,000/- p.m. The husband filed a revision in the High Court contending that he had obtained an ex-parte decree of divorce and further, that the wife was qualified enough to earn.

The Karnataka High Court observed that merely because a divorce petition was filed by the husband and ex-parte decree of divorce was obtained, this in itself cannot be a ground to not pay maintenance. The husband being the father, cannot escape from the liability of maintaining his own child. It was the bounden duty of the father to maintain his child. The revision application against the enhancement of maintenance was partly allowed and the amount was reduced to Rs.8000/- p.m.

#### **Megha Khandelwal v Rajat Khandelwal, 2019**

The Supreme Court held that the husband has to pay maintenance to his wife even if she is well-educated. The Court enhanced the interim maintenance to Rs. 25,000 per month to be paid to the wife even though she was well-educated.

### **Payment of Educational Expenses of Children**

#### **E. Thimmappa v Roopa Thimmappa, MANU/KA/0439/2016**

The wife filed a petition u/s 12 of the DV Act against the husband seeking monthly maintenance and compensation. The magistrate granted maintenance of Rs.10,000/- p.m. and compensation of Rs.1,00,000/- to the wife, apart from directing the husband to meet all the educational expenses of their son. Feeling aggrieved by the amount, the wife filed an appeal wherein the amount of maintenance was enhanced to Rs.15,000/- p.m. This was challenged by the husband in the High Court. The Karnataka High Court, dismissing the petition, directed the husband to look after the child's educational expenses. The High Court found no illegality in the order of the sessions court and the same was affirmed.

### **Disability of Husband does not Impact Claim**

#### **Pawan Kumar v Rekha, MANU/DE/3352/2019**

The wife filed an application u/s 12 of the DV Act against her husband seeking maintenance for her and her child. The magistrate directed the husband to pay an amount of Rs.15,000/- p.m. to the wife and the daughter. The husband challenged this in the sessions court contending that he was physically disabled. Based on these pleadings, the maintenance amount was reduced to Rs.10,880/- p.m. He further challenged this in the Delhi High Court. Dismissing his petition, the High Court held that it found no reason to set aside the session court's order and upheld the same.

### **Offer of Reconciliation does not Dilute Claim for Maintenance**

#### **Abhay Kumar Singh v State of Bihar, MANU/BH/2005/2018**

After the husband died, the father-in-law refused to let the widow reside in the matrimonial house. So, she filed an application u/s 12 of the DV Act seeking maintenance and residence. The



magistrate directed the husband to pay an amount of Rs.5,000/- p.m. as maintenance and give her a room to stay in the household. When challenged, the sessions court upheld the magistrate's order. Thereafter, the father-in-law filed a revision in the High Court on the ground that the house of the petitioner at Patna did not come in the category of "shared household." The Bihar High Court interpreted section 2(s), 2(f) and 17 of the DV Act and confirmed the orders of the lower courts.

### **Krishan Chand v Jagriti, MANU/HP/0497/2018**

An application u/s 12 of the DV Act by the wife against the husband seeking protection order, monetary reliefs and compensation. The magistrate allowed the application and granted her protection by directing the husband to restrain from dispossessing or throwing the wife from the shared household, pay a monetary relief of Rs.3,000/- p.m. and also an amount of Rs.5,000/- as compensation. The husband appealed to the sessions court which upheld the magistrate's order. So he moved the High Court.

While dismissing his application, the Himachal Pradesh High Court held that the object of providing maintenance is to prevent vagrancy by compelling the husband to support his wife and children, who are unable to support themselves. Most of these provisions are not penal in nature, but are only intended for enforcement of the duty, a default, which may lead to vagrancy. Further, the object underlying maintenance is that neither party may suffer by his/her inability to conduct the proceedings for want of money or expenses.

The husband contended that he is ready and willing to take the wife back to the matrimonial home. However the court commented after perusing the husband's submissions that if he was serious about taking back his wife along with his minor children, then nothing prevented him from doing so. After all, he does not require anybody's permission to take back the respondent, who is none other than his wife. The High Court did not find any merit in the pleadings by the husband and dismissed his application.

## **Cruelty by Wife - Allegations of a False Case by Husband**

### **Jayashri v Umesh, MANU/MH/2043/2016**

The husband used to beat the wife regularly and harass her with demands for dowry. So she filed an application u/s 12 of the DV Act and a complaint u/s 498A of the IPC. The husband had obtained a decree of divorce against his wife on the grounds that she had subjected him to cruelty by an order passed by the family court. Aggrieved, the wife appealed in the High Court. The husband contended that the wife would pick up fights with his mother and family, refused to initiate physical relations with him, did not fulfil the role of a wife or a daughter-in-law in her matrimonial home and lodged false cases of domestic violence against him which also amounted to mental cruelty. The wife contended that the husband in fact, used to beat her up regularly and harassed her with demands for dowry. Reversing the decree of the family court, the Bombay High Court held that there was no proof of cruelty against the husband. It was clarified that there was not even an iota of evidence to show that any of the cases filed by the wife were false cases. For an allegation of false cases to be proven, there needs to be positive evidence to show that the wife falsely framed the husband with the intent to mentally harass him.





### Widow's claim for Maintenance

#### **Ajay Kumar v Lata, AIR 2019 SC 2600**

The widow resided in the ground floor of her matrimonial home with her in-laws in a joint family property. Her deceased husband was running a business with the in-laws; both the brothers used to take Rs.30,000/- p.m. from the said business. However, after the death of her husband, the brother-in-law was running the said business from where the widow was entitled to an equal share. So she filed an application u/s 12 of the DV Act against her brother-in-law seeking interim maintenance. The magistrate directed the brother-in-law to pay an amount of Rs.4,000/- p.m. to the wife and Rs.2,000/- p.m. to the children. The orders were confirmed by both sessions court and the Punjab and Haryana High Court. Being aggrieved, the husband filed an appeal in the Supreme Court. The Supreme Court held that prima facie case is established and requirements under section 2(a), 2(f) and 2(s) are to be fulfilled.

#### **Vasant Shirsat v Kanchan Shirsat, MANU/MH/3966/2019**

After the death of the husband, his widow was physically tortured by the father-in-law and even thrown out of the house with her child. So she filed an application u/s 12 of the DV Act seeking maintenance and monetary reliefs from her father-in-law. The magistrate directed the father-in-law to pay an amount of Rs.5,000/- p.m. as maintenance and compensation of Rs.5,000/- to the widow. When challenged, the sessions court confirmed the orders of the magistrate. The father-in-law filed a revision in the High Court.

The Bombay High Court upheld the orders of lower courts and took into account the approximate income that is derived from the lands in the hands of the father-in-law and the share of the deceased husband of the widow, and concluded that the amount of maintenance that has been granted can be said to be sufficient.

### Unmarried daughter's claim for maintenance

#### **Trilochan Singh v Manpreet Kaur, MANU/UP/2179/2019**

The daughter was being forced by her father to leave her studies and get married. She left the house to stay with her sister and was neglected by her father by not paying her any expenses to lead her life. She filed an application u/s 12 of the DV Act against her father seeking protection, maintenance, and share in the residential house. The father contended that she had left the house on her own wish, bringing disrespect to the family. The magistrate directed the father to deposit an amount of Rs.4,000/- p.m. in her bank account every month towards maintenance and make a fixed deposit of Rs.4,00,000/- in the name of the daughter. It was further directed that the father should not make any interference in the matter of the daughter and to provide her accommodation of one room with wash room, kitchen. The father had been restrained from entering the daughter's room without her permission. The father challenged this in the sessions court where it was dismissed. An appeal against this filed in the Lucknow High Court was also dismissed.

#### **Ramsagar v Rajeshwari, MANU/KA/1541/2020**

The wife and her daughters filed an application u/s 12 of the DV Act against the husband/father seeking maintenance and compensation. The magistrate directed the husband to pay an amount





of Rs.5,000/- p.m. to the wife and Rs.4,000/- p.m. to the daughters and compensation for an amount of Rs.2,00,000/-. The husband challenged this in the sessions court but was dismissed. Thereafter the husband filed a revision in the High Court contending that he does not have an income and he is working as a coolie.

The Karnataka High Court held that being a husband and father he cannot escape from his responsibility on mere contention that he is not earning any income being a coolie. However, the quantum of maintenance was reduced in case of a wife from Rs.5,000/- p.m. to Rs.3,000/- p.m. and the rest was upheld.

### **Illegitimate child has equal right in the house of the father**

#### **Dr. K.J. Mathiyalagan v Miss. Dhivya, 2013-2LW(Cr)515**

The daughter filed an application u/s 12 of the DV Act against her father seeking right to reside. The magistrate granted residence orders to the daughter. The father appealed in the sessions court contending that the daughter is an illegitimate child and never resided with him, hence, is not maintainable. The sessions court held that an illegitimate child is empowered with all the rights to enjoy equal status in life as a legitimate child and directed the father to pay an amount of Rs.15,000/-p.m. to the daughter as rent instead of staying in the same house to avoid further conflict. Aggrieved, the father appealed in the High Court. Dismissing the appeal, the Madras High Court directed the father to pay the rent amount directed to him by the sessions court and on failing the daughter was given liberty to reside in the specified portion of the father's house.

### **Rights of Women in Invalid Marriages / Relationship in the Nature of Marriage**

#### **Indra Sarma v VKV Sarma, MANU/SC/1230/2013**

In this case the Supreme Court sat to decide under what circumstances, a live-in relationship will fall within the expression "relationship in the nature of marriage".

- Duration of period of relationship– section 2(f) of the DV Act has used the expression "at any point of time", which means a reasonable period of time to maintain and continue a relationship which may vary from case to case, depending upon the situation.
- Shared household– The expression has been defined under section 2(s) of the DV Act and, hence, need no further elaboration.
- Pooling of Resources and Financial Arrangements-Supporting each other, or any one of them, financially, sharing bank accounts, acquiring immovable properties in joint names or in the name of the woman, long term investments in business, shares in separate and joint names, so as to have a long standing relationship, may be a guiding factor.
- Domestic Arrangements-Entrusting the responsibility, especially on the woman to run the home, do the household activities like cleaning, cooking, maintaining or upkeeping the house, etc. is an indication of a relationship in the nature of marriage.
- Sexual Relationship-Marriage like relationship refers to sexual relationship, not just for pleasure, but for emotional and intimate relationship, for procreation of children, so as to give emotional support, companionship and also material affection, caring etc.



- Children– Having children is a strong indication of a relationship in the nature of marriage. Parties, therefore, intend to have a long standing relationship. Sharing the responsibility for bringing up and supporting them is also a strong indication.
- Socialization in Public-Holding out to the public and socializing with friends, relations and others, as if they are husband and wife is a strong circumstance to hold the relationship is in the nature of marriage.
- Intention and conduct of the parties-Common intention of parties as to what their relationship is to be and to involve, and as to their respective roles and responsibilities, primarily determines the nature of that relationship

#### **Rajendra D. Seth v Rekha Jha, MANU/MH/3034/2014**

The wife had filed an application u/s 12 of the DV Act against her husband seeking maintenance and custody of children. The magistrate allowed her application and passed an order for her and her children. This was challenged by the husband in the sessions court which affirmed the order. He appealed against this in the High Court contending that the woman was not his wife and there was no valid marriage between them and they both were not in a domestic relationship. He pleaded that his first marriage was subsisting, hence there cannot be a relationship in the nature of marriage between them. As she is not his legally wedded wife, she cannot claim under the DV Act.

The Bombay High Court, partly allowing the appeal, held that the wife has been able to prove prima facie that she and the appellant have been in a relationship of husband and wife and if not, they are in the relationship in the nature of the marriage, hence, she certainly is entitled to reliefs under the Act.

#### **Poonam v Vijay Kumar Jindal, MANU/PH/2371/2015**

After the marriage ceremony was held in a temple, the couple started living together as husband and wife. But within four years, the husband stopped maintaining the wife and her son from her previous marriage. If she asked the reason for his sudden change, he would inflict physical torture on her in the presence of the child. So she filed an application u/s 12 of the DV Act against her husband seeking monetary reliefs. The magistrate directed the husband to pay an amount of Rs.3,000/- p.m. as maintenance. The wife had filed a revision petition for enhancement of maintenance amount before the sessions court and the husband filed a criminal revision declaring that the wife was not entitled to any maintenance under the DV Act. The revision of the husband was upheld and her petition was dismissed. Aggrieved, she moved the High Court to quash the order of the sessions court.

The Punjab High Court held that the wife has been found to be an "aggrieved person" u/s 2(a) as she had been living in a "domestic relationship" with the husband, as defined u/s 2(f), "through a relationship in the nature of marriage" in a "shared household" and she was entitled for the monetary relief from her husband, as defined in section 2(k) of the DV Act.

#### **Vinod Ratilal Solanki v Seema Kondiba Sonawane, MANU/MH/1218/2018**

The man and the woman were cohabiting in a shared household as partners and also had a child together. After sometime, the man started inflicting violence on her and refused to maintain her and their son. So the woman filed an application u/s 12 of the DV Act against her partner seeking



maintenance. The Magistrate directed the man to pay Rs.2,000/-p.m. for the maintenance of their son and Rs.2,000/- p.m. towards payment of rent periodically. This was challenged in the sessions court by the man, which upheld the order passed by the magistrate. So he filed a revision application in the High Court.

Dismissing the revision, the Bombay High Court held that the relationship between the parties was in the nature of marriage and, therefore, the application u/s 12 of the DV Act was maintainable in law and the magistrate had rightly granted interim relief. The monetary relief granted by the trial court and confirmed by the appellate court, was based on documentary evidence and the pleadings of the parties. Hence, it did not require any interference.

#### **Lalita Toppo v State of Jharkhand, MANU/SC/1476/2018**

The Supreme Court held that under the provisions of the DV Act, the estranged wife or live-in-partner is entitled to more reliefs than what is contemplated under section 125 of CrPC, 1973, namely, to a shared household also.

#### **Thakur Ram Sahu v Poonam Sahu, MANU/CG/0689/2019**

The woman was married according to Hindu rites and customs. When the husband started treating her with cruelty, she filed an application u/s 12 of the DV Act for residence orders, maintenance and compensation. The husband denied all the allegations and stated that the woman was not his legally married wife. So the magistrate rejected her application. Aggrieved by this, she appealed to the sessions court. The sessions judge directed the husband to pay an amount of Rs.15,000/- p.m. as maintenance. The husband filed a revision application.

Dismissing the appeal, the Chandigarh High Court held that it was evident that the husband had accepted the woman as his wife, and hence she was covered as an aggrieved person under the DV Act. The sessions court had found that the magistrate, on the basis of the criteria for awarding maintenance u/s 125, CrPC, did not consider the respondent as the legally wedded wife, and erred in dismissing her application filed u/s 12 of the DV Act.

#### **Shikharani v Hitendra Chudasma, MANU/MP/0517/2020**

The wife was residing in the shared household of her husband's family and there was a domestic relationship between the parties. Thereafter the husband inflicted physical as well as sexual violence on her. His family also demanded dowry. He did not maintain either the wife or their son. So she filed an application u/s 12 of the DV Act against her husband for maintenance and interim compensation.

The magistrate directed the husband to pay a maintenance amount of Rs.3000/- p.m. to the wife and Rs.2000/- p.m. to her son. Further, the court also directed the husband to pay Rs.5,000/- as compensation and Rs.1,000/- p.m. for arranging the residence of the wife. Aggrieved, the husband filed an appeal in the session's court pleading that the wife was not entitled to any benefits under the DV Act because there was no valid marriage between them and their relationship was not akin to marriage. This plea was upheld by the sessions court which reversed the order of the magistrate's court. So the wife moved the High Court.

The Madhya Pradesh High Court observed that under Hindu Law, a woman can't marry again until and unless she takes divorce from her earlier husband. She had taken divorce from her earlier





husband under the custom of her community. But even if it is presumed that the wife had not taken the mutual divorce from her earlier husband and was living with the second husband after marriage, the wife was in the status of "not legally wedded wife" but "live-in-relationship". The status of the "not legally wedded wife" does not affect the remedies of an aggrieved person under the DV Act if the conditions of domestic relationship and shared household are fulfilled. The petition of the wife was allowed, the sessions court order was quashed and the order of the magistrate was restored.

## CHILD CUSTODY ORDERS

### Custody to Mother as Child's Best Interest Considered.

#### **Sandeep Singh v Manmeet Kaur Randhawa, 2013 (2) RCR (Civil) 280**

The wife stayed in Canada with her husband and child. The husband was convicted in two offences in Canada and was deported to India along with family. In India, the wife was harassed and forced to leave India without her daughter. So, the wife got a court order from Canada to give her back her minor daughters custody. She came to India and asked husband to comply with the order which he refused. Thereafter the wife filed application u/s 12 of the DV Act seeking interim custody. The magistrate rejected it on the grounds that grounds that a) as per the Hindu Guardianship Act the guardianship of the unmarried female child is with the father and thereafter the mother; b) child is getting her medical treatment done here; c) if the custody is given to the mother, she will take the child back to Canada which will not be good for the welfare of the child. Aggrieved, the wife filed an appeal in the sessions court where the court directed the husband to hand over interim custody of the daughter to his wife. Hence the husband approached the High Court.

The High Court rejected the husband's appeal stating that the same needs to be quashed and stated that the child need not be in father's custody as it was not good for the best interest for the child as he was a convicted offender from the Canadian government. Further even if the mother takes the child to Canada there wouldn't be any harm as the child is getting better treatment there which is aided by the Canadian government. Further there is no harm at all if the minor girl child stays with her mother.

### Order restraining father from going to the children's school

#### **Amit Kumar v Charu Makin, 2017 (163) DRJ 669**

The wife filed an application u/s 12 of the DV Act against the husband seeking to restrain the husband from interfering with the custody of the minor daughter. The magistrate allowed this and restrained the husband from removing the minor child from the custody of the respondent or from having any access to the minor child or visiting the child in school or at any of the places where she went for her extra-curricular activity. The husband was merely given the visitation rights. The husband filed an application for the modification of the order and the magistrate just extended the visitation hours. Aggrieved, he filed an appeal in the sessions court which also got dismissed. Thereafter he filed an appeal in the High Court.

Dismissing the appeal, the Delhi High Court held that the husband had already availed the remedy of approaching family court and had lost his case. Hence, he is not entitled to any further relief.



# 05.

Session

## ROLES AND RESPONSIBILITIES OF PROTECTION OFFICERS

This module delves into the specific roles and duties of the Protection Officers, the challenges faced in fulfilling these roles and the interventions and solutions in enabling them to fulfill their roles and responsibilities.

The Domestic Violence Act has been long seen as an Act that paved way for the protection of women's rights in ways that the earlier legal provisions were unable to do so. Under the PWDVA, not only does it broaden the ambit of violence to include sexual, mental and economic violence but it also appointed Protection Officers as the bridge between the aggrieved woman and the magistrate. The Act also allows for the complaints of domestic abuse to be brought not only by the aggrieved women on their own or their immediate family members but by others too who may be a witness to the violence. In addition, the Act seeks to provide protection to women by supporting them with legal aid services on guidance of legal processes, medical assistance, psycho-social support and other support services. The nodal officer appointed to be the interface between the aggrieved woman and the system is the Protection Officer.

The purpose of the Protection Officers, appointed under the PWDVA, is enumerated through the roles and responsibilities that fall under Section 9 of the Act. As the Protection Officers play a critical role in interacting with the aggrieved women over a continued duration of time, their roles can be understood in stages of pre-litigation, litigation and post-litigation stages.

As per the Act, a key duty of the Protection Officer is to assist the magistrate in the discharge of his/ her functions. The Domestic Incident Report (DIR) is required to record specific incidences of domestic violence. This includes making a detailed Domestic Incident Report (DIR) of the domestic violence being faced by the aggrieved woman. The DIR contains details of the aggrieved woman such as name, age, details of the perpetrator, instances of the violence occurred. The DIR can be filed by the Protection Officer, Service Provider or Police Officer. Once the Protection Officer receives a complaint, he/ she is required to fill the DIR and inform the aggrieved woman of her legal rights under the law. The aggrieved woman is also entitled to get a free copy of the DIR. The Protection Officers are also required to send the DIR and file an application to the local magistrate's court for the initiation of a case. The DIR will also be required



to be shared with the police station.

As per the PWDVA, a court can appoint a Protection Officer to enforce its orders as the position of Protection Officer is that of a liaison between the aggrieved women and the judicial system.

## ROLES AND RESPONSIBILITIES

As per the Prevention of Domestic Violence Act, the duties and functions of Protection Officers include:

- a. to assist the Magistrate in the discharge of his functions under this Act;
- b. to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area;
- c. to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order;
- d. to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made;
- e. to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate;
- f. to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated;
- g. to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place
- h. to ensure that the order for monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974);
- i. to perform such other duties as may be prescribed.

The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.

The law is unique as it does not compel women to file criminal cases of domestic violence under Section 498 A of IPC. Even without a police case, a complaint under the Domestic Violence Act enables a woman to seek protection, maintenance, custody of children, compensation and rights to a "shared household". Thus, the role of the Protection Officer is





one of the most critical provisions of the PWDVA. The purpose of the role has been to help and support the aggrieved women in filing a complaint, getting her the required support in terms of legal aid, medical facilities and also support her during the court proceedings. According to the rules prescribed under the Act, state governments must appoint at least one Protection Officer in the jurisdiction of every judicial magistrate. They can be members of either government or non-governmental organizations, with at least three years of experience in the social sector, but they must preferably be women.

Approaching a Protection Officer is not compulsory for any aggrieved woman trying to file a domestic violence complaint. She can approach a magistrate directly through a lawyer or can approach a police station, service provider, NGO, shelter home. If a complainant first approaches the police, a court, a hospital, shelter home or non-governmental organization, these dutyholders are required to put the woman in touch with a Protection Officer.

A service provider upon receiving a complaint from the aggrieved woman is required to fill the DIR and connect with the concerned Protection Officer or send the DIR to the court. The service provider is also required to assist the aggrieved woman in getting a medical examination done and the report is to be shared with the Protection Officer or police station. In case if the aggrieved woman approaches a medical facility and has not yet filed a DIR, the person-in-charge of the medical facility must file a DIR, and forward it to the Protection Officer.

The following table details the roles and responsibilities of the Protection Officers, right from the time of filing a domestic violence complaint to ensuring the orders of the court are implemented effectively.

### **Filing a Domestic Violence Complaint**

- If a Domestic Violence complaint has to be filed, the aggrieved woman should reach out to the Protection Officer.
- As per the Act, anyone (including family member, neighbour, friend) can call, approach, write to the Protection Officer in the district to seek protection and file the complaint against the violence.

### **Approaching a Protection Officer**

- Visit/ approach over call the nearest police station and they will connect with the concerned Protection Officer.
- Visit/ approach over call the Department of Women and Child Development in the district.
- Approach the National Commission for Women or State Commission for Women and they will direct to the concerned Protection Officer.
- NGO or service providers can also be approached.

### **Filing a Complaint**

- The Protection Officer is required to write down the complaint of the aggrieved woman and share a free copy of the complaint with the woman.
- In addition, the Protection Officer will also be required to file a Domestic Incident Report (DIR) which serves as a special report for cases of domestic violence. It contains details of



the perpetrator, the details of the victims and records the specific instances of violence.

- They will also facilitate in filing a direct complaint with the Court and provide legal support to the aggrieved woman.
- The Protection Officers are required to discuss the different types of violence with the aggrieved woman and capture the discussion on the types of violence faced by her in the DIR.

### Protection and Support

- The Protection Officer is also required to prepare a plan to provide safety and support to the aggrieved woman.
- The Protection Officer will be responsible for getting the aggrieved woman (and child/ children) medical aid facilities in cases of physical injuries.
- Connect the aggrieved woman with service providers that provide legal support, psycho-social support, counselling, shelter homes and other medical facilities.
- The Protection Officers also put together a safety plan which specify the measures required for the safety of the aggrieved woman and the relief she is seeking from the Court.
- The Protection Officers will also provide information of the different legal recourses for the aggrieved woman to understand the details and scope of the legal provisions and inform them of their rights and remedies as per the law.
- If the court orders it, the protection officer is also expected to conduct home visits, write economic status reports and help the woman regain custody of her children or belongings from the abusive home.

### Police Support

As per Section 5 of the Act, every dutyholder including the Police is mandated to inform the aggrieved woman about her rights under DV act and 498 A, providing her an option of:

#### **Filing a FIR (First Information Report)**

A criminal case can be initiated against the abuser under Section 498 A of IPC. This option is available anytime during the proceedings if the aggrieved woman wishes to pursue a criminal complaint.

#### **Filing a DIR (Domestic Incident Report)**

In case if the woman does not wish to initiate criminal proceedings, then the police officer is required to make a daily diary entry about the domestic violence the woman has faced and enter the details as per the DIR forwarded to him/ her by the protection Officer. If DIR is not available, the police will get the aggrieved woman in touch with the Protection Officer.

- The Protection Officer is also required to share a copy of the DIR with the police station located in the area where the woman faced violence. The medical report can also be shared.



- The Police will also look into the matter to prevent any further acts of violence to be committed towards the aggrieved woman.

### Support during the Court proceedings

- The Protection Officer is responsible for ensuring that the aggrieved woman gains access to free legal aid through the District Legal Aid Services Authority.
- The Protection Officer is also required to ensure that the aggrieved woman and children are not pressurized or victimized during the court proceedings by the abuser.

### Ensuring the Implementation of Court Orders

- Basis the court proceedings and the issuance of orders of maintenance, interim relief, shared household, etc, the Protection Officer is required to ensure that the Court orders are implemented effectively and the aggrieved woman is able to receive the reliefs as per the Court order.

## CHALLENGES

Despite the detailed roles and responsibilities of the Protection Officers mentioned under the PWDVA, there is a gap in the objectives and the on-ground implementation of the PWDVA. Many of the challenges have been highlighted in the discussions with the participants of the training programmes. The purpose of identifying the challenges faced on the ground is to identify the root-cause and how they can be minimized and eliminated to ensure a more enhanced implementation of the PWDVA. Some of the key challenges faced by the Protection Officers on the ground include:

#### 1. Limited awareness regarding the role of Protection Officers

Many a time, women directly reach out to the police rather than the Protection Officers or directly approach lawyers. This is so because they are not even aware of the existence of the Protection Officers. More so, many of the other duty holders including police may not be fully aware of the roles and responsibilities of Protection Officers.

#### 2. Women reach out to lawyers more than Protection Officers

Another common tendency observed in many women is that they reach out directly to lawyers rather than Protection Officers as they desire to settle their cases outside courts or they file complaints with the intention that the abuser is threatened but not put away in jail. Hence, the provisions of the PWDVA are not utilized completely.

#### 3. Updation of Knowledge

Regular training and sensitization of Protection Officers, knowledge transfers with regular refresher sessions on landmark judgements, amendments in the law and other related details, clear scope of roles and responsibilities at all the three stages: pre-litigation, litigation and post-litigation and guidance on how to fill out DIRs effectively and appropriately and state support in infrastructure for Protection Officers were also mentioned as feedback that can aid the Protection Officers in carrying out their roles more effectively.





One of the good practices includes that of Karnataka, Kerala, Tamil Nadu and Maharashtra wherein supportive appointments and infrastructure facilities such as separate office space, support staff such as data entry operators, social and legal counselors and home guards have been provided. This has been highlighted as a key reason in effective implementation of their roles and responsibilities.

## SESSION PLAN

### DURATION: 90 mins - 120 mins

#### Learning Expectations

1. To have an in-depth understanding of the scope of roles and responsibilities of the Protection Officers as per the Act.
2. Understanding the detailed flow of taking forward a case when a survivor approaches either directly or through one of the duty holders.

#### Learning Objectives

1. To highlight innovative and practical approaches in providing support to the survivors.
2. To enhance understanding of the criticality of the role of POs.

#### Scope of the Session

1. To refresh the roles and responsibilities of Protection Officers as per the Law.
2. Delve into the challenges in fulfillment of the roles and responsibilities.
3. Understand the support required by Protection Officers and the interventions at different levels of governance to enable smoother coordination and function.
4. Good practice sharing and case examples.

#### Learning Outcomes

1. Platform for participants to leverage their knowledge and experiences to provide a course of action and addressing the current challenges.

#### Methodology

1. Role Play
2. Experience sharing by participants
3. Lecture on the roles and responsibilities as per the Law
4. Exercises
5. Focus group discussions (smaller groups) to discuss the challenges and solutions

#### Resource Materials

- Roles and Responsibilities of Protection Officers - The Protection of Woman from Domestic Violence Act 2005.



## EXERCISES

**Exercise 5.1 :** The facilitator/ speaker can ask the participants in brief, short questions to check their understanding of the salient points under the session. This may be done either prior to the session to check their level of understanding or may be done after the session.

### Questions can revolve around :

- Name 3 things you like best about the DV Act?
- Can you name 3 examples that will not fall under the definition of domestic violence as per the Act?
- Can you list the services providers registered in your State under the DV Act?
- What is Form 4 in the Act? Can you describe it in some details?
- At what point in the case will you fill a Domestic Incident Report?
- When will you fill form 2 of the DV Act. What are the other forms and documents you will attach with the form?
- महिलाओं के विरुद्ध हिंसा से आप क्या समझते हैं?
- घर में कितने प्रकार की हिंसा हो सकती है?
- क्या घर में यौन हिंसा हो सकती है यदि हाँ तो कौन कर सकता है?
- “शीला” की सास देर रात ऑफिस से आने पर गुस्सा करती है। ये कौन सी हिंसा?
- सुनीता का ताऊ उसे देखकर रोज उसकी तारीफ करता है। लेकिन सुनीता को पसन्द नहीं है, यह कौन सी हिंसा है?
- अपनी कमाई की रकम अपनी मर्जी से न खर्च कर पाने पर कौन सी हिंसा है?
- घरेलू हिंसा से महिलाओं का संरक्षण अधिनियम 2005 के तहत कितने दिनों के अन्दर सेशन कोर्ट में फेसला मान्य न होने पर अपील की जा सकती है?
- घरेलू हिंसा से महिलाओं का संरक्षण अधिनियम 2005 के तहत सुरक्षा आदेश के उल्लंघन पर क्या हो सकता है?
- कोई महिला घरेलू हिंसा से व्यथित हो तो उसे न्याय दिलाने का कार्य कौन करता है?
- डी0 आई0 आर0 क्या है?
- अंजना ने अपने पति के खिलाफ घरेलू हिंसा अधिनियम के तहत मुकदमा दायर किया है याचिका में अंजना ने निवास के अधिकार की मांग करते हुए अदालत से प्रार्थना की है कि आदित्य उसके और उसके बच्चों के लिए अलग से घर का इंतजाम करे और हर महीने घर का किराया जमा करे और बिजली और पानी का भुगतान करे। क्या अदालत आदित्य को ऐसा करने का आदेश दे सकती है।

**Exercise 5.2 :** The trainer can utilize case studies / caselets based on the concepts of the recent landmark judgements and ask the participants to identify the course of action that should be adopted in them. The below caselets/ case studies can be utilized.



### Caselet-1

You have filed a case for Shamina under the DV Act. Can the Magistrate criminally push her husband for acts of violence that he has done in the past.

In what circumstances can the magistrate pass a criminal order against Shamina's husband from committing acts of violence and ordering him to pay maintenance to her and her children. One week letter Shamina's husband physically abused her and makes demands for dowry. Since the Protection order is violated can the Magistrate frame charges under relevant provision of the IPC.

Name some of the selection section or other relevant laws

### Caselet-2

Rashmi Kamble approaches you. She is living with her partner for 5 years. They could not get married as her partner has a wife in the village. They have a son age 3 years from the relationship. Rashmi's partner is now threatening to throw her and son out of the house. He refuses to give her money to run the house and beats her often. Can you help Rashmi. How Domestic Relationship  
A relationship between two person who live or have lived together in a shared household [S. 2 (f)]. This can be through- blood Relationship (mothers - sons, sisters- brothers, daughters- fathers etc.) Marriage or Relationship in the nature of marriage (including legally invalid marriages) Relation through adoption Family members living together as joint family.

### Caselet-3

The wife is entitled only to claim a right to residence only in the house belonging to or taken on rent by the husband, or the house which belong to the joint family of which the husband is a member.

### Caselet-4

Carol Joseph has come to you in an emergency. Her husband has been physically abusive with her Yesterday he threw her out of the house and kept her minor daughter of three years with him. Carol fears that he is going to leave the city with her minor son. The legal aid lawyer in your area is not available. What will you do.

### Caselet-5

Hema Merchant has approved you as the protection officer. She has complaints of domestic violence against her husband. She wants you to call her husband and do some counseling and make him understand what he is going astray. How would you go about it?

### Caselet-6

Saira Bano has been brutally beaten up by her husband. She approached the government hospital. Dr. Shah from the hospital, in addition to providing medical aid has filled the DIR. He later has sent the DIR copy through the lady to you.

Is he as a doctor entitled to fill the DIR?

Who as per you can fill the DIR's?

In case a copy of the DIR filled like this reaches you, what would you do?





### Caselet-7

Ranjan Maria, an elderly man from your area has called you up saying that his maid Asha Tai has been brutally beaten up by her husband. He further tells you that when he spoke to Asha she informed him that she is unable to talk because of the physical violence. He needs some help for her. Can you help? How?

### Caselet-8

Sneha's friend call you up to inform you that Sneha's (19 years) parents have looked her up in the house and are refusing to let her go out of the home. They have even stopped her from attending college. They want to get Sneha married and are planning to take her to the village. She needs some help for her. Can you help? How?

#### केस स्टडी (1)

प्रभावती की 17 वर्षीय बेटी किरन जो कक्षा 11 की छात्रा है। उसके पिता ने उसकी शादी अपने किसी दोस्त के लड़के से तय कर दी है। किरन अभी शादी करना नहीं चाहती। उसका सपना है कि वह पढ़ लिखकर डॉक्टर बने और अपने पाँच में रहकर गरिब वालों को स्वास्थ्य लाभ दिलाये। उसकी माँ प्रभावती किरन की बात समझती है पर पति के आगे उनकी नहीं चलती। किरन बहुत परेशान है पर वह पुलिस में अपने पिता के खिलाफ शिकायत करना नहीं चाहती। वह क्या करे?

- किरन यदि अपने माया के खिलाफ शिकायत करेगी तो क्या वह सही होगा ?
- सही लड़का मिल रहा है तो किरन के माँ पिता का क्या करना चाहिए ?
- किरन को क्या करना चाहिए ?
- किरन के साथ किस प्रकार की हिंसा हो रही है ?
- क्या किरन कानून की मदद ले सकती है यदि हाँ तो कौन सा कानून?

#### केस स्टडी (2)

अपनी वैधिता के अनुसार दाम परीज टैकर 24 वर्षीय रेखा की शादी उसके माता-पिता ने मयंक कुमार के साथ की थी। रेखा ने संतुलन जाकर देखा कि उसका पति शाब और जुगल का जादी है और थोड़ा बहुत जो भी कमाता है शाब में उड़ा देता है। रेखा ने ठेकने पर वह उसके साथ मारपीट करता और अकसरली शारीरिक संबंध बनाता। एक दिन तो दुलना ज्यादा बसा कि रेखा को तुलना डॉक्टर को दिखाना पड़ा। डॉक्टर ने रेखा को आराम करने की सलाह दी जब रेखा ने फोन करते मायके वाली को बुला लिया और उनके साथ मायके चली गयी। स्वस्थ होने पर भी रेखा के संतुलन वाली ने कोई खोज खबर नहीं ली। रेखा के मायके वाली ने जब उन्हें फोन करके कहा कि रेखा अब स्वस्थ है अग्रे लोग आकर ले लवदुई, पर वो लोग उसे लेने नहीं आये तो रिपोर्टिंग के माध्यम से रेखा को संतुलन केज दिया गया। रेखा उस रहने लगी पर अनपार उसके साथ मारपीट होती रही। इसी दौरान रेखा एक बच्चे की माँ बन गयी। रोज-रोज की मारपीट से परिवार छोड़कर रेखा अपनी एक कम की बेटी के साथ मायके आ गयी। रेखा मायके में रह कर अपनी बेटी की परवरिश कर रही है। रेखा का पति रेखा और उसकी बेटी का कोई भी खर्च नहीं उठाता है और जब रेखा छोड़ने को कहती है तो वह जोड़ने को भी नहीं तैयार होता।

- रेखा को अपने साथ लेने वाली मारपीट को बदला करन चाहिए यदि हाँ तो उसे ?
- ऐसे परिस्थितियों के पैदा हुए बच्चे को पालने की जिम्मेदारी किसकी है ?
- रेखा को क्या करना चाहिए ?
- उपयुक्त समस्या में कौन-कौन से कानून से मदद ली जा सकती है ?



# 06.

Session

## TURNING THE TABLE AROUND – SEEING THINGS FROM THE PERSPECTIVES OF THE SURVIVORS

This module delves with the aspect of stepping into the shoes of a survivor, to see and understand things from his/her perspective in order to be able to enhance the effective implementation of the provisions of the PWDVA. This will also enable the participants to reflect on the importance of psycho-social support and some of the approaches adopted in communication with survivors.

One in three women are known to have suffered physical violence since the age of 15. 92% of such cases are by someone she knows. The perpetrators leverage emotional, psychological tactics to exert power and control over the survivor, often controlling her actions, abusing her and intimidating her. This not only scars an individual physically but is psychologically distressing and damaging and often leads to mental health issues. In India, recognition of mental health as a concern is also challenging. Often women do not share the extent to which they are suffering mentally for such reasons. Studies have shown that women experiencing domestic violence are at a significantly higher risk of experiencing anxiety, depression, post-traumatic stress disorder (PTSD) even to the extent of thoughts of suicide. This is so because the violence robs women of their dignity, confidence and most importantly control over their own lives. Women in such situation feel that they have little control over what happens to them and are dependent on the perpetrator for release from the cycle of violence.

It is commonly known that domestic violence has an adverse impact on not only the physical health of the women which sometimes is related to pregnancy complications, but also the mental well being of the woman and the children in the house. There is growing awareness about mental health and how domestic violence leads to mental health issues among survivors. The importance of mental health has been recognized under the PWDVA wherein it recognizes the different types of abuse under the definition of 'domestic violence.' Hence, it is critical for Protection Officers to not only understand why mental health is important but also how they can play a key role in ensuring that the aggrieved woman is getting access to the right support needed from professional experts. It is commonly known that survivors of domestic abuse are often reluctant to talk about their experiences. Hence, the role of Protection Officers becomes



even more important in dealing with them and getting information for the DIR and documenting the details of the domestic violence incidence. Here, empathy and communication – both verbal and non-verbal play a key role in ensuring that the survivor is able to feel comfortable in sharing her story in an environment she feels is safe and secure.

One of the critical skillsets required in a Protection Officer is that of empathy. Often the term is used inter-changeably with 'sympathy' however these are two very different terms. Sympathy refers to the ability of an individual to 'take part in someone's feelings, mostly by feeling sorrowful'. Empathy on the other hand refers the ability of an individual to understand the other person's feelings as if they were undergoing the same feelings. This skillset becomes particularly important while dealing with survivors of gender-based violence because the impact of violence is far more reaching than what is visible to the Protection Officer, both literally in terms of the physical abuse and in terms of mental and psychological abuse.

## DEVELOPING EMPATHETIC ATTITUDES

It is important for the Protection Officers to understand that while they deal with several domestic violence cases, every aggrieved woman is important and they are required to approach and interact with the aggrieved woman in a way to ensure that she feels comfortable and secure. It is also important for the Protection Officers to understand that the aggrieved woman continues to struggle to find support – from her family, neighbours, and is in a different frame of mind as she battles the impact of the violence. Hence, the Protection Officers most importantly should be able to provide a comfortable environment for the aggrieved woman where she feels safe and secure, unlike in her house.

Secondly, there comes a general tendency to assess the severity of each case and compare it with other cases that the Protection Officer may have been handling or seen. In such a scenario, the violence undergone by the woman is trivialized which should never be done because every woman is battling a different type of violence and her circumstances may be completely different. Hence, Protection Officers should ensure that it is not just another case but they need to look at it with a different pair of eyes and be the support that the aggrieved woman requires.

In addition, one of the most critical aspects of developing empathetic attitudes is to validate the aggrieved woman's actions – specially her reaching out to the Protection Officers for support. Many a time, women bear a burden of guilt for ruining their marriage or complaining against their abusers. However, the Protection Officer should validate her strength and efforts in seeking support to break the cycle of violence. They should not be judgemental or blame her for her behaviour or that she deserves to be beaten. In such cases, the Protection Officers are required to show support to the woman and she may begin to feel comfortable as the guilt also is relieved.

As a Protection Officer, a few habits that can facilitate the development of empathetic attitudes include:

### Active Listening (versus Hearing)

This may seem trivial but more often than not, individuals in a conversation may be hearing what is being said, not listening. 'Hearing' is wherein one acknowledges the multiple sounds around, while 'Listening' is a more focused, dedicated outlook where the individuals pay attention to what is being said and how it is being said.





Protection Officers should develop the skill of 'Active Listening' in which close attention is paid to what the woman aggrieved is saying, the words being used, how she is saying it – in order to understand and empathize more effectively.

#### **Unlearning (from previous cases)**

Many a time, having seen various types of domestic violence cases, Protection Officers may try to compartmentalize the types of violence, the support needed by the woman. From the participants experiences, it came out that counselling plays a key role in their day to day activities with several out of court settlements.

Hence, it is extremely important for Protection Officers to suspend their own beliefs and ideas about what they feel is correct. Instead, they should actively listen to the women, be non-judgemental and ensure a conducive environment is provided to them to feel comfortable.

#### **Seeing things from the perspective of the woman**

While some Protection Officers have been in the system for long, many are new joiners. Hence, it is critical that they recognize the value of empathy, of putting themselves in the shoes of the woman and understanding the obstacles and challenges the woman may have faced in seeking help and reaching out for support. This also helps in understanding to some extent, their journeys, the difficulties they have faced as they battled violence and the courage they have to speak up about it.

### **EFFECTIVE COMMUNICATION**

Communication may be considered generally as verbal communication – how Protection Officers talk and interact with the women. More than 70-80% of any communication is non-verbal in nature. This plays a significant role in building rapport and trust of the Protection Officer with the aggrieved woman. Non-verbal communication includes eye contact, gestures, body language, facial expressions, voice tone, and these are pivotal in relaying to the other individual what and how one communicates.

While these forms of non-verbal communication may seem simple, it is important for the Protection Officers to understand that survivors are victims of abuse and violence. They have experienced varying degrees of assault and abuse and hence, protection officers need to be extra-sensitive and conscious of moderating their non-verbal communication with them so as to ensure that they feel comfortable and secure.

The following explains the common types of non-verbal communication:

#### **Eye Contact**

Includes gazing, concentrating and blinking of one's eyes. Regarded as one of the most common and important mediums of communication, it is an essential part of non-verbal communication. Less eye contact from the Protection Officer's end may imply lack of interest or avoidance while increased eye contact may imply staring which may make the woman uncomfortable and not make her feel secure.

#### **Gestures**

Includes pointing at something, waving, hand movements. Hands form a key component as mediums of indicating. Protection Officers will heavily rely on gestures during filling forms or



explaining the legal provisions to the woman. However, excessive use of gestures may take away the essence of what is being said. Hence, gestures should be used moderately and most importantly, appropriately so as not to imply something different.

### **Facial Expressions**

Includes smile, frown and other expressions that convey if one is happy, sad or engaged from the conversation. It is important for the Protection Officers to be conscious of their facial expressions and maintain expressions that are neither non-judgmental nor disapproving of the women's actions. This will help in ensuring a rapport of trust and support between the aggrieved woman and the Protection Officer.

### **Voice Tone**

The moderation and modulation of the pitch and tone of the voice at which one speaks and talks to the other is extremely important as it becomes the difference between talking and shouting. Often, disinterest and boredom in the conversation is also palpable from the tone. Hence, Protection Officers should be conscious of the tone being used while communicating with women survivors.

### **Body Language and Posture**

Includes nodding, sitting with feet crossed, sitting in a laid back manner, shaking one's head, crisscrossing the arms while talking to someone, how one stands, how close one sits to the other. The Protection Officers should be conscious of their postures, should be attentive in their body language. However, one key aspect under this would be to maintain space between the aggrieved woman and the Protection Officer so that the aggrieved woman feels comfortable and secure.

## **PSYCHO-SOCIAL SUPPORT**

It is a common perception that, what is seen is abuse. Physical violence falls under this category wherein the marks of violence bear evidence of the abuse. However, many a time mental, emotional or psychological violence is not widely known as it bears little evidence on the surface. Mental health due to violence is an aspect that was recognized under the PWDVA. As per Section 3(d)(iii), "verbal and emotional abuse includes—

- a. insults, ridicule, humiliation, name calling and insults or ridicule especially with regard to not having a child or a male child; and
- b. repeated threats to cause physical pain to any person in whom the aggrieved person is interested."

This definition has expanded the ambit of the legal provisions to include non-physical violence as one of the key components of violence.

Violence has an adverse impact on the overall wellbeing of the women and children in the house. This is also correlated to the societal aspects of dowry, desire for a boy child, child marriage, among others. The degree of severity of violence is inversely proportional to the physical and mental well-being of the women, often triggering mental health issues such as anxiety, depression, PTSD, among others. It is therefore critical for the Protection Officers to understand



that women who have been suffering domestic violence may also require psychosocial support and may be susceptible to mental health issues because of the violence. In this, the psychological impact on children is also extremely important as reports indicate long-lasting impact with symptoms of anxiety, depression, aggression as common behaviours manifesting from violence.

Thus, providing psychosocial support to the survivors is considered to be a key support mechanism for every domestic violence survivor. Protection Officers should actively facilitate such support for women as part of the support services wherein the women are listened to, they can share their stories, begin to feel emotionally confident and actively address any mental health concerns.

Take the example of a pressure cooker and the purpose of a safety valve to release the pressure. It is imperative to understand that since an aggrieved woman is tackling so many fears and is hesitant to come forward, the duty holders serve as a safety valve to relieve them of the pressure and allow ventilation which helps them talk and speak freely with the duty holders. The Protection Officers should be able to empathize and understand the mental difficulties and challenges and the courage it takes to approach any duty holder. The duty holders should also try to make the woman feel comfortable, give the woman space, time, and privacy to open up, and have the right attitude when working with the aggrieved woman. It is important to realize that even when individuals tend to remember or recollect negative incidences and this can be brought out through an exercise in which the facilitator asks the participants to share any one incident from their childhood. Thus, in the case of victims of domestic violence, their support system is limited, when their family members are hurting them; and since the process becomes long-drawn and it takes them relatively longer to move past such traumatic incidences in their life.

In order to break the cycle of violence, dutyholders should delve into the reasons of aggrieved women not coming forward to report domestic violence and why they keep sustaining it for years at a stretch. It should be ensured that the aggrieved women are supported appropriately in terms of psychological support in addition to legal aid, administrative procedures and support.

## SESSION PLAN

**DURATION: 90 mins - 120 mins**

### Learning Expectations

1. Delve into seeing things from the perspective of the survivor through experiential exercises.
2. Understanding the importance of non-verbal communication.
3. Importance of psycho-social support for survivors.

### Learning Objectives

1. To encourage the participants to step into the shoes of the survivor to enable enhanced support.
2. To provide insights into how to engage and interact with survivors.





### Scope of the Session

1. Development of empathetic attitudes, especially on the part of duty holders.
2. Focus on ensuring access to psycho-social support.
3. Familiarity with non-verbal communication and body language.

### Learning Outcomes

1. Understanding of survivors' needs and the kind of support expected.
2. Familiarizing with the concept of empathy while interacting and dealing with cases.

### Methodology

1. Focus group discussions (smaller groups)
2. Experiential Exercises
3. Role Play

### Resource Materials

- [Indianexpress.com/article/india/intervention-for-psycho-social-care-for-woman-facing-violence-soon](https://www.indianexpress.com/article/india/intervention-for-psycho-social-care-for-woman-facing-violence-soon)
- Violence against women in India: Comprehensive care for survivors-Vijay Kumar Harbisheltar and Suresh Bada Math



# 07.

Session

## MULTI-SECTORAL APPROACH IN PREVENTION OF DOMESTIC VIOLENCE

This module delves with the criticality of convergence of the various dutyholders that are involved and required in the effective implementation of the PWDVA on the ground. Convergence is essential in removing barriers and identifying solutions to challenges that currently impede the effective implementation of the provisions of the Act.

It is important for all dutyholders to recognize and understand that at the Centre of all decision-making related to the implementation of the legal provisions of the PWDVA lies the aggrieved woman. The role of the Protection Officers is to ensure that all actions are taken with the best interest of the survivor in mind. Given the nature of the Act and the various dutyholders such as police, magistrate, service providers, among others, increased degree of collaboration, coordination and convergence is essential to remove obstacles that are currently creating barriers in the delivery of justice for the aggrieved woman.

Section 5 of the PWDVA enumerates the duties of the registered dutyholders including the police officers, service providers and magistrate. It is mandated that if an aggrieved woman reaches out to any of the registered dutyholders, they are mandated under Section 5 of the Act to make her familiar with her rights under the PWDVA and Section 498 A, IPC.

A police officer, protection officer, service provider or magistrate, who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person:





- a. of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;
- b. of the availability of services of service providers;
- c. of the availability of services of the Protection Officers;
- d. of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987);
- e. of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant.

Provided that nothing in this Act shall be construed in any manner so as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

Thus, the role of the key dutyholders in the effective implementation of the PWDVA is extremely critical in ensuring that timely and effective support is provided to the aggrieved woman.

## REGISTERED DUTY HOLDERS

### Law Enforcement/ Police

As elaborated under Section 5, the police constitute an important duty holder. Many a time, the aggrieved women reach out to the nearest police station for support. Like every dutyholder, they are mandated to inform the aggrieved woman about her rights – both under PWDVA and Section 498 A of IPC. Hence, not only are the police required to be well-versed with the legal provisions and the PWDVA but also support the women in reaching out to the Protection Officers.

### Magistrate

The Magistrate plays a key role in the effective implementation of the provisions of the Act, especially in the context of orders related to interim relief, maintenance orders and most importantly the interpretation of the Act. The Act delves into the detailed roles and scope of the responsibilities of the Magistrate including the mandate to inform the aggrieved woman about her rights under both PWDVA and Section 498 A, IPC.

### Medical Personnel

Medical personnel play a key role, especially in cases of physical violence to determine the extent of the injuries and violence. As per Section 7 of the PWDVA, 'if an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.' Access to medical personnel should be provided to all aggrieved women and the dutyholders should ensure that they are getting access to the right resources.





### Service Providers

Section 10 of the PWDVA highlights that organizations that work with the 'objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act'. Service providers also constitute as a key dutyholder and are able to provide guidance and multiple types of support to the aggrieved woman and also play an instrumental role in the rehabilitation of aggrieved women in society. Section 21 of the Act states that members of service providers while pursuing the implementation of the Act will be deemed to be public servants.

### Mental Health Experts

Mental health experts state that psycho-social support are essential for the aggrieved women. They are able to facilitate and provide a platform for the women to share their issues. Often, because mental health issues are not apparent, they are not given enough importance. However, mental health is essential for the overall wellbeing of the aggrieved women. Thus, mental health experts are a key dutyholder in protecting and safeguarding the victims' overall health and well-being.

### State / Central Governments

As per Section 11 of the PWDVA, the Central Government and every State Government, should take measures to ensure:

- regular awareness generation among masses through mediums of radio, television and print regarding the provisions of the Act,
- sensitization of duty holders and government officials so that they can be empathetic when they have to deal with domestic violence cases.
- effective coordination between the different departments, dutyholders and services with regular reviews of the same.

Coordination between departments is essential for timely and effective implementation of the PWDVA on the ground. Participants shared that one of the most-commonly faced challenges on the ground include lack of coordination among departments and key dutyholders as a result of which the process is highly delayed, adversely impacting the aggrieved woman.

### Shelter Homes

As per Section 6 of the Act, it is the duty of the shelter homes to provide shelter to an aggrieved woman, on the request of the woman herself, Protection Officer or service provider on her behalf. The participants however shared that given the poor conditions of the shelter homes, women, often accompanied by their children, do not want to go into shelter homes. This causes them to return to the house of their abuser in many cases.

## NON-REGISTERED DUTY HOLDERS

### Parents/ Neighbours / Witness to Domestic Violence

The Act provides for anyone, cognizant or a witness to domestic violence, may file a complaint. This is a step further from Section 498 A IPC wherein only limited members could file the



complaint and increases the responsibilities of the witnesses to such acts of violence. Under Section 4 (1) of the Act, "any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer."

In such a scenario, sometimes the situation can be misinterpreted as well in which case Section 4(2) of the Act provides that 'No liability, civil or criminal, shall be incurred by any person for giving in good faith of information for the purpose of sub-section (1).'

## COUNSELLING OF THE AGGRIEVED WOMAN

During the course of the training programmes, several participants had shared their experiences of counselling and the understanding of their roles to include counselling of the aggrieved woman at the time of filing the complaint. In some cases, their abusers and family members were also called with the intent to protect her marriage.

**Section 14(1)** of the Act provides for counselling of the aggrieved woman when the Magistrate, at any stage of the proceedings, may direct the woman – either individually or jointly – "to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed." This clearly provides that counselling may be done on the orders of the Magistrate by a service provider who has relevant experience.

The Protection Officers may be needed to facilitate and ensure that the aggrieved woman is receiving access to the required counselling, however they need not undertake the activity on their own. Since the Act provides for trained psycho-social support experts, the Protection Officers should be mandated to not carry out counselling as it is outside the scope of their roles and responsibilities as per the Act. Section 14 (2) even specifies that if the aggrieved woman is to undergo counselling as per the directions of the Magistrate, the next date of hearing of the case would be within a period not exceeding two months.

The purpose of this session is to bring to the table the multiple dutyholders who play a critical role in the effective implementation of the Act. While every duty holder has their set of defined roles and responsibilities and accompanying challenges, it is important for them to work in coordination with each other in identifying the barriers and possible resolutions so that there is no hinderance in the implementation of the Act in its letter and spirit.

## SESSION PLAN

**DURATION: 90 mins - 120 mins**

### Learning Expectations

1. Importance of multi-sectoral convergence for the effective implementation of the Act on the ground.
2. Identify challenges, bottlenecks and possible solutions for the dutyholders as per the Act can work in coordination and collaboration.



### Learning Objectives

1. To understand the role of dutyholders and service providers in providing support to the survivors.
2. To identify challenges and convergence of ideas to address the gaps in the prevention of domestic violence.

### Scope of the Session

1. The participants and speakers, drawing on their experiences of challenges, share the areas where more coordination is needed from other duty holders.
2. The purpose is to identify these sets of challenges and the possible solutions for the effective implementation of the Act on the ground.

### Learning Outcomes

1. Promote a closer cooperation and networking of all relevant dutyholders.
2. Exchanging knowledge and good practices.

### Methodology

1. Panel Discussions
2. Case Studies
3. Exercises
4. Role Play

### Resource Materials

#### READINGS :

1. **Press Information Bureau Government of India Ministry of Women and Child Development**  
<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1576055>
2. **Report on Implementation of the Protection of Women from Domestic Violence Act, 2005**  
<http://ncwapps.nic.in/AnnualReports/200708/Eng/Annexure4.pdf>
3. **Twelve years since the Domestic Violence Act, how well do protection officers help women in need?**  
<https://scroll.in/article/830882/twelve-years-since-the-domestic-violence-act-how-well-do-protection-officers-help-women-in-need>
4. **No Justice, Inadequate Implementation Even After Ten Years of the Domestic Violence Act.**  
<https://thewire.in/gender/domestic-violence-act-no-justice-implementation>





## THE WAY FORWARD

Domestic Violence is a form of violence plaguing the entire world. The Covid-19 Pandemic and the ensuing lockdowns aggravated the intensity and frequency of abuse across the spectrum with the women facing a range of challenges including increased space-sharing with their abusers in the same house, lack of opportunities to reach out for help, increased workload with the lockdown, increasing mental health challenges, loss or reduced access to economic opportunities and livelihood, among others. As a result, the incidences of domestic violence increased manifold, not only in India but across the globe.

As part of the training programmes, several participants as well as resource persons shared strategies and the steps they had taken to effectively combat the rise in domestic violence cases and provide support to the aggrieved women. Some of the approaches that can be adopted and enhanced, going forward, include:

### **AWARENESS, SENSITIZATION AND EDUCATION PROGRAMMES**

One of the key barriers that hinder the effective implementation of the Act on the ground is the lack of awareness and education not only among the masses but also the dutyholders and key officials under the Act.

#### **a) For the masses :**

Regular campaigns through print media, television, radio can be run with the objective to highlight the legal provisions that deal with domestic violence and abuse, types of domestic violence, the role of Protection Officers and the dutyholders who can be approached for filing complaints. The objective is to spread awareness and educate the masses so that they are aware of the provisions of the Act and can convert from by-standers to responsible citizens in arresting domestic violence.

#### **b) For the dutyholders and other key officials involved in the effective implementation of the Act:**

Regular training programs with the objective of sensitization of duty holders under the Act, particularly Protection Officers, should be taken up from time to time to ensure that they are equipped with the right resources and knowledge to effectively assist and support the aggrieved woman. This is also to ensure that the duty holders are able to develop empathetic attitudes in dealing with the aggrieved woman.

### **STATE SPECIFIC RESOURCE POOL WITH TIER-WISE TRAINING PROGRAMMES**

For the effective implementation of the Act, it is critical to develop state specific resource pools of trainers, especially Protection Officers as they are dealing with the aggrieved women on a daily basis. It is suggested that:



- All newly inducted Protection Officers should undergo an Induction Training Programme which would provide the fundamentals of the PWDVA, the details of the roles and responsibilities and aid in their delivery of their duties.
- Incremental training programmes for Protection Officers in the system based on their knowledge and tenure so that the training programmes are not generic but customized to their learning needs.

Developing state specific resource pools will also aid in the identification and creation of service providers, mental health experts and medical personnel which will make the implementation of the PWDVA on the ground more effective.

## **CONVERGENCE AND COORDINATION AMONG DUTY HOLDERS**

The most important factor in the successful implementation of the Act is the multi-sectoral convergence and coordination among the duty holders under the Act. The objective is to understand the role of dutyholders and service providers in providing support to the survivors, identify challenges and convergence of ideas to address the gaps in the prevention of domestic violence, promote a closer cooperation and networking of all relevant dutyholders and exchanging knowledge and good practices. This should include representation from the police, mental health expert, public prosecutor, judiciary, service provider, survivors, Women and Child Development Departments, State Commissions of Women, among others.

## **LEVERAGING TECHNOLOGY**

In this day and age where technology advancement is rapid, it is critical to recognize the need to leverage technology in the most effective way to connect with aggrieved women, especially during the lockdowns. Effective ways should also be adopted to maintain databases which can be shared at a national level to provide visibility on the status of domestic violence cases, the percentage of cases where court orders have been passed but not implemented effectively. This will aid in building and strengthening the response mechanism towards eliminating domestic violence. Similarly, resources to equip and support the duty holders can be collated that will aid in effective discharge of their duties.

## **SHARING OF BEST PRACTICES**

Several districts, duty holders, state departments adopt unique strategies, campaigns and approaches to tackle domestic violence. Sharing of such best practices at a national level will serve as a reinforcing mechanism for the duty holders to think out of the box and get recognized for their initiatives and also provide a ready reference for other states and districts to adapt. This will serve in building a resource repository for shared learning that can go a long way in the effective implementation of the Act on the ground.

## **LEARNING EFFECTIVENESS OF THE PROGRAMME**

On Day One, all the participants were asked to fill in their responses to a Baseline Questionnaire. The questionnaire was designed in a way to gauge the existing conceptual understanding of the participants with aspects related to sex and gender, intersectionality, laws and provisions related



to protection of women from domestic violence and the role of Protection Officers. The responses to the base line questionnaire served to provide the current understanding of the participants and the average score was 40.9%. Each answer was allocated a marking scheme based on which the average score of all the participants at the start of the training programme was 40.9%.

In order to gauge the incremental difference in the understanding of the participants following the first five day training programme and to derive the learning effectiveness of the programme, the participants were asked to fill the Endline Questionnaire. We received a total of 24 responses of the questionnaire of which 17 were valid and eligible while the rest were incomplete and hence could not be considered for the overall score. Of these 17 eligible responses, 16 participants saw an increase in their knowledge - ranging from 42.6% to 2.8%. The overall score of the endline questionnaire was 56.7% thereby representing an increase of 15.8% of learning effectiveness for almost all participants.

## FEEDBACK ANALYSIS

Feedback from participants forms a critical component of the training programme. Both written and verbal feedback is requested from participants with the objective to refine and enhance the content, methodology and quality of the training programme. This became all the more important as the entire training programme was held online. 22 responses were received as part of the feedback. Of this, 90% of the participants rated the overall programme as 'Extremely Effective', 5% as 'Very Effective' and 5% as 'Moderately Effective'. Feedback was also taken on the various sessions held over the course of the five day programme and on the effectiveness of the guest speakers.

The participants shared that their key takeaways included an enhanced understanding of their roles and responsibilities, provisions of the Act, various updations and landmark judgements, subject understanding and most importantly awareness. Many of them shared that they are returning to the field with a more nuanced understanding of how they can play a critical role and bring about a difference. Many participants also acknowledged the importance of multi-sectoral coordination and inter-departmental coordination to get justice for the aggrieved woman. They also shared several on-the-ground challenges and removing those barriers will help in effective implementation and carrying out of their duties.





## KEY FEEDBACK INPUTS

### **i. Building increased interaction between various departments and multi-sectoral dutyholders for more effective approach in implementation of the PWDVA.**

The participants shared that increased and recurring interactions and coordination between the State Women & Child Development Departments and the Protection Officers will serve as a platform to not only address several challenges that are faced by them on the ground; but will also help in providing a coordinated approach in dealing effectively and equipping the Protection Officers in carrying out their roles and responsibilities. It was also suggested that for the upcoming training programmes, representatives from the Women & Child Development Department are invited to attend the training and initiate a dialogue on the resolution of the challenges faced by the Protection Officers on the ground.

### **ii. Awareness Campaigns on the role of Protection Officers among the public and masses.**

In case of any incident of domestic violence, the first instance is to reach out to the police. However, with the help of awareness campaigns across various media platforms, it should be highlighted that the Protection Officers are the right dutyholder so that women and family members can reach out to the POs at the earliest.

### **iii. Effective delineation of roles and responsibilities of Protection Officers.**

Many participants, while sharing the on-ground challenges, highlighted that often they are responsible for an entire district which becomes challenging given the increasing instances of violence against women. They often engage in counselling, which was highlighted during the training, was beyond the scope of their roles and responsibilities, yet a lot of their time goes in it. Hence, an exercise of defining effective description of roles and responsibilities as per the PWDVA will aid in laying out their scope of work and help in effective implementation and carrying out of their duties.

### **iv. Development of Standard Operating Procedures (SOPs)**

Many participants, during interactions, shared that while each and every process is defined under the PWDVA, subjectivity flows in with each case. Hence, if SOPs in dealing with different types of scenarios through case studies, FAQs and recurring trainings can be done, it will prove to be very effective.

### **v. Recurring Training Programmes**

The initiative of this dedicated training for Protection Officers was widely appreciated and it was shared that such training programmes for POs will help in strengthen their capacity further. Updation of knowledge especially in terms of recent landmark judgements aids the Protection Officers in effectively understanding the legal provisions, how they are interpreted and can be used in effectively guiding the aggrieved woman. Recurring knowledge updation training programmes, focused on key aspects like landmark judgements, case studies, best practices, non-verbal communication, will aid the Protection Officers in staying up-to-date and carrying out their duties effectively.



## Training Programme for Protection Officers in Addressing Domestic Violence घरेलू हिंसा के समाधान में सुरक्षा अधिकारियों के लिए प्रशिक्षण कार्यक्रम

### Baseline & Endline/ Pre- Post Training Questionnaire

National Gender & Child Centre, Lal Bahadur Shastri National Academy of Administration, Mussoorie, would like to evaluate your learning from this training programme. Please answer the following questions. Your answers will remain anonymous. You will need to generate a unique code which **you would need to repeat when filling in the Endline questionnaire.**

To generate your unique code, please select the first letter of your first name and last name and add your date of birth. If your name is Arvind Kumar and birth date is 1<sup>st</sup> Jan 1980, unique code will be: AK01011980.

Please fill your unique code here \_\_\_\_\_

### आधारभूत/पूर्व-प्रशिक्षण प्रश्नावली

नेशनल जेंडर तथा चाइल्ड सेंटर, लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी, मसूरी, इस प्रशिक्षण कार्यक्रम से आपके ज्ञानार्जन का मूल्यांकन करना चाहती है। कृपया निम्नलिखित प्रश्नों के उत्तर दें। आपके उत्तर गोपनीय रहेंगे। आपको यूनिक कोड बनाना होगा जिसे आपको एंडलाइन प्रश्नावली भरते समय दोहराना होगा।

अपना यूनिक कोड बनाने के लिए, कृपया अपने पहले नाम और आखिरी नाम के प्रथम अक्षर का चयन करें और अपनी जन्मतिथि को शामिल करें। यदि आपका नाम अरविंद कुमार (Arvind Kumar) और जन्म तिथि 1 जनवरी 1980 है, तो यूनिक कोड होगा: AK01011980

कृपया अपना यूनिक कोड यहां भरें \_\_\_\_\_

1. Please read the following statements and identify whether they relate to sex (S) or gender (G).

1. कृपया निम्नलिखित कथनों को पढ़ें और चिह्नित करें कि वे सेक्स (एस) या जेंडर (जी) से संबंधित हैं या नहीं।

		Sex (S) सेक्स S (एस)	Gender (G) जेंडर G (जी)
a) क)	Men have beards, women have babies पुरुषों की दाढ़ी होती है, महिलाओं के बच्चे होते हैं		
b) ख)	Women are better nurses and child carers, and men make better drivers and masons महिलाएं बेहतर नर्स और बच्चों की देखभाल करने वाली होती हैं तथा पुरुष बेहतर चालक और राजमिस्त्री बनते हैं		
c) ग)	Women should be shy and quiet महिलाओं को शर्मीली और शांत होना चाहिए		



d) घ)	Men are physically stronger than women and hence are able to do heavy lifting work पुरुष शारीरिक रूप से महिलाओं की तुलना में अधिक शक्तिशाली होते हैं और इसलिए भारी वजन उठाने का काम करने में सक्षम होते हैं		
e) ड.)	Men should not wear colours like pink, purple but should wear more neutral colours पुरुषों को गुलाबी, बैंगनी जैसे रंग नहीं पहनने चाहिए बल्कि तटस्थ (neutral) रंग पहनने चाहिए		
f) च)	Only women should keep long hair केवल महिलाओं को ही लंबे बाल रखने चाहिए		
g) छ)	Men are more intelligent to take financial decisions पुरुष वित्तीय निर्णय लेने में अधिक बुद्धिमान होते हैं		
h) ज)	Woman always needs protection as she is more vulnerable than man महिला को हमेशा सुरक्षा की आवश्यकता होती है क्योंकि वह पुरुष से अपेक्षाकृत अधिक असुरक्षित होती है।		
i) झ)	Woman needs maternity leave more than a man needs paternity leave as she has to take care of the child महिला को पुरुष के पितृत्व अवकाश से अपेक्षाकृत मातृत्व अवकाश की अधिक आवश्यकता होती है, क्योंकि उस बच्चे की देखभाल करनी होती है		
i) ञ)	Girls play with dolls and boys play with cars/blocks लड़कियां गुड़िया से खेलती हैं और लड़के कारों/ब्लॉकों से खेलते हैं		

2. For the questions below tick the right option - (T) stands for true, (F) stands for false  
2. नीचे दिए गए प्रश्नों के लिए सही विकल्प पर निशान लगाएं - (टी) T का अर्थ है 'सही', (एफ) F का अर्थ है 'गलत'

- a) Gender varies with time and place (T) or (F)  
क) जेंडर समय और स्थान के साथ बदलता रहता है (सही) या (गलत)
- b) Gender equality is not about taking into account difference, disadvantage and diversity between men and women. (T) or (F)  
ख) लैंगिक समानता का अर्थ पुरुषों और महिलाओं के बीच अंतर, नुकसान और विविधता को ध्यान में रखना नहीं है। (सही) या (गलत)
- c) Gender equality includes equal treatment of women and men, (T) or (F)  
ग) जेंडर समानता में महिलाओं और पुरुषों के साथ समान व्यवहार करना शामिल है। (सही) या (गलत)
- d) Sex is by nature and cannot be changed easily. (T) or (F)  
घ) जेंडर प्रकृतिप्रद है और इसे आसानी से बदला नहीं जा सकता है। (सही) या (गलत)





e) Gender is not binary (men and women) but includes members of LGBTIQ+ community. (T) or (F)

ड.) जेंडरद्विवर्णी (पुरुष और महिला) नहीं है, बल्कि इसमें एलजीबीटीआईक्यू+ समुदाय के सदस्य शामिल होते हैं। (सही) या (गलत)

f) Domestic violence is a form of gender based violence. (T) or (F)

च) घरेलू हिंसा जेंडर आधारित हिंसा का रूप है। (सही) या (गलत)

g) Women should avoid travelling in night because of safety reasons, and if some untoward incident takes place, they are responsible for it. (T) or (F)

छ) महिलाओं को सुरक्षा कारणों से रात के समय यात्रा करने से बचना चाहिए, और यदि कोई अप्रिय घटना होती है, तो वे इसके लिए जिम्मेदार हैं। (सही) या (गलत)

h) The increased usage of mobile affects girls more adversely than the boys of same age. (T) or (F)

ज) मोबाइल का बढ़ता उपयोग लड़कियों को समान उम्र के लड़कों की तुलना में अधिक प्रतिकूल रूप से प्रभावित करता है। (सही) या (गलत)

i) The clothes a woman wears speak a lot about her character. (T) or (F)

झ) महिला जो कपड़े पहनती है वह उसके चरित्र के बारे में बहुत कुछ बताते हैं। (सही) या (गलत)

j) Women face domestic violence when they disobey the husbands. So to avoid violence it is their duty to always obey the husbands. (T) or (F)

ञ) पति की अवज्ञा करने पर महिलाओं को घरेलू हिंसा का सामना करना पड़ता है। इसलिए हिंसा से बचने के लिए उनका यह कर्तव्य है कि वे हमेशा पति की बात मानें। (सही) या (गलत)

3. Name any three legislations or legal provisions addressing issues of domestic violence in India.

3. भारत में घरेलू हिंसा के मुद्दों का समाधान करने वाले किन्हीं तीन कानूनों या कानूनी प्रावधानों के नाम बताइए।

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

(iii) \_\_\_\_\_

4. State any five duty-holders who deal with cases related to Domestic Violence.

4. घरेलू हिंसा से संबंधित मामलों से निपटने वाले किन्हीं पांच कर्तव्य-धारकों (duty-holders) का उल्लेख कीजिए।

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

(iii) \_\_\_\_\_

(iv) \_\_\_\_\_

(v) \_\_\_\_\_



5. Tick the correct option.

5. सही विकल्प को चिह्नित करें।

A. According to PWDVA 2005, Domestic violence includes –  
(ए) पीडब्ल्यूडीडब्ल्यूए 2005 के अनुसार, घरेलू हिंसा में शामिल हैं -

a) Physical Violence \_\_\_\_\_  
क) शारीरिक हिंसा \_\_\_\_\_

b) Emotional Violence \_\_\_\_\_  
ख) भावनात्मक हिंसा \_\_\_\_\_

c) Sexual Violence \_\_\_\_\_  
ग) यौन हिंसा \_\_\_\_\_

d) All of the above \_\_\_\_\_  
घ) उपरोक्त सभी \_\_\_\_\_

6. Classify the following whether it is a myth or fact

6. निम्नलिखित को वर्गीकृत करें कि क्या यह मिथक है या तथ्य है

	Statement कथन	Myth or Fact मिथक या तथ्य
a) क)	It's alcohol that causes men to be violent. शराब ही पुरुषों को हिंसक बनाती है।	
b) ख)	Profession of women does not determine their partner's violent behaviour. महिलाओं का पेशा उनके साथी के हिंसक व्यवहार को निर्धारित नहीं करता है।	
c) ग)	Violence is part of our culture. हिंसा हमारी संस्कृति का हिस्सा है।	
d) घ)	Domestic quarrels and beatings are characteristics of the lives of uneducated and poor people. घरेलू झगड़े और मारपीट अशिक्षित और गरीब लोगों के जीवन की विशेषता है।	
e) ङ.)	Only married women are the victims of violence केवल विवाहित महिलाएं ही हिंसा की शिकार होती हैं।	
f) च)	The incidences of domestic violence have gone down in lockdown times comparatively as spouses could spend time together. घरेलू हिंसा की घटनाओं में तुलनात्मक रूप से लॉकडाउन के समय में कमी आई है क्योंकि पति-पत्नी एक साथ समय बिता सकते थे।	



g) उ)	When there is family violence, it is not only the perpetrator's fault but also that of the woman जब पारिवारिक हिंसा होती है तो दोष केवल अपराधी का ही नहीं, बल्कि महिला का भी होता है।	
h) ज)	If women continue to stay with their abusers, it means that they enjoy it silently. अगर महिलाएं घरेलू हिंसा करने वाले के साथ रहना जारी रखती हैं, तो इसका अर्थ है कि वे चुपचाप इसको सहती हैं।	
i) ज)	Domestic violence is an occurrence of the past when people were more violent and uncivilized. घरेलू हिंसा अतीत की घटना है जब लोग ज्यादा हिंसक और असभ्य होते थे।	

Name \_\_\_\_\_

नाम \_\_\_\_\_



## GLIMPSES OF THE PROGRAMME



**Shri Kunwar Pal**  
Hon'ble Minister of Education,  
Tourism and others, Govt of Haryana



**Ms. Meeta Rajivlochan**  
Member Secretary,  
National Commission for Women



**Shri A. Asholi Chalai**  
Joint Secretary,  
National Commission for Women



**Ms. Sarojini Ganju Thakur, IAS (Rtd.)**  
Gender Expert



**Adv. Flavia Agnes**  
Legal Scholar on  
Women's Rights and  
Founder of Majlis



**Dr. E. Aravind Raj**  
Associate Professor of  
Psychiatric Social Work,  
Department of Psychiatric Social Work,  
NIMHANS, Bangalore



**Adv. Audrey D'Mello**  
Director, Majlis



**Ms. Kanchan Khattar**  
Sr. Legal Coordinator,  
National Commission for Women



**Dr. Shalini Phansalkar Joshi**  
Former Judge,  
Bombay High Court



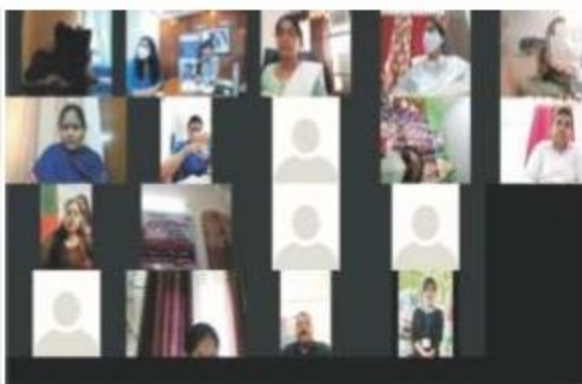
**Ms. Geetanjali Goel**  
Special Judge (PC Act-CBI),  
New Delhi



**Shri Arif Sheikh Hussain, IPS**  
Director, State Anti-Corruption Bureau and  
Economic offences Wing, Chhattisgarh



**Shri Nishant Yadav, IAS**  
District Collector, Karnal, Haryana





**Shri Atul Srivastava**  
Senior Public Prosecutor,  
Delhi High Court



**Shri Satyendra Kumar, IAS**  
District Magistrate,  
Mahoba



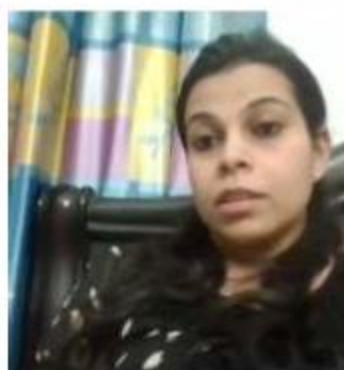
**Dr. Khyati Garg, IPS**  
Deputy Commissioner of Police  
Lucknow



**Ms. Naazneen Bhasin, IPS**  
DIG, RTC, Haryana



**Ms. Smriti Singh**  
Program Manager, UP & MP with LNJ  
Skill Development Industries



**Dr. Sakshi Dalal**  
Assistant Professor, Jamia  
Milia Islamia, New Delhi







Training Programme  
for Protection Officers  
in Addressing  
**DOMESTIC VIOLENCE**

28<sup>th</sup> June to 02<sup>nd</sup> July, 2021

*Report*



## Schedule

### DAY ONE – 28<sup>th</sup> June, 2021

- **Session One**  
Inaugural Session 117
- **Session Two**  
Understanding Gender and Domestic Violence 120

### DAY TWO – 29<sup>th</sup> June, 2021

- **Session Three**  
The Wheel of Power and Control 122
- **Session Four**  
Impact of Covid on Household Violence 124
- **Session Five**  
“Chuppi Todd” – An Innovative Campaign 126

### DAY THREE – 30<sup>th</sup> June, 2021

- **Session Six**  
Overview on Legal Provisions on Domestic Violence 129
- **Session Seven**  
Roles and Responsibilities of Protection Officers 131

### DAY FOUR – 01<sup>st</sup> July, 2021

- **Session Eight**  
Turning the Table Around – Seeing Things from the  
Perspective of the Survivor 132
- **Session Nine**  
Multi Sectoral Approach in Prevention of Domestic Violence 134

### DAY FIVE – 02<sup>nd</sup> July, 2021

- **Session Ten**  
Group Work Presentations 138
- **Session Eleven**  
Feedback Analysis 141
- **Session Twelve**  
Valedictory Session 142

**Vote of Thanks 144**



## PURPOSE

Domestic violence affects women from every social background irrespective of their age, religion, caste, or class. To minimize the cumbersome position of law, be it procedural or substantive, the Protection of Women from Domestic Violence Act, 2005 was enacted to protect the women from acts of domestic violence. During the COVID 19 pandemic situations emerged the country and the subsequent lockdowns have led to increase in the reported incidents of domestic violence due to various reasons - women were confined with their abusers for long periods of time, their mobility was restricted, loss of livelihoods and income and an increased burden of household chores and care giving, all of which resulted in a massive increase in cases of domestic violence.

The Pandemic highlighted more than ever before the necessity of coordinated services for violence being available. Declared as a shadow pandemic by the United Nations, WHO appealed to all governments to include services for survivors of gender-based violence into the essential services package. The MoHFW order reflected this and MWCD directed all OSCs shelter homes, Protection Officers etc. to continue to provide services to women survivors of violence.

A key role is played by the Protection Officers who are appointed under the Protection of Women from Domestic Violence Act, 2005, who serve as the interface between the aggrieved women and the magistrate. The increase in domestic violence and the need for coordinated services for survivors of domestic violence has made the role of the POs particularly critical at this time when we are going through an unprecedented second wave of Coronavirus. However, the challenges faced by POs are many that hinder the effective implementation of the Act and in dealing the cases especially during the pandemic.

The Training Program for Protection Officers in Addressing Domestic Violence is a collaboration between National Gender and Child Centre, Lal Bahadur Shastri National Academy of Administration (NG&CC) and National Commission of Women (NCW), Delhi. The training was designed to address the specific needs of POs to respond to survivors of Domestic Violence, especially during the pandemic.

The key objectives of the training included focusing on the following:

- Capacity building and knowledge updation of POs regarding domestic violence, its causes, forms and impact on survivors and their children.
- Principles of gender sensitive psycho-social support to survivors Domestic Violence.
- Understanding the challenges faced by the POs in effective implementation of the Act.
- A multi-sectoral approach and coordination among dutyholders under PWDVA, 2005.
- Role of different dutyholders/service providers under the Act including police, legal aid services, health system, service providers, shelter services, one stop centres etc.

As part of this collaboration, a set of five trainings are being organized for the states of Uttar Pradesh, Haryana and West Bengal. The first virtual training was scheduled from 28<sup>th</sup> June to 02<sup>nd</sup> July, 2021.

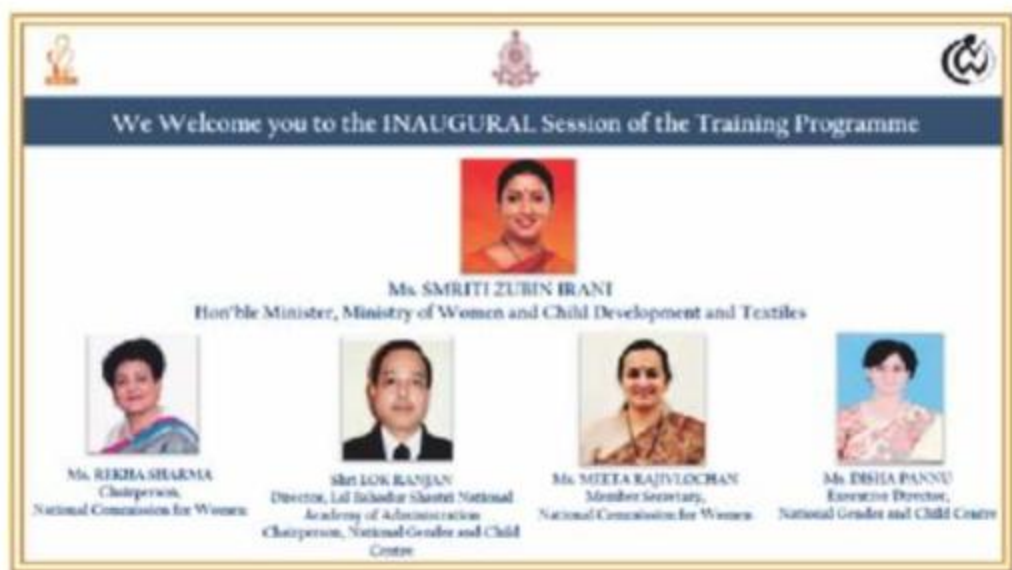




# 01.

DAY

## 28<sup>th</sup> June, 2021



The first set of training programs began with Dr. Anupam Talwar, Deputy Executive Director, National Gender & Child Centre (NG&CC), welcoming the chief guest, Ms. Smriti Zubin Irani, Hon'ble Minister, Ministry of Women and Child Development and Textiles, Ms. Rekha Sharma, Chairperson, National Commission for Women, Shri Lok Ranjan, Director, Lal Bahadur Shastri National Academy of Administration and Chairperson, National Gender and Child Centre (NG&CC), Ms. Meeta Rajivlochan, Member Secretary, National Commission for Women, Ms. Disha Pannu, Executive Director, National Gender and Child Centre (NG&CC) and all the participants to the first virtual training program for Protection Officers in Addressing Domestic Violence.

### INAUGURAL SESSION

She invited Ms. Meeta Rajivlochan, Member Secretary, National Commission for Women, to present the Welcome Address. Ms. Rajivlochan stressed the importance of training the key officials, especially the Protection Officers who play a critical role in implementing the Protection of





Women from Domestic Violence Act, 2005. With examples from states and data, she shared that while there had been a slow and steady improvement as per the National Family Health Survey results, there is an enormous scope of improvement, and it is critical that the Protection Officers are trained and adequately equipped in order for the effective implementation of the Act.

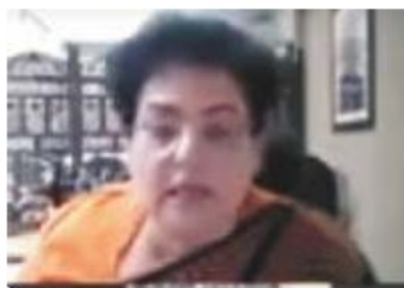
Shri Lok Ranjan, Director, Lal Bahadur Shastri National Academy of Administration and Chairperson, National Gender and Child Centre (NG&CC), was then invited to address the



participants. Welcoming the dignitaries to the inaugural session, he emphasized the role of the institutions in training officers who play a vital role in the implementation of the Act. He added that the purpose of training like this is exceptionally pivotal in understanding the on-ground situation and taking steps to strengthen the interface between the system and the victim. He added that the feedback for the first training is significant as it will help in further enhancing the next set of training programs. He requested the participants to elaborate on their experience

in dealing with this issue and the problems that they experience.

Ms. Rekha Sharma, Chairperson of National Commission for Women, was invited to address all



participants. Speaking of the long-standing partnership with the National Gender and Child Centre (NG&CC) on various capacity-building programs for Chairpersons and State Commissions for Women members. She shared that as per the records and data, there had been some decreases in statistics during the pandemic, domestic violence matters increased, and there is a greater need for gender sensitization. She shed light on the various initiatives the National Commission for Women adopted during the lockdown to address these challenges, including

launching a WhatsApp helpline number that helped connect them with several women in need.



She thanked Ms. Smriti Zubin Irani, Hon'ble Minister, Ministry of Women and Child Development and Textiles, for encouraging the authorities' capacities for more effective implementation of the legal frameworks. She emphasized that the purpose of the training for Protection Officers is a step in this direction to build their capacities so that they can interface with victims in a more effective and empathetic manner by providing them with the right kind of information and support.



She expressed a vote of thanks to all the dignitaries and the Lal Bahadur Shastri National Academy of Administration, for partnering with the National Commission for Women on such training. She urged the participants to share their feedback to build on the learning from this training program for the upcoming ones.

Ms. Disha Pannu, Executive Director, National Gender and Child Centre (NG&CC), welcomed the chief guest for the programme, Hon'ble Smt. Smriti Zubin Irani, Hon'ble Minister for Women and Child Development and Textiles for her inaugural address. Ms. Smriti Zubin Irani, Hon'ble Minister, Ministry of Women and Child Development and Textiles, the chief guest for the programme, was then invited for the Inaugural Address. She shared that it was a presumption that solutions on the ground would become readily available for women with the passage of laws. However, there is a gap in the implementation which makes this training programme even more relevant and essential, and she thanked National Gender and Child Centre (NG&CC) and National Commission for Women for the training.



She highlighted how 1/3rd of married women have experienced domestic violence and have been harassed, and even those who have not been married are also subjected to domestic violence from the age of 15 years. As per National Crime Records Bureau (NCRB), in 2019, 36% of violence cases were registered under cruelty by the husband and his relatives. More than 7000 women were harassed and killed due to dowry issues, but only 550 cases were registered with the Protection of Women Domestic Violence Act. These statistics highlight areas where gaps exist in the translation of the implementation of the Acts.



Thus, the purpose of this training is to ensure awareness to Protection Officers who serve as a bridge between women and the administration, and even they face challenging situations. Hon'ble Minister shared the initiatives such as 'One-Stop Centres' where women can get all their aid - social, medical, legal and police under one roof. In these 30+ helplines, 490,000 women have registered calls from the state of UP alone; the use of projects worth 9000 crores were initiated under the Nirbhaya Fund, and Central Victim Compensation Fund set up in each state and responsible for sending compensation to the victim. She thanked Ms. Rekha Sharma, Chairperson, NCW, for being available throughout the lockdown period for women's issues. On her behalf, she also requested that since this training session is a first, everyone should please share their feedback on how it can be enhanced and made more effective.

Ms. Disha Pannu, Executive Director, National Gender and Child Centre, presented the Vote of Thanks and placed on record her thanks for Ms. Smriti Zubin Irani, Hon'ble Minister for Women







violence." She stressed the role of Protection Officers who play a crucial role in implementing the Protection of Women from Domestic Violence Act, 2005.

She began the session by asking the participants to draw from their personal experiences and share if they felt privileged to be born male or female. Participants shared different perspectives of how differences existed right from households between boys and girls regarding nutrition, education, clothing, travel restrictions at night. This was further explained in the context of the difference between 'sex' and 'gender'; while the first is biological, the latter is socially constructed. She explained how gender is not static but has changed from time to time to include a third gender besides the male and female binary forms.

This brought out the intersectionality of the issue and how it intersects across vulnerabilities. As duty holders, one needs to be conscious of the dynamics of intersectionality and how violence is reinforced, normalized and perpetuated in households, occupations, communities and society. A quiz followed this to understand the context and shed light on the current violence against women and children issue.

A clipping of Ms. Kamla Bhasin from Satyamev Jayate was also shown, which brought out the inherent patriarchy existing in society, how it infuses with gender-based violence, particularly domestic violence and how men and women, both are brought up with patriarchy and how it manifests itself in terms of access to nutrition, education, occupation, right to life, property, among others.



Through examples of Bell Bajao Aandolan, Chuppi Todd Campaign by a District Magistrate in Himachal Pradesh and many such campaigns, she stressed the increasing need to be conscious and internalize how gender is integrated and manifested in our day to day life. Ms. Thakur explained how gender is an inescapable part of everyone's lives; she explored the difference between formal and substantive equality through examples. She added that a conscious effort of 'Inclusion' needs to be made to understand the evolving nature of gender and identities and include them as part of any policy discourse.

She highlighted that each participant had the potential and authority to change things for the better, and several interventions and changes can be taken up. She focused on shifting the focus from reaction to prevention and gradual elimination of violence with increased accountability and ownership by leaders. This was followed by an interaction session in which the participants shared their perspectives and experiential learnings.





# 02. DAY

## 29<sup>th</sup> June, 2021



Day Two of the program began with a brief recap session with a few participants sharing key takeaways and learnings from the previous day's sessions. This served as a refresher for all the participants on the key concepts discussed the previous day before the sessions for Day two began. Escort officers were also assigned from within the participant pool to introduce the guest speakers and present the vote of thanks for them. This was done to allow the participants to gradually open up within the group and participate actively in the

proceedings of the sessions.

### SESSION - 3: THE WHEEL OF POWER AND CONTROL

*Ms. Flavia Agnes and Ms. Audrey D'Mello*

Ms. Flavia Agnes is a women's rights lawyer who has worked consistently on gender and law reforms. As co-founder of MAJLIS, a legal and cultural resource center, her direct engagement has provided quality legal services to women and children. She has played an essential role in bringing women's rights to the forefront within the legal system and in contextualizing issues of



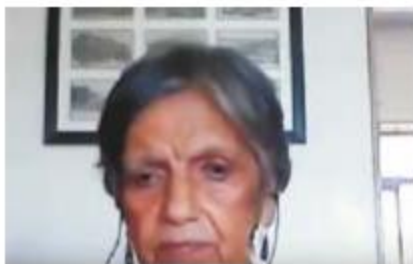
gender and identity. Adv. Audrey D'Mello has been working at Majlis since 2006. She heads Majlis' comprehensive program on Gender and Law, which involves legal representation and social support of women and children in sexual and domestic violence cases, legal rights training, and campaigns for policy-level interventions. She has helped evolve several collaborations with the government to ensure the effective implementation of laws.

The focus of this session was to deepen the understanding of the participants on the dynamics of domestic violence, identify defining influencing factors, recognize the cycle of violence and its markers and enhance knowledge on reasons for lack of reporting, barriers for victims. Ms. Flavia Agnes began by explaining the prevalence of dowry deaths, harassment and the emotional and





mental pressures in the 1980s, which paved the way for the domestic violence act, wherein the provisions for the criminal offense were made. The social climate was also such that women were discouraged from registering complaints, were asked not to air their issues in public. Statements such as 'things like these happen between couples' were commonly used and this only belittled the struggle and ill-treatment being faced by them.



Ms. Audrey D'Mello highlighted that when domestic violence was initially declared as a criminal offence, the drawback was in the relief being sought by the woman where on the one hand, she was seeking monetary compensation and appropriate behaviour from her husband and on the other registering a case of domestic violence was leading to her husband being punished. Hence, the need for a civil law was felt and the demand garnered momentum intending to address the issue before the violence began. The new law came into force in 2005 and has played a critical role from the involvements of the courts, the protection officers, shelter homes, police and service providers. She underlined the pivotal role of 'Protection Officers', the participants appointed under the Act to be the bridge between the victim and the dutyholders. As time progressed, the volume of cases rose, giving way to the domestic violence act and rules for which there was a lot of training conducted in different states. Ms. Agnes outlined that the role of Protection Officers was highly critical in supporting the aggrieved women, which includes filing a report, getting a shelter home and helping the woman with the process. She highlighted that while the general perception and understanding among many is that one of the roles of Protection Officers is counselling, she emphasized that their role focused on supporting the woman, as per the Act.



The session was participatory, and many of the Protection Officers shared their experiences and challenges. Many of the participants spoke about cases where they had helped victims of domestic violence in filing FIRs, assisting in the entire judicial process, and arranging for stays in shelter homes when women were turned away from their homes. Replying to participants' questions and clarifications, Ms. Agnes explained that initially, the protection officers were required to both counselling and reconciliation, which prevented them from filing DIRs, however this was discontinued the focus on supporting women on filing DIRs. Addressing situations wherein resolutions and reconciliations occurred, Ms. Agnes emphasized that even after issues get resolved initially, there is always a chance of violence later. Therefore, their primary role is to help women with the necessary documents and procedures to go about it.





Ms. Audrey D'Mello added that though there is a general bias in approaching the court or the police, these institutions are for the convenience and security for women. She also said the one-stop centres were paramount in giving support and encouragement to aggrieved women to take their case of domestic violence ahead.

Sharing her personal experience Ms. Agnes narrated her journey – from being a victim of domestic violence to a lawyer advocating for women's rights. She shared that when she had reached out for assistance, she was counselled repeatedly and even filed a case, but no action was taken. She added that domestic violence did not just constitute physical assault but included emotional breakdown, mental harassment, and financial violence recognized in the Act. She stressed that it is critical for the Protection Officers to be empathetic and supportive because by the time a woman approaches the authorities, she is already broken and frustrated. Hence, the Protection Officers should offer the proper guidance and support to the aggrieved women.

This was followed by experience-sharing and question-answer session with the participants. The escort officers for the session thanked Ms. Flavia Agnes and Ms. Audrey D'Mello for their valuable inputs and learnings from the session.

## SESSION-4: IMPACT OF COVID ON HOUSEHOLD VIOLENCE

*Ms. Rekha Sharma*

The next session was of 'Impact of Covid on Household Violence' and the speaker was Ms. Rekha Sharma, Chairperson, National Commission for Women. NCW has been setting up new



milestones under her leadership with the latest being the Commission's campaign with the National Legal Services Authority on empowering women through legal services, temporary measures to address the challenges faced by women during the pandemic including launching one of its kind WhatsApp helpline number for women besides the robust complaint registration system already in place. She was also the pioneer in setting up a special 'Happy To

Help" taskforce during the pandemic to help the elderly during lockdown, helping them with medical emergencies and essential goods. The Commission under her leadership has paved the way for several initiatives and interventions in empowering women and dismantling gender stereotypes.

The focus of this session was to determine factors associated with an increase in domestic violence incidents during COVID-19, analyze state agencies' responses, the strategies and advocacy efforts to assist survivors, and draw from the participants' experience on the challenges and how domestic violence cases were tackled during Covid. Ms. Sharma shed light on the interventions and initiatives driven by NCW during the pandemic and also highlighted the





underlying root causes from which domestic violence originates. She highlighted that while generally domestic violence initiates from home and for married women, it also occurs outside the home and for unmarried women by their family members. She also stressed that the general perception of domestic violence is to be in the form of physical assault, mental and emotional harassment, use of foul language, etc. also constitutes domestic violence.



She emphasized the underlying differences within households in which boys and girls are raised differently, and the discrimination stems from there itself. The way society treats women is extreme - on one end, she is worshipped as a goddess, and on the other, she is on the receiving end of violence. Contrary to commonly believed, she observed that domestic violence is equally prevalent in well-educated families as in low educated ones. Women in low educated families are still more courageous to stop the ill-treatment by calling the police or asking neighbours for help, but women from more educated families stop themselves from reaching out for help fearing loss of stature in society. Ms. Sharma emphasized the role of cinema in reducing the role of women to a lesser species than men through such depiction in movies. Such is the effect of this phenomenon that women too start accepting mistreatment as a regular part of their life. When a girl sees her mother being mistreated, she internalizes it as normal behaviour and so does a boy when he sees his father ill-treat his mother. It is therefore essential that children from the start are told the difference between acceptable and non-acceptable behaviours.

She mentioned how in the pandemic time there was a massive surge in the cases of domestic violence. To deal with them, NCW started a WhatsApp helpline. Many complaints were received through the helpline, and with the support of the police and one stop centres, NCW was instrumental in supporting women in seeking shelter or filing an FIR, as per the requirement in each case. Looking at the rise in cases, NCW has also pondered upon changes in the Protection of Women from Domestic Violence Act which was brought in 2005, 15 years ago and the suggestions have been shared with the government.



Addressing the Protection Officers, she emphasized the critical role they play in working for a more significant societal change. It is not possible for all women to reach the police at times, but they can be supported even with sufficient help from the Protection Officers. She stressed on the fact that it was important







for the women to have financial security and independence. Uttar Pradesh had been the topmost state from where domestic violence complaints had come during the lockdown. She hoped that in the future this could change through the actions and efforts of the Protection Officers on the ground and the close collaborative effort of all dutyholders to create a gender neutral society. The session was followed by experience-sharing and questions and answers. The participant designated as the Escort Officer for the session thanked Ms. Rekha Sharma for her valuable time and guidance.

## SESSION - 5: "CHUPPI TODD" – AN INNOVATIVE CAMPAIGN

*Shri Arif H Sheikh*

The speaker for this session was Mr. Arif Sheikh, an Indian Police Service officer of the 2005 batch Chattisgarh cadre, has held several postings including SP Balod, Bilaspur and Bastar, SSP

**Plan of Action**

Under the guidance of DPO, 1 team, worked after the instance → Simultaneously, followed up the status of the case registered in last 2 years → At the initial point of this complaint, the team received detailed ground reality.

For various issues, team started the surface visit → Random field visits to ensure things which required attention.

Raipur and is currently serving as DIG/ Director State Anti-Corruption Bureau/ EOW (C.G.). His campaigns such as 'Har Head Helmet' in addressing road safety and 'Chuppi Todd' campaign to address domestic violence, especially during the pandemic have been widely recognized. He is a recipient of several international awards, including IACP's fourth 40 under 40 award for Young Police Leadership (2019), FICCI Award for women safety for Samvedna

initiative in Bilaspur (2018) and International IACP award in 2017 and 2016 for community policing initiatives in Bastar and Balod.

He was welcomed by the participant designated as the Escort officer for the session. He began by sharing that he was stationed in Raipur when the lockdown period started and would receive 2-3 domestic violence complaints per day. As the period increased, the complaints started increasing to 10-12 per day. Amidst that, an incident occurred that forced them to direct efforts in the area of domestic violence. A murder was reported in the village area where a woman had brutally killed her husband and in-laws. On probing, it was found that during lockdown, the family

members were in constant tantrum and turmoil. The woman had been beaten because of less salt in the food cooked, which enraged her and killed them. He mentioned that violence is not seen as a problem, and a mindset shift is also required first to understand that violence exists and is an issue. Only then can interventions and solutions be designed to address the issue.





He shared that this incident drove him to identify women who might be vulnerable to domestic violence. His team looked up past records of women who had registered complaints against their husbands, in-laws, in the past 3 years. Collating such records from several stations, his team made a dossier and asked the women police personnel to call up these women, checking on their well-being and breaking their silence, hence 'Chuppi Todd'. Despite proactive efforts, there were challenges indirectly connecting and conversing with women, since all family members were in the house at that time. Many times, the husbands would pick up the phone and would not let them talk to their wife. They had to guise as personnel from the election commission or welfare commission to talk to women to deal with this. To further ease it for them, they prepared a questionnaire for which the women had to just reply in a yes or no. This helped them to know their situation and made it easy for the women to talk without letting their family members doubt.

According to him, intervention at an early stage was capable of solving things before they got out of hand. The questionnaire responses helped them identify potential victims of violence, and they went for random checks. These measures helped a lot in also spreading awareness among women. He said that he has observed that if the police are proactive and are out to help the people, they get more support from them in being able to complete their tasks. Social media is a significant channel of communication these days, and campaigns like these should be popularized through that medium. His

team also started a helpline on WhatsApp and extended to other women issues including rape. On frequent police visits, they would act on the spot depending on the severity of the situation. He also shared that there were complaints from men regarding violence from their wives, though the ratio was significantly less. In such cases too, they took appropriate action depending on the severity of the situation. He received complaints from several states apart from Chattisgarh, such as Uttar Pradesh, Gujarat, and Rajasthan and he was able to connect them with the S.P.s in the respective states for action.

Next, Mr. Sheikh spoke about their unique initiative called 'Samvedna' that was implemented in Raipur. He shared the incident which prompted him to create such private cells for women. As S.P., Bastar, he had visited a police station where he found a six-year-old girl, crying and bleeding profusely. He was told that she had been raped by a man living nearby. On being asked to sit inside the station, the girl and her father refused to sit inside. This got him thinking, and he

Next, Mr. Sheikh spoke about their unique initiative called 'Samvedna' that was implemented in Raipur. He shared the incident which prompted him to create such private cells for women. As S.P., Bastar, he had visited a police station where he found a six-year-old girl, crying and bleeding profusely. He was told that she had been raped by a man living nearby. On being asked to sit inside the station, the girl and her father refused to sit inside. This got him thinking, and he



recognized the lack of a proper facility for aggrieved, victimized women, and he worked towards creating one. The result was 'Samvedna' centres - from the exterior look to the environment inside, it was made sure that it helps women approach the police and discuss their grievances freely. It also offered women staff private space for their hygiene requirements to boost their morale. They also created a Samvedna committee led by women personnel who were in charge of the Samvedna centre. Any woman who approached the station would first go to the Samvedna centre. Every committee comprised a female doctor, a lawyer, social worker and police personnel who support and guide the woman according to the requirements.

To ensure women save the helpline numbers run by them, he ran another campaign called 'Rakhi



with Khaki'. This initiative aimed to inculcate the faith among women that the police are there to protect them just like a brother would. Using the occasion of Rakshabandhan, he urged the women to come and tie rakhis to police officers and click a selfie with them. This selfie had to be sent on their helpline number. A reward was promised for participating in this campaign. As a result, they got close to 50,000 selfies that day. This initiative also got recorded in the Limca Book of Records and the Guinness Book of Records.

Mr. Sheikh shared that the value of connecting with the people to do such initiatives is a part of organizational values. Under 'Chuppi Todd' the team registered 2500 complaints and 80% of them were solved only through guidance and discussions. Direct intervention was required in less than 10% cases. He emphasized the cooperation and synergy between duty holders and departments within the system to help the people. This was followed by experience-sharing and interactions between the participants and Mr. Sheikh, bringing Day to close.





# 03.

## 30<sup>th</sup> June, 2021

### DAY

Day Three of the program began with a brief recap session with a few participants sharing key takeaways and learnings from the previous day's sessions. The escort officer then welcomed the first speaker of the day.

## SESSION - 6: OVERVIEW ON LEGAL PROVISIONS ON DOMESTIC VIOLENCE

### Ms. Geetanjali Goel

The speaker for the session was Ms. Geetanjali Goel. After practicing for some years, she joined the Delhi Judicial Service in 2003. Have presided over several jurisdictions such as Civil Court, Court of Metropolitan Magistrate, Mahila Court, Juvenile Justice Board. Got promoted as Additional District and Sessions Judge in 2014 and, after that have presided over Motor Accident Claims Tribunal, Civil Court, Special Fast Track Court (dealing with Rape Matters). She has also been the Director of National Legal Services Authority and Special Secretary of Delhi State Legal Services Authority; and also a Member of the Committee which drafted the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

Before commencing the session Ms. Geetanjali Goel took an overview of the challenges faced by the participants. Most of them stated that they were faced with cases of men marrying for a second time despite being in the first marriage. Equally high were the cases of aggrieved women not returning to their own homes and stuck with their husband's second marriage. Ms. Geetanjali stated that patriarchy is a big reason why women faced domestic violence in our country. When an intimate partner tries to control or pressure their female counterpart into doing anything by force or sexual assault it is domestic violence. The perpetrator tries to control the woman in some way. A majority of deaths in such cases are due to dowry. This means that cases of violence are even more in number.

The common reasons for domestic violence were alcoholism, dowry issues, financial issues, frustration due to lockdown and the overall pandemic situation. Due to lockdown, the cases have risen significantly. Even children have been vulnerable to violence during this period.



For many women, she said physical violence had become customary, the partner caring or loving them after hitting them made them feel this was a regular thing. The portrayal of women in Indian society has led to the belief that actions like these are acceptable. Women are viewed as property of men, which enables them to take all their life decisions and treat them as they wish. Lack of financial dependence, no recognition of her role in the house, excessive patriarchal dominance are reasons women are disadvantaged. The consequences of this are grave, and it is seen that children who see their mothers in a situation of domestic violence are more likely to engage in similar behaviours with their spouses later on. Hence, domestic violence in the family affects not just the woman but also the children - physically, mentally, and emotionally.

A case study was discussed with the participants, inviting their responses for the best solution to the described situation. They were guided on the legal provisions of handling the situation in such cases and answered their queries. Next, Ms. Geetanjali discussed international conventions on domestic violence. Laws in India also take inspiration from these conventions. Under that

### Case Study

- Sunita has been married to Ramesh for 8 years. She has one son aged 5 years and one daughter aged 2 years. She was subjected to frequent dowry demands and beatings by her husband and in laws and finally thrown out of the matrimonial home. Her children were also kept by her husband and in laws. She has no source of income either. Her stridhan and other items were also retained by her in laws. She approaches you. What advise would you give her?



influence, child marriage and female infanticide had started being abolished in India from the 20<sup>th</sup> century onwards. Dowry related issues however, saw legal provisions later on. Legal provisions of domestic violence present before the Act were discussed. The inclusion for dowry related provisions came about only after women started a campaign regarding it in 1980. Next the Evidence Act was discussed. In cases of bigamy, Ms. Geetanjali mentioned

that the divorce facilitated by the panchayat was not legally accepted and hence a woman who has married such a man can put a case against him for not separating from his first wife. She also mentioned ways in which a woman can seek relief in the court based on provisions of the civil act.

Other ways of seeking relief for domestic violence are possible through matrimonial law. It is applicable as per the religion of the applicant. Senior citizens who are being mistreated by their son & daughter-in-law seek relief under the Senior Citizens Act. She also talked about Hindu adoption and maintenance act which applies to widows. The need for the domestic violence act was felt due to the lack of a comprehensive law for women's issues. The act is not just for

married women, but also for unmarried women who feel harassed by their immediate family members. Towards the end of the session, a case study was discussed and Ms. Geetanjali clarified the doubts of the participants. She also discussed the Supreme Court judgement of shared household in Satish C. Ahuja vs Sneha Ahuja case.







## SESSION -7 : ROLES AND RESPONSIBILITIES OF PROTECTION OFFICERS (PRE-LITIGATION, LITIGATION AND POST-LITIGATION)

*Adv. Flavia Agnes and Adv. Audrey D'Mello*

Ms. Audrey was welcomed for her session by Mr. Manoj Kumar Pushkar. She started the session with a poll regarding the role of protection officers. It was discussed with the participants. She said that the domestic violence act is important because it provides all relief to women under one window. In general, there is an understanding that the probation officers should do everything to protect a woman from getting harassed and, as far as possible, avoid going to the court.



It was observed that despite having a civil and criminal act, domestic violence cases were not being recorded. She explained in detail how different dutyholders - the police, medical officer, shelter home provider were responsible for bringing up a victim to the Protection Officers. Often when women approached the police, they would counsel her and her spouse, but it would not help in the long run. Most

EP DV Data	18-20	21-25	26-30	31-35
No data from				
Agra, Deoria,				
Faizabad,				
Kanungo,				
Maharajganj,				
Mathura,				
Pratapgarh				
Muzaffarpur				

such women succumbed to death from violence later. Ms. Audrey also shared the 4-year statistics from several UP districts, showing the decrease in several reported cases.

As laid down in the domestic violence act, she explained in detail each of their duties under the various sections, highlighting how critical their role was – right from filing the DIR to spreading awareness and guiding the aggrieved woman about the choices in front of her. From receiving the information from an aggrieved woman to providing information & referral, giving support to go ahead in the court - each of these plays a critical role in delivering justice to a woman. She explained the different sections from the Act and the requisite forms to fill to tackle different requirements of the aggrieved woman. The session underlined the various roles and responsibilities that the Protection Officers must shoulder and take practical steps to carry out their duty.

Lastly, Ms. Flavia added that there is a need for a functional model for this act. There is a need for other national agencies to come forward and help create one such model so that it can be implemented in all the states. The session ended with participants highlighting some of the day-to-day challenges they face in the field and discussing the steps to resolve them.







# 04. DAY

## 1<sup>st</sup> July, 2021

### SESSION - 8 : TURNING THE TABLE AROUND: SEEING THINGS FROM THE PERSPECTIVE OF THE SURVIVOR

*Dr. E Aravind Raj*



Day Four of the program began with a brief recap session with a few participants sharing key takeaways and learnings from the previous day's sessions. Dr. E. Aravind Raj is currently working as Additional Professor of Psychiatric Social Work, Department of Psychiatric Social Work, NIMHANS, Bangalore. He holds a Ph.D. Psychiatric Social Work, Department of Psychiatric Social Work, NIMHANS, Bangalore. He has partnered with various state government and central government ministries on capacity building, sensitization, training of

trainers projects. His areas of interest include community mental health, development of mental health educational aids, psychosocial care in disaster management and Coordination with International, National level NGOs and CSR initiatives for collaborative work in mental health.

Dr. E. Aravind Raj began by thanking the NG&CC for integrating the mental health component as part of the training; adding that the objective of the training is to learn, become aware, change the mindset and attitude, update oneself, cross-learning, among others. He asked each participant to get up from their chairs, close their eyes and walk around. This was done for about 2 minutes before the participants were asked to share how they felt while walking around with their eyes closed. Participants shared that they felt relieved, fresh; some had to stabilize their balance and found it difficult to walk with their eyes closed. Dr. Raj then asked what their

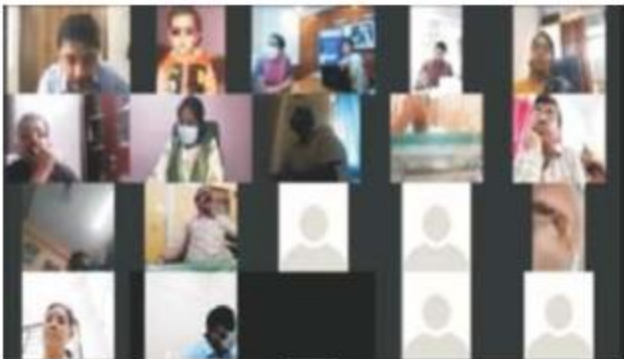
reactions would be if they were to walk with their eyes closed for 10 minutes. Some of the participants shared that it would be difficult and they may hurt themselves. He then drew a parallel between the participants walking with their eyes closed and victims of domestic violence. He emphasized that





victims are fearful, unable to move despite being familiar with their surroundings and finding it difficult to move. Hence, while interacting with victims and women, he stressed the need for the right attitude, especially from the outlook of duty holders, so victims can open up and trust the duty holders in supporting them.

Dr. Raj then asked the participants to remember one childhood incident. Several participants shared their experiences – some spoke of situations where they got hurt or injured, were not able to perform on stage; were beaten by parents. Dr. Raj highlighted that of all the happy memories that each participant has had, they recalled negative or unhappy incidents from their childhood. He shared that when the participants cannot forget these adverse incidents that happened so long ago, it must be so difficult for the victims of domestic violence and sexual abuse to forget these incidences and move past them. He



emphasized that the participants could overcome these adverse incidents with the support of their family and loved ones. However, in the case of victims of domestic violence, their support system is limited, when their family members are hurting them; and since the process becomes long-drawn, it takes them longer to move past such traumatic incidences in their life.

Comparing psychosocial support to 'salt' in food, which is extremely necessary but only in adequate amounts so that the aggrieved woman is supported appropriately in addition to legal aid, administrative procedures and support. He asked the participants to share why aggrieved women do not come forward to report domestic violence and keep sustaining it for years at a stretch. The participants shared how threats of physical harm to the women or the children, fear of being ostracized or not being believed, shame or guilt can be probable reasons.

Another example he shared was a pressure cooker and the importance of a safety valve to release the pressure. Dr. Raj emphasized that since an aggrieved woman is tackling so many fears and is hesitant to come forward, the duty holders serve as a safety valve to relieve them of the pressure and allow ventilation which helps them talk and speak freely with the dutyholders. He encouraged the Protection

### ACTIVE LISTENING

- **Sitting Squarely**
- **Open mind/open posture**
- **Leaning Forward**
- **Eye contact**
- **Relaxed position**



### VENTILATION



- Giving space for the client to express his/her emotions/problems.
- Ventilation might occur in any form such as complete silence or crying or expressing anger or expressing helplessness or expressing discomfort.
- Allow them to do so without much interruptions.
- It helps to understand the problem and its source.
- It helps to build the comfort, rapport and trust between the Client and the counselor.





Officers to empathize and understand the mental difficulties and challenges and the courage it takes to approach any duty holder. The dutyholders should also try to make the woman feel comfortable, give the woman space, time, and privacy to open up, and have the right attitude when working with the aggrieved woman.

He also touched upon the importance of non-verbal communication through the SOLER model and the criticality of active listening and gestures. He stressed that dutyholders need to be aware and sensitive to short-term symptoms like children not wanting to go to school, unexplained body aches, self-harm, running away from home, etc so that necessary actions can be taken to ensure long-term rehabilitation. An interaction with the participants followed this.

### **SESSION-9: MULTI-SECTORAL APPROACH IN PREVENTION OF DOMESTIC VIOLENCE**

*Ms. Suman Malik & Ms. Madhu, Shri Arif H Sheikh, Ms. Audrey D'Mello, Dr. E. Aravind Raj, Shri Atul Srivastava, Ms. Shalini Phansalkar Joshi*

The next session was on Multi-Sectoral Approach and the objective behind the session was to understand the role of dutyholders and service providers in providing support to the survivors, identify challenges and convergence of ideas to address the gaps in the prevention of domestic violence, promote a closer cooperation and networking of all relevant dutyholders and exchanging knowledge and good practices. The speakers included police representatives, mental health experts, public prosecutor, judiciary, service provider, and a survivor.



The first speaker of the session was Ms. Suman Malik, a survivor of domestic violence. She shared that she was married with great difficulty as she only had her mother and brother in the family. Within a week of her marriage, Ms. Suman was harassed and beaten for not getting enough dowry. The incidents only increased with physical injuries and harassment. Ms. Malik shared that despite multiple attempts at approaching the police, no formal complaint was registered. There was a time when even the DCP was requested however, the husband and his family ensured that a formal complaint was not registered. Ms. Malik shared

distressing instances of being locked, of her phone being taken away. She then shared about reaching out to the National Commission for Women through the 181 helpline number and the instant help provided by Ms. Madhu, the Protection Officer and the entire team with the assistance of the police. Ms. Madhu, the Protection Officer who supported Ms. Malik, had accompanied her for the session and threw light on the one-stop centres and the entire gamut of services and support provided under one roof. She stressed the need for awareness of One Stop Centres and the role of Protection Officers so that women in need can reach out to the right people for support which can avoid delays.

The second speaker of the session was Mr. Atul Srivastava. He is a Senior Public Prosecutor in Delhi High Court. Mr. Atul Srivastava began by sharing how, while the role of public prosecutors is limited under the PWDVA, the role and responsibilities of the Protection Officers are pivotal. Drawing from his experiences from the time he was in Mahila Court, he spoke of marital issues.





He highlighted that efforts are also made to save the matrimony which is why in many cases, FIRs are not registered under 498A directly. He highlighted that if violence occurs in front of the magistrate, service providers or any of the other duty holders, it can and should be considered in the decision-making of the case. He also highlighted that earlier, under 198 A of CrPC, only relatives could file an FIR, not neighbours. However, as per the PWDVA, the FIR can be filed by anyone. However, if a complaint is made but it turns out to be incorrect information, no actions will be taken against the person making the complaint if it is in good faith.



He shared an instance wherein a 75 years old woman, adopted by a family, inherited a large fortune and was a millionaire. However, she married her assistant, who was much younger to her and he cheated her out of all her money. He shared that the Protection Officers reached out and supported the woman financially, especially during Covid because she was in a miserable condition. He highlighted that sharing this instance was to emphasize that Protection Officers' role is highly critical. Highlighting the powers accorded to Protection Officers under the PWDVA, he shared that the law is dynamic and keeps evolving and under it, Protection Officers can proceed and take action in cases of cognizable offences such as breach of order wherein they can go for execution rather than filing for an FIR, highlighting the critical role that the POs play.

The next speaker was Ms. Audrey D'Mello. She highlighted that women's rights are human rights and the numerous laws provide opportunities and aspects for protection of women's rights. Highlighting the Lalita Kumar case, a five-bench Supreme Court judgement stated that the police have to record a FIR if there is a cognizable offense. If it is not a cognizable offence, such as verbal violence, police are given one week to report. She stressed that even when a woman is suffocating and maybe dying inside the marriage, the social fabrics try to save the marriage; whereas the condition of the women should be the main priority.



She highlighted that under the PWDVA, the role of service providers is significant wherein different institutions come together such as legal aid, medical, police, among others. She emphasized that as the service providers work on the ground level, there is also a need for social rehabilitation of the aggrieved women. Shedding light on the conditions of shelter homes, which were made for trafficked women and children. The actual condition of the shelter homes is worse to such an extent that aggrieved women do not want to go to shelter homes. The situation becomes such that they neither want to go to shelter homes nor return to their parents or husband's house. Hence, vocational trainings, job support and rehabilitation is essential. The complexities of cases only increase when children education is to be considered, especially when the woman herself needs support. She shared that addressing domestic violence is a collaborative effort, sharing the example of the Sukano committee under the District Magistrate, which meets every three months to address and resolve issues amongst the various stakeholders.



The next speaker was Mr. Arif Sheikh. He emphasized the need for inter-departmental coordination such as Women and Child Development, Health, and Administration. He also stressed on the coordination between the duty holders under the PWDVA. He shared the initiatives implemented in Bilaspur for destitute women. Tie up with Rotary International was also done to increase avenues of rehabilitation. He also shared about Project Pink Line, which was set up with a bank loan of Rs. 1.5 Lacs for electronic rickshaws, only for women. The women began

earning Rs. 200-300 per day, which gradually increased to Rs. 500+. He shared how the police worked closely with other departments. He also shared about the 'samvedna' centres where aggrieved women can find legal aid, medical, and police support under the same roof.



The next speaker was Ms. Shalini Joshi, retired Judge of the Bombay High Court and distinguished between being the first lady Advocate and then the first lady Judge from Karad. She heralded the PWDVA to be the pioneering and landmark Act to make rights available to women who were not there earlier. Stressing on the role of the Protection Officers in the effective implementation of the Act, she highlighted that POs play a

vital role and a liaison officer between the aggrieved woman and court; assist the magistrate in discharging the duty. She emphasized that the Act acknowledges that women need assistance; hence, the POs play various roles and responsibilities – from advising the women to filing the Domestic Incident Report, an essential document that even the magistrate also considers and is vital. She highlighted that the DIR should contain all the points that the woman shares, and that is the responsibility of the PO as often the woman may not be literate enough to read or write.

Also touching upon a critical aspect of how women approach advocates more than Protection Officers, the objective of the PWDVA is to establish the utility of the post of POs. With a focus on spreading awareness regarding the role of Protection Officers, she highlighted that the DIR

should be comprehensive and the POs should provide guidance to the aggrieved women regarding the services available. She also highlighted that their judicial knowledge should be updated in terms of the recent judgements and the High Courts and Supreme Court rulings. She then shared examples of the interpretations of various rulings such as the S.R. Batra case on shared household wherein if the house is in the name of the in-laws, it could not be







considered a shared household. However, this judgement was set aside in 2019 and shared household now means any house.

Similarly, while monetary relief can be granted under Section 125 of CrPC, the Protection Officers can play a role in guiding the aggrieved woman for maintenance under the PWDVA. Referring to women's rights under the Constitution, she emphasized that domestic violence needs to be seen as discrimination against women, which takes away their dignity. She also highlighted the role of POs in ensuring the order is breached or not implemented effectively and in enabling the woman and building their capabilities to stay updated so that their duties can be carried out effectively.



The next speaker of the session was Dr. E. Aravind Raj. He shared the importance of mental health and psycho-social support to aggrieved women. Highlighting that many a time, women are not able to reach the service providers, and hence, they should try and reach out to the women in cases of refugees, women affected by natural disasters or Covid-19 situation. Sensitization programs on whom to reach out to, the service providers, should also be done to make the women aware of the right people to reach out to for support.



Highlighting that while physical violence leaves injury, such is not the case of mental violence. He also highlighted that women who may be subjected to mental violence might have different psychological consequences. Often they may not depict emotions or may not be sad all the time as is often assumed. However, they may become withdrawn, avoid gathering, feel lonely, and the POs must dive deeper, ask probing questions. He also highlighted that the POs can refer the local mental health professionals to connect with the victim and create a safe environment for sharing.

Citing cases of second marriages, which are expected, or cases where the spouse is suspicious of the other, he highlighted that these instances are seen as normal; however, individuals may also have mental illness, hence involving the individual plus their family members is critical. Efforts should be made for long term prevention through awareness and sensitization programs, positive coping strategies and life skills education program for children and adolescents focusing on the impact of violence.



This was followed by a question-answer interaction of the participants with the speakers. The participants then went to the break-out rooms for discussions on their group work presentations.





# 05. DAY

## 2<sup>nd</sup> July, 2021

### SESSION-10: GROUP WORK PRESENTATIONS

Day Five of the programme began with a brief recap session with a few participants sharing key takeaways and learnings from the previous day's sessions. As this was the final day of the five-day training program, the participants made their group-work presentations. The participants had been divided into groups of 5-6 members and were given caselets on Day Two to review. With the context of the caselets, they were asked to make presentations highlighting the probable hurdles and challenges on the ground that they would face while solving the caselets, preparing an action plan on the approaches and actions that should be adopted in



addressing these challenges and proposing a comprehensive strategy for prevention and redressal of Domestic Violence using a multi-stakeholder approach. Each group was allocated 15 minutes for the presentation. Ms. Anjali Singh Chauhan reiterated the purpose of the group work session and invited Group 1 to initiate the presentations.

Group 1 began by sharing a brief overview of the caselet assigned to them. They brought out the aspects of the types of violence - physical, mental, emotional and economic violence. Referring to judgements related to shared households and the reliefs available, Group 1 highlighted how women who have faced domestic violence before the enactment of the PWDVA, could still file a case under the Act and apply for claims related to safety, residence, monetary relief and children support. A comparison was also done between PWDVA and Section 498A – time limitation of filing the case under 498A within 7 years of marriage, physical violence case within 3 years



of the incident and how 498 A has a unidirectional approach only in terms of physical violence; while PWDVA provides options while are more holistic. The challenges they highlighted were divided into 3 phases of pre-litigation, litigation and post-litigation which included evidence collection, renewed coordination between dutyholders as it was a cold case, recording of



statements and more importantly, compatibility between the victim and the husband as the victim wanted to live with her husband. In terms of solutions, the Group highlighted the role of Protection Officers in filing the DIR to restart the case, hold rounds of discussions with the dutyholders like Police and Prosecution Officers, review internal and external resources like landmark judgements to strengthen the case.



Group 2 began by sharing an overview of the caselet and spoke on the role of One Stop Centres in providing all services under one roof, such as those of medical facilities, police support, psycho-social support, legal aid, service providers and shelter for the aggrieved woman and children. They enumerated the multiple provisions available under the PWDVA for immediate relief and compensatory order. They highlighted that as per the government schemes running for widows, women and children, effort must be made to ensure that the aggrieved women get the required support and assistance. They cited inter-departmental coordination, challenge in reaching out to the 2<sup>nd</sup> party, extension in time limit for the dispensation of orders as the critical challenges faced on the ground. As part of their presentation, they listed the key learnings from the various sessions like empathy and duty holder coordination that would enable them to approach and address the challenges effectively.

Ms. Audrey D'Mello provided additional context to the purpose of One Stop Centres which were created for victims of sexual violence after the Nirbhaya case. The objective was to provide all aspects of support – medical and forensic facilities, psycho-social support, police and even shelter. Once the One-Stop Centres model was established, it was expanded to victims of domestic violence as well. She emphasized that the One-Stop Centres served as a temporary service provider for the victims and aggrieved women.



Group 3 also shared an overview of the caselet which was regarding a 19-year-old girl who wanted to pursue her education, and her parents were not in favour and had stopped talking to her. They even wanted her to get married at the earliest. The role of the Protection Officer is critical, and this was brought out in reserving his/ her perspective but support the aggrieved woman for her education and living through the court. This case highlighted that violence need not be of only physical violence and did not apply only to married women. The rights of the 19-year-old in ascertaining her right to pursue studies and career was brought out. Their Action Plan involved speaking to the parents of the girl in convincing them to support their daughter in





pursuing studies. However, if the parents are not supportive, action would be pursued through the legal mechanism.



Ms. Audrey D'Mello highlighted that the situation in caselet constituted an 'emergency and the Protection Officers would have to take the help of police, go to rescue the girl and then to the Magistrate. However, cases can take a downturn wherein the girl/ woman can be taken away to another place. Ms. Disha Pannu reiterated this in how the Protection Officers should take proactive actions.

Group 4 provided a brief overview of the case, which related to a couple who married without the parents' consent; however, due to financial issues and the inability for the couple to conceive, the husband left their rented house and went to his parents. The group brought out aspects of shared household, even in cases where the household is in the name of other family members; case can be filed against in-laws as they are considered part of 'respondents' under the Act. The group also brought out the challenges which would increase because the marriage was under Special Marriage Act. They highlighted the role of the Protection Officers in filing the DIR and supporting the woman in getting the required help and support.

Ms. Audrey D'Mello highlighted that if a woman requests counseling support, the Protection Officer should request the Magistrate to pass an order under Section 14 for counseling support from a trained counselor.

Group 5 also began by sharing the caselet overview wherein a woman had been bearing domestic violence for 8 years and her husband remarries. She got a court order for maintenance which her husband does not support. The group focused on several aspects, including maintenance, shared household, and live-in relationships. They highlighted that under Section 125 of CrPC and under PWDVA, the Protection Officers play a crucial role in facilitating the immediate facilities and aids to the aggrieved woman. They highlighted the multiple stake holders including District State Legal Authority (DSL), medical personnel, psycho-social experts, service providers, police and judiciary. Protection Officers should ensure that the court order and the relief entitled to the victim is arranged. They also highlighted that the woman can hire a lawyer of her own as it is her right under Article 22 of the Constitution; however, the Protection Officer should ensure that facilities like free legal aid and counselling support should be made available to the victims.

This was followed by an open floor where participants shared their thoughts and viewpoints. Ms. Anjali Singh Chauhan thanked all the participants and groups for their presentations, despite the technical challenges. A google form link was then shared with the participants towards the endline questionnaire, recorded to measure the training effectiveness. Another link was also circulated with the participants to fill in their feedback for the training programme.

## LEARNING EFFECTIVENESS OF THE PROGRAMME

On Day One, all the participants were asked to fill in their responses to a Baseline Questionnaire. The questionnaire was designed to gauge the current conceptual understanding of the





participants with aspects related to sex and gender, intersectionality, laws and provisions related to the protection of women from domestic violence and the role of Protection Officers. The responses to the baseline questionnaire served to provide the participants' current understanding, and the average score was 40.9%. Each answer was allocated a marking scheme based on which the average score of all the participants at the start of the training programme was 40.9%.



In order to gauge the incremental difference in the understanding of the participants following the five day training programme and to derive the learning effectiveness of the programme, the participants were asked to fill the Endline Questionnaire. We received 24 responses of the questionnaire, of which 17 were valid and eligible while the rest were incomplete and hence could not be considered for the overall score. Of these 17 eligible responses, 16 participants saw an increase in their knowledge - ranging from 42.6% to 2.8%. The overall score of the endline questionnaire was 56.7%, thereby representing an increase of 15.8% of learning effectiveness for almost all participants.

## SESSION-11 : FEEDBACK ANALYSIS

Feedback from participants forms a critical component of the training programme. Both written and verbal feedback is requested from participants to refine and enhance the training programme's content, methodology, and quality. This became all the more important as the entire training programme was held online. 22 responses were received as part of the feedback. Of this, 90% of the participants rated the overall program as 'Extremely Effective', 5% as 'Very Effective' and 5% as 'Moderately Effective'. Feedback was also taken on the various sessions held throughout the five day programme and on the effectiveness of the guest speakers.

The participants shared that their key takeaways included an enhanced understanding of their roles and responsibilities, provisions of the Act, various updations and landmark judgements, subject understanding and most importantly, awareness. Many of them shared that they are returning to the field with a more nuanced understanding of how to play a critical role and bring about a difference. Many participants also acknowledged the importance of multi-sectoral coordination and inter-departmental coordination to get justice for the aggrieved woman. They also shared several on-the-ground challenges and removing those barriers will help in effective implementation and carrying out their duties.

## KEY FEEDBACK ITEMS

- **Building increased interaction between various departments and multi-sectoral dutyholders for a more practical approach in implementation of the PWDVA.**

The participants shared that increased and recurring interactions and coordination between the State Women & Child Development Departments and the Protection Officers will serve as a platform to not only address several challenges that are faced by them on the ground.



However, they will also help in providing a coordinated approach in dealing effectively and equipping the Protection Officers in carrying out their roles and responsibilities. It was also suggested that for the upcoming training programmes, representatives from the Women & Child Development Department are invited to attend the training and initiate a dialogue on the resolution of the challenges faced by the Protection Officers on the ground.

- **Awareness Campaigns on the Role of Protection Officers among the Public and Masses.**

In case of domestic violence, the first instance is to reach out to the police. However, with the help of awareness campaigns across various media platforms, it should be highlighted that the Protection Officers are the right dutyholder so that women and family members can reach out to the POs at the earliest.

- **Effective Delineation of Roles and Responsibilities of Protection Officers.**

While sharing the on-ground challenges, many participants highlighted that they are often responsible for an entire district, which becomes challenging given the increasing instances of violence against women. They often engage in counselling, which was highlighted during the training, was beyond the scope of their roles and responsibilities, yet a lot of their time goes in it. Hence, an exercise of defining effective description of roles and responsibilities as per the PWDVA will aid in laying out their scope of work and help in effective implementation and carrying out of their duties.

- **Development of Standard Operating Procedures (SOPs)**

Many participants, during interactions, shared that while each and every process is defined under the PWDVA, subjectivity flows in with each case. Hence, if SOPs in dealing with different types of scenarios through case studies, FAQs, and recurring training can be done, it will be very effective.

- **Recurring Training Programmes**

The initiative of this dedicated training for Protection Officers was widely appreciated, and it was shared that such training programmes for POs will help in strengthen their capacity further. Updation of knowledge, especially in terms of recent landmark judgements, aids the Protection Officers in effectively understanding the legal provisions and how they are interpreted and can be used ineffectively to guide the aggrieved woman. Recurring knowledge updation training programmes, focused on key aspects like landmark judgements, case studies, best practices, non-verbal communication, will aid the Protection Officers in staying up-to-date and carrying out their duties effectively.

## **SESSION - 12: VALEDICTORY SESSION**

Ms. Disha Pannu, Executive Director, National Gender & Child Centre presented the Course Report for the 5 day training programme. She shared that there were 25 participants - 17 male and 8 female participants, representing 24 districts of Uttar Pradesh. Of these 25 participants, 19 were District Protection Officers, 2 Protection Officers appointed under Juvenile Justice Act, 1 woman welfare officer under Mahila Shakti Kendra, 1 psycho-social counsellor from One Stop Centres, 1 Deputy Director from Women and Child Development, Govt. of Uttar Pradesh.





She captured the key highlights and learnings from the sessions by Ms. Sarojini Ganju Thakur on the key difference between gender and sex and how it related to domestic violence, Ms. Rekha Sharma on the impact of Covid on domestic violence in households, the inspiring campaigns at ground level by Mr. Arif Sheikh, the dynamics and inter-linkages of violence by Ms. Flavia Agnes and Ms. Audrey D'Mello who also explained the role



of Protection Officers, Ms. Geetanjali Goel who shared the key provisions of the Act as per the law. In this multi-sectoral session, duty holders shared their perspectives and stressed on coordination and cooperation and most importantly the group presentations made by the participants which brought out their learnings and key takeaways from the five day course. Ms. Pannu expressed her thanks to Ms. Rekha Sharma for her interest and involvement in the rolling out of the training program and the collaboration with Ms. Kanchan Khattar from National Commission for Women in the implementation and coordination of the program. She hoped that this training can be built upon and taken to the next level by the participants in implementing their learnings on the ground.

Ms. Kanchan Khattar, Senior Legal Coordinator, National Commission for Women, expressed her thanks to Lal Bahadur Shastri National Academy of Administration, Ms. Disha Pannu and Ms. Anjali Singh Chauhan, in the development, implementation and smooth execution of the training programme. She highlighted that while there is no paucity of laws in India related to the protection of women and children, the challenges



arise in the implementation of the laws. She stressed that the key takeaways from the five-day programme included the need for sensitization and awareness about the presence of Protection Officer under the PWDVA. She cited that women and victims are often not aware that they can approach Protection Officers and approach the police. She emphasized the need for clarity in the roles and responsibilities in the minds of the Protection Officers and reiterated the need for documentation of every order so that the case of the victim is strengthened.

Ms. Anu Singh, Deputy Director, Women and Child Development, Govt. of Uttar Pradesh, who had been part of the training programme shared that the training was instrumental in not only enhancing the knowledge of the participants but the speakers provided a blend of theoretical and practical knowledge on ways to support the aggrieved woman. She emphasized that inter-departmental coordination is critical for success. As ways to build on the training, she shared





that training of One Stop Centres in their role and scope along with drafting of SOPs for all duty holders. She expressed her gratitude for the organization of such a training.

This was followed by a short video titled, Mann ke Manjeere was played for the participants. Breakthrough

launched this video, and a campaign by the same name was also promoted in creating sensitization and awareness regarding domestic violence and women's rights.

## VOTE OF THANKS



Ms. Anjali Singh Chauhan, Chief Programme Officer, National Gender and Child Centre, presented the Vote of Thanks. She placed on record her thanks to the Hon'ble Minister, Ms. Smriti Zubin Irani, Ministry of Women and Child Development, for her encouragement and valuable guidance and support in this programme, Ms. Rekha Sharma, Chairperson, National Commission for Women, for her continued passion and drive in conducting this programme for the Protection Officers,

members of National Commission for Women including Ms. Kanchan Khattar who played a vital role in the roll out of the programme, Mr. Lok Ranjan, Director, Lal Bahadur Shastri National Academy of Administration and Ms. Disha Pannu, Executive Director, National Gender and Child Centre for their unwavering support and constant guidance in bringing this programme to its fruition and Dr. Anupam Talwar, Deputy Executive Director, National Gender and Child Centre for her valuable inputs. She thanked Ms. Kanchan Khattar, NCW for the constant support provided by her and Anu Singh for her support in the nominations for the training programme, the NG&CC team – Ms. Sangeeta Bisht and Mr. Chandan Singh, the IT team and the many others who

facilitated in the successful completion of the programme. Lastly, she thanked all the participants for their time and energy in participating enthusiastically over the entire duration of five days, especially during an online program and the Resource Persons of all the sessions for taking out the time to share their experiences and learnings.



Written by: Ms. Smriti Gupta  
Edited by: Ms. Anjali Singh Chauhan



# **ANNEXURES**







# ANNEXURE - I

## AGENDA



**Training Program for Protection Officers  
in Addressing Domestic Violence  
(28 June to 02 July, 2021)**  
**Agenda**

28 June, 2021 (Monday)			
	TIME	TOPIC/THEME	SPEAKERS
<b>DAY-1</b>	2:30 - 3:15 PM	Inaugural Session	<ul style="list-style-type: none"> <li>• Ms. Meeta Rajivlochan, Member Secretary, NCW</li> <li>• Shri Lok Ranjan, Director, LBSNAA</li> <li>• Ms. Rekha Sharma, Chairperson, NCW</li> <li>• Ms. Smriti Zubin Irani, Hon'ble Minister, Ministry of Women and Child Development</li> <li>• Ms. Disha Pannu, Executive Director, NG&amp;CC</li> </ul>
		Group Photograph	
	3:15 - 3:25 PM	Administering Baseline Questionnaire	NG&CC Team
	3:25 - 3:55 PM	Setting the Context	NG&CC Team
	3:55-4:00 PM	<b>Break</b>	
4:00 - 5:30 PM	Understanding Gender and Domestic Violence	Ms. Sarojini Ganju Thakur	
29 June, 2021 (Tuesday)			
<b>DAY-2</b>	2:30 - 2:45 PM	Recap Session	NG&CC Team
	2:45 - 3:40 PM	The Wheel of Power and Control	Ms. Flavia Agnes Ms. Audrey D'Mello



	3:40 - 3:45 PM	<b>Break</b>	
	3:45 - 4:15 PM	Impact of Covid on Household Violence	Ms. Rekha Sharma
	4:15 - 5:15 PM	"Chuppi Todd" - An Innovative Campaign	Shri Arif H Sheikh
	5:15 - 5:30 PM	Introduction to Group Work	NG&CC Team
<b>30 June, 2021 ( Wednesday)</b>			
DAY-3	2:30 - 2:45 PM	Recap Session	NG&CC Team
	2:45 - 4:15 PM	Overview on Legal Provisions on Domestic Violence	Ms. Geetanjali Goel
	4:15 - 4:20 PM	<b>Break</b>	
	4:20 - 5:30 PM	Roles and Responsibilities of Protection Officers (Pre Litigation, Litigation and Post Litigation)	Ms. Flavia Agnes Ms. Audrey D Mello
	5:30 - 6:00 PM	Group Work	NG&CC Team
<b>1 July, 2021 (Thursday)</b>			
DAY-4	2:30 - 2:45 PM	Recap Session	NG&CC Team
	2:45 - 3:40 PM	Turning the Table Around - Seeing Things from the Perspective of the Survivor	Dr. E. Aravind Raj & Team
	3:40 - 3:45 PM	<b>Break</b>	
	3:45 - 5:30 PM	Multi Sectoral Approach in Prevention of Domestic Violence	Ms. Suman Malik & Ms. Madhu Shri Arif H Sheikh Ms. Audrey D'Mello Dr. E. Aravind Raj Shri Atul Srivatava Ms. Shalini Phansalkar Joshi
	5:30 - 6:00 PM	Group Work - Finalization of the Presentation	NG&CC Team
<b>2 July, 2021 (Friday)</b>			
DAY-5	2:30 - 2:45 PM	Recap Session	NG&CC Team
	2:45 - 4:15 PM	Group Work Presentations	
	4:15 - 4:20 PM	<b>Break</b>	
	4:20 - 4:30 PM	Administering Endline Questionnaire	NG&CC Team
	4:30 - 5:00 PM	Feedback	NG&CC Team
	5:00 - 5:30 PM	Valedictory Session	Ms. Meeta Rajivlochan

**Course Team:**

- Ms. Rekha Sharma, Chairperson, National Commission for Women (NCW)
- Shri Lok Ranjan, Director, Lal Bahadur Shastri National Academy of Administration (LBSNAA) and Chairperson, National Gender & Child Centre (NG&CC)
- Ms. Meeta Rajivlochan, Member Secretary, National Commission for Women
- Ms. Disha Pannu, Executive Director, National Gender & Child Centre (NG&CC), Lal Bahadur Shastri National Academy of Administration
- Dr. Anupam Talwar, Deputy Executive Director, National Gender & Child Centre (NG&CC), Lal Bahadur Shastri National Academy of Administration
- Ms. Anjali S Chauhan, Chief Programme Officer, National Gender & Child Centre, Lal Bahadur Shastri National Academy of Administration
- Ms. Kanchan Khattar, Sr. Legal Coordinator, National Commission for Women (NCW)

**Resource Persons:**

- Ms. Sarojini Ganju Thakur, IAS (Rtd.), Gender Expert
- Adv. Flavia Agnes, Legal Scholar on Women's Rights and Founder of Majlis
- Adv. Audrey Dmello, Director, Majlis
- Shri Arif Sheikh Hussain, IPS, Director, State Anti-Corruption Bureau and Economic offences Wing, Chhattisgarh
- Ms. Geetanjali Goel, ASJ/Special Judge (PC Act), CBI, Delhi High Court
- Dr. E Aravind Raj, Associate Professor of Psychiatric Social Work, Department of Psychiatric Social Work, NIMHANS, Bangalore
- Dr. Shalini Phansalkar Joshi, Former Judge, Bombay High Court
- Shri Atul Srivastava, Additional/Senior Public Prosecutor, New Delhi
- Ms. Suman Malik, Survivor & Ms. Madhu, New Delhi

**Support Staff:**

- Ms. Sangeeta Bisht, National Gender & Child Centre, Lal Bahadur Shastri National Academy of Administration
- Ms. Palak Jain, Legal Counsellor, National Commission for Women
- Ms. Priya Bhardwaj Legal Counsellor, National Commission for Women
- Ms. Ananya Singh, Legal Counsellor, National Commission for Women
- Shri Sumit Negi, IT, Lal Bahadur Shastri National Academy of Administration
- Shri Shaayeqe Sohail, IT, Lal Bahadur Shastri National Academy of Administration
- Shri Chandan Singh, National Gender & Child Centre, Lal Bahadur Shastri National Academy of Administration





## ANNEXURE - II

### FEEDBACK

#### 1. Setting the Context : Getting to know each other (Ms. Disha Pannu, Dr. Anupam Talwar & Ms. Anjali S Chauhan)

Extremely effective	16
Very effective	2
Moderately effective	0
Slightly effective	0
Not at all effective	0

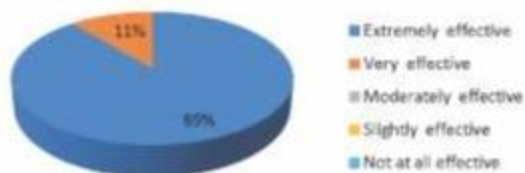
#### Setting the Context : Getting to know each other (Ms. Disha Pannu, Dr. Anupam Talwar & Ms. Anjali S Chauhan)



#### 2. Understanding Gender and Domestic Violence (Ms. Sarojini Ganju Thankur)

Extremely effective	16
Very effective	2
Moderately effective	0
Slightly effective	0
Not at all effective	0

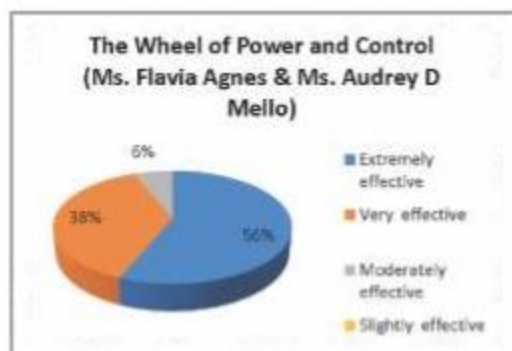
#### Understanding Gender and Domestic Violence (Ms. Sarojini Ganju Thankur)





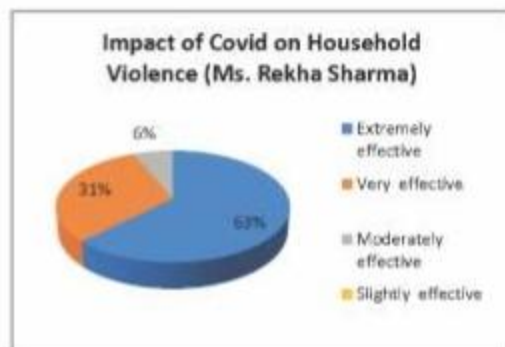
### 3. The Wheel of Power and Control (Ms. Flavia Agnes & Ms. Audrey D Mello)

Extremely effective	9
Very effective	6
Moderately effective	1
Slightly effective	0
Not at all effective	0



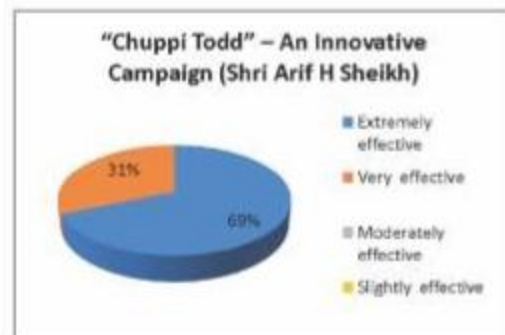
### 4. Impact of Covid on Household Violence (Ms. Rekha Sharma)

Extremely effective	10
Very effective	5
Moderately effective	1
Slightly effective	0
Not at all effective	0



### 5. "Chuppi Todd" - An Innovative Campaign (Shri Arif H Sheikh)

Extremely effective	11
Very effective	5
Moderately effective	0
Slightly effective	0
Not at all effective	0

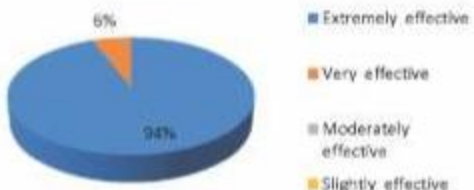




**6. Overview on Legal Provisionson  
Domestic Violence (Ms. Geetanjali Goel)**

Extremely effective	16
Very effective	1
Moderately effective	0
Slightly effective	0
Not at all effective	0

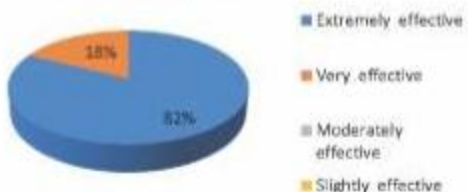
**Overview on Legal Provisionson  
Domestic Violence (Ms. Geetanjali  
Goel)**



**7. Roles and Responsibilities of  
Protection Officers(Pre Litigation,  
Litigation and Post Litigation) (Ms.  
Flavia Agnes & Ms. Audrey D Mello)**

Extremely effective	14
Very effective	3
Moderately effective	0
Slightly effective	0
Not at all effective	0

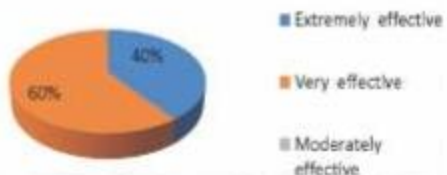
**Roles and Responsibilities of  
Protection Officers(Pre Litigation,  
Litigation and Post Litigation) (Ms.  
Flavia Agnes & Ms. Audrey D Mello)**



**8. Turning the Table Around – Seeing Things  
from the Perspective of the Survivor (Dr.  
Aravind Raj & Team)**

Extremely effective	6
Very effective	9
Moderately effective	0
Slightly effective	0
Not at all effective	0

**Turning the Table Around – Seeing  
Things from the Perspective of the  
Survivor (Dr. Aravind Raj & Team)**



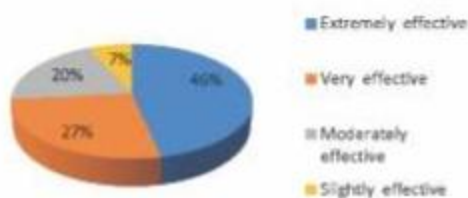




### 9. Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Suman Malik )

Extremely effective	7
Very effective	4
Moderately effective	3
Slightly effective	1
Not at all effective	0

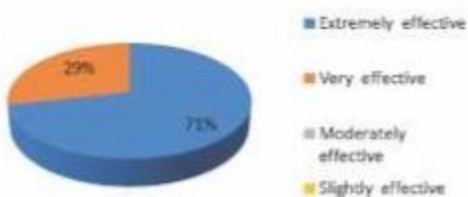
### Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Suman Malik )



### 10. Multi Sectoral Approach in Prevention of Domestic Violence (Shri Arif H Sheikh)

Extremely effective	10
Very effective	4
Moderately effective	0
Slightly effective	0
Not at all effective	0

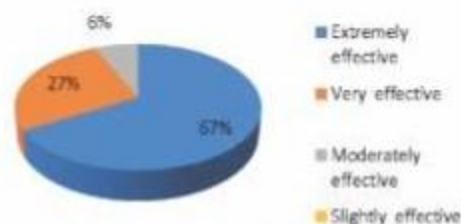
### Multi Sectoral Approach in Prevention of Domestic Violence (Shri Arif H Sheikh)



### 11. Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Audrey D Mello)

Extremely effective	10
Very effective	4
Moderately effective	1
Slightly effective	0
Not at all effective	0

### Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Audrey D Mello)

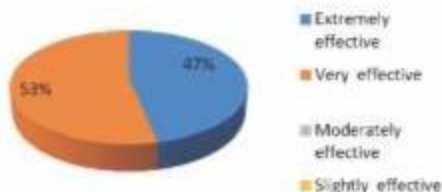




**12. Multi Sectoral Approach in Prevention of Domestic Violence (Dr. Aravind Raj)**

Extremely effective	7
Very effective	8
Moderately effective	0
Slightly effective	0
Not at all effective	0

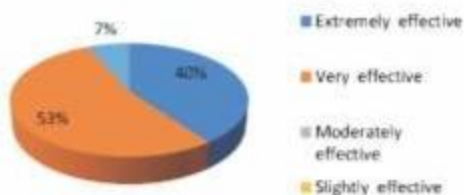
**Multi Sectoral Approach in Prevention of Domestic Violence (Dr. Aravind Raj)**



**13. Multi Sectoral Approach in Prevention of Domestic Violence (Shri Atul Srivastava)**

Extremely effective	6
Very effective	8
Moderately effective	0
Slightly effective	0
Not at all effective	1

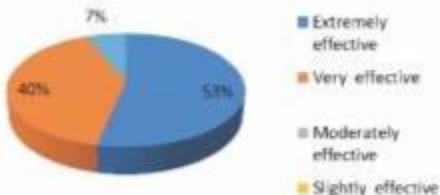
**Multi Sectoral Approach in Prevention of Domestic Violence (Shri Atul Srivastava)**



**14. Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Shalini Phansalkar Joshi)**

Extremely effective	8
Very effective	6
Moderately effective	0
Slightly effective	0
Not at all effective	1

**Multi Sectoral Approach in Prevention of Domestic Violence (Ms. Shalini Phansalkar Joshi)**





**15. Group Work – Finalization of the Presentation (Ms. Disha Pannu, Dr. Anupam Talwar & Ms. Anjali S Chauhan)**

Extremely effective	11
Very effective	3
Moderately effective	0
Slightly effective	0
Not at all effective	1

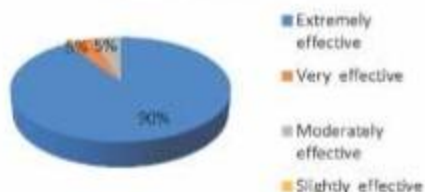
**Group Work – Finalization of the Presentation (Ms. Disha Pannu, Dr. Anupam Talwar & Ms. Anjali S Chauhan)**



**16. Rate the overall effectiveness of the five days program**

Extremely effective	19
Very effective	1
Moderately effective	1
Slightly effective	0
Not at all effective	0

**Rate the overall effectiveness of the five days programme**



**17. What are your three most important takeaways from the program?**

- Updation of act
- Doubts clearance, Knowledge enhancement, Wider aspects of our profile
- Field work knowledge Act knowledge Work determination
- D I R ka importance No counselling Legal provisions
- Subject understanding, knowledge and awareness, helpful in field work
- Act, process, disposal
- Good workshop
- Prohibition of women from domestic violence act 2005 ka sara processor samjha
- Write way of send the DiR in honourable court





- a. Received Effective information and had vast discussion about PWDVA Act
- b. Got updated with the role of Protection officer in helping aggrieved women as per the process of PWDVA act
- c. Explore the possible ways of implementing Provisions of PWDVA
- DPO की भूमिका, DIR भरना, Pwdv act का विस्तृत ज्ञान
- Dir report, court me counselling, medical
  1. Objectives of the Act
  2. Roles and Responsibilities of POs
  3. Attitude building as POs to address DVs
- About Act, learning and how to implement it.
- A better understanding developed as to how to provide adequate assistance to the aggrieved woman and it has been made clear from interacting with the experts that PO cannot counsel the victim and her husband to exonerate the violence done.
- PWDV ACT ke prati samajh badi
- Legal provision about act, role of protection officer, and knowledge for providing quick relief to aggrieved.
- घरेलू हिंसा के बारे में जानकारी प्राप्त हुई जिसे कार्य करने में आसानी होगी समय समय पर मीटिंग होनी चाहिए

**18. What are the three immediate actions that you will take after training, in addressing Domestic Violence cases**

- Active action on DAV act., Need to work on Counselling sessions., Will actively start dealing with DV cases
- DV act ke bare me spread information Team ko sensual banana Find work pr emphasis
- DIR Assist Departmental coordination
- DIR feeding, forum 1 2 filup, to take help of service provider
- DIR, medical, police
- Fir form fill
- Direct fir fill krke mahila ki help 2-jo bhi pending case hai un pr tatkal action 3-sambndhit vibhag ke saath coordinate
- Police help medical and legal help
- D i r form fill Rescue service provide Counselling
- More and more publications, ring the bell and legally aid
  1. I will firstly pass the information to all the departmental officers/employees about provision of PWDVA
  2. I will ensure that DIR should be made as per provision of Said Act and also to present the case before Court.
  3. I will Implement the provision of PWDVA effectively in concerned cases
- 1. To sensitise fellow employees at the office regarding DV , so that we act immediately to address DV.
- 2. DIRs will be filled immediately as soon the aggrieved person reaches to us
- 3. Safety plans for the future for aggrieved person will be presented to the court.
- DIR भरना, DLSA से मदद दिलाना, Magistrate की सहायता करना।
- Dir report, court me counselling, medical
- Coordinate to all service providers
- As A nodal officer I will try to get the orders issued regarding inter departmental coordination and apprise the stakeholders with their role in the implementation of this Act. Besides , draft the standard operating procedures keeping in view all the resources , agencies and manpower available to DPOs.
- DV case take over properly, support to victims in all stapes during the court process



- Review all the cases of D.V Act, fulfil D.I.R. of all cases, Co-ordinating with Hon'ble Courts to pass appropriate order.
- घरेलू हिंसा रोकने के लिए कानून का कठोरता से पालन करना 2. घरेलू हिंसा रोकने के लिए आपस में दोनों पक्ष को बुला कर समझौता एवन काउंसिल कराना जिससे आपसी मतभेद खत्म कराना 3. घरेलू हिंसा को रोकने के लिए समय समय पर नोटिस भेजना

#### 19. What changes would you recommend to improve the course?

- No
- It was Perfect
- Visual ar vedio jyada share ho
- Offline training will be too affective
- Course
- Protection officer jo janpad mai tenat hai unko es important work ko diya jaye jisse mahila and unke baccho ko protection di jaa sake
- No changes for improvement the course. It is already effective.
- As per my view this course should be made more participatory by organising more practical activities of Participants.
- PO की सहायता के लिए स्टाफ की नियुक्ति हो
- Multi sectoral session needs to be more innovative.
- 3. Session on multi organization cooperation
- A regular protection officer should be appointed.
- More relevant judgements and case studies need to be discussed during training session.
- Requesting follow up at least after 3 months
- आपसी समझ में कमी, सहनशीलता का अभाव, आर्थिक और सामाजिक समस्याएं घरेलू हिंसा को बढ़ावा दे रही हैं। शिक्षा, संस्कृति, प्रेम और एक दूसरे के प्रति सम्मान की भावना ही घरेलू हिंसा पर प्रभावी रोक लग सकती हैं। इसके अतिरिक्त घरेलू हिंसा रोकने के लिए कानून का कठोरता से पालन भी आवश्यक है। सबसे जरूरी है कि परिवार के मुखिया की समझ, सामंजस्यता और नियंत्रण। यदि परिवार में संस्कारों का उचित प्रवाह बना रहेगा, तो घरेलू हिंसा पर स्वतः रोक लग जाएगी।

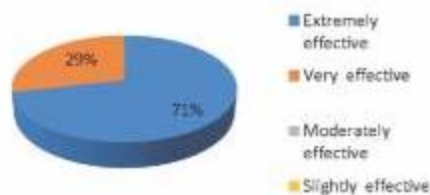


**20. Please share feedback with respect to the following:  
Course design and delivery  
(Tick the relevant box)**

**a. The facilitator(s) stimulated my interest in the subject**

Extremely effective	15
Very effective	6
Moderately effective	0
Slightly effective	0
Not at all effective	0

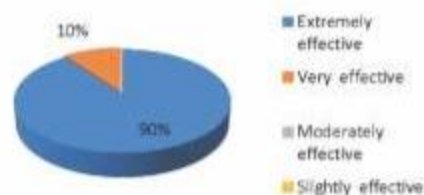
**The facilitator(s) stimulated my interest in the subject**



**b. The course content and themes were relevant to my work**

Extremely effective	18
Very effective	2
Moderately effective	0
Slightly effective	0
Not at all effective	0

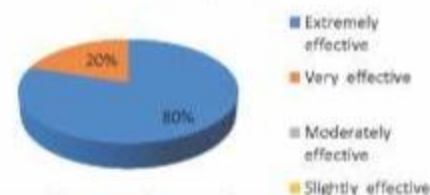
**The course content and themes were relevant to my work**



**c. The facilitator(s) managed time and paced the course appropriately**

Extremely effective	16
Very effective	4
Moderately effective	0
Slightly effective	0
Not at all effective	0

**The facilitator(s) managed time and paced the course appropriately**



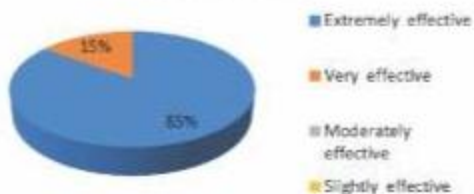




**d. The structure of the course maximized my ability to learn**

Extremely effective	17
Very effective	3
Moderately effective	0
Slightly effective	0
Not at all effective	0

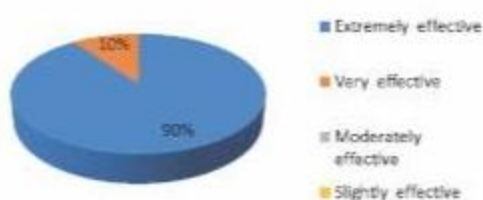
**The structure of the course maximized my ability to learn**



**e. The facilitator(s) demonstrated in-depth knowledge of the subject**

Extremely effective	18
Very effective	2
Moderately effective	0
Slightly effective	0
Not at all effective	0

**The facilitator(s) demonstrated in-depth knowledge of the subject**



**f. The facilitator(s) presented the course material in an interesting and engaging manner**

Extremely effective	14
Very effective	6
Moderately effective	0
Slightly effective	0
Not at all effective	0

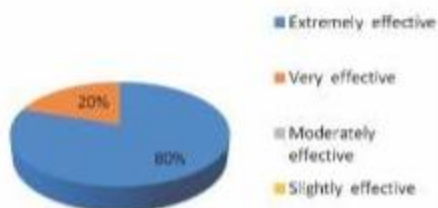
**The facilitator(s) presented the course material in an interesting and engaging manner**



**g. The activities/exercises were well explained and useful**

Extremely effective	16
Very effective	4
Moderately effective	0
Slightly effective	0
Not at all effective	0

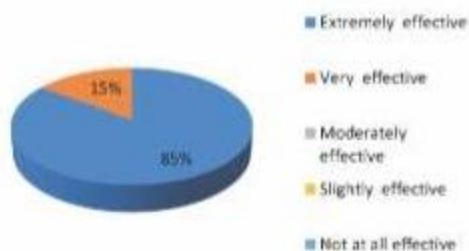
**The activities/exercises were well explained and useful**



**H. Support from NG&CC team**

Extremely effective	17
Very effective	3
Moderately effective	0
Slightly effective	0
Not at all effective	0

**H. Support from NG&CC team**



**Any additional comments?**

- 1 It was wonderful session. Pls arrange another one soon.
- 2 Aise session hote rhe
- 3 Very good and effective session for protection officer
- 4 Very innovative
- 5 Satisfactory session
- 6 The training session was fruitful indeed and if possible there should be more like session on regular basis.
- 7 ऐसे ही session आगे भी होते रहे।



- 8 Rural and urban settings are different. A universal approach cannot be successful to achieve desired goal Therefore, it is my request to our speakers and LBSNAA team to orient future trainees in such a way that they develop an approach to address DV issues case by case basis.
- 9 Once again i want training with LBSNA offline.
- 10 Requested to provide such informative training on Dowry Prohibition Act, POSH Act, POCSO Act and JJ Act also.
- 11 Please give us an opportunity again and organize a training on major issue like child protection system.
- 12 घरेलू दायरे में हिंसा को घरेलू हिंसा कहा जाता है। किसी महिला का शारीरिक, मानसिक, भावनात्मक, मौखिक, मनोवैज्ञानिक या यौन शोषण किसी ऐसे व्यक्ति द्वारा किया जाना जिसके साथ महिला के पारिवारिक सम्बन्ध हैं, घरेलू हिंसा में शामिल है इसे दूर किया जाना चाहिए

#### Oral Feedback

1. मेरी इस प्रोग्राम से अपेक्षा है कि जो changes है आज के परिपक्व में उनसे हमें अपडेट कराया जाये।
2. इस प्रोग्राम से सीख का और best कर पाये और महिलाओं की अच्छे से मदद कर पाये
3. इस प्रोग्राम से अपेक्षा है कि जो महिलाओं से related issues आते हैं उन्हें और बेहतर ढंग से हैंडल कर सके।
4. इस प्रोग्राम के session के मार्गदर्शन से हम और अच्छा कर पाएंगे।
5. इस प्रोग्राम के माध्यम से जो विवाहित जीवन में जो परेशानी आती है। उसे हल करने में मदद मिलेगी।
6. इस प्रोग्राम के माध्यम से और बेहतर ढंग से सीखने को मिलेगा।
7. इस प्रोग्राम के माध्यम से हमें कुछ नया सीखने को मिलेगा और मैं अनुरोध करता हूँ कि इस प्रोग्राम में पुलिस विभाग को भी शामिल किया जाये।
8. One Stop Centre, स्टाफ और वाहन की आवश्यकता है ताकि 24 hrs. पीड़ित महिला कि मदद समय पर की जा सके और इस पाँच दिवसीय प्रोग्राम से बहुत कुछ सीखने को मिलेगा।
9. इस प्रोग्राम के माध्यम से हमें जो DV से सम्बन्धित फील्ड में जो परेशानी आती है इसे समझने का मौका मिलेगा।
10. As well as this training session it is very good consent to NCW and LBSNAA and as new appointee as DPO, and I this trg. Prog enhance our knowledge DV and learning its session I will make to know about our role and responsibility as a protection officer and secondly it will help us to be remain object while looking at such cases in DV.

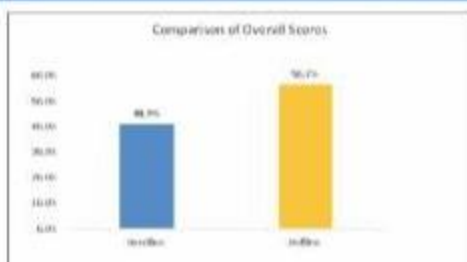




## ANNEXURE - III

### BASELINE AND ENDLINE QUESTIONNAIRE ANALYSIS

#### Comparison of Scores to understand overall increase in learning

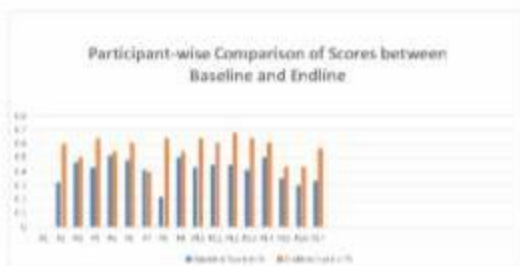


17 participants

**15.80%**  
Overall Increase in Learning between  
Baseline & Endline Scores

Comparison between the overall scores of baseline and endline survey indicate an increase of **15.80% of learning** before and after the training. This indicates the positive impact of the training for 17 participants.

#### 1.1 Comparison of Scores between baseline and endline for each participant



Participants	Baseline Score %	Endline Score %	Difference
P1	Baseline Score %	Endline Score %	Difference
P2	42.3%	57%	14.7%
P3	46.4%	60%	13.6%
P4	42.3%	57%	14.7%
P5	42.3%	57%	14.7%
P6	46.4%	60%	13.6%
P7	42.3%	57%	14.7%
P8	42.3%	57%	14.7%
P9	46.4%	60%	13.6%
P10	42.3%	57%	14.7%
P11	46.4%	60%	13.6%
P12	42.3%	57%	14.7%
P13	46.4%	60%	13.6%
P14	42.3%	57%	14.7%
P15	46.4%	60%	13.6%
P16	42.3%	57%	14.7%
P17	42.3%	57%	14.7%

Table indicates participant wise scores

Participant-wise comparison of scores of baseline and endline indicate an increase in learning for every participant.





**National Gender and Child Centre**  
**Lal Bahadur Shastri National Academy of Administration**



**In collaboration with**  
**National Commission for Women**