



Impact of the PWDV Act on Women of Kerala

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Abstract

The phenomenon of domestic violence is basically rooted in the socio-cultural fabric of India. Indian society is highly patriarchal. It not only discriminates between a son and a daughter but also the former is highly preferred and the latter unwanted. Gender discrimination culminates into and is manifested in various types of violent practices within the 'home'. Since 'family' and 'home' denote 'private space' where the area is free from state as well as non-state interventions, domestic violence has largely remained free from legal restraints and remains even unacknowledged as a crime. Even if there were laws, victims were hardly taking recourse to the law as women are socialized right from their childhood in patriarchal values. The domestic violence faced by the daughter, sister, mother, and girlfriends, all of this was absent, and they were denied legal protection. Furthermore, the husband and in-laws' assault had to be shown "beyond a reasonable doubt." Because the crime is done within the four walls of the house, it is incredibly difficult to obtain witnesses to support their evidence. Furthermore, complaints can only be filed after an offense has been committed. But in cases of domestic violence, the woman is living with her assaulter on whom she is emotionally dependent.

Keywords: Domestic Violence, Protection officer, Aggrieved person, Monetary Relief, Help Seeking Nodes

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Introduction

It has been more than 12 years since the Protection of Women from Domestic Violence (PWDV) Act 2005² has been implemented. Studies have been conducted to understand the concept, perception, and types of domestic violence, but, since then, no study has been taken up by any organization to examine the efforts of the State Government in implementing the PWDV Act and its impact. It is often difficult to conduct research on violence against women since most of them are reluctant to disclose information they consider confidential and intimate. To eliminate Domestic Violence (DV) against women, it is critical to understand the context of violence and the social constructs, which support its perpetuation. There is little empirical data on the prevalence of domestic violence and its determinants in India, which needs urgent attention. Particularly, it is important to understand this serious problem in a particular state where the social indices are comparatively elevated than other states of the country.

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² Protection of Women from Domestic Violence (PWDV) Act, 2005, No. 43, Acts of Parliament, 2005, (India).

Literature Review

In a study conducted by Patricia Tjaden and Nancy Thoennes³, they explain the findings from the National Violence against Women (NVAW) Survey on the extent, nature, and consequences of intimate partner violence in the United States. Intimate partner violence is spreading widely throughout U.S. society. Around 25% of women and 7.6% of men who were surveyed stated that they were physically abused by their current or previous partner at some part in their whole life. 1.5% of the women and 0.9% of the men who were surveyed have faced physical abuse in the last year. The NVAW survey says that women face more intimate partner violence than men and women are significantly more likely to report the intimate partner violence that happened to them than the men reporting it. However, women are victimized by more chronic and injurious physical assaults in intimate partner violence than men. Rates of intimate partner violence vary in people from different races and different cultural background in the U.S. as the U.S. consist of people from many different areas and different cultural backgrounds. According to the Survey, Asian- Pacific Islands' women and men have lower rates of intimate partner violence than other minority men and women, as well as African- American and American women and men. Women and men of Indian/Alaska Native descent report greater rates. The survey also found that the majority of the assaulted victims did not report to the police or they hesitated to approach the judiciary to help them and solve the problems. Approximately one-fifth of all rapes, one-quarter of all physical assaults, and one-half of all stalking performed against female respondents by intimates were reported to police. Even fewer rapes, physical assaults, and stalking perpetrated against male respondents by intimates were reported. The majority of the victimized population who have not reported their victimization to the police think that the police could not or would not do anything for them. This leads to the conclusion that the majority of intimate partner violence victims do not consider the judiciary or the system as a better way to solve their problems.

National Gender-Based Violence Study in Malawi conducted by E Pelser, L Gondwe, C Mayamba, T Mhango, W Phiri, and P Burton⁴ states that the prevalence of intimate partner violence is well recognized by women in Malawi. More than half (57%) thought that traditional beliefs, in particular polygamy, promoted gender violence. Malawi holds the traditional trend of male dominance in the case of household finance. Finance is controlled by men in more than seven out of ten households. Physical abuse is most common in household gender violence, more than 30% of women face physical violence, and 28% face economic violence while withholding money. 25% of the women faced emotional violence while 18% were sexually assaulted. Altogether 48% of women faced domestic violence in Malawi. A divergence exists between what women in Malawi view as acceptable behavior, and what they are subjected to from their partners. This is reinforced by the fact that while the actions that constitute abuse tended to be viewed as unacceptable, the minority of women who actually experienced such violence viewed the acts as a crime. Most of the violence occurs when the victim is alone in the home environment with the perpetrator and alcohol is commonly associated with this kind of act of violence. While there almost no other drug is associated. Apart from the economic violence, all other violence was once-off, not in a regular mode. The majority of the victims of economic and

³Tjaden Patricia, Thoennes Nancy, Extent, Nature, and Consequences of Intimate Partner Violence - Findings from the National Violence against Women (NVAW) Survey in the United States, 2000.

⁴ Pelser E, Gondwe L, Mayamba C, Mhango T, Phir Wi and Burton P, "Intimate partner violence – Results from a National Gender-Based Violence Study in Malawi", (2005)

emotional violence were self-employed on the other hand the victims of sexual and physical violence were more dependent on remittance from family, friends, and even from the partner. Informal support structures were the most likely to be utilized by women. Family was the most common source of support turned to, followed by a marriage counselor, friends, and a traditional leader. Only 4% of those who had experienced violence turned to the police. The study went through the male respondents to check their expectations and attitudes towards their partner which causes violence. In this, the majority of men hold dominance in the house. The study admits that even after implementing the awareness campaigns and getting attention from Policymakers, gender violence is unacceptably going high. And they suggest a physical resistance to such abuses. The service providers are to be trained and given awareness campaigns to them for timely services.

Respondents themselves had a number of suggestions on how to deal with these problems: greater civic awareness and education for the public; harsher punishment for perpetrators; enhanced employment opportunities generated through government; and increased access to community and institutional services. In addition, the following is suggested: There is a need for greater awareness on how to deal with abuse within the home and the need for medical and testing support for STIs and HIV/AIDS in the case of sexual abuse. Furthermore, training and sensitivity awareness is required on the part of the police in dealing with victims. What is required is a set of protocols that all officers have been trained in, and the implementation of which is closely monitored. Practical support for victims through NGO and CBO networks and centres can provide hands-on support for those forced to leave their partners. WHO conducted a Multi-Country Study on Women's Health and Domestic Violence against Women⁵, in which they included 10 countries that are different in all aspects of socio-demographic characteristics. They are Bangladesh, Brazil, Ethiopia, Japan, Peru, Namibia, Samoa, Serbia Montenegro, Thailand, and the United Republic of Tanzania. The final results and findings of the study indicate that domestic violence is widespread in all the countries included. However, there was a great deal of variation in the rate of domestic violence from country to country and setting to setting. This indicates that violence can be controlled if it is not inevitable in society. For ever-partnered women, the range of lifetime prevalence of physical or sexual violence, or both, by an intimate partner was 15% to 71%, with estimates in most sites ranging from 30% to 60%. Women in Japanese cities were the least likely to have ever experienced physical or sexual violence, or both, by an intimate partner, while the greatest amount of violence was reported by Bangladeshi women living in provincial (mostly rural) settings.⁶

In a study conducted by Dr. Nata Duvvury and Ms. Patricia Carney, National University of Ireland, Galway, and Dr. Nguyen Huu Minh, Institute for Family and Gender Studies⁷, they explain the estimate of the economic costs of domestic violence in Vietnam. The study used mixed methods for the data collection and they surveyed a total of 1053 women— 541 from rural

⁵ García-Moreno, C., Jansen, H. A., Ellsberg, M., Heise, L., & Watts, C., WHO multi-country study on women's health and domestic violence against women. World Health Organization, (2005).

⁶ Hossain, The Impact of Domestic Violence on Women: A Case Study of Rural Bangladesh, 4, Social Criminol, 135-142, (2016)

⁷ Dr. Duvvury Nata and, Ms. Carney Patricia, (National University of Ireland, Galway) and Dr. Minh Nguyen Huu, Estimating the cost of domestic violence against women in Vietnam, Institute for Family and Gender Studies, (2013).

areas and 512 from urban areas, to obtain relevant information on experiences of domestic abuse and its associated costs at the household level. The study divided the economic costs into two categories:

1. Actual out-of-pocket expenses incurred by women to receive medical treatment, police assistance, legal assistance, counseling assistance, and judicial assistance.
2. Additional out-of-pocket expenses for missed school fees if children skip school owing to domestic abuse faced by their moms. The study also considered that the actual economic cost is the income missed by the women for both paid and household work.

These show the urgent need to comprehensively address domestic violence.

Methodology

Control Group: The study was complemented by quantitative data, which would validate the outcome. The data was collected from 900 samples, which were selected through stratified random sampling as the whole State was differentiated into three strata, south, central, and north Kerala. One panchayat was selected from three districts as per the direction of concerned protection officers. The panchayats were chosen on the basis of the rate of the incidents of DV reported through formal and informal means of communication. 900 samples, 300 each from selected 3 districts constituted the control group in the study. They have experienced domestic violence, and might not avail legal or any formal redressal mechanisms.

A questionnaire was prepared with 4 parts including 98 closed-ended questions, each part was provided with a space for additional information where the respondents would be able to express their mind regarding their experiences of DV.

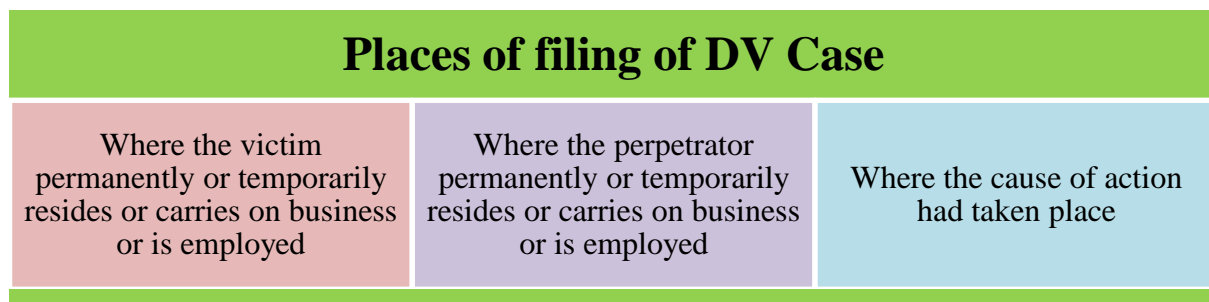
PWDVA 2005 in Kerala

To protect the rights of women victims of all forms of domestic violence and to take care of related issues, the Parliament enacted the Protection of Women from Domestic Violence Act (PWDV Act), 2005 which came into effect on 26th October, 2006.

The Process:

An aggrieved person can file a case in the court of the judicial magistrate of first class or the metropolitan magistrate within the local limits of the area (as depicted in Fig. 1). The person can directly approach a protection officer, police station, person in charge of the medical facility, or a service provider.

Fig. 1, Places of Filing of DV Case



Receipt and Disposal of Application

An application regarding domestic violence can be presented to the Magistrate seeking one or more reliefs mentioned in sections by:

- The aggrieved person,
- Defense officer on behalf of the injured party
- Any other person on behalf of the victim

A Magistrate of the First Class or Metropolitan Court is a court with jurisdiction within the local limits of:

- the affected person lives permanently or temporarily or manages a company or works
- the accused lives permanently or temporarily or runs a business works or
- the reason for the action is disclosed.

All orders made under this Act shall be enforceable throughout India. While disposing application, the Magistrate shall take into consideration any domestic incident report received from the protection officer or service provider. Relief sought under this section shall include an order for payment or award of compensation or damages, without prejudice to the right of such person to bring an action for damages resulting from domestic violence. If the judge is convinced that the application prima facie shows that the accused is committing or has committed domestic violence or that there is a likelihood of such violence occurring, he can, based on an affidavit, make the following temporary order against the person hit by the accused. The Magistrate can issue different orders such as Protection orders, residence orders, monetary relief, custody orders, or compensatory orders as per the circumstances of the case.

In case of an earlier decree of compensation or damages passed by any other court, in favour of an aggrieved person, the amount if any paid, shall be set off against the order of amount payable under this Act. The application to the Magistrate shall be as nearly possible to the formats prescribed under this Act and Rules. After receiving the application, the Magistrate shall fix the date of the first hearing within 3 days and the Magistrate shall endeavor to dispose off every application within a period of 60 days of the first hearing. The notice of the date of hearing shall be given by the Magistrate to the protection officer who shall get it served to the respondent. At any stage of the application, the Magistrate may order, counseling of the respondent or aggrieved person either singly or jointly with any member of the service provider. The judge may secure the services of a competent person, preferably a woman, including a person committed to the welfare of women, to assist the court in the discharge of its functions. If the circumstance of the case so warrants and if either party so desires the Magistrate may conduct the proceedings on camera.

Protection orders

After giving an opportunity to the aggrieved person and respondent to be heard and the Magistrate is satisfied that a prima facie case of domestic violence has taken place or is likely to take place, passes a protection order in favor of the aggrieved person prohibiting the respondent from the following acts:

- committing any act of domestic violence
- aiding or abetting an act of domestic violence
- entering the injured person's workplace or, if the person is a child, a school or other place

- attempting to communicate in any form, including personal, oral or written, electronic or telephone contact
- Transfer of any property, active bank account, or bank locker owned or used jointly or severally by the defendant of both parties, including his dowry
- inflict violence on dependents, on other relatives, or on any other person assisting an injured person, or
- do any other action ordered by the security officer, if satisfied that domestic violence has occurred, may make a residence order;
- prohibiting the defendant from depriving or in any way disturbing the peaceful possession of the joint household
- order the defendant to leave the joint household restraining the respondent or his relatives from entering any portion of the shared household where the aggrieved person lives
- restraining the respondent from alienating or disposing of the shared household or encumbering it
- prevent the defendant from giving up his right to live in the household
- directing the respondent to secure the same level of alternate accommodation for the aggrieved person as enjoyed by her or to pay rent for the same if the circumstances so require.

No order shall be made against women under this section. The Magistrate may impose additional conditions and pass any other order to protect the safety of the aggrieved person or her child. The Magistrate is also empowered to order direction to the station house officer of the police station concerned to give protection to the aggrieved person and to assist in implementing his order. The Magistrate may also impose on the respondent to direct dowry or any other property or valuable security she is entitled to.

Monetary Relief

The Magistrate may direct the respondent to pay monetary relief to meet the expenses of the aggrieved person and her child as a result of domestic violence and such relief includes:

- loss of earnings
- medical expenses
- loss caused by destruction, removal, or damage to any property
- make a maintenance order for the injured person and their children if any, including an order under or in addition to a maintenance order under Section 125 of the Criminal Procedure Code or any other law.

The level of compensation must be fair, reasonable, and consistent with the injured party's accustomed standard of living. The judge can also order a lump sum payment. If the defendant fails to pay under this order, the judge will order the defendant's employer or debtor to pay the injured person directly or to deposit with the court a portion of the wages or wages that were reported payable. The judge can also request a lump sum payment. If the defendant fails to pay under this order, the judge will order the defendant's employer or debtor to pay the injured person directly or send to the court a portion of the wages or wages owed.

Custody orders

The Magistrate may grant temporary custody of any child or children to the party who filed the application on her behalf or to the aggrieved party, and they may also specify the conditions under which the respondent may visit the child. If the respondent's visit could be detrimental to the child's interests, the Magistrate has the authority to deny them.

Compensation orders

The Magistrate may pass an order directing the respondent to pay compensation to the petitioner for injuries including mental torture and emotional distress caused by the acts of domestic violence committed by the respondent. The copies of orders passed by the Magistrate shall be supplied free of cost to the parties concerned and a police officer and service provider.

Any relief available under this Act may also be sought in any other legal proceedings before a civil court, family court, or criminal court and such relief may be sought in addition to and along with relief sought for in suit, or legal proceeding before the civil or criminal court.

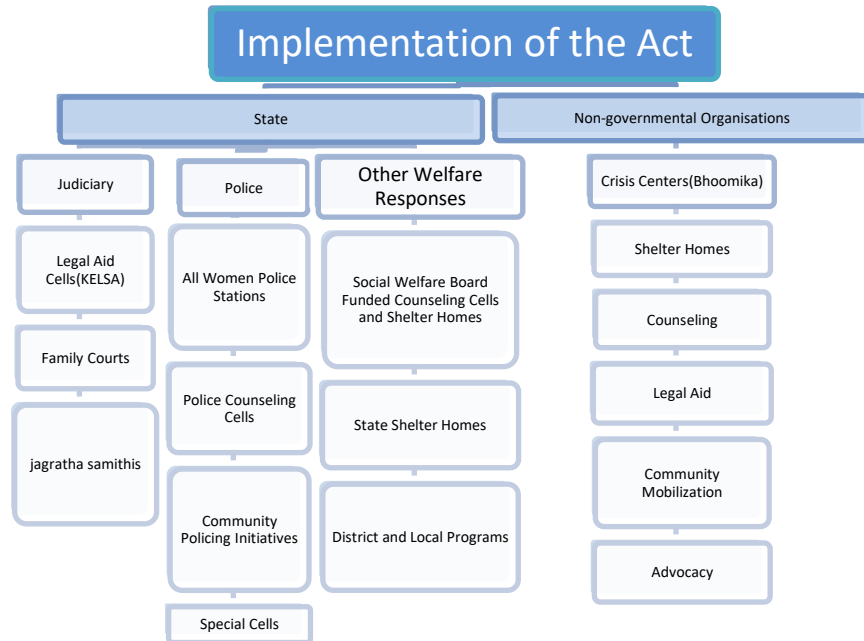
Scheme of implementation of PWDVA

The mechanism for the implementation of the Act is depicted in Fig, 2. Any kind of abusive behavior by a woman's husband or male partner or their relatives (includes male and female relatives) physical verbal, emotional, sexual, or economic abuse is domestic violence. The woman is termed a victim by the Act. In the event of abuse, she can

- apply for any of the reliefs recognized under this law i.e, a protection order, monetary relief, custody order, residence order, or compensation order.
- Make use of the specifically provided service providers
- approach a woman Protection Officer and ask them for help.
- ask for free legal aid.
- also file a criminal complaint under the general law on crimes (Indian Penal Code, 1860)⁸.

⁸ Indian Penal Code, 1860, No. 43, Acts of Parliament, 1860, (India).

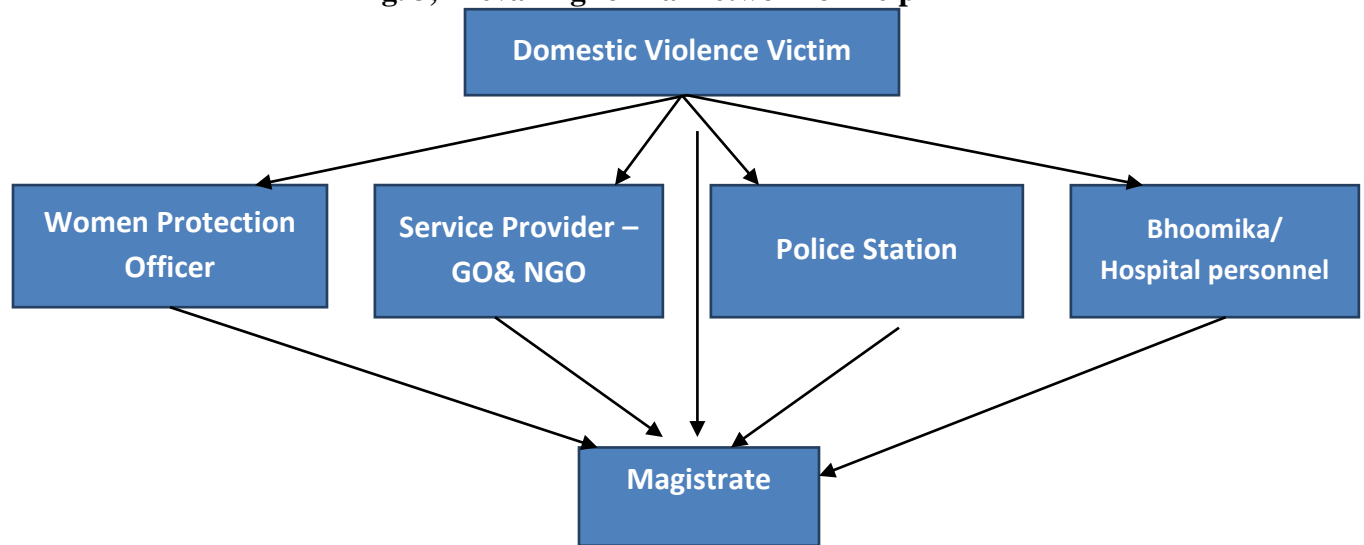
Fig. 2, Implementation of the Act



Help Seeking Nodes

A help from the external environment is of utmost importance for a domestic violence victim. There is a formal network of positions and officials to help them. Formal agencies for implementation of the Act remain the formal nodes of help for the victims. The following Fig.3 depicts the formal network of help which prevails.

Fig. 3, Prevailing formal network of Help



Informal Help Seeking Nodes

Even in a society which is educationally and socially responding at its best, it is difficult for a woman to get formal, legal aid for the redressal of her grievance. Here, the informal actors play a very decisive role. Moreover, the informal nodes are comfortable zones of rescue for a woman.

From the survey, it is seen that only 73.4% of women from the sample have sought any help, the rest being silent sufferers. The main reason behind this is the inability of a woman to compromise with her family status. For any married woman, it is her prime responsibility to uphold the dignity of her family. A separated woman is treated to be a characterless one in society. The very socialization process is streamlined in such a way that it is the duty of the woman to ensure a safe life for her children even if she is in a disadvantaged position.

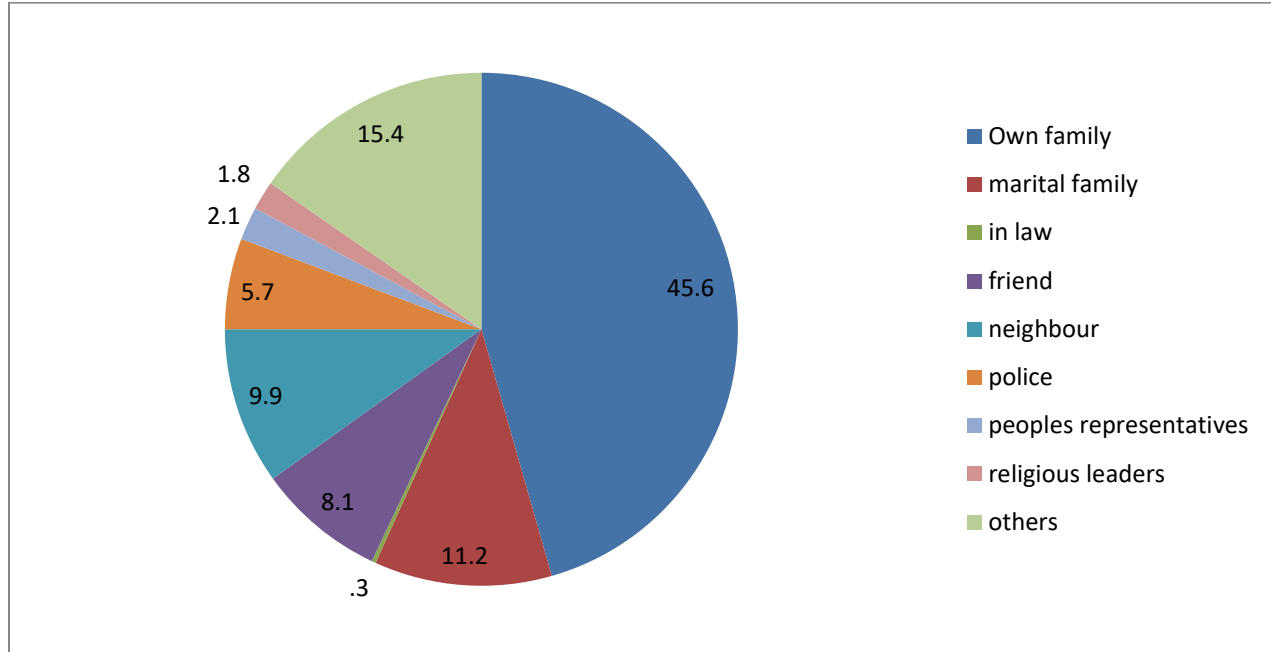
The study attempted to find out the potential of informal nodes (Fig. 4) available to a woman in distress viz., own family, marital family, in-law, friend, neighbour, police, people's representative, religious leaders, and others.

From this study, it is revealed that the natal family of the victim is the strongest node where they seek help with 45.6% of the respondents depending on their own family to solve the issue. Even though the victims approach the family for help, usually the family tries to patch up the relationship rather than take the victim to legal aid. It is only when the violence becomes detrimental to the life of the victim and or her children that the family is involved. It is welcoming to see that they seek help with the marital family also.

The next strongest node in the network is the Self-Help Groups under Kudumbasree (15.4%). Even though the mission of the SHG is to empower women through income-generating activities, they form a very strong informal node where young women bring in their issues within the family and discuss them with mentors/ elderly women in the group. They either direct the victim to the para-legal volunteer or a women's protection officer. They negotiate an out-of-court settlement with the violent husband/in-law before going to court. In the majority of the cases they succeed because they are able to keep vigil on the life of the victim.

An interesting observation from the survey is that 11.2% of respondents had sought help from their husband's family, probably due to proximity and easy access. This is followed by neighbours, friends, police, and people's representatives. It is seen that the religious leaders, though to a lesser extent, also intervene in the scenario. In a closed discussion with the victims, it was understood that the priority of the religious leaders, mostly was to keep the family intact which could be read as anti-woman. They refer to scriptures and other religious documents to substantiate their points of argument. Rarely the interest of the victim is protected.

Very few cases come in front of the local political leaders and elected representatives. Even though their initial interactions will be informal, they guide the victim, if the case goes unsettled to the formal nodes of help such as police station, or WPO.

Fig. 4, Availing of help by the victims

The issues in the implementation of the Act emanated from FGDs, key informant interviews, and surveys. On the basis of commonalities, the issues were classified into issues in the implementation of the PWDV Act posed by society in general, by the WPOs, by the stakeholders such as the judiciary, service providers, and police, the infrastructural constraints of both WPOs and Stakeholders, the capacity building needs of WPOs and major stakeholders, systemic needs of WPOs and stakeholders, inadequacy in human resources and non-availability/limited availability of infrastructural facilities, etc. Systemic needs are of utmost importance as they warrant the investment of more funds and manpower and thorough refurbishing of the existing system. While addressing the capacity-building needs of both WPOs and stakeholders, the infrastructural requirements should be taken into consideration. Capacity building coupled with infrastructure improvement would necessarily result in the better implementation of the Act.

Challenges posed by Stakeholders

- Traditional and patriarchal mindset of society towards gender issues is disadvantageous to women.
- Unequal power relations between male and female both within family and society.
- Loopholes and lacunae in women's welfare legislations.
- Partial utilization of protection orders.
- Less involvement of women at the policy-making level.
- Hesitation towards gender sensitivity and gender education of victims.
- The strong belief of the male community that the PWDV Act, 2005 is against men.
- Lack of awareness among women regarding the services of women protection officers.
- Non-availability of witnesses in Domestic Violence cases.
- Reluctance and fear on the part of victims to bring their problems outside the family.

- The functionaries under the Act deal with difficult people in difficult situations due to societal apathy.
- Issues within the domestic spheres are too sensitive.
- Lack of awareness of society regarding the services for women's protection.
- Decision-making is a highly sensitive task as it directly affects the family atmosphere.
- Non-availability of decent and standard alternate accommodation or shelter.
- Lack of timely and effective intervention by Service Providers.
- Heavy workload of judicial officers.
- Inadequate staffing to support WPO.
- Lack of livelihood training facility.
- Heavy workload of police.
- Absence of adequate and qualified family counselors.
- Systemic challenges which retard the implementation process
- Working conditions both in the field and office are not at all healthy and motivational.
- Lack of systematic computerized file management and office automation.
- Since WPO is bound to perform duties as per procedures, in certain situations, discretionary power cannot be used.
- Despite duties and responsibilities vested with Women Protection Officers, no power is assigned to them. WPOs do not have any administrative or financial powers to utilize the funds. Likewise, with judiciary and police, the two strong pillars for implementation of the act, a WPO does not have any constructive role other than to point out the flaws informally.
- Poor co-ordination among enforcing/stakeholder departments.
- Wide territorial jurisdiction of WPOs (10 officers serving 14 districts)
- Women Protection Officers are compelled to concentrate on notice serving function as per the PWDV Act and thus fail to intervene effectively.
- Inadequate staffing to help WPO.
- Inadequate monitoring by WPO due to time constraints and hence lack of proper follow-up of a case.
- Data relating to cases are not made available to WPOs by the relevant stakeholders
- WPOs are under threat of punishment under Section 33 (Penalty for not discharging duty by WPO). While the WPO is not provided with any strong support system to implement the order and it is due to the apathy of stakeholders that there might be any flaws in the implementation process, fear of being reprimanded is there with each WPO on the field
- The areas on which and the extent up to which the officers can act are not clearly identified through departmental orders, circulars, etc.
- Protection officers are not included in the policy-making process.
- No material reward from the department for excellence in performance.
- Absence of review at departmental level despite provisions for review in the act.
- Absence of review at judicial level.

Systemic issues posed by Stakeholders

- Undue delay in judicial proceedings.
- Ineffectiveness of free legal aid mechanism.

Infrastructural constraints of WPO

- Lack of infrastructural facilities.
- Non-availability of departmental vehicles.
- Lack of modern communication facilities.
- Absence of a 24-hour online/toll-free complaint receiving system and service delivery system.

All these difficulties together contribute to the lapses and ineffectiveness of such a phenomenal act which would otherwise have led to path-breaking legislation in the empowerment of women. However, the FGDs have captured suggestions to improve the implementation process, the mechanism of implementation, strengthening of systems and procedures, needed improvements in the capacity of the main implementation agencies and the principal stakeholders, improvement of infrastructure, and such amenities and policy recommendations.

WPO is the potential stakeholder in the implementation process and they represent the class one officers of the implementing department, the Department of Social Justice, Government of Kerala. For each district, the Government of Kerala appointed a WPO in 2009. In due course, there were promotions and now the department is left with only 10 in the field who are to manage 14 districts. Without any scientific reasons, the work is being shed on the shoulders of the protection officers of the nearby districts. They are so heavily burdened with work that this leads to dissatisfaction of both the victims and the officers. The job of a WPO is stressful and emotionally demanding. Support, as expected, is not received from the stakeholders and even the colleagues of their department. An understaffed office with no provision to even take a photocopy and ample space to seat those who come with a complaint leads to undervaluing of the commitment they show to the cause of women. They are also not able to update their understanding of the working of different stakeholder departments and new developments in family law. Their ability to supervise the implementation process is severely compromised as they have accountability, not authority and power. Bargaining with their own department, stakeholders, and society makes their position relatively vulnerable and less satisfactory.

Moreover, the stakeholders also have a lot of issues that make their involvement in the implementation not up to the expectation of the law. Both the judiciary and police are overburdened and understaffed. A lot of them are gender-blind. They make gender-insensitive decisions which is not even reviewed and corrected.

Infrastructure is a huge impediment for all the players and stakeholders. The need for a well-equipped office, vehicle, more women police officers, more gender sensitivity of all the stakeholders, etc., has evolved from the study. Systemic changes are also suggested. The need for the development of the following specific capacities was also arrived at in the study.

Assessment of Capacity Building Needs of WPOs

- Induction training program at the start of the career
- Training on practical knowledge of court procedures and updates
- Training in Public relations
- Training on the function and procedure of judiciary

- Training on the function and procedure of the Police department
- Training on supervision skills
- Training on counseling techniques, rapport building, time management, and crisis management to WPOs
- Capacity building in administration
- Training on modern communication technologies

Systemic changes suggested

- A clear and unambiguous guideline from the government relating to the powers assigned to WPOs
- Ensure review and co-ordination meeting of all stakeholders
- Strengthen the state and district level review meeting by Chief Minister and District Magistrate
- A process server, for serving notices relating to DV cases
- Allocation of sufficient funds for rehabilitation and follow-up
- Appointment of an Assistant Protection Officer to support the Protection Officer.
- Capacity building needs, infrastructural requirements, and human resource needs of stakeholders (police, judiciary, and service providers)
- Gender awareness training for the Public, judicial personnel, and police
- Training on administration skills
- Training on leadership
- Increase the number of Women Police officials
- More counseling centers and counselors
- Well-equipped shelter homes with basic facilities
- Enhancing the remuneration of advocates who give legal support to the victims.

Human Resource and Infrastructure improvements required in WPO's office

- Provide fully equipped separate office for Women Probation Officers
- Vehicle to be made available at the Disposal
- Notify more service providers wherever needed, including coastal/ tribal and socially deprived areas
- Filling up of vacancies of WPOs and appointment of assistant WPOs to support the functioning of WPOs.

Conclusion

Over the past few years, the country has adopted legislations to prevent or at least ameliorate violence against women, especially domestic violence. PWDV Act aims to criminalize domestic violence, ensure the prosecution and punishment of perpetrators, support victims, and strengthen prevention. The effective implementation of the Act can serve as a useful tool in supporting the effort to provide justice in terms of protection, financial support, and punishing and holding the perpetrator accountable for his deeds. Even though a lot of people are now aware of the opportunities that act as a redressal mechanism, women are forced to stay in abusive relationships because of deep-rooted cultural dependency on their husband and marital family members and their relative powerlessness. This impedes the effective

implementation of the Act. The insensitive nature of implementations towards gender-based violence and the prevalence of patriarchy as a societal norm deny justice to the needy.

Even though many cases were settled through the PWDV Act, the life of domestic violence survivors is not peaceful. Over and above this, middle- and upper-class women are not covered under the Act as per the available statistics or rather they do not avail the benefits of the Act. The challenge in front of civil society is to enforce the Act in its true sense, in which the victims should get justice; the perpetrators have to get punished and ultimately have to establish a violence-free society. The effective implementation of the law will be possible only when all the stakeholders including the officials from different departments: police, judiciary, social justice, Women and Child Development, Health, and NGOs coordinate together and consistently monitor the progress of implementation.

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