

**A Report  
On Functioning of Help-lines and Legal Aid  
System with reference to Women facing  
Domestic Violence in AP**

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## **Introduction**

Bhumika Women's Collective, Hyderabad which has been running a helpline and functioning as a civil society resource facility for women is supported by Oxfam India for the past few years. It has been successfully running the helpline for the past 4 years but increasingly feeling that there is need for more such services to meet the demands of women calling from various districts in Andhra Pradesh. It also felt that there is need to network with such services providers so as to maximize the reach out to women in distress. It has been in search of such support services. Over a period of time it came to know that there are few helplines functioning in the state with the funding from central government and monitoring by state government. It was therefore felt that there is a need for a primary study of existing helplines and other such support services that are required for addressing the complex problem of women facing domestic violence.

The purpose of the study is to find out the accurate number of helplines existing, their outreach and functioning, source of their funding, mode of their monitoring, reasons for low public profile and assess how far they are serving the mandated purpose and how to improve or rejuvenate their functioning and suggest course of action to make everyone involved in the name of helping women in distress accountable. There are large numbers of women in distress who look for help from society and government, but not getting them because of their inadequate number. Definitely more number of helplines is needed but existing ones need to work better. Few helplines existing should not be allowed to remain dysfunctional or use it as mere source of earning for all involved in government and non-government organizations.

This is a study of functioning of help-lines and legal aid system, two of the important support services to women facing domestic violence and in distress. There are no studies done on the role and functioning of helplines which are funded by the government of India. This is an attempt to identify the data related to helplines, map the role and responsibilities of different agencies in monitoring their functioning and understand the

reasons for their low visibility in Andhra Pradesh and suggest measures for their improvement in terms of policy as well as practice.

### **Context**

The violence against women in Indian society continues to be a women's issue and yet to become violence, opposed by society as whole. The women's movement which has fought for years against treating the violence as a family matter finally succeeded in achieving legal recognition and bringing it into public domain with the enactment of Protection of Women from Domestic Violence Act 2005. Now no perpetrator of the violence can be allowed to claim any 'privilege' with a 'my family' mindset to prevent the society from intervening to protect the women. The violence has become a concern of public domain more than ever before. And with the Act, the violence and its prevention is not just the concern of criminal justice system but of many other departments like women and child welfare, medical and legal experts and civil society organizations. The intervention of all these departments are of preventive in nature and limit the violence before they assume a serious and life threatening forms to women. This intervention requires multi-pronged approach to the women facing violence. The level of the coordinates within the three wings of criminal justice system is any indication, the concerted efforts by different wings and experts to find solutions to the problems of women is going to a Herculean task.

The PWDV Act 2005 came into existence by the end of 2006 and has completed 3 years of implementation. The enactment was made because of the recognition that violence against women is ubiquitous and pervasive across classes and castes and regions. The gravest forms of violence against women have been recognized by the criminal justice under 498 A, 376, 309 of IPC and other laws. The level of crime under these laws has been regularly recorded. It is also well known fact that given the subordinate position of women in society and reluctance on the part of male dominant public domain to recognize the violence, majority of crimes of less grave in nature go unreported and unrecorded. All of these factors can give a fair view of the magnitude of the problem in the implementation of the PWDV Act. All these crimes are to be prevented in their initial

stages of conflict and discord in families by the timely intervention by the agencies of government and society under the PWDV Act. The objectives of the law can be realized only by setting up of a concomitant delivery mechanism with a will and skill to address the social task.

In Andhra Pradesh harassment, crime under Dowry Prohibition Act, abetment to suicide, dowry death, dowry murder, rape, bigamy, kidnapping, out raging of modesty and murder are the 11 forms of crimes against women recorded by government. Except outraging of modesty, kidnapping, murder all others are broadly related to domestic violence. These grave crimes against women would not have happened without prior protracted familial discord, at which stage, the mechanism under PWDV Act has to address the issues. In the past 3 years of existence of PWDV Act 46 896 cases of crimes which broadly have connection with domestic violence occurred. Whereas for the same period only 4,117 cases of violence against women were dealt with under PWDV Act, which constitute only 8.6% of total crimes against them. Grave crimes against women increase where the civil solution under PWDV Act fails. The year 2009 alone registered 21436 crimes against women under laws other than PWDV Act,

Even after the PWDV Act came into existence, the grave crimes against women under IPC continue to rise. In the initial years of the law, the number of such crimes under IPC should stabilize as the less grave violence against women are addressed under PWDV Act. And over a period of time the crimes under IPC should come down. But this expected trend of crime has not yet shown up and crime continues to rise.

### **Crimes against Women**

<b>Crimes under IPC</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Dowry Murder	145	159	140
Dowry death	611	560	525
Abet to suicide	1104	1175	1204
Harassment	10742	10139	10510
DP Act	1096	1557	2191
Rape	1089	1265	1183
Bigamy	508	440	553

	15,295	15,295	16,306
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Of the total crimes against women, 69% are related to domestic violence but registered under IPC because of their grave nature. In the past 3 years, dowry deaths increased by 14% and abetment to suicide by 9% whereas the crimes under Dowry Prohibition Act increased by 99.9% in 3 years. Under PWDV Act the registration increased only 6.6% from 2007 to 2009.

### **Nature and Type of Domestic Violence**

PWDV Act 2005 recognizes violence of various kinds; physical, sexual, verbal, emotional, and economic and dowry harassment. Causing injury to the body of women is a physical violence. Forcing for sex, to watch pornography, obscene material, to entertain others, and any sexual abuse that humiliates, degrades the dignity of women are forms of sexual violence. Accusations on the conduct of women, insulting for having female child, preventing her movements and name calling are some of the forms of verbal and emotional abuse. Depriving the women of her economic independents and denying basic needs are some forms of economic violence. One thing clear is that most of forms of violence arise out of intimate relation which creates deep rooted emotional and economic dependence. The women movement felt that the special nature of the problem requires a civil rather than criminal solution. The PWDV Act offers a civil solution to the problem.

### **The Problem:**

The intimate and dependent position of women and the fear of stigma may not allow most women to come out of home and even prevent them sharing the problem with any one known in family and relatives circle. They require to share their problem of violence at home with any one who allows them to ventilate, help them understand the problem, show them possible solutions suitable for them and their dependents. Since the criminal justice system as such is not trained or equipped to handle the complex problem of domestic violence, the responsibility to support the women, process the remedies and restore them with right to survival is entrusted to the ministry of women development and

child welfare and various support service agencies such as Shelter Homes, Help-lines and legal aid agencies.

### **The Solution**

The PWDV Act offers rights to protection, maintenance, residence, custody of the child and compensation to the women facing violence. The law expects that the system to provide any of these remedies within 60 days of filing of case. Whether the courts and police can offer these solutions within the stipulated period, the women immediately require some place to stay, counseling to understand her situation, advice to take up future course of action and support her children. They requires a place to protect herself; help to recover from emotional turmoil; time to recuperate from physical violence; treatment for the injuries, and guidance to appropriate course of action to access relief and remedy.

The PWDV Act envisages various support services to be provided by different types of agencies to the women. The government of Andhra Pradesh notified already existing 77 homes, 18 tele-help-lines, 72 service providers and created 46 counselors posts in the office of Protection Officers under to implement the provisions of PWDV Act 2005. These support agencies are authorized to provide Domestic Incident Report to courts; shelter, counseling, medical and legal support and trainings if necessary. The law envisages a pro-active role to these support providers and therefore they are public authorities with protection under the law. They have a duty to identify the women facing domestic violence and defend them by all possible means.

### **Tele-Help-lines**

Tele-Help-lines are one of the support services available for women in distress. As already said, Bhumika Women's Collective, which is running a helpline finds the increasing demand for counseling services from the women in distress. It has not been able to meet the demands of calls it receives from all over the state. In spite of large network of volunteers and advocates, BWC is able meet the demand only with great

difficulty. It was felt that there is need for concerted effort by all the concerned to address the primary need of counseling of women facing domestic violence.

### **The Data Collection**

The research team approached Central Social Welfare Board and Department of Women Development and Child Welfare for information on the number of helplines and their status of functioning. There is no proper and categorized data with both the departments and they have no clue whether all of them are functioning or not. The information about their functioning was collected through telephonic interviews with NGOs, counselors as some of them refused to provide written information. Some of the information was gathered from those who attended the conference on support services organized on 11 March 2009. Some data were collected from websites, known sources of NGOs and press which covered about them now and then.

### **Policy Objectives of Help Lines**

The Ministry of Women and Child Development of central government conceived the programme of help-lines as part of Swadhar Homes. This was revised and amended in 2002. The scheme would be revised, as stated in the policy document only once in 10 years. There are no helplines independent of Swadhar Homes. There are 32 Swadhar Homes in the state but only 15 of them have been sanctioned the help-lines. There are 3 more help-lines run along with Short stay homes. The objectives of the Swadhar Homes are also applicable to Help-lines run by short stay homes. In all there are 18 helplines funded by the government.

### **The following are the objectives of the scheme:**

1. To provide the counseling and information needs of marginalized women/girls living in difficult circumstances who are without any social and economic support;
2. To provide emotional support to such women;

3. To arrange for specific clinical, legal and other support for women/girls in need of those intervention by linking and networking with other organizations in both Govt. & Non- Govt. sector on case to case basis; and
4. To provide such other services as will be required for the support and rehabilitation to such women in distress.

### **The Structure of Support from the government**

Under the Scheme of Help-line the government sanctions the total amount of Rs. 2, 32, 000 in the following manner.

1. Annual lease charges and bills of the toll free phones shall be reimbursed up to upper ceiling of Rs.28,000.
2. Initial expenses for starting the Help Line Rs 10,000.
3. Rental for the premises @ Rs 1000 p. m
4. Stationary : Rs 1000 p. a
5. Salary of the staff: 3 Operators 1 in each shift of 8 hours:  
Rs 5,000x3x12 Rs. 1, 80, 000.

This means 18 Help-lines put together receive total amount of rupees around 40 lakhs excluding initial expenses.

### **The Implementation of the Scheme**

Of the 18 help-lines, one was directly run by the government of AP in Hyderabad it was wound up in early 2009 due to delay in release of funds by Centre. All other help-lines are part of Swadhar Homes run by NGOs in different parts of Andhra Pradesh.

Type of Home and Date of Starting	Name of Organization and Address	Location of the project	No. of beneficiaries Per year?
8-1(3)-/2004-Swadhar 25.1.2005 1	Sree Harsha Educational Society, D No. 1 - 26, Vedureswa-ram Road, Ravulapalem Mandal, East Godavari Distt., A.P.	Main Road of NH-5 of Ravulapalem, East godavari-District, Andhra Pradesh (Plot No. 8-556 and Plot No. 8-288-9/11) Ph: 08855-258645	Mixed 50 + Helpline
8-1(5)/2004 Swadhar 15.3.05 2	Community Association for Rural Development(CARD) Maannapolur, Vill & Post – Sullurpet Mandal, Distt. Nellore, AP-524121	S.No. 102 B, Mannarpolur Village, Sullurpet Mandal, Nellore District, Andhra Pradesh	100 Mixed + Helpline
8-1(18)/04-Swadhar 24.2.05 3	Kasturba Gandhi National Memorial Trust, Mahila and Vikasa Kendra, Hydershakote Via Langar House, Hyderabad-8	Kasturba Gandhi National Memorial Trust, Hydershakote Langarhouse, Hyderabad Ph: 040-24191419	Mixed + Helpline 50
8-1(11)/04-Swadhar 24.1.05 4	Dasari Adivaiah Mahila Ele. School Committee, Distt. Prakasam	Uavapadu Village & Mandal, Prakasam District. Andhra Pradesh National Highway No. 5,	Mixed + Helpline 50
8-1(8)/04-Swadhar 15.2.05 5	Chaitanyabharathi, Plot No. 754, Gowthaminagar, Vuda Colony, Near Phase –III, Junction; Cantonment, Vizianagaraam	At S.No. 36, Ward No.35, Anbedkar Colony, Cantonment, Vizianagaram, A.P.	100 Mixed + Helpline
8-1(7)/04-Swadhar 18.2.05 6	Gram Vikas, Hyderpet, Sathupally, Near B.C. Hostel, Khammam	At. Plot No. 122, H.No. 3-136, Sathupalli, Khammam., Andhra Pradesh	100 Mixed + Helpline

8-1(2)/05-Swadhar 27.7.05 7	Ambedakar Harijan Sangham, D.No. 5/532, Industrial Estate, Kadiri, Anantpur Distt.	Plat No. S-9, Near Telephone Exchange, Industrial Estate, K. Kummaravonadala Palli, Kadiri-515591, A.P. 08494-221955/225809	50 Mixed + Helpline
8-1(17)/04 Swadhar 4.8.05 8	Rashtriya Seva Samiti, ARKVA, Chittor, AP	R.S.S., ARKVA, Anjaneyapuram, Karakambadi (Vill., Renigunta Mandal, Chittor Distt.. AP	50 Mixed + Helpline
8-1(15)/05-Swadhar 16.9.05 9	Bark Educational Society, Akberpeta, Bapatata, Guntur.A.P.	Bark Educational Society, H. no. 4-8-43& 4-8-35/A Batatala, Akbarpet Distt. Guntur. A.P. Cell : 9440434310	Mixed+ Helpline 50
8-1(1)/2005 Swadhar 4.10.05 10	Annie Owe Memorial Orphanage (AOMO), Benerjeeepeta, Eluru, West Godavari	D.No. 10-120 & 10-121. Chataparru Road. Eluru. Benerjeeepeta, Eluru, West Godavari	Mixed+ Helpline
8-1(7)/05 – Swadhar 10.10.05 11	Hyderabad City Women's Welfare Council, 7-40/1/2, S.S. Nagar, Street No.8, Habsiguda, R.R. I. Hyderabad	Hyderabad City Womens Welfare Council, H.No. 3-16-103/C/12. Venkat Reddy Nagar, Ramanthapur, Hyderabad-13, A.P. 10923	50Mixed+ Helpline
8-1(16)/2005-Swadhar 19.2.2007 12	Navodya Seva Sangam, Netaji Road, Jadcherla, Mehabub Nagar, Andhra Pradesh	Plot No. 104-105 and S.No. 74 A, 74 B, Balanagar, Mahabub Nagar District Andhra Pradesh	50 Mixed + Women Helpline
8-1(18)/2005-Swadhar 13	Gram Vikas, A.P.	125, Nuzvid, Krishana, Krishana-Distt. (A.p.)	50 Mixed + Helpline
8-1(1)/2007-Swadhar 14	Priyadarshani Service Organization, Vishakhapatanam	Narsimhanagar, Vishakhapatanam, (AP)	50 Mixed + Helpline

8-1(11)/2005-Swadhar 15	Chathnaya Mahila Mandali, Khammam, A.P.	Khammam	50 Mixed + Helpline
Short Stay Home 16	Hyderabad Zilla Mahila Manalula samakhya; Flat no – 409, Satya Sai Apartments Srinivas Nagar, Ameerpet Hyderabad	Helpline + short stay home	
Short Stay Home 17	Mahila Dakshata Samithi H.No. 8-3-430/1/21 NSC Employees Society Yellareddy guda Ameerpet Hyderabad	Helpline + Short stay home	
Short Stay Home 18	Pragathi Charitable Trust Visakhapatnam	Helpline + Short stay home	

### **The Spread and Distribution:**

While there are 7 helplines in Telangana region, 6 districts do not have even one helpline. In Coastal Andhra all districts except Srikakulam have help-lines whereas 2 out of 4 Rayalaseema districts have no help-lines. A cursory look of data of violence against women in different districts and regions reveal that there are wide variations in it. The support services designed needs to take the trends in the violence in urban and rural areas. The present spread of helplines does not seem to have taken the ground realities of the violence.

### **Region wise distribution of Help-lines**

<b>Region</b>	<b>No of Helplines</b>	<b>Details</b>
Telangana	7	Hyderabad- 4; Khammam -2; Mahbubnagar-1)
Coastal Andhra	9	Vizag 2; Krishna 1, Guntur 1, West Godavari 1; East Godavari 1, Nellore 1; Vizianagaram 1; Prakasham 1)

Rayalaseema	2	Chittoor 1; Anantapur 1

### **The staff of Helplines:**

The policy of helplines stipulates that post-graduates in social work should be recruited as counselors. It does not talk about experience in counseling. The counselors are offered just Rs. 5000 as salary which is not attractive enough even to a fresh post graduate. In most of the helplines they are designated as telephone operators rather than as counselors. In some homes the destitute women who stay there are engaged in counseling but for a under payment. The staff also appears to be diverted to other projects of the NGOs. The organizers of helplines categorically stated that there has been lots of staff turnover due to inadequate salaries offered. As a result the helpline as a serious work does not receive as much attention as it requires. In those homes/NGOs where family counseling centers are also run, there are reasons to believe that the data related to FCC are shown as calls received by helplines and submitted a report to the government for the purpose of accountability.

### **Timings of Helplines**

The contract of CSWB with NGOs makes it clear that helpline should be run round the clock and throughout the year. It has been already made clear that only half of the helplines are functioning. Though they are offered 3 staff, they are only functioning from 10 to 5 o clock during day time. To check their status of functioning we called them, we received responses only during day time. More importantly no counselor seems to work during the week ends and public holidays. A careful observation of the limited data made available by the few NGOs reveals that helplines do not function during long week ends and annual holidays. This could mean that the NGOs do not understand the nature of domestic violence. For instance the alcohol addiction is one of the reasons that intensifies violence during week ends on women. The women in trouble may need a support services more during week ends than any other days. All these things only indicate that the NGOs are either not interested in mobilizing the networks of volunteers or incapable of mobilizing it. A socially committed and sensitive organization can easily receive

support from the public. On the whole the non-functioning of helplines during holidays indicates lack of seriousness on the part of NGOs running the helplines.

### **Supervision and Guidance**

The NGOs that run the helplines are to form a committee of volunteers with representatives from civil society, NGOs, police, legal services authority, shelter homes and local administration. This committee is expected to supervise the functioning of helpline and extended necessary support to the women who approach the NGOs. The documents we collected and enquiries made gave no information about existence of such committees.

### **Monitoring of Help-lines**

The responsibility of monitoring of different kinds of shelter homes and helplines are shared by Central Social Welfare Board and Project Directors of DWCD of state government but there is no clear cut division of work and responsibilities earmarked by the governments. Both the agencies say even they are not clear about their respective roles, responsibilities and jurisdiction. For instance Pragathi Charitable Trust, Vizag, Hyderabad Zilla Mahila Mandalula Samakya, Hyderabad and Mahila Dakshata Samithi, Hyderabad claim that they are monitored by field officers from CSW Board and the rest by state government. The functioning of helplines is to be monitored by the two agencies once in 6 months. The organizers of helplines say that they are visited by officers from district to state level at any time. They refused be specific. It only means that no systems of monitoring are followed by the monitoring agencies. This confusion seems to arise from the fact that contractual agreement is not specific about who will monitor the NGOs at what level. It only says that “all the records should be available and open for inspection whenever a nominee of DWCD, Central Social Welfare Board or State Board visits the centre”. This means there is no specific period of inspection. The monitoring, if at all they ever take place, seems to focus more on the functioning of shelter homes and no specific assessment of functioning of the helplines. Therefore there are no separate reports submitted by the concerned officers to the governments but few NGOs send their reports. Out of 18 Help-lines functioning, only few are open to share their reports about

their functioning and the rest are reluctant, secretive and offensive. 5 of total helplines have toll free numbers working and more than 50% of helplines are not working. Even those helplines functioning are seen as part of family counseling centers and they do not have network of volunteers or information on services readily available in different agencies.

Of the two ways of counseling direct and indirect, the helpline belongs to second category. It has its own advantages. The caller can share any information over phone and seek the guidance. Helpline can be accessed by large number of women including poor as it is supposed to be free. The women facing violence can easily complain or seek guidance with raising doubts in the perpetrators of violence. When all other avenues of help are closed, help-line is one easily available service to women in the age of telecom revolution. It can be accessed by any one even from villages if it has sufficient publicity. To assess its effectiveness, the monitors need specific standards. But the policy of Swadhar homes that supports the helplines does not propose specific standards for their assessment. As a result the claims of calls each helpline receives range from 30 to 3000 per year. These claims can only mean that they are run far below or above their capacity.

### **Publicity of Help-lines**

BWC as one running a help-line was shocked to learn that there are so many helplines supported by the central government. They are hardly visible in public domain. Most NGOs confessed that they publicize about the existence of Helpline among their women's groups, in the villages they work, through pamphlets and cluster meetings. They do not seem to think beyond their physical area of activity. They have to realize that the stakeholders of helplines are each and every women living even in remote areas of the district. The city based help-lines get publicity occasionally in the tabloids meant for women. While the government does not provide any financial support to undertake the wide publicity of the helpline, there is no proactive initiation on the part of NGOs running them to spread its availability. There is a need to undertake a drive for publicity of helplines at every place where women gather like working places, Self Help Groups, hospitals, water pumps, fitness centers, boutiques, psychologist, gynecologists, fairs,

weekly markets in small towns, schools, colleges, community centers, police stations, protection officers', legal services authorities, residential complexes, and bus stops. The civil society groups working for women may mobilize the print and electronic media to publicize the help-line numbers.

### **The Grant Making**

The Central Social Welfare Board, Ministry of Women and Child Development sanctions Rs. 209000 per year. The contract with NGOs makes it clear that continuation of the grant during the next financial year will be subject to availability of funds. The funding meant to support the women in distress is uncertain and unreliable. This approach of grant making needs to be changed at least after passage of PWDV Act 2005. All the NGOs which attended the meeting organized by BWC complained that funds are released by the government after one year or more time. This is creating difficulty to pay the staff monthly and retain them. To illustrate the point, take the case of Pragathi Charitable Trust, Visakapatnam. The sanction letter for the period 1-4-2006 to 31-3-2007 was issued on 18 February 2007 and the first half of the grant was released on 28 March 2007. This means half the grant for the year was released at the end of the year. This much of seriousness of the department is laudable. This delay places really committed small NGOs running the help-lines in difficulty.

### **Data Collection and Analysis**

Most NGOs are reluctant to share the information. Even those which shared the data are not collecting the data of social, economic context and the personal profile of the women such age, education, caste, income group, region, married and unmarried, live-in relation, violence other than partners, which are very important to understand the spread and intensity of violence. Only few helplines are maintaining the proformas of the women approaching them. The reports to government have only the minimum details related to the violent incidents but not beyond. Most reports are quantitative without any insights into the trends in the violence. There is need to collect, compile and analyze the data related to domestic violence received from callers to design appropriate support services.

## **Recommendations for consideration of Government**

1. The government should undertake the process of redefining and redesigning the role of support services in the changed legal policy towards domestic violence. The PWDV Act envisages a larger role to the support services to defend the right to violence free life of women.
2. It should undertake a reassessment of the existing policy of support services including helplines.
3. Creation of support services and their allocation to different states and districts should be based on the assessment of the nature and extent of violence against women.
4. The new policy on support services should have following components:
  - a. The role of helplines should be defined in clear cut terms not as an adjunct to shelter homes but independent of it.
  - b. The NGOs that runs helpline should have experience in working with women's groups and issues.
  - c. The ability of NGOs to network with different agencies to provide services to women facing violence should be taken into consideration while selecting for helpline. The formation of committee of volunteers to supervise the functioning of the helplines should be made mandatory.
  - d. The structure of grant should be designed in such a way as to provide effective services to women. The suitability of grant should be assessed once in every three years.
  - e. The salary of the counselors should be adequate enough to attract experienced and committed persons.
  - f. There should be a clear cut policy of monitoring by the specific agencies. The present confusion should be removed.
  - g. It is the responsibility of government agencies to publicize widely the support services available to public.
  - h. The coordination and collaboration among support services should be made mandatory.

- i. Elaborate forms for collection of data on violence should be prescribed for the support services.
- j. The DWCD should undertake the projects of research and analysis of the data on violence against women and how they are addressed.
- k. The NGOS running support services should be accessible for public scrutiny and made accountable.
- l. The helplines should work round the clock in real sense.

## Quality of Legal Aid to Women facing Domestic Violence in AP

BWC has also undertaken a survey of the quality and quantity of legal services available to women in distress in general and women facing domestic violence in particular. The following report is formed on the basis of discussions held with legal counsels in office of the protection officers, panel of advocates in the district legal aid authority, information collected from state legal service authority.

### **The Problem**

Women in difficult circumstances deal with a range of issues that require access to legal advice by a qualified lawyer. Issues include custody and access of children which almost always involves negotiating with a man who has been or continues to be abusive towards the mother; securing of restraining orders to protect herself and her family from a violent man; division of property for which a fair settlement is impossible to achieve in a situation where a man is already controlling and or violent.

The consequences of poorly funded and administered legal aid are that women are forced to expose themselves to violence or abuse; fewer lawyers are willing to accept legal aid funded clients or must make other better funded clients the priority. As a result, women who are legal aid funded have less access to their lawyers and fewer options when choosing a lawyer. The emphasis on mediation has put women in the position of negotiating with an abusive or controlling man in mediation. Women who manage to escape before getting hit do not qualify for legal aid and are being turned away to deal with the abuser on their own in mediation where all the parties are assumed to be on more or less equal footing.

The design of legal aid system without concomitant and foolproof mechanisms to deal with rights of women undermines the promotion and protection of constitutional rights for women, and therefore undermines the formal notion of women's equality. Legal counsel and representation by a trained lawyer of one's choice is the very minimum of what a notion of access to justice for all guarantees.

Legal aid must be created to adequate levels to respond to the needs of women in distress and difficult circumstances and everyone else requiring legal counsel. The commitment to fund at adequate levels will be an indication of government's commitment to ensuring violence free life for women. Without adequate access to legal aid it is impossible to realize the dictum of right to equality. The dysfunctional legal services has the effect of undermining women's equality rights.

### **What is legal aid?**

A brief introduction to the provisions of Legal Services Authority Act 1987 is necessary to understand the nature of services that can be expected by women from the government to fight their cases of violence. Section 2(1)(c) of Legal Services Authority Act 1987 defines 'Legal services' as including "the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter." It is clear from this that the concept of legal aid is not confined to only representing a client but can extend to other services. Free legal aid includes payment of court and other fees, charges for preparing, drafting, and filing of any legal proceedings, of legal practitioners and costs of obtaining degrees, judgments, orders and other documents in legal proceedings,

### **Who can get legal aid?**

Apart from those who fulfill the economic means test, section 12 (c) of the LSAA entitles *inter alia* any women for legal services from the judiciary. Some of the particular sections who are eligible for free legal service are any victim of trafficking in human beings<sup>1</sup>, who is in protective home and those women who are in licensed psychiatric hospital<sup>2</sup>.

As per the Act and the rules adopted under it, the SLSA has to provide legal services to all the needy citizens through competent, committed legal aid counsel and duty counsel. The DLSA has to enlist the services of as many senior and competent advocates as

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<sup>1</sup> Who come under section 2 (g) of immoral traffic (prevention) Act 1956 and in the custody of protective established under section 21 of the said Act.

<sup>2</sup> Under the section 2(1) of Mental Health Act 1987

possible for the purpose. It has to regularly monitor the performance of the legal aid counsel and duty counsel, evaluate their services as satisfactory or otherwise. Their assignments must be terminated if there are any defects in their performance. It is specifically mentioned that in civil cases ( DV Act comes under civil case category) where legal aid is provided to the beneficiaries, the counsel to whom the brief is assigned be requested to place draft pleadings before the secretary for making necessary suggestions and corrections if necessary. The counsel is expected to take prompt and immediate action without any delay and secretaries of DLSA should review the progress of the cases by convening meetings every month with the counsel to whom legal aid cases are assigned. The secretaries of DLSA should interact with legal aid beneficiaries periodically and enquire about the progress of the cases and difficulties facing in conducting the cases<sup>3</sup>.

At present state legal services authority is providing legal aid by way of representation in cases that are screened for eligibility and holding Lok adalats for settling old cases and compoundable criminal cases through district legal services authority.

### Legal Aid Provided to People Seeking Justice in AP

May 1996- Dec 1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4,207	1169	1042	950	942	1365	1631	2518	3007	2396	2628	1719

The above table shows the number of cases in which legal aid has been provided to various litigants for the past 10 years. Since there is no break up of the figure it is not clear how many of them are dalits, women and Adivasis, for whose benefit the legal aid services are created. Perhaps such data is not maintained. Therefore we could not get the relevant data. As per the records available from DLSA of Ranga Reddy district only 14 and 16 women got the legal aid for 2008 and 2009. Similar data in DLSA of Hyderabad

<sup>3</sup> 04.00 Legal Aid: Table Book for Secretaries, District Legal Services Authority, issued by AP SLISA, Hyderabad.

is not available. But the data we gathered from the POs office of Hyderabad show much dismal picture of 7 people seeking and getting legal aid. We are forced to assume it may not be more than 200 women in years who are receiving legal aid. In past 3 years 4,117 cases have been filed under PWDV Act and another 20000 crimes inflicted on women in the state. Definitely more number of women than are able to seek legal aid and SLSA is able to provide it is in need of qualitative legal aid. There is need to prepare it to see that women get equal access to legal aid from the SLSA.

The SLSA claims that it settled 3009 and 2994 cases of matrimonial disputes in 2008 and 2009 respectively through Lok Adalats. Compared with level of legal aid provided, the emphasis on the settling of cases through mediation and Lok Adalats is clearly disproportionate. Too much emphasis on Lok Adalats can never substitute the need for quality justice because those agreeing to settle invariably do it for negative reasons of prolonged litigations and helplessness of women. And given the large number of grave forms of crimes recorded this disproportionate emphasis may mean compromising the safety and security of women facing violence. Counseling should necessarily mean conciliation between the parties to avoid vexatious litigation but ensure the avoidance of further violence. And in any case domestic violence is not one time offence but a continuing one.

Under PWDV Act it is the responsibility of Protection Office to ensure access to legal aid to women. After the DIR is filed, the PO service the court notice to the perpetrator of violence. The moment the accused receive the summons, he engages a lawyer, who uses all technical intricacies to drag the case to the extent of subduing the will of women to fight the cases. As the situation stands, the POs are already expressing their reluctance to appear before the courts for every case and sending the legal counselors to do so. It may not be possible for the legal counselor in POs office to play the role of an advocate at every stage of hearing. The other options the victim is left with are 1. Appear as party in person. 2. Engage a private lawyer 3. Avail the free legal services from district legal services authority. Since the highly formalized judicial system rarely allows aggrieved parson to argue ones own case, it is unlikely most of the women doing that.

We could collect postal addresses of around 20 women who have been allotted a legal aid advocate by DLSA of Ranga Reddy and office of PO Hyderabad. The advocates seem to have no concrete communication with the women. Except in one case, we could not trace them at all. They can only give any information about the quality of legal aid they got. The players in the criminal justice system seem to have not thought that the system derives its legitimacy from those whom it seeks to serve.

The reasons for this dismal functioning of legal aid service is not difficult ascertain. It is a well known fact that the legal aid counsels are paid pittance for years of pleading for one case. What is paid to a counsel in Magistrate case at the end of the case is not even sufficient for paper work to be done. Lawyers cannot be expected to subsidize the legal aid programme. Quality counseling has to be compensated decently. To deal with the domestic violence case there has to be a combination of the judicare and salaried lawyer models depending on the complexity of the case. The irony is that that there is a heavy under-utilisation of funds granted by NALSA. The shortage of finance is therefore not an excuse at all. The lack of monitoring of performance of the advocates who accept to be part of panel and take up cases all the more compound the cases.

#### **Planning Commission on Women's Access to Legal Services <sup>4</sup>?**

“The Eleventh Plan will foster women's access to legal services through a range of measures. Women will be exempted from paying fees to fight cases of human rights violations. Funds for legal assistance will be provided to poor women seeking legal redress. Legal awareness programmes will be carried out in all States in collaboration with NGOs working at the grassroots level. Legal Aid Cells consisting of committed and gender-sensitive lawyers will be set up at the Panchayat level to provide information and support to rural women, especially poor women. *Lok Adalats* will be organized to encourage alternate dispute settlement mechanisms for efficacious settlement of cases. The Plan will also work towards increasing the percentage of women in police and judicial services. Training on use of gender specific laws will be provided to all Members

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<sup>4</sup> 11<sup>th</sup> Planning Commission document, section 6.72

and Authorities involved in providing legal services. Concept of *Jan Sunwaiye* will be adopted to listen to people's voices." Most of these ideals are yet to be translated into reality. A governance that lacks the philosophy of social justice may find it difficult to build a mechanism realize the access to justice for all.

There is need to set up a working mechanism that account for performance of the legal aid. Such mechanism should have simple things like a place in the court premises where the litigant can readily access information about her case, the lawyer and where to find public utility services. It should also have confidential mechanism to complain about the performance of the advocate. The present situation calls for a reorientation in the approach in the matter of administration of legal services. It has to combine elements of accessibility, transparency and accountability. Such mechanism should be able to translate the ideal of access to justice for all encapsulated by Justice VR Krishna Iyer in the following words: "The *spiritual essence* of a legal aid movement consists in investing law with a human soul; its *constitutional core* is the provision of equal legal service as much to the weak and in want as to the strong and affluent, and the dispensation of social justice through the legal order. The *political thrust* of the movement is that if legality lets down the masses and protects, in actual working, only the upper bracket, anti-law will become a way of life of the numerous poor, the people being prone to seek justice in the streets in preference to the law in the courts."

## Annexure

### 1. Pragathi Charitable Trust Visakhapatnam

Name of the Organization	: Pragathi Charitable Trust
Address	: 7-3-3/3, AU Campus, Visakapatnam
Building status	: Rented
Year of starting the Helpline	: 2002
Helpline Phone number	: 10923(not working) / 0891-2733040
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 M.S.W. Counselors
Timing	: 24 hours
Total funding (year)	: Rs. 2, 09,000
Total Number of calls per year	: 245
Total calls per month	: 15-20
Publicity	: Through awareness camps, medical camps etc.
List of Volunteers	: social workers, advocates, doctors
Monitoring	: -
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: 5 cases per month to short stay home
Documentation	: Cases register, visitor's book, case sheets

- No release of fund from last 2 years
- One training held in 2007 in Tirupathi
- There is no funding for advertisements (for number publicity)
- Maintaining rapport with Police people and also local NGO's

The organization mostly receives the calls referred by volunteers, social workers, local NGO's, police stations and other helpline's who know about it. Though there is no funding for publicity to the helpline number the organization is popularizing the helpline number through awareness programmes, health camps, Celebrations of International Women's Day and all Festivals etc.. They mainly focus on awareness camps in slum areas. There is one phone line (0891-2733040) dedicated to the helpline for women in distress and whatever is shown as the number is not a toll free number. The org. wants the toll free number and they are trying for toll free. They are having three social workers (counselors) of helpline. It is a 24 hours counseling center. Particularly they have one room for night shifts along with all facilities. Helpline receives 15 – 20 calls per one month. If the client's needs the family counseling the counselors gave the face to face counseling also. They maintaining case sheets, record the files, visitor's book. The helpline has 5 volunteers, panel of advocates and one doctor. They wanted to build up the volunteer's network. They are maintaining a rapport with police people as well as local NGO's. Every helpline submits the reports to State Social Welfare Board and Central Social Welfare Board once in 6 months. One's in a year the govt. officials monitoring the organization. But past 2 years no body monitoring it and as well as no funding for helpline. So all the questions related to number of calls received and the way they are documented and monitored are irrelevant. Yet the budget for helpline reaches them of course irregularly.

The social workers were trained once in 2007 at Tirupathi. Now they want more training sessions on helpline counseling skills. It is not clear about the criterion according to which certain homes are monitored by CSWBs and others by Project Directors. Even the respective departments do not seem to know.

## 2. Priyadarshini Service Organization Visakhapatnam

Name of the Organization	: Priyadarshini Service Organization
Address	: Murali Nagar, vizag
Building status	: Rented
Year of starting the Helpline	: June 2009
Helpline Phone number	: 0891-2799477
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 M.S.W. Counselors
Timing	: 10 am to 6 pm
Total funding (year)	: Rs. 2, 09,000
Total Number of calls per year	: Not able to clearly spell out
Total calls per day	: 6- 8
Publicity	: Through self help groups etc
List of Volunteers	: Self help groups
Monitoring	: No monitoring so far (February 2010)
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: -

This particular helpline started was in June 2009. Till now they have no funding for helpline. But they have 3 counselors. The working hours are 10 am to 6 pm. The organization mostly receives the calls referred by S.H.G groups and who know about it. There is no particular publicity to the helpline number. One (0891-2799249) particular phone line is dedicated to the helpline and whatever is shown as the number is not a toll free number. The organization wants the 11 number toll free number and they are trying for it.

They say that there are receiving 6-8 calls with out any publicity. The question is how the clients are approaching the helpline for help? So all the questions related to number of calls received and the ways they are documented and monitored remain unanswered. Yet the budget for helpline reaches them of course irregularly.

### 3. Hyderabad Zilla Mahila Mandalula Samakya Ameerpet, Hyderabad

Name of the Organization	: Hyderabad Zilla Mahila Mandalula Samakya
Address	: Flat. No. 409, satya sai aprts, Ameer pet
Building status	: Own
Year of starting the Helpline	: 2003
Helpline Phone number	: 10921/ 04023754367
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 M.S.W. Counselors
Timing	: 24 hours
Total funding (year)	: Rs. 2, 09,000
Total Number of calls per day	: 10 calls
Total calls per month	: 300
Publicity	: Through TV programs, FM Radio
List of Volunteers	: Advocates – 4 and psychologists
Monitoring	: 3 times in the past 2 years by C.S.W.B
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred to	: F.C.C., S. S. Homes and Swadhar Homes
Documentation	: Case filing, visitor's book, referral form, personal information sheet, operator data sheet

The helpline was started in 2003 for women in distress. It works 24 hours. There are 3 counselors working in it. There is one toll free number (10921) dedicated to the helpline (only BSNL to BSNL free). The organization is publicizing the toll free number in TV shows (Maavuri vanta) and radio programmes. But there is no funding for helpline publicity. This helpline receives an average 10 cases per day and it receives around 300

cases per month. Most of the clients are asking for family counseling, so the counselors ask them to meet. They provide counseling to women as many times as required and some times they will be referred to family counseling center for further counseling or linking them to psychologists/psychiatrists/advocates. Sometime the organization gives shelter in Swadhar home also. If there is any legal problem then, they will be linked with Protection officer under PWDV Act, Legal Service Authority and other NGOs who are dealing those cases. They maintaining the records of Case sheets, call register, visitor's book, referral form, personal information sheet and operator data sheet. Most of the cases are referred to women police station. The counselors want the training on helpline skills and documentation. State Social Welfare Board Officer's and representatives from C.S.W.B monitor the helpline. The officials visited 3 times for the past 2 years.

#### 4. Kasturba Gandhi National Memorial Trust Langar house, Ranga Reddy District

Name of the Organization	: Kasturba Gandhi National Memorial Trust
Address	: Hydershakote, Ranga Reddy District
Building status	: Own
Year of starting the Helpline	: 2003
Helpline Phone number	: 040-24191419
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 operators
Timing	: 9am to 6 pm
Total funding (year)	: Rs. 2, 09,000
Total Number of calls per year	: -
Total calls per month	: 6-7 cases
Publicity	: There is no publicity for helpline
List of Volunteers	: -
Monitoring months	: By Project Director of DWCD once in every 6 months
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B, S.W.B and PD
Referred	: -

The organization mostly receives the calls from police stations and local people who know about it. There is no particular publicity to the helpline number and the organizers seem to believe that face to face counseling is the only effective method of providing succor to the women in distress. There is no particular phone line dedicated to the helpline and whatever is shown as the number is not a toll free number. The org does not seem to know about the toll free number and its usefulness. They say that there are three operators of helpline but the question is when there is no publicity for the number and no

calls from unknown are receive, one is not sure what is the meaning of engaging three operators. So all the questions related to number of calls received and the way they are documented and monitored are irrelevant. Yet the budget for helpline reaches them of course irregularly.

According to their confession the operators are post graduates in social work but of course they seem to experience in life. They all seem to be women living in the home as inmates. Only one part time counselor visits once in a week who is shown as counselor for both Swadar Home and Helpline. This particular home is monitored by project director.

## 5. Chaitanya Bharathi Vizianagaram

Name of the Organization	: Chaitanya Bharathi
Address	: Plot.No. 70,C.B. Colony,Vizianagaram.
Contact person	: K. Manmadha Rao
Building status	: -
Year of starting the Helpline	: 2005
Helpline Phone number	: 10921(working) / 08922-237676
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 M.S.W. Counselors
Timing	: 24 hours
Total funding (year)	: Rs. 2, 19,000
Total Number of calls per year	: 143
Total calls per month	: 25-30
Publicity	: Through awareness camps
List of Volunteers	: Social workers, advocates, doctors
Monitoring	: Dept. of Women and Child Development, Vizianagaram, Hyderabad and New Delhi District Officials
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.S.W.B
Referred cases per month	: -
Documentation	: No particular documentation

The helpline was started on 2<sup>nd</sup> April 2005 for women in distress. There is no publicity to the helpline number and there is no funding for publicity. There is a phone line (08922-237676/10921) dedicated to the helpline and whatever is shown as the number is a toll free number it is working within the city limits. They have three counselors working for helpline. They give counseling to women as many times as required and some times they

will be referred to family counseling center for further counseling or linking them to psychologists/psychiatrists. Sometime the organization shelters them in swadhar home also. They also provide referral services. They are maintaining the records of Case sheets, call register, staff attendance register, resource book, referral register along with accounts books and publicity and awareness register.

According to their reports, in every month on an average 25 to 30 are registered with helpline, but the total cases per year is just 143. So the responses to all the questions related to number of calls received and the way they are documented and monitored are not matching.

## **6. Rastriya Seva Samithi (RASS) Tirupathi**

Name of the Organization	: RASS
Address	: Annmaya circle, Airbypass Rd, Tirupathi.
Contact person	: Mr. Ram Mohan Rao
Building status	: -
Year of starting the Helpline	: 2005
Helpline Phone number	: 0877-2241979
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 operators
Timing	: 24 hours
Total funding (year)	: Rs. 2, 09,000
Total Number of calls per year	: 35-40
Total calls per month	: 10-15
Publicity	: Through friends
List of Volunteers	: -
Monitoring	: By PD of DWCD
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: -
Documentation	:

## 7. Annie Owe Memorial Orphanage West Godavari

Name of the Organization	: Annie Owe Memorial Orphanage
Address	: H. No 13-99, Vidya nagar, Eluru, West Godavari.
Contact person	:
Building status	: -
Year of starting the Helpline	: 2006
Helpline Phone number	: 10926 (working) / 0881-231750
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 operators
Timing	: 24 hours
Total funding (year)	: Rs. 2, 19,000
Total Number of calls per year	: 300
Total calls per month	: 05-10
Publicity	: -
List of Volunteers	: -
Monitoring	: By PD, RDO's, Collector, every month
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: -
Documentation	:

## 8. Sree Harsha Educational Society East-Godavari

Name of the Organization	: Sree Harsha Educational Society
Address	: H.No 13-99, Vidya nagar, Eluru, WG.
Contact person	: Ms. Vijaya laxmi
Building status	: -
Year of starting the Helpline	: 2006
Helpline Phone number	: 08855-258645
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 operators
Timing	: 24 hours
Total funding (year)	: Rs. 2, 19,000
Total Number of calls per year	: 300
Total calls per month	: 05-10
Publicity	: -
List of Volunteers	: -
Monitoring	: -
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: -
Documentation	:

## 9. Mahila Dakshtha Samithi, helpline Secunderabad

Name of the Organization	: Mahila Dakshtha Samithi
Address	: MCH community Hall,Razimental Bazar, Secunderabad.
Contact person	: Ms. Indira-9440372434
Building status	: Rented
Year of starting the Helpline	: Oct 2002
Helpline Phone number	: 10922 (working) / 040-27705327
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 counselors
Timing	: 24 hours
Total funding (year)	: Rs. 2, 19,000
Total Number of calls per year	: 300
Total calls per month	: 07-10
Publicity	: Through awareness camps, seminars, pamphlets, meetings and banner
List of Volunteers	: Executive members, other Organizations, advocates, Doctors, Police, and other NGO's
Monitoring	: By S.S.W.B (whenever they want to visit they will visit the helpline)
Salary	: Rs. 5000/-
Reporting	: Half yearly
Submission of reports	: C.S.W.B and S.W.B
Referred cases per month	: -
Documentation	:
Committee	: 3 counselors, short stay home staff, executive members, other NGO's, some time police

## 10. Grama Vikas Voluntary Organization Khammam

Name of the Organization	: Grama Vikas Voluntary Organization
Address	: H.NO. 16-31/1, Vidyanagar rd,sattupally.
Contact person	: Mr. Satyanarayana
Building status	: Rented
Year of starting the Helpline	: 2006
Helpline Phone number	: 10921(not working)/08761-283011
Funded by	: C.S.W.B
Period of renewal	: Yearly
Staff	: 3 Counselors
Timing	: 24 hours
Total funding (year)	: 2,09, 000/-
Total Number of calls per day	: 10-15
Total calls per month	: 300-400
Publicity	: In city courts, all Police stations and Anganwadi centers
List of Volunteers	: Local people
Monitoring	: By PD and Collector
Salary	: 5000/-
Reporting	: Once in a quarter
Submission of reports	: C.S.W.B. and S.S.W.B
Referred cases per month	:
Documentation	: