Subject Name: Domestic Violence Act
Topic Name: Service Providers

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Definition

Section 2(r) defines service provider as an entity registered under sub-section (1) of section 10.

Service Providers

Section 10 of the Domestic Violence Act outlines the role and responsibilities of service providers in assisting victims of domestic violence. According to this provision, any voluntary association registered under the Societies Registration Act, 1860, or a company registered under the Companies Act, 1956, or any other relevant law, with the objective of safeguarding the rights and interests of women, can register itself with the State Government as a service provider under this Act.

Once registered, a service provider is empowered to undertake various actions to support victims of domestic violence:

1. Recording Domestic Incident Reports: If requested by the aggrieved person, a service provider can record the domestic incident report in the prescribed format and submit copies to the relevant Magistrate and Protection Officer overseeing the area where the domestic violence occurred.

2. Facilitating Medical Examination: A registered service provider has the authority to arrange for the medical examination of the aggrieved person and forward copies of the medical report to the Protection Officer and the local police station where the domestic violence transpired.

3. Providing Shelter: If the aggrieved person requires shelter, the service provider can ensure that they are accommodated in a shelter home. Subsequently, a report of the lodging of the aggrieved person in the shelter home must be submitted to the police station within the jurisdiction where the domestic violence took place.

Importantly, Section 10(3) of the Act shields service providers and their members from legal repercussions for actions undertaken in good faith to prevent domestic violence. This provision safeguards service providers from facing suits, prosecutions, or other legal proceedings for their efforts to assist victims under the purview of the Domestic Violence Act.

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Duties of police officers, service providers and Magistrate

Section 5 of the Domestic Violence Act mandates that any police officer, Protection Officer, service provider, or Magistrate who receives a complaint of domestic violence or is present at the scene of such an incident must inform the aggrieved person about several crucial aspects:

A. Right to Seek Relief: The aggrieved person must be informed of her right to apply for various forms of relief, including a protection order, an order for monetary relief, a custody order, a residence order, a compensation order, or any combination of these orders under the provisions of this Act.

B. Services of Service Providers: The aggrieved person should be made aware of the services offered by registered service providers. These services may include legal aid, medical assistance, financial support, shelter, counseling, and other forms of assistance aimed at supporting victims of domestic violence.

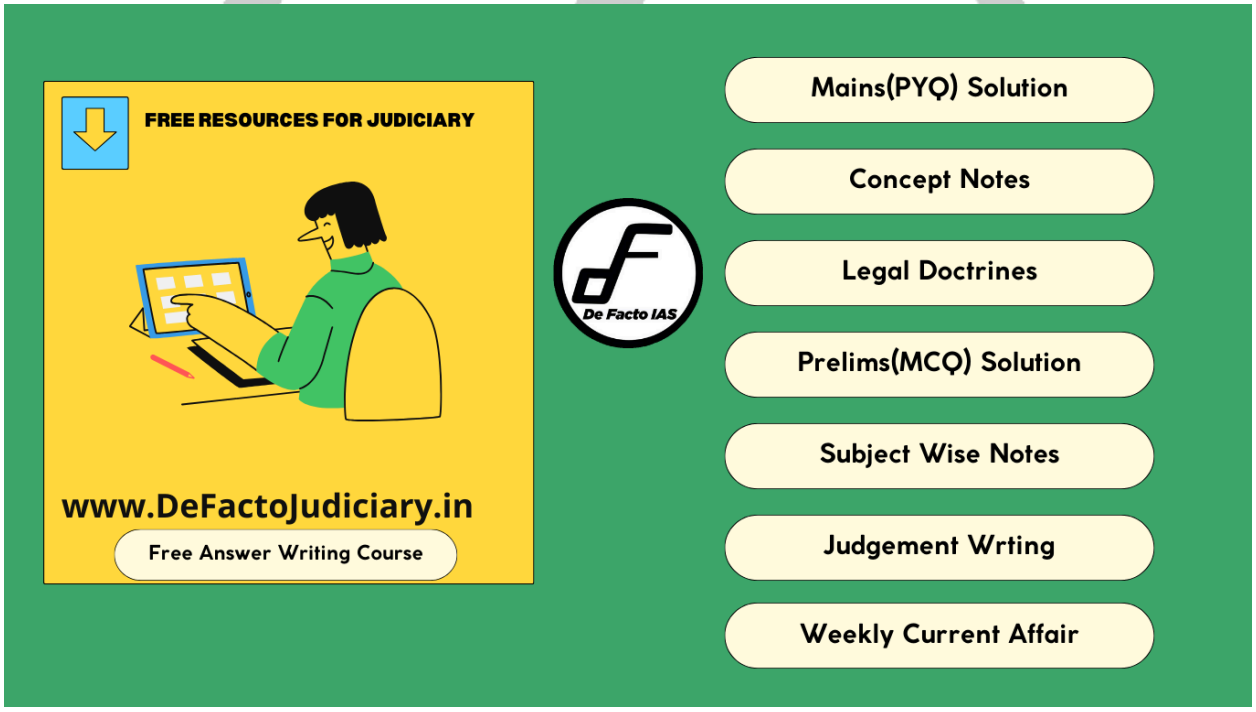
C. Services of Protection Officers: The aggrieved person should also be informed about the services provided by Protection Officers appointed under the Act. Protection Officers can

assist the aggrieved person in various ways, such as making domestic incident reports, applying for protection orders, providing legal aid, and facilitating access to other support services.

D. Right to Free Legal Services: The aggrieved person has the right to access free legal services under the Legal Services Authorities Act, 1987. This ensures that individuals facing domestic violence can seek legal representation and advice without financial burden.

E. Right to File a Complaint under Section 498A of the Indian Penal Code: If relevant to the situation, the aggrieved person should be informed of her right to file a complaint under Section 498A of the Indian Penal Code, which deals with cruelty by a husband or his relatives towards a married woman.

The provision also includes a proviso emphasizing that nothing in the Act should be interpreted to exempt a police officer from their duty to take appropriate legal action upon receiving information about the commission of a cognizable offence, in accordance with the law.



Shelter homes

Section 6 of the Domestic Violence Act outlines the duties of shelter homes concerning the provision of shelter to aggrieved persons:

When an aggrieved person, or someone acting on her behalf such as a Protection Officer or a service provider, requests the individual in charge of a shelter home to provide shelter, it becomes the responsibility of the person in charge of the shelter home to accommodate the aggrieved person. This duty is imposed to ensure that individuals facing domestic violence have access to safe and secure accommodation when needed.

The provision underscores the importance of shelter homes as places of refuge for victims of domestic violence, highlighting their role in providing temporary accommodation to those who require protection and support. By obligating shelter homes to provide shelter upon request, the law aims to ensure that aggrieved persons have access to a safe environment where they can seek refuge from abusive situations and receive necessary assistance and support.

Medical Facilities

Section 7 of the Domestic Violence Act delineates the responsibilities of medical facilities in providing assistance to aggrieved persons:
When an aggrieved person, or someone acting on her behalf such as a Protection Officer or a service provider, requests the individual in charge of a medical facility to provide any form of medical aid, it becomes the duty of the person in charge of the medical facility to offer the necessary medical assistance to the aggrieved person. This obligation ensures that individuals facing domestic violence have access to essential medical care when required.

The provision underscores the critical role of medical facilities in addressing the healthcare needs of victims of domestic violence, highlighting their responsibility to provide timely and appropriate medical aid to those in need. By mandating medical facilities to offer assistance upon request, the law aims to ensure that aggrieved persons receive the medical attention they require to address any injuries or health concerns resulting from domestic violence incidents.

Duties of Government

Section 11 of the Domestic Violence Act outlines the duties of both the Central Government and every State Government, aiming to ensure comprehensive measures for the effective implementation of the Act:

> (a) Publicity: The Central and State Governments are mandated to give wide publicity to the provisions of the Act through various public media channels, including television, radio, and print media, at regular intervals. This dissemination of information aims to raise awareness among the general public about the rights and protections afforded by the Act, ensuring that victims of domestic violence are informed about their legal recourse and available support mechanisms.

(b) Sensitization and Training: Both Central and State Government officers, including police officers and members of the judicial services, are required to undergo periodic sensitization and awareness training on the issues addressed by the Act. This training aims to enhance their understanding of domestic violence dynamics, victim needs, and legal provisions, enabling them to effectively respond to cases of domestic violence and provide appropriate support to survivors.

(c) Inter-Ministerial Coordination: The Act emphasizes the establishment of effective coordination between concerned Ministries and Departments dealing with law, home affairs, health, and human resources to address issues of domestic violence comprehensively. Periodical reviews of this coordination mechanism are mandated to ensure its effectiveness in providing holistic support and services to victims of domestic violence.

(d) Development of Protocols: Protocols are to be developed for various Ministries involved in delivering services to women under the Act, including the courts. These protocols aim to streamline the delivery of services, establish standardized procedures for handling domestic violence cases, and ensure the efficient functioning of support systems for survivors. By putting such protocols in place, the Act seeks to enhance the accessibility and effectiveness of services provided to victims of domestic violence, promoting their safety and well-being.

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