Subject Name: Domestic Violence Act
Topic Name: Protection Officers

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Protection Officer

Section 2(n) defines Protection Officer as an officer appointed by the State Government under sub-section (1) of section 8.

> ***"Section 8 - Appointment of Protection Officers***
>
> *(1) The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act.*
>
> *(2) The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed.*
>
> *(3) The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed"*

Under the Domestic Violence Act, a Protection Officer is designated as an official appointed by the State Government as per Section 8(1). These officers are appointed in each district, with specified areas of jurisdiction, to execute the powers and fulfill the responsibilities outlined in the Act.

According to Section 8(2), Protection Officers are preferably women and are required to possess qualifications and experience as prescribed by regulations. Their primary role involves providing assistance and support to victims of domestic violence, ensuring their safety, and facilitating access to legal remedies and support services.

Furthermore, Section 8(3) provides the terms and conditions of service for Protection Officers and their subordinate officers, which are determined by regulations. These officers play a crucial role in the implementation and enforcement of the provisions of the Domestic Violence Act, serving as key figures in the protection and welfare of individuals affected by domestic violence.

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Duties and Functions

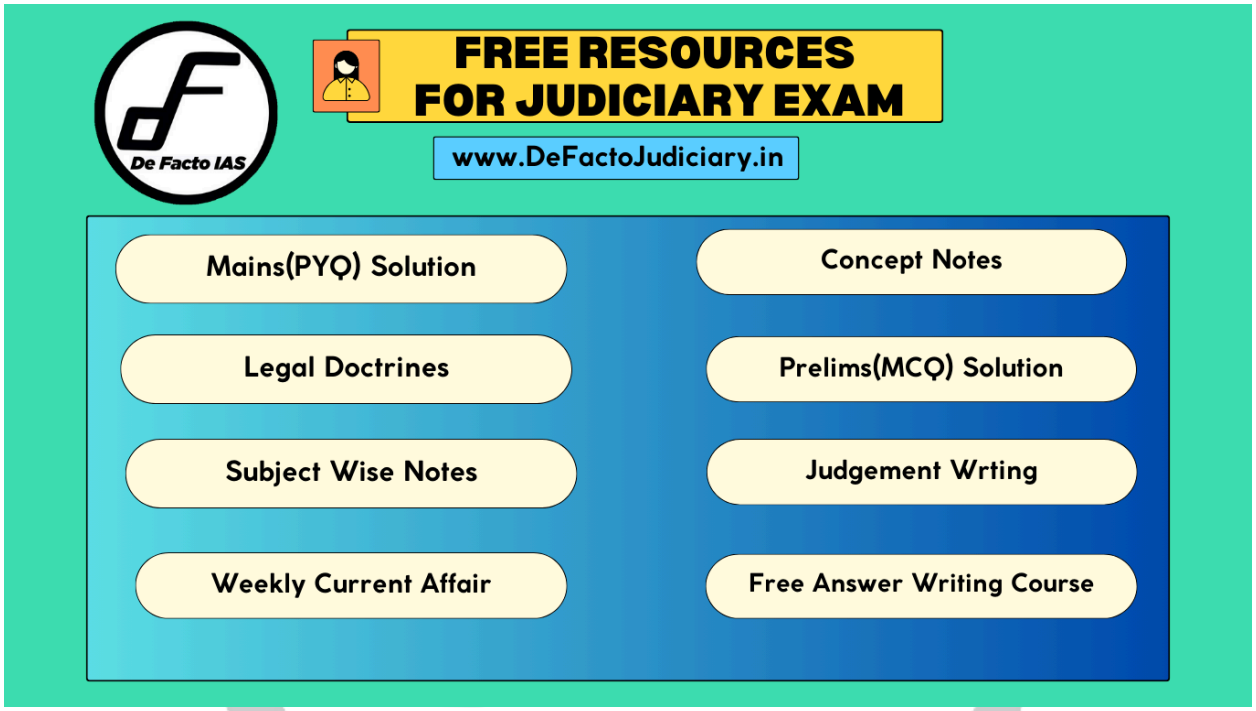
Section 9 lists the duties and functions to be performed by Protection Officers

1. Assist the Magistrate in executing their responsibilities under the Act.
2. Prepare a domestic incident report upon receiving a complaint of domestic violence, forwarding copies to the relevant police station and service providers.
3. Submit an application to the Magistrate, as per the aggrieved person's request, seeking relief for the issuance of a protection order.
4. Ensure that the aggrieved person receives legal aid under the Legal Services Authorities Act, 1987, and provide the necessary complaint forms free of cost.
5. Maintain a list of service providers offering legal aid, counseling, shelter homes, and medical facilities within the Magistrate's jurisdiction.
6. Arrange for a safe shelter home if requested by the aggrieved person, informing the police station and relevant Magistrate accordingly.
7. Facilitate medical examination for the aggrieved person if bodily injuries are sustained, sharing the medical report with the police station and relevant Magistrate.

8. Ensure compliance with and execution of monetary relief orders under section 20, following the procedures outlined in the Code of Criminal Procedure, 1973.

9. Undertake any other duties as prescribed.

10. Additionally, Protection Officers operate under the control and supervision of the Magistrate, carrying out duties assigned by the Magistrate and the Government as per the provisions of the Act.



Information to Protection Officer

Section 4. Information to Protection Officer and exclusion of liability of informant—

Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer.

Section 4 of the Domestic Violence Act stipulates that any individual who has reasonable grounds to suspect that an act of domestic violence has occurred, is occurring, or is likely to occur, is entitled to report such information to the relevant Protection Officer. This provision empowers members of the community to notify the Protection Officer about instances of domestic violence they become aware of, thereby facilitating timely intervention and support for the victims.

The purpose of this provision is to encourage proactive involvement from the public in identifying and addressing instances of domestic violence within their communities. By allowing

individuals to report their concerns to the Protection Officer, the law seeks to create a supportive environment where victims can access the necessary assistance and protection they require.

Furthermore, Section 4 also specifies that the informant providing information about domestic violence to the Protection Officer shall not be held liable for any consequences arising from such disclosure.

This provision is crucial as it encourages individuals to come forward with relevant information without fear of reprisal or legal repercussions.

Section 4 serves as a mechanism for community members to contribute to the prevention and resolution of domestic violence by notifying the designated authorities about suspected cases, thereby fostering a safer and more supportive environment for victims.

We The Women of India v. Uol And Ors.

In the case of We The Women of India v. Uol And Ors., the Supreme Court issued directives aimed at addressing the inadequacy of Protection Officers under the Protection of Women from Domestic Violence Act, 2005. The Court instructed the Secretary of the Union Ministry of Women and Child Development to arrange a meeting with the Principal Secretaries of all States and Union Territories to address this issue. Additionally, the Court summoned representatives from various ministries and commissions to attend this meeting.

The petition, represented by Advocate Shobha Gupta on behalf of "We the Women of India," sought directions from the Union Government, State Governments, and Union Territories concerning the appointment, notification, and establishment of Protection Officers, Service Providers, and Shelter Homes in accordance with the DV Act. The Additional Solicitor General Aishwarya Bhati represented the Union Government during the proceedings.

A bench comprising Justice S. Ravindra Bhat and Justice Dipankar Datta instructed the Ministry of Women and Child Development to provide a status update on the implementation of Mission Shakti, an integrated women empowerment program.

The Court specifically requested information on the number of one-stop centers proposed in each district, staffing patterns, and data on distress calls. Additionally, the Union Government was asked to explain how Mission Shakti would serve as an umbrella scheme for implementing the Domestic Violence Act, particularly concerning statutory officers and remedies provided in the Act.
The Union Government was directed to submit an affidavit detailing the actions taken within six weeks. Subsequently, the Court took note of data provided by the Union Government regarding litigation under the DV Act in each state, assistance programs, and plans, as well as qualifications and terms for the creation of a regular cadre of Protection Officers.

A study conducted by NALSA revealed a significant backlog of cases under the DV Act, with a substantial number of pending cases and a shortage of Protection Officers. The Court emphasized the need for more Protection Officers in each district to effectively manage the responsibilities associated with domestic violence cases.