

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 4978
TO BE ANSWERED ON 31.03.2023

EFFECTIVENESS OF DOMESTIC VIOLENCE ACT

4978. SHRI KHAGEN MURMU:
SHRI MAHABALI SINGH:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Government has assessed the reasons behind low number of convictions under the Protection of Women from Domestic Violence Act, 2005 including any deficiency in the legislation, possible misuse of the law, pressure on the complainant for withdrawal of the case etc.;
- (b) if so, the details thereof and the reaction of the Government to the findings of the assessment; and
- (c) the steps taken or proposed to be taken by the Government to enhance the effectiveness of the said legislation?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (c): 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibility to maintain law and order, protection of life and property of the citizens including investigation and prosecution of crime against women and children including the cases of domestic violence, rests primarily with the respective State Governments and they are competent to deal with it. The implementation of 'the Protection of Women from Domestic Violence Act (PWDVA), 2005' including appointment of Protection Officers, comes under purview of the respective State Government/ UT Administration. As per Section-9 of PWDVA, it is duty of the Protection Officer to report the cases of domestic violence to the Magistrate upon receipt of complaints and to assist the Magistrate in the discharge of his functions. However, conviction of a person comes under purview of the Judiciary, who decides the matter after careful consideration of factual positions and all related aspects as per the provisions of the PWDV Act.

Nevertheless, the Central Government gives highest priority to ensuring safety and security of women and is implementing "Mission Shakti" an umbrella scheme for safety, security and empowerment of women. The Scheme include components of 'One Stop Centers (OSCs)' under which integrated services such as Medical Aid, Psycho-social Counselling, Police Facilitation, Legal Aid and Counselling and Temporary Shelter upto 5 days are provided and Universalisation of Women Helplines (WHL) which provide emergency and non-emergency services to women in need by connecting them with appropriate authorities. Besides, Emergency Response Support System (ERSS) which is a pan-India single number (112)/ mobile app based system for emergencies is also available to women in distress.

Under Nirbhaya Fund, Bureau of Police Research and Development (BPR&D) has also undertaken several initiatives, which, inter-alia includes training and skill development programs for Investigation Officers, Prosecution Officers and Medical Officers. BPR&D has also prepared Standard Operating Procedures (SoPs) for 'Women Help Desk at Police Stations' to ensure smooth functioning of Women Help Desks. Emphasis has been laid upon appropriate behavioural and attitudinal skills of the police in course of prevention and detection of crime against women and children and interaction with victims of crime. Webinars on women safety with sensitivity, gender sensitization of police personnel etc. have also been organized by BPR&D.

Further, the Government, through institutions like the National Commission for Women (NCW), National Commission for Protection of Child Rights (NCPCR) and their counterparts in States have been spreading awareness through seminars, workshops, audio- visual, print and electronic media etc. to sensitize the people about the safety and security of women and children and also about various provisions of the legislation etc. In addition, Ministry of Women and Child Development and Ministry of Home Affairs have issued advisories to States/ UTs from time to time on various issues pertaining to safety and security of women and children.
