

ITEM NO.48

COURT NO.14

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (C) No. 1156/2021

WE THE WOMEN OF INDIA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 136804/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 136805/2021 - EXEMPTION FROM FILING O.T.)

Date : 24-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Ms. Shobha Gupta, AOR
Ms. Pooja Tripathi, Adv.
Ms. Jessy Kurian, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
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Ms. Manisha Chava, Adv.

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Mr. Nihar Dharamadhikari, Adv.
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Mr. Kanu Agrawal, Adv.
Mr. Varun Chugh, Adv.
Mr. Nakul Chengappa K.K., Adv.

Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Sugandh Rathor, Adv.
Mr. Vikram Jakhar, Adv.

Mr. Lokesh Singal, Sr. AAG
Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following
O R D E R

In this writ petition the relief sought are directions to the respondents (the Union, the States and the Union Territories) for appointment, notification and establishment of Protection Officers, Service Providers and Shelter Homes, in terms of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the DV Act"). This Court, after taking cognizance of the matter passed various orders requiring the Union to collect

data. The order of 25th February, 2022, contains some details called for such as Statewise data of litigation under the D.V. Act; the nature of Central Programs/Plans outlining assistance under the D.V. Act, broad indication as to what are the desirable qualifications and eligible terms for creation of regular cadre of Protection Officers, Career Progression, Cadre Structure etc.

Pursuant to further orders a study was conducted by the National Legal Services Authority (hereinafter referred to as "NALSA") which indicates that in all 4,71,684 cases (under the Act) were pending as on 01.07.2022. Apart from that several appeals and revisions (aggregating to 21,088) were pending as on that date. The position with respect to appointment of Protection Officers from the State was also collated and presented in a tabulated form.

The overall picture presented to this Court is dismal. Many States had appointed only a few Protection Officers - and some States had assigned additional duties to existing officers, while some had only one per district. The Union of India in its affidavit had indicated that a program "Mission Shakti" has been framed, under which "One Stop Centres" - Numbering 801 are commissioned. According to the learned Additional Solicitor General Ms. Bhati all such centers are set up and functioning.

Since the Court has not been apprised with satisfactory details about the particulars with respect to the nature of duties that Protection Officers have to discharge, what is clear from the data available is that in the 801 districts more than 4.41 lacs cases are pending. Even the provision of one Protection Officer

for one district would be grossly inadequate as that would lead to each Protection Officer having to monitor not less than 500 cases on an average. The nature of responsibilities which each Protection Officer is required to discharge are intensive and not of the kind expected of judicial Officers. Protection Officers are required by law to conduct on the spot surveys, inspections, assist the Courts by acting as the interface between the victims, police and the judicial process. Their reports, especially for emergency orders are crucial. In these circumstances, it would be necessary that the Union of India takes an intensive look into these aspects. For that purpose, the Union of India through Secretary, Ministry of Women and Child Development shall convene a meeting of the Principal Secretaries of all the States and Union Territories. The meeting shall also be attended by the Union Finance Secretary, Secretary National Commission for Women, the nominee of the Chairperson National Human Rights Commission, Secretary Union Ministry of Home Affairs, Secretary Social Justice and Empowerment and a nominee of the Chairperson National Legal Services Authority. The meeting shall consider the following aspects relating to the implementation of the Domestic Violence Act, 2005;

1. Area of jurisdiction of Protection Officers:-

a. How many cases are being assigned to each Protection Officer?

b. How many Courts are required to be looked after by each Protection Officer?

c. What is the current strength of Protection Officers in each district and whether it is adequate to meet the needs in that specific area?

d. Suggest requisite guidelines which can be framed for assessing the strength of Protection Officers.

e. Empirical study be conducted and collated to gather information from the States regarding their experience with the implementation of the Domestic Violence Act, 2005.

2. The Union of India through Ministry of Women and Child Development, shall place on record the current status of the implementation of the "Mission Shakti" (Integrated Women Empowerment Programme) the "Umbrella Scheme" for Safety, Security and Empowerment of Women Scheme Implementation Guidelines. Specific information on the following aspects shall be collected and provided:

(i) Number of One Stop Centres proposed in each District;

(ii) Number of One Stop Centres made functional under the said Scheme including their addresses and phone number;

(iii) Where will the One Stop Centre's be situated;

(iv) What will be the staffing pattern for these Centres and the criteria adopted to determine such staff strength;

(v) What is the requisite manpower and what kind and work load (of matters) will each of them be handling?

(vi) Whether each hospital/police station/local body office/community center/gram panchayat are required to display contact details, namely; name, address, phone number, email id, contact person name, designation and contact no., staff details etc. (in local language), of the area OSC attached with these institutions/offices?

(vii) Whether the official website of the Ministry of Women and Child Welfare of each State, State Women Commission, State Human Rights Commission, displays district wise list of all OSCs, Pos, Service Providers, Shelter Homes, Medical Facilities, etc.?

(viii) Whether the National Commission for Women, National Human Rights Commission and Central Ministry of Women & Child Welfare displays on their official website, State and District wise list of all OSCs, Pos, Service Providers, Shelter Homes, Medical Facilities, etc.?

(ix) Is there any software developed for the system to put in place to maintain data of distressed calls made by aggrieved women, help sought either through phone calls, email or by directly reaching out to the shelter homes or OSCs, if yes, details.

(x) Steps taken to maintain confidentiality and data privacy policies in place.

The Union shall also disclose the details of the common portal and dashboard under the Scheme, proposed to be set up.

While collecting and providing material in respect of the above, the Union shall also indicate the provisions of the Domestic Violence Act, 2005 in relation to Mission Shakti and how Mission Shakti shall act as an Umbrella Scheme for the implementation of the Domestic Violence Act, especially with respect to the statutory officer and remedies provided thereunder.

An action taken report in the form of an affidavit with regard to the above shall be filed within six weeks.

The Union is directed to ensure that the first meeting is convened early preferably within three weeks from today in terms of the present order.

List this matter on 25.04.2023.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)