

ITEM NO.30

COURT NO.2 SECTION PIL-W  
(HEARING THROUGH VIDEO CONFERENCING)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 (Civil) No.1156/2021

WE THE WOMEN OF INDIA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

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

Date : 25-02-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Ms. Shobha Gupta, AOR  
Ms. Medha Garg, Adv.  
Mr. Rajendra Kumar Panigrahi, Adv.  
Ms. Anuradha Upadhyay, Adv.  
Mr. Adhitya Ranjan, Adv.  
Mr. Har Govind Thanvi, Adv.  
Ms. Sneha Kalita, Adv.  
Ms. Meenakshi Pareek, Adv.  
Ms. Ritu Bhardwaj, Adv.  
Ms. Jessy Kurien, Adv.  
Ms. Charu Mathur, Adv.  
Mr. Anand Padmanabhan, Adv.  
Ms. Alka Aggrawal, Adv.  
Mr. Nishant Bahuguna, Adv.  
Ms. Prachi Apte, Adv.  
Ms. Sakshi Tiwari, Adv.  
Ms. Prachi Sharma, Adv.  
Mr. Shubham Jalan, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG  
Mr. Gurmeet Singh Makker, AOR  
Ms. Ruchi Kohli, Adv.  
Ms. Deepabali Dutta, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Ms. Chinmayee Chandra, Adv.

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

This Court has heard submissions of Ms. Shobha Gupta, learned Advocate for the petitioner as well as the submissions of Ms. Aishwarya Bhati, learned Additional Solicitor General on behalf of Union of India.

The counter affidavit filed on behalf of Union of India has furnished certain information and relied upon copies of correspondence exchanged with various States after 2018 calling for information regarding the number of Officers and also highlighting that it is essential to have designated officers to fill up the positions of "Protection Officers" in terms of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the DV Act").

The information provided by the Union has indicated that in some States, if not all, the situation is far from satisfactory. Many States have chosen to designate Revenue Officers or Members of the Indian Administrative Service (IAS) as "Protection Officers". This clearly was not the intent of the law-makers, since such revenue or administrative officials would be unable to devote time to discharge the fairly intense work required and expected of Protection Officers. In some States, the number of Districts and their geographical dispersion is large but the number of Officers actually provided are disproportionately small compared to the geographical dispersion and vastness of the State.

Having regard to these facts, this Court is of the opinion that the respondent Union should file an affidavit which should contain the following details or particulars:

- a. The nature of Central Programmes/Plans outlining assistances to support the efforts under the DV Act by various States, including the extent of funding, conditions of governing financial support and the control mechanisms in place.
- b. To collect State-wise relevant data of litigation under the DV Act with respect to the complaints made, number of Courts, and, the relative number of Protection Officers.
- c. To indicate broadly what are the desirable qualifications and eligible terms for creation of regular cadre of Protection Officers as well as the nature of their Training and other standards.
- d. The desirable cadre structure and career progression for the Protection Officers.
- e. The Union shall also indicate the model terms and conditions for such Protection Officers.

The affidavit shall focus on these issues and indicate broadly the way-forward.

This Court is of the opinion that these particulars are essential because the Protection Officers - like the Magistrates who are tasked to the implementation of the enactment, have been conceived as the backbone to effectuate the law, enacted with laudable objectives, by Parliament.

For further clarity and for assistance to this Court in this case, we request the presence of the concerned Additional Secretary, Ministry of Women and Child Development, Government of India, on the next date of hearing, with the relevant records.

The Additional Secretary, Ministry of Women and Child Development shall be at liberty to have assistance of any of the Officer(s) of her or his own choice.

List this matter for further consideration on 06.04.2022 as First Item on the Board.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER