

Domestic Violence Act Meant For Quick Remedy, Yet Cases Drag On Like Other Family Court Matters: Supreme Court

<https://www.livelaw.in/top-stories/domestic-violence-act-meant-for-quick-remedy-yet-cases-drag-on-like-other-family-court-matters-supreme-court-274188>

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The Supreme Court on Monday (November 4) orally expressed concerns at the slow pace of progress in cases under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), saying that they are moving like regular Family Court cases.

The bench comprising Justices B.V. Nagarathna and Pankaj Mithal observed that though the PWDVA Act was supposed to be a "quick remedy", the cases filed under it are being dragged on.

The Court was hearing a petition filed by NGO 'We The Women of India', in which it had earlier issued directions for the effective implementation of the Act.

Senior Advocate Shobha Gupta, representing the petitioner, submitted that there is an "assistance network" formed in the PWDVA which includes Protection Officers, Service Providers, Shelter Homes and medical facilities are there to assist women in need. However, the data collected by them reveals that in many States, Protection Officers are appointed while on additional charges.

The law requires at least one Protection Officer for each district.

She said: "The reply to this writ petition shows that not in all States they have one Protection Officer in each district that too on regular basis. The reply shows in many of the States they have persons with additional charge. So, Child Development Protection Officer will also be given an additional charge...Same goes with Service Providers. Shelter Homes to be available as per Section 6 in near vicinity needed to be one than one. We don't have good shelter homes."

Based on this affidavit filed by the Union, Gupta stated that their affidavits indicate Protection Officers have additional charges. She also referred to the affidavit where the Union Government mentioned Mission Shakti and One Stop Centres. Gupta averred that they had called some of the One Stop Centres and their response was not "very satisfactory".

As per the April affidavit, Gupta stated that 3637 out of which 710 are holding regular charge. Others have additional responsibilities.

Additional Solicitor General, Aishwarya Bhati interjected and informed would place on record an updated status report and the petitioner can go through it.

To this, Justice Nagarathna remarked: "We find Domestic Violence Act is proceeding as if its a maintenance case or any other case before the Family Court. These cases are going on like this only. So, the various reliefs due to the aggrieved party as per Section 17 onwards, how quickly those reliefs could be granted is the question. They are going as if they are family court matters..This is for a quick remedy. It's not a Family Court matter to be dragged on. Even there, it's not supposed to be dragged on. Implementation of the Act must be seen. Why is there delay?"

Justice Nagarathan was of the view that States need to be impleaded as parties are they are in charge of appointing Protection Officers.

The Court will now hear the matter on December 2 and observed that the prayers made in the petition are "omnibus" directed the petitioner to file a common application which should include suggestions from the Union of India on specific directions sought from the Court. The Standing Counsel of the respective States and UT will be served copy of writ petition and significant orders of the Court through email.

Background

On February 25, 2022, the Court took cognisance of the petition and asked for some details on the Statewise litigation data under the PWDVA. It sought information on the nature of central programs or plans outlining assistance under the PWDVA and a broad indication as to what the desirable terms of creation of a regular cadre of Protection Officers, Career Progression and Cadre Structure etc.

Pursuant to the further orders, a study was conducted by the National Legal Service Authority (NALSA) which indicated that 4, 71, 684 cases were pending under the PWDVA as of July 1, 2022. Approximately 21,008 appeals and revision petitions have been pending. The data on the appointment of Protection Officers in the States were collated and presented to the court.

A bench of S. Ravindra Bhat and Dipankar Datta examined all the information and called the overall picture "dismal". It found that many States had appointed only a few Protection Officers and some States had assigned additional duties to existing officers, while some had only one Protection officer per district.

The court also referred to the affidavit submitted by the Union Government which indicated that 'Mission Shakti' under the Union Ministry of Women and Child Development (MWCD) has been framed as an umbrella scheme for ensuring safety,

security and women empowerment. Under this, 'One Stop Centres' numbering 801 are emissioned.

Union had told the court that all centres are functioning. However, the court stated that it has not been apprised of satisfactory details on the nature of duties discharged by Protection Officers and how 4.41 lacs cases are pending in 801 districts.

It observed that the appointment of one Protection Officer in some districts is grossly inadequate as it would lead to one officer having to monitor not less than 500 cases on average.

The court observed: "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."

Pursuant to this, on February 24, 2023, the court passed certain directions listed below:

The Secretary of the Union Ministry of Women and Child Development (MWCD) to convene a meeting with the Principal Secretaries of all States and Union Territories to look into the inadequacy of Protection Officers under the PWDVA. The meeting shall 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 of the NALSA.

The meeting shall be in regards to finding how many cases have been assigned to each Protection Officers, how many courts are required to be looked after each Protection Officers, current strength of Protection Officers in each districts and whether that is adequate to meet needs in that specific area. It sought suggest on requisite guidelines for assessing strength of Protection Officers and directed conducting an empirical study and collate information gathered from States on their experience of implementing PWDVA.

The MWCD to place on record the current status of the implementation of Mission Shakti. Specify information on number of One-stop Centres proposed in each districts, number of One Stop Centre made functional, place where the One Stop will be situated, staffing pattern, requisite manpower and nature of workload, whether hospitals/police station and local bodies are required to mention contact details of One Stop Centres etc.

The Union shall indicate the provisions under the PWDVA in relation to Mission Shakti and how it shall act as an umbrella scheme for the implementation of PWDVA. The authorities were asked to file an action taken report within six months.

Gangrape of Odisha woman in Delhi: Three accused held, informs CM Mohan Majhi

<https://kalingatv.com/odisha/gangrape-of-odisha-woman-in-delhi-three-accused-held-informs-cm-mohan-majhi/>

By Subadh Nayak Last updated Nov 4, 2024

Bhubaneswar: Chief Minister Mohan Charan Majhi today informed that the Delhi Police has arrested three persons for their alleged involvement in the gangrape of an Odia woman in the national capital on the intervening night of October 10 and October 11.

“Police have arrested three persons in connection with the rape case and seized the auto-rickshaw used in the crime,” Majhi said adding that the Delhi Police has been asked to conduct further probe into the crime.

Notably, the miscreants alleged raped the Odisha woman and later threw her in the Sarai Kale Khan area of Delhi on the intervening night of October 10 and 11. Police somehow rescued the woman and admitted her at AIIMS Trauma Centre where she is currently undergoing treatment.

Police have started a probe into the matter after registering a case under sections 70(1) [gang rape] and 115(2) [voluntarily causing hurt] of the Bharatiya Nyaya Sanhita (BNS).

Likewise, two cases have been filed with the **National Human Rights Commission** seeking its intervention in the case.

NHRC notice to Keonjhar DM over violation of human rights

<https://www.orissapost.com/nhrc-notice-to-keonjhar-dm-over-violation-of-human-rights/>

Post News Network Updated: November 4th, 2024, 09:39 IST in State, Top Stories

Keonjhar: The National Human Rights Commission (NHRC) has issued notice to the Collector of this district for denial of rights and harassment of physically challenged persons in receiving their pension due to lack of communication and inaction on the part of the local administration. It has asked the district Collector to ensure prompt remedial measures and submit the action taken report within a period of four weeks. Acting on a petition filed by human rights activist and Supreme Court advocate Radhakanta Tripathy, the **NHRC** issued the order. The petitioner drew the attention of the NHRC towards a very disturbing video that went viral on social media platforms.

In the video, a 74-year old destitute tribal lady, Pathuri Dehury, was seen crawling on the road for two kilometres to reach Raisun panchayat office under Telkoi block to collect her pension. The petitioner also mentioned about physically-challenged Madhav Jamuda, of Kuladera Village under Khuntapada block who also had to undergo a similar ordeal. Tripathy has requested NHRC to ask the concerned public authorities to ensure pension at the doorsteps of the physically challenged and also arrange wheelchairs for them. He also requested the Commission to direct the administration to the construction of all-weather roads as a top priority. In a separate case, the rights body has also issued a notice to the principal secretary of the state Women and Child Development department to submit a status report of the functional toilets in all Anganwadi centres and the steps taken by it for construction of the same in the centres that do not have one. The commission has also issued a notice to the district magistrate and ordered him to submit a pending report about the unfortunate demise of three children studying in an Anganwadi centre in this district.

The deceased were Payal Patra, 3, Bharati Patra, 4, and Abhilipsa Patra, 3. Due to the absence of any toilet at the Anganwadi centre in Hatadihi block they were studying in they had gone out searching for one. In the process, they fell into an abandoned well full of water and drowned. The incident took place April 30, this year. The NHRC has asked whether compensation had been provided to the bereaved families and whether a toilet has been constructed at the centre. It has also issued an order asking all district collectors to construct toilets at those centres that do not have one.

अलीगढ़: जिला जज और सीओ गाजियाबाद पर मानवाधिकार आयोग में वाद दर्ज

<https://www.amritvichar.com/article/503853/case-filed-in-human-rights-commission-against-aligarh-district-judge#gsc.tab=0>

जिला जज की अदालत में वकीलों पर हुए लाठीचार्ज के बाद अलीगढ़ के अधिवक्ता ने दर्ज कराया मामला

By Vikas Babu On 04 Nov 2024 09:03:53

अलीगढ़, अमृत विचार: गाजियाबाद में दीवाली से पहले अधिवक्ताओं पर हुए लाठीचार्ज के मामले में अलीगढ़ के अधिवक्ता प्रतीक चौधरी ने जिला जज गाजियाबाद और सीओ के खिलाफ मानवाधिकार आयोग में वाद दर्ज कराया है। इसके साथ ही अधिवक्ताओं ने सोमवार को भी धरना प्रदर्शन की चेतावनी दी है।

अधिवक्ता ऑफिसर ऑफ द कोर्ट होता है

अधिवक्ता प्रतीक चौधरी ने बताया कि कोर्ट में अधिवक्ता ऑफिसर ऑफ द कोर्ट होता है और इसका जिक्र कई बार सुप्रीम कोर्ट ने भी अपने आदेशों में किया है। बावजूद इसके जिला जज ने अपने पद का दुरुपयोग करते हुए अधिवक्ताओं के समूह को पुलिस के माध्यम से बर्बर तरीके से पिटाया। उन्होंने बताया कि इस मामले का वीडियो प्रसारित होने पर पता चला कि पुलिस के सीओ भी मौके पर खड़े होकर अधिवक्ताओं पर लाठीचार्ज करा रहे हैं। इस घटना को देखकर अधिवक्ताओं में रोष है और इसी के चलते **राष्ट्रीय मानवाधिकार आयोग** में वाद दर्ज कराया गया है, जिसकी वाद संख्या भी जारी हो चुकी है।

दीवाली से पहले भी किया था प्रोटेस्ट

अलीगढ़ की यूथ एडवोकेट काउंसिल ने गाजियाबाद में भी घटना को लेकर दीवाली से पहले भी धरना प्रदर्शन किया था। इसके साथ ही अधिवक्ताओं ने दीवाली न मारने का भी निर्णय लिया था। एडवोकेट प्रतीक चौधरी ने बताया कि अलीगढ़ में वकीलों ने दीवाली नहीं मनाई है। उन्होंने कहा कि बहुत समय से अधिवक्ता सुरक्षा अधिनियम की मांग चली आ रही है। लेकिन अब तो वकील कोर्ट में ही सुरक्षित नहीं हैं। उन्होंने कहा कि सोमवार से न्यायिक गतिविधियां शुरू हो जाएंगी, लेकिन गाजियाबाद भी घटना में जब तक वकीलों को न्याय नहीं मिल जाता है, अधिवक्ता न्यायिक कार्य से विरत रहेंगे।

मानवाधिकार उल्लंघन पर क्योँझर डीएम को एनएचआरसी का नोटिस

<https://jantaserishta.com/local/odisha/nhrc-notice-to-keonjhar-dm-on-human-rights-violation-3622331>

Kiran4 Nov 2024 9:41 AM

Keonjhar क्योँझर: राष्ट्रीय मानवाधिकार आयोग (एनएचआरसी) ने स्थानीय प्रशासन की ओर से संवाद की कमी और निष्क्रियता के कारण दिव्यांग व्यक्तियों को पेंशन प्राप्त करने में उनके अधिकारों से वंचित करने और उन्हें परेशान करने के लिए इस जिले के कलेक्टर को नोटिस जारी किया है। इसने जिला कलेक्टर को शीघ्र उपचारात्मक उपाय सुनिश्चित करने और चार सप्ताह की अवधि के भीतर की गई कार्रवाई की रिपोर्ट प्रस्तुत करने को कहा है। मानवाधिकार कार्यकर्ता और सुप्रीम कोर्ट के अधिवक्ता राधाकांत त्रिपाठी द्वारा दायर याचिका पर कार्रवाई करते हुए, एनएचआरसी ने यह आदेश जारी किया।

याचिकाकर्ता ने एनएचआरसी का ध्यान सोशल मीडिया प्लेटफॉर्म पर वायरल हुए एक बहुत ही परेशान करने वाले वीडियो की ओर आकर्षित किया। वीडियो में, 74 वर्षीय बेसहारा आदिवासी महिला पथुरी देहुरी, अपनी पेंशन लेने के लिए तेलकोई ब्लॉक के अंतर्गत रायसुन पंचायत कार्यालय तक पहुंचने के लिए दो किलोमीटर तक सड़क पर रेंगती हुई दिखाई दे रही थी। याचिकाकर्ता ने खुंटापाड़ा ब्लॉक के अंतर्गत कुलाडेरा गांव के दिव्यांग माधव जामुदा का भी जिक्र किया, जिन्हें भी इसी तरह की परेशानी से गुजरना पड़ा। त्रिपाठी ने एनएचआरसी से अनुरोध किया है कि वह संबंधित सार्वजनिक प्राधिकरणों से कहे कि वे दिव्यांगों के घर-द्वार पर पेंशन सुनिश्चित करें और उनके लिए व्हीलचेयर की भी व्यवस्था करें।

उन्होंने आयोग से यह भी अनुरोध किया कि वह प्रशासन को निर्देश दे कि वह सभी मौसमों में काम आने वाली सड़कों का निर्माण सर्वोच्च प्राथमिकता के रूप में करे। एक अलग मामले में, मानवाधिकार संस्था ने राज्य महिला एवं बाल विकास विभाग के प्रमुख सचिव को सभी आंगनवाड़ी केंद्रों में कार्यात्मक शौचालयों की स्थिति रिपोर्ट प्रस्तुत करने और जिन केंद्रों में शौचालय नहीं हैं, वहां शौचालयों के निर्माण के लिए उठाए गए कदमों के बारे में भी नोटिस जारी किया है। आयोग ने जिला मजिस्ट्रेट को भी नोटिस जारी किया है और उन्हें इस जिले के एक आंगनवाड़ी केंद्र में पढ़ने वाले तीन बच्चों की दुर्भाग्यपूर्ण मौत के बारे में लंबित रिपोर्ट प्रस्तुत करने का आदेश दिया है।