

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

STARRED QUESTION NO:246

ANSWERED ON:26.11.2010

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE

Mahato Shri Narahari; Roy Shri Nripendra Nath

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

- (a) whether implementation of the Protection of Women from Domestic Violence Act, 2005, was reviewed in the recent past;
- (b) if so, the details thereof;
- (c) whether complaints have been received from various quarters, in regard to the misuse of provisions of the Act;
- (d) if so, the details thereof; and
- (e) the corrective/remedial measures being taken or proposed in this regard?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a) to (e) : The statement is laid on the table of the House.

Statement referred to in reply of Lok Sabha Starred Question No.246 for 26.11.2010 by Shri Nripendra Nath Roy : Shri Narahari Mahato Regarding Protection of Women from Domestic Violence

(a) & (b): The Protection of Women from Domestic Violence Act (PWDVA) is implemented by the States/Union Territories. The State Governments are required to appoint Protection Officers, register Service Providers and notify shelter homes and medical facilities for implementation of the Act. The Implementation of the Act was reviewed in the meeting of the State Ministers and Secretaries in charge of Women & Child Development, on 16-17 June, 2010, and particularly with regard to the appointment of Protection Officers and registration of Service Providers.

(b) to (e): The PWDVA is a Civil law meant to protect and provide support to victims of domestic violence. Under the Act, the aggrieved woman can seek various reliefs such as protection order, residence order, custody order, compensation order, monetary reliefs, shelter and medical facilities. The aggrieved woman can also file a complaint under Section 498A of IPC, where ever relevant. A few complaints/representations alleging misuse of the Act together with alleged misuse of 498A of IPC have been received. These complaints are primarily against alleged misuse of Section 498A IPC rather than any specific provision of the PWDVA.

Under the PWDVA, various reliefs are provided to the aggrieved women on the orders passed by the Magistrate after following due procedure. The Act also has a provision for appeal against the orders of the Magistrate. While adequate safeguards under existing laws such as Section 211 of IPC and Section 250 of CR.PC are available to deal with misuse, if any, of legal provisions, the Government in the Ministry of Home Affairs has issued an advisory on 20.10.2009 to all State Governments and Union Territory Administrations to comply with the procedure as directed by the Courts and follow the advisories issued by the Government of India from time to time, to put to rest the allegation of misuse of Section 498A of IPC.