



SARVESH KAUSHAL, IAS
Principal Secretary to Govt. of Punjab

Tel / Fax : 0172-2741346

Member Secretary,
Punjab State Commission for Women,
714, Punjab Mini Secretariat, Sector - 9,
Chandigarh.

D.O. No. PA/MS-PSWC/07/110

Dated 14 MAY 2007

Subject: Implementation of The Protection of Women from Domestic Violence Act, 2005 (43 of 2005), published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 17th October, 2006 - regarding

My dear

As you are aware, the subject cited landmark legislation has been enacted broadly with the following salient features:-

- Any harm, injury to health, safety, life, limb or well-being or any other act or threatening or coercion, etc., by any adult member of the family, constitutes domestic violence.
- Any Women who is, or has been in a domestic or family relationship, if is subjected to any act of domestic violence can complain.
- Aggrieved or affected woman can complain to the concerned Protection Officer, Police Officer, Service Provider or Magistrate.
- Aggrieved woman has right to be informed about the available services and free legal services, from the Protection Officer, etc.
- Shelter-home and medical facilities can be provided to aggrieved woman.
- Interim compensation can be made available to aggrieved woman.
- Proceedings of the complaint can be held in camera.
- Every aggrieved woman has right to reside in shared household.
- Protection order by Magistrate can be given in favour of aggrieved woman.
- Monetary relief can be given to aggrieved women to meet expenses or losses.
- Appeal can be made to Sessions Court within 30 days from the order of concerned Magistrate.
- Imprisonment upto 1 year or a fine upto Rs. 20,000 or both for breach of protection order by the opposite party.
- Protection Officer can be prosecuted, upto 1 year imprisonment or with a fine upto Rs. 20,000 or both for failure of his duties.

The law, inter alia, lays down that the State Government shall, by notification, appoint such number of **Protection Officers** in each district as it may consider necessary and shall also notify the area within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act. The Protection Officers shall as far as possible be women and shall possess such qualifications and experience as may be prescribed. The terms and conditions of service of the Protection Officer and the other officers subordinate to him shall be such as may be prescribed.

The Law, also, inter alia, lays down that subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registered Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the objective of protecting the rights and interests of women by any lawful

means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act.

A service provider registered under sub-section (1) shall have the power to:-

- (a) record the domestic incident report in the prescribed form if the aggrieved person so desires and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;
- (b) get the aggrieved person medically examined and forward a copy of the medical report to the Protection Officer and the police station within the local limits of which the domestic violence took place;
- (c) ensure that the aggrieved person is provided shelter in a shelter home, if she so requires and forward a report of the lodging of the aggrieved person in the shelter home to the police station within the local limits of which the domestic violence took place.

It is the requirements of this Law that the Central Government and every State Government shall take all measures to ensure that :-

- (a) the provisions of this Act are given wide publicity through public media including the television, radio and the print media at regular intervals;
- (b) the Central Government and State Government officers including the police officers and the members of the judicial services are given periodic sensitization and awareness training on the issues addressed by this Act;
- (c) effective co-ordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence is established and periodical review of the same is conducted;
- (d) protocols for the various Ministries concerned with the delivery of services to women under this Act including the courts are prepared and put in place.

I shall be grateful if you could kindly intimate the steps taken for implementation of the aforesaid legislation for the information of the Commission.

Yours sincerely,

g/c

(Sarvesh Kaushal)

Shri Narinderjit Singh, IAS
Secretary to Government, Punjab
Department of Social Security & Welfare of Women and Children
Chandigarh



Sarvesh Kaushal, IAS
Principal Secretary to Govt. of Punjab

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Sector 9, Chandigarh.

D.O. No. PA/MS-PSWC/07/355

Dated 21 NOV 2007

Subject :- Implementation of The Protection of Women from Domestic Violence Act, 2005 (43 of 2005), published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 17th October, 2006 – regarding.

Reminder

My dear *Shri Jagpal Singh,*

Kindly refer to my D.O. letter No. PA/MS-PSWC/07/110, dated 14.05.2007, on the subject cited above.

I shall be grateful if you could personally look into the matter and kindly intimate the steps' taken for implementation of the aforesaid legislation at the earliest for the information of the Commission.

With regards

Yours sincerely,

(Sarvesh Kaushal)

Shri Jagpal Singh, IAS
Secretary to Government of Punjab,
Department of Social Security &
Women and Child Development,
Chandigarh.



Sarvesh Kaushal, IAS
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D.O. No. PA/MS-PSWC/07/419

Dated 31-12-07

Subject :- Implementation of The Protection of Women from Domestic Violence Act, 2005 (43 of 2005), published in the Gazette of India, Extra., Pt.II, Sec. 3(ii), dated 17th October, 2006 -- regarding.

Dear

I enclose herewith photocopies of my D.O. letter No. PA/MS-PSWC/07/110, dated 14th May, 2007 and reminder D.O. letter No. PA/MS-PSWC/07/355, dated 21st November, 2007, addressed to Secretary Social Security & Women and Child Development, Punjab, on the subject cited above.

Since the Department of Social Security and Women & Child Development has not intimated to the Punjab State Commission for Women the steps taken for implementation of the aforesaid legislation in Punjab, I take this opportunity to bring the matter to your personal attention and request you to kindly review its implementation by all the concerned departments at your level and arrange to send the status report for being placed before the Commission in its next meeting.

Further, an analysis of the monthly return about crime against women submitted by the Additional Director General of Police, Crime, Punjab, Chandigarh has revealed that virtually no cases under the Domestic Violence Act have been reported from April, 2007 to September, 2007. During these six months, only 15 cases under the said Act have been reported, and that too in four police districts of Hoshiarpur, Tarn Taran, Faridkot and Jalandhar only. Out of the 25 police districts (including GRP), no such cases have been reported in the remaining units.

I shall be grateful for an early action in the matter.

Yours sincerely,
Sd/-
(Sarvesh Kaushal)

S. Ramesh Inder Singh, IAS
Chief Secretary to Govt. of Punjab,
Chandigarh.

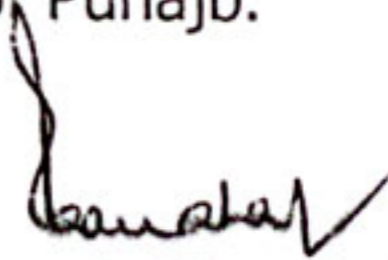
Endst. No. PA/MS-PSWC/07/420-67

Dated : 31st December, 2007

A copy of the above is sent to the following for information and necessary action :-

1. Principal Secretary to Govt. of Punjab, Department of Home Affairs and Justice, Chandigarh.
2. Secretary to Govt. of Punjab, Department of Social Security, Women and Child Development, Chandigarh.
3. Director General of Police, Punjab, Chandigarh.
4. Director Social Security, Women and Child Development, Punjab, Chandigarh.
5. All Deputy Commissioners in the State of Punjab
6. All Senior Superintendents of Police in the State of Punjab.

d/c



(Sarvesh Kaushal, IAS)