

BRIDGING THE GAP: PROTECTION OFFICERS AND THEIR IMPACT UNDER INDIA'S DOMESTIC VIOLENCE ACT, 2005

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ABSTRACT

The Protection of Women from Domestic Violence Act, 2005, is very vital legislation in India for the protection of women from domestic violence. The article attempts to examine the role of Protection Officers under the Act. Protection Officers act as a bridge between the victim and the law, they facilitate access to justice and supportive services. They conduct assessments, provide emotional support, and initiate legal actions for the protection and well-being of the victims. In this article, the role of Protection Officers in enforcing the Act and preventing domestic violence in India is emphasized, with an exhaustive discussion of their functions.

Keywords: Protection of Women from Domestic Violence Act, 2005, Domestic violence, Protection Officers, Victims, Legal action, Supportive services, Access to justice, Prevention, Enforcement.

Introduction:

Domestic violence is a serious problem that affects millions of people worldwide since it crosses institutional, social, cultural, and economic boundaries. Because of their legal authority and altruism, protection officers stand at the forefront of protection, enabling victims to exercise their rights and prevent more harm. We will examine protection officers' roles in domestic violence in greater detail in the parts that follow, including their responsibilities, authority, challenges, and impact on the lives of those they interact with.

Domestic violence is one of the constant concerns today worldwide; alas, people have had to suffer for long-underlying physical, emotional, and psychological abuse in their own homes. Protection officers find themselves in the front line against such an evil & in

defence of the poor youths and women oppressed in abusive relationships. Let us briefly unfold some of the duties and contributions of protection officers in their fight against domestic violence to protect victims.¹¹⁸

Definition & Appointment of Protection Officer:

The Protection Officer is defined under section 2(n) of The Protection of Women from Domestic Violence Act, 2005 as "Protection Officer" means an officer appointed by the State Government under sub-section (1) of section 8;

Protection Officer is a specific role with defined responsibilities related to protecting women from domestic violence.

The state government (the government of a specific state within the country) is responsible for hiring or assigning individuals to

¹¹⁸ <https://amlegal.in/protection-officer-domestic-violence/>

this role. It is not a federal or local appointment. The specific details about the appointment, qualifications, and responsibilities of the Protection Officer are laid out in a particular part of the law – specifically, "section 8," and even more precisely, "sub-section (1)" within section 8.

The appointment of Protection Officers is governed by Section 8 of the Protection of Women from Domestic Violence Act, 2005. Each district is assigned officers by the State Government, who also specifies their responsibilities. These officers should ideally be female and have the required training and expertise. The terms and conditions of service for officers and their subordinates are also established by the State Government. The legal foundation for establishing a network of Protection Officers is established in this part, guaranteeing their training and capacity to support victims of domestic abuse.

Role of Protection Officer:

The Protection of Women from Domestic Violence Act, 2005, allows victims, protection officers, and service providers to report domestic violence. Its objective is to provide adequate protection for women who are abused in the home. If the act was not properly enforced, it would be null and void. The Protection of Women from Domestic Violence Act of 2005 promotes the employment of Protection Officers and recognizes the significant contributions of Service Providers in delivering essential services such as medical care, legal assistance, housing support, and treatment options. This legislation underscores the importance of a collaborative approach in addressing domestic violence, ensuring that women have access to a comprehensive network of support services that cater to their diverse needs. The Protection Officer assists women in using these services and ensures that the proper order is followed in compliance with the Act. They are responsible for guiding individuals through the legal system and other available services.

Duties of Protection Officer:

Section 9 of the Protection of Women from Domestic Violence Act, 2005, is important since it describes the duties of the Protection Officer. It basically describes the responsibilities these officers must help victims of domestic violence. Some of which are:

- Supporting the Magistrate – They help the Magistrate carry out their responsibilities as outlined in the Act.
- Creating Domestic Incident Reports – Following a complaint, they must create a "domestic incident report" and send copies of it to the relevant police station and service providers.
- Assisting with Applications – If the victim wants to pursue redress, the Protection Officer assists them in applying for protection orders.
- Providing Legal Aid – They ensure that the injured party can obtain free legal aid.
- Keeping Service Provider Lists – They keep track of nearby hospitals, shelters, therapy centres, and legal aid providers.
- Shelter Arrangement – If necessary, they arrange for safe shelter after informing the police and magistrate.
- Facilitating Medical Examinations – They help arrange for medical examinations and send the results to the police and magistrate in the event that the victim of an injustice is hurt.
- Ensuring Compliance with Monetary Relief Orders – They help make sure that orders for monetary relief made under section 20 of the act are followed.
- Completing extra chores as directed – Other tasks might be recommended.

To put it another way, Section 9 positions the Protection Officer as a crucial resource for victims, assisting them in navigating the judicial system and obtaining necessary services.

Suggestions:

Every state must implement a straightforward quarterly assessment to guarantee that women

in remote areas can access protective officers without undue delay. It is essential that these officers are not overwhelmed with cases, allowing women to receive assistance without having to wait for extended periods. This initiative should be prioritized, and qualified protection officers should be appointed with a minimum commitment of three terms to ensure they can effectively manage their responsibilities on a quarterly basis. Their workloads should be evaluated regularly, and the number of cases handled by each officer should be made publicly available. Delays in detentions may occur if security officers fail to complete the necessary documentation. Additionally, it is crucial that survivors are given the opportunity to communicate their experiences to security officers in a supportive environment, complete with administrative assistance and private spaces.

Some protection officers struggle to fulfil their roles due to a lack of support from administrative staff and essential resources, such as computers for documentation. Survivors are often required to prepare their reports for submission, which can be a significant barrier for many women who may not have the means or ability to do so. In various countries, an alternative for filing cases under the Protection of Women from Domestic Violence Act is to seek assistance from private attorneys or authorized service providers. However, many women face challenges in affording legal fees and may be unaware of which service providers to approach for help.

The responsibilities of Security Officers regarding Domestic Incident Reports (DIR) remain ambiguous, particularly in relation to their obligation to submit these reports in a designated format and to seek recourse through the Magistrate under the Domestic Violence Act. Service providers are entitled to document the DIR if the affected individual requests it. Despite numerous discussions and commissions, the roles of various offices continue to lack clarity. During the debate on the Domestic Violence Act and Reproductive

Rights held on 29–30 November 2008, activists from across India expressed their concerns about the inadequately trained security personnel. Many attorneys highlighted the shortcomings in training for police officers and judges regarding the Act's provisions and intent, as well as the absence of awareness training on domestic violence, a long-standing issue in Indian society that is only recently gaining attention.

This lack of proper training has led to the re-victimization of women within the justice system, manifested in police reluctance to respond to calls for assistance, the tendency to dismiss cases as mere domestic disputes, and judges allowing numerous cases to languish, thereby forcing victims to repeatedly navigate the court system during their traumatic experiences. Women facing domestic abuse typically have two legal avenues: filing for divorce in Family Court or submitting a petition to the Magistrate under the Domestic Violence Act, which can then proceed through the Criminal Legal System. However, this binary approach often complicates the legal process, making it more burdensome for victims. Each option carries its own social implications, adding further pressure to those already in distressing situations.

Conclusion:

In short, protection officers are a key support pillar of the Domestic Violence Act regime in India. Their tri-dimensional function, i.e., victim support, legal support, and proper implementation of protection orders, is critical in rendering meaningful relief to survivors of domestic abuse. Despite ongoing challenges in the implementation of resource allocation, training, and interagency collaboration, the further integration of the protection officer's role is imperative. With the provision of adequate resources, training, and support to these officers, and enhanced coordination with other stakeholders, we can proceed towards the Act's vision of a better environment for women and children subjected to domestic violence.

Ultimately, their dedication and efficiency are the keys in converting legal provisions into actual protection and justice for those in need the most.

