

PRESS RELEASE
(8TH June, 2010)

Dr. Girija Vyas, Chairperson, NCW has mooted the idea of enlisting the support of the Corporate Houses under the concept of Corporate Social Responsibility (CSR) for taking up the cause of effective implementation of the Domestic Violence Act corporate houses may be encouraged to register as service providers with the State governments for providing shelter homes and assistance with respect to medical examination, legal aid, etc. Dr. Girija Vyas, Chairperson, National Commission for Women has written a letter to Shri Salman Khurshid, Hon'ble Minister of Corporate Affairs in this regard. In her letter she stated that the Protection of Women from Domestic Violence Act (PWDVA) which has been enacted in 2005 specially defines the expression "domestic violence" and also provides for the appointment of Protection Officers and the Registration of Non-government Organizations and companies registered under the Companies Act, 1956, for providing assistance to the aggrieved person with respect to her medical examination obtaining legal aid shelter etc.

Though the act has been in existence since 2005 the state governments have generally not able to put in place an effective system for its implementation due to lack of financial resources required for setting up the required infrastructure. The corporate sector could be actively engaged in establishing shelter homes and funding creation of infrastructure under the PWDV Act.

BRIEF NOTE ON SERVICE PROVIDERS AND SHELTER HOMES UNDER PWDV ACT 2005 – NEED FOR INVOLVEMENT OF CORPORATE SECTOR IN ESTABLISHING SHELTER HOMES

The phenomenon of domestic violence is widely prevalent in India but has remained largely invisible in the public domain. Though cruelty to a women by her husband or his relatives is an offence under Section 498 (A) of the Indian Penal Code, it was felt that the civil law did not address this phenomenon in its entirety. Accordingly, the Protection of Women from Domestic Violence Act, 2005, was enacted by Parliament. This Bill specifically defines the expression domestic violence and provides for the rights of women to secure housing and empowers the Magistrate to pass protection orders in favour of the aggrieved person to prevent the respondent from aiding or committing an act of domestic violence, entering a work place or any other place frequented by the aggrieved etc. It also provides for the appointment of Protection Officers and registration of Non Governmental Organizations or a Company registered under the Companies Act, 1956, as service-providers for providing assistance to the aggrieved person with respect to her medical examination, obtaining legal aid, safe shelter etc.

Though the Act has been in existence since 2005, the State Governments have generally not been able to put in place an effective system including appointment of Protection Officers and registration of service providers for providing shelter homes and other assistance to the aggrieved persons. This is mainly because the State Governments have not been able to find the financial resources required for setting up this infrastructure. Since domestic violence is increasingly responsible for breaking up homes and threatens the very social fabric of society, there is a strong case for eligible Corporate Houses to take up the cause and register as service providers with the State Governments for providing shelter homes and assistance with respect to medical examination, legal aid etc, under the concept of Corporate Social Responsibility.

The relevant legal provisions are as under :-

LEGAL PROVISIONS

Under section 2 (r) of the PWDV Act 2005 a "service provider" means an entity registered under sub-section (1) of section 10; Section 10 of the Act stipulates that a service provider shall be :-

- any voluntary association registered under the Societies Registration Act, 1860(21 of 1860) **or a company registered under the Companies Act, 1956.**

- 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.
- such an entity is required to register itself with the state Government as a service provider.
- Under rule 8 The service provider to be registered under Section 10(i) shall possess the following **minimum qualifications** : -
 - a) The service provider should have been rendering the kind of services it is offering under the act for at least two years before applying for registration under the act.
 - b) In case of service providers running a medical facility, or a psychiatric counselling centre, or a vocational training institution, the registering authority shall ensure that the applicant fulfils the requirements for running such a facility or the institution prescribed as prescribed by the regulatory bodies regulating the respective professions or institutions.
 - c) In case of Service Providers running shelter homes, or any other facility the registering authority shall inspect the shelter home, prepare a report and record a finding on the report, detailing that adequate space and other facility for the persons seeking shelter is available.

- Duties of shelter homes - If an aggrieved person or on her behalf a Protection Officer or a service provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

- A registered service provider shall have the power to record the domestic incident report and forward a copy thereof to the Magistrate and the Protection Officer having jurisdiction in the area where the domestic violence took place;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; 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.

RECOMMENDATIONS

Corporate Social Responsibility (CSR) has been on the agenda in India for a considerable period. Most big Indian corporations are engaged in some CSR activities.

The corporate sector could be actively engaged in establishing shelter homes and getting registered with the State Government as a service provider.

- This could be done either on their own or through eligible NGO's.
- Many corporates particularly in Government sector also run medical facilities, these facilities too could be notified under PWDV Act.
- The issue of corporate funding towards creation of infrastructure under PWDV Act could also be considered.
