

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper is partially shown, and a black leather watch with a silver dial is resting on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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# **STAKEHOLDER RESPONSIBILITIES IN COMBATING DOMESTIC VIOLENCE: A STUDY UNDER THE PWDVA, 2005**

AUTHORED BY - DINESHKUMAR T<sup>1</sup> & KALAIMAGAL V<sup>2</sup>

## **1. Introduction**

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was passed in order to give women who experience domestic abuse inside their families enough legal protection. Before this law was passed, women's remedies were few and mostly restricted to criminal laws like Section 498A of the Indian Penal Code. By acknowledging domestic abuse as a human rights violation needing prompt civil and judicial remedies rather than as a private family issue, the Act signalled a dramatic change. By guaranteeing their rights to housing, protection, maintenance, compensation, custody, and other reliefs through a prompt and easily accessible process, it offers complete protection to women who have been wronged.

The effective execution of the PWDVA, 2005 depends not only on statutory provisions but also on the coordinated operation of the different agencies and support mechanisms set up by the Act. In order to successfully accomplish the goals of the law, Protection Officers, Advocates, Police Officers, and Service Providers are essential. Each of these parties serves as a crucial conduit between the victimized woman and the legal system. Their responsibilities include everything from filing reports to guaranteeing adherence to the magistrate's instructions to offering legal aid, counselling, lodging, medical support, and protection.

Under the Act, Protection Officers serve as the main intermediaries, helping the victim obtain support services and legal recourse. Advocates help ensure that justice is administered fairly and assist both parties during court proceedings. While police officers are in charge of upholding law and order, helping victims, and making sure protection orders are enforced, service providers like NGOs and volunteer organizations offer victims of domestic abuse counseling, shelter, medical care, and rehabilitation.

Therefore, the active involvement, coordination, and accountability of these institutional processes are critical to the Protection of Women from Domestic Violence Act,

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<sup>1</sup> Assistant Professor, School of Law, VISTAS, Chennai.

<sup>2</sup> Assistant Professor, Bharath Institute of Law, BIHER, Chennai.

2005's efficacy. Understanding their individual duties and responsibilities is crucial for assessing how well the Act is being implemented in practice and recognizing the difficulties in defending Indian women against domestic abuse.

## **2. Role of Protection Officer**

The PWDVA of 2005 provides for appointment of Protection Officers for assistance to the aggrieved person. It is the duty of the State Government to appoint Protection Officers in each district as it may consider necessary and shall also notify the area within which a Protection Officer shall exercise powers and perform the duties as conferred on him by or under the Act<sup>3</sup>. The State Government has to provide necessary office assistance to the Protection Officer for the efficient discharge of his functions under the Act and the rules.<sup>4</sup>

Protection Officers nominated by the state government under the Protection of Women from Domestic Violence Act for conducting enquiries into cases of violence should play a pivotal role in resolving issues with a positive approach.

Most Indian women, despite preferring complaints, are not inclined to break their marital bondage. Protection Officers should exercise their responsibility carefully and arrange for additional sittings between affected persons and their spouses to solve and settle the issues there itself. If the protection officer and the affected person not able to come a solution then a protection officer approach the Magistrate.

The Act has also laid down certain duties and functions of Protection Officers.<sup>5</sup> The Protection Officer may assist the Magistrate in the discharge of his functions under the Act, make a domestic incident report to the Magistrate, make an application to the Magistrate if the aggrieved person so desires praying for issuance of a protection order, ensure legal aid to the aggrieved person under the Legal Services Authorities Act, 1987, maintain a list of service providers, make available a safe shelter home if the aggrieved person so requires, get the aggrieved person medically examined if she has sustained bodily injuries, ensure that the order for monetary relief under section 20 of the Act is complied with and executed in accordance with the provisions of the Code of Criminal Procedure, 1973 and perform such other duties as may be laid down by the Central Government, by rules. It also stipulates that the Protection Officer shall be under the control and supervision of the Magistrate and perform the duties assigned to him by the Magistrate and the Government by or under the Act.

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<sup>3</sup> Section 8

<sup>4</sup> See Rule 3 of the Protection of Women from Domestic Violence Rules, 2006

<sup>5</sup> Section 9

Besides this the rules of 2006<sup>6</sup> has also specified some duties and functions of a Protection Officers. it provides for duty of a Protection Officer to assist the aggrieved person in making a complaint under the Act, if the aggrieved person so desires; to provide her information on the rights of aggrieved person under the Act as given in Form IV which shall be in English or in a vernacular local language, to assist the aggrieved woman in making any application under section 12 or sub-section (2) of section 23 or any other provision of the Act or the rules made there under; to prepare a “safety plan” including measures to prevent further domestic violence to the aggrieved person, in Form V, after making the assessment of the dangers involved in the situation and on an application being moved under section 12, to provide legal aid to the aggrieved person, through the State Legal Services Authority; to assist the aggrieved person and any child in obtaining medical aid including providing transportation to get the medical facility; to assist in obtaining transportation for the aggrieved person and any child to the shelter; to inform the service providers that their services may be required in a proceedings under the Act and to invite applications from service providers; to scrutinize the applications for appointment as Counsellors and forward a list of available counsellors to the Magistrate; to revise once in three years the list of available counsellors by inviting fresh applications and forward a revised list of counsellors on the basis thereof to the concerned Magistrate; to maintain a record and copies of the report and documents forwarded under sections 12, 20, 21, 22 23 or any other provisions of the Act and the rules; to provide all possible assistance to the aggrieved person and the children; to liaise between aggrieved person and various authorities under the Act, to maintain proper record of the machineries created under the Act and to protect the aggrieved person from domestic violence and to take all reasonable measures to prevent recurrence of domestic violence against the aggrieved person.

Apart from this some other important duties of the protection Officers have also been laid down by the rules of 2006<sup>7</sup> wherein certain other duties of protection officers have been laid down. He has also to discharge some duties in cases of emergency, has to serve notice on respondent<sup>8</sup> , had to report breach of protection order to the Magistrate and has to provide shelter and medical facility to an aggrieved woman. It is seen that the duties and functions of the protection officers are numerous and his work under the Act starts when he received the information of domestic violence and it continues till the eradication of such violence.

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<sup>6</sup> See Rule 8 of the Protection of Women from Domestic Violence Rules, 2006

<sup>7</sup> See, Rules 9, 10, 12, 15, 16 and 17 of the Protection of Women from Domestic Violence Rules, 2006.

### **3. Role of Advocates**

Even though advocates representing the case of an aggrieved person and respondent have not received direct mention about their role under the Act, they have an active role to play while representing the case of an aggrieved person. In view of the factual and statutory problems which are there in the effective implementation of the PWDVA 2005 the advocate's representation the cases of both the parties have major role to perform in eradicating the present problems. The Protection of Women from Domestic Violence Act, 2005 is a beneficial or social legislation and as an officer of the Court the advocates representing aggrieved person and respondent have to deal with the provisions of the Act in different manner. The advocates from both the sides can work for better implementation of the Act. This can be done by following mode:

#### **3.1 Role of advocate for aggrieved person**

1. Most of the respondent advocates have stated that an aggrieved woman directly approaches to an advocate to file a case before the Magistrate under section 12 of the Act. It means that an aggrieved woman is not approaching to protection officer or service provider for assistance, when domestic violence is meted out to her. It is because of the fact that aggrieved woman are not aware about the machineries created under the Act and about the services available to them from protection officers and service providers. In such case it is the bounden duty of an advocate to inform an aggrieved person about the availability of Protection Officer and Service Provider under the Act so that she can take assistance from these machineries in form of shelter, medical etc.

2. Even though the Act has provided free legal service to aggrieved person under the Legal Services Authority Act, 1987 the aggrieved woman is always not aware about the availability of the free legal services given by State under the Act. In a questionnaire delivered the majority of the respondents aggrieved women stated that they are not aware of the free legal services available under the Act. In such case an advocate for aggrieved person may assist that aggrieved person if she so desires to avail the benefit of free legal service, by informing her about the same.

3. When an aggrieved person approach to advocate seeking help to file an application claiming reliefs under the Act she is to be informed by the advocate about the right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under the

Act.

4. The aggrieved person is entitled to file a complaint under section 498-A of the Indian Penal Code, 1860 even though she has filed application under the PWDVA 2005 claiming civil remedy. In such case an advocate for aggrieved person should inform her about the right available to such aggrieved person to file complaint.

5. Where an appeal is filed in the Court of Session by an aggrieved person challenging any interim order then the advocate for aggrieved person shall not seek adjournments unnecessarily and should help the Court of Sessions in disposal the appeal as early as possible.

6. The advocate for aggrieved person shall suggest an aggrieved person to go for counselling when the respondent is appeared before the Magistrate. This will definitely help in settlement of dispute in an amicable way.

7. From the responses of the Respondents it appears that majority of the Magistrates, Advocates are of the view that tendency has been developed in recent days to file false application against the respondent with a view to harass him and for the purpose of extorting money from him. It is the duty of the advocate in such case to inform aggrieved person not to file such kind of false application which will amount to abuse of the process of the Court. The advocate for applicant shall discourage filing of false cases under the Act.

### **3.2 Role of Advocate for Respondent**

1. When the advocate for respondent appeared in the Court of Magistrate for respondent filing vakalatnama to that effect it is his duty not to seek adjournments unnecessarily and should help the Magistrate in disposal of the application expeditiously. This will definitely help the respondent in terms of time and money.

2. From the responses of the respondent advocates it is seen that in some cases the advocate for respondent files an application seeking direction to send the matter to conciliation only with a view to delay the proceedings. This type of practice should be avoided by the advocate for respondent.

3. Most of the Magistrates and Advocates are of the view that some cases filed under the PWDVA 2005 are false in nature. If such is a case the advocate for respondent shall adopt appropriate step with a view to discharge the respondent so that he will not be a victim of false case filed by an aggrieved person. The PWDVA 2005 shall be availed only by those for whom it is enacted.

#### **4. Role of Police Officers**

It is common misunderstanding that the Police officers have no role to play under the PWDVA 2005. The Police officers are having vital role under the PWDVA 2005 and it can be very well said that without assistance of Police Officer, Protection Officers will not be able to discharge their functions and perform the duties as mandated by the PWDVA 2005. Hence it is very necessary to consider the role of Police Officers in implementation of the Act.

#### **5. Role of Service Provider**

In India for the first time a Voluntary Organisations have been declared as a public servant under Protection of Women from Domestic Violence Act, 2005.<sup>8</sup> A voluntary organization established to protect the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance can be registered under this Act as a service provider<sup>9</sup>. Like Protection Officer even Service Provider is also authorized to perform certain functions and discharge some duties under the Act. To the make present Act effective the Service provider has also a major role to play. This can be done by following mode.

1. Most of the respondents Service Provider are saying that before filing an application in Magistrate court under S. 12 of the Act, if the aggrieved woman approaches Service Provider for assistance then they are doing counselling in that case by calling the respondent/opponent. The PWDVA, 2005 has not permitted counselling by Service Provider before the matter reach to Magistrate court u/s 12 of the Act. Counselling can be done by service provider only under the general supervision of the Magistrate court u/s 14 of the Act. The aggrieved person may be discouraged due to pre-counselling for which she may not approach to Magistrate court for getting relief. Hence the Service Provider shall do counselling only under the general supervision of the Court.
2. Like protection officer as the Service Provider are also declared as a public servant, the aggrieved woman should be allowed to file complaint to SP also. At present if the incident of domestic violence occurs then aggrieved woman is entitled to file complaint with protection officer. But she is not allowed to file complaint before Service Provider. Despite the fact that Service Provider is also a public servant u/s 30 of the Act. If permitted service Provider also will perform effective role under the Act.

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<sup>8</sup> Section 30

<sup>9</sup> Section 10

3. As per the most of the Service Provider respondent they are not sending the copy of DIR to police when it is recorded by them as a result of which the police do get not information about the commission of domestic violence in their jurisdiction. Hence it is the duty of the Service provider to send the Copy of Domestic Incident Report in police station.
4. For effective implementation of the Act, as it is the duty of the Service Provider to provide necessary assistance to aggrieved woman they shall maintain the list of shelter homes and medical facilities with a view to give benefit to aggrieved woman.
5. When an aggrieved woman has been kept in shelter home by Service Providers then they are not forwarding a report of it to the Police Station within the local limits of which domestic violence took place. It is mandatory on Service Provider that they have to submit a report to the police station within the local limits of which domestic violence took place, when an aggrieved person is kept in shelter home.
6. Majority of the respondent Service Provider said that when counselling is made the respondent shall be allowed to plead counter justification where the aggrieved woman has made allegation against him. In fact as per the provisions of this Act and the rules made there under, when allegations are made by aggrieved woman before the counsellor against the respondent/opponent then respondent/opponent cannot be allowed to plead counter justification for the same. Thus the Service Provider shall not allow respondent to plead any counter justification.
7. Majority of the respondent Service Provider said that they are not taking undertaking during counselling from the respondent/opponent that during the counselling respondent will refrain from causing any violence to aggrieved woman as complained by her in application filed before the Magistrate court. The researcher submits that as per the provisions of the Act and the rules made there under it is mandatory on the service provider to take undertaking from the respondent that during the counselling respondent will refrain from causing any violence to aggrieved woman as complained by her in application filed before the Magistrate court. But the same provision is not complied by the Service Provider. Hence it is the duty of the Service provider to comply with the condition by taking an undertaking from the respondent during the counselling that during conciliation he will refrain from causing any violence to aggrieved woman as complained by her in application filed before the Magistrate Court.
8. Most of the respondent Service Providers were saying that they are preparing two copies of Domestic Incident Report when it is recorded by them as per the saying of the

aggrieved woman. The researcher submits that as per the provisions of the Act, the Service Provider has to prepare five copies of Domestic Incident Report. One copy is to be forwarded to local police station, protection officer, aggrieved person and Magistrate. One copy is to be kept by service provider with them as a record. Hence in all cases the Service Provider shall comply with the said provision.

9. Most of the respondent Service Providers are saying that when Domestic Incident Report is prepared by them then the expenses incurred are paid by the aggrieved woman. The PWDVA 2005 is a beneficial legislation and the burden of expenses shall not be imposed on aggrieved woman. On the contrary as a public servant Service Provider has to bear the expenses of Domestic Incident Report.

## **6. Conclusion**

The Protection of Women from Domestic Violence Act, 2005 is a progressive and welfare-oriented legislation enacted to safeguard women from various forms of domestic violence and to ensure their right to live with dignity and security. The Act not only provides legal remedies to aggrieved women but also establishes an institutional framework involving Protection Officers, Advocates, Police Officers, and Service Providers for effective implementation of its provisions. These authorities collectively function as the backbone of the domestic violence redressal mechanism and play an essential role in providing legal, medical, emotional, and social support to victims.

Protection Officers act as facilitators between the aggrieved woman and the judicial system by assisting in filing applications, preparing Domestic Incident Reports, arranging shelter and medical facilities, and ensuring execution of orders passed by the Magistrate. Advocates contribute by providing legal guidance and ensuring fair representation before the courts. Police Officers help in maintaining protection and enforcing legal orders, while Service Providers extend counselling, rehabilitation, and other support services to victims of violence. However, despite the comprehensive framework provided under the Act, several practical difficulties continue to hinder its effective implementation. Lack of awareness among women, inadequate training of authorities, shortage of Protection Officers, procedural delays, insufficient coordination among agencies, and misuse of provisions in certain cases remain significant challenges. In many instances, the institutional mechanisms fail to function efficiently due to lack of infrastructure and accountability.

Therefore, effective implementation of the PWDVA, 2005 requires sincere cooperation and coordination among all stakeholders. The success of the Act lies not only in the existence of legal provisions but also in the sensitivity, efficiency, and commitment of the authorities entrusted with its enforcement. Strengthening these institutional mechanisms is essential to ensure meaningful protection and justice to women affected by domestic violence.

## **7. Suggestions**

### **1. Appointment of Adequate Protection Officers**

The State Governments should appoint sufficient number of Protection Officers in every district to ensure effective and speedy assistance to aggrieved women. Proper infrastructure and administrative support must also be provided to them.

### **2. Specialized Training Programmes**

Regular training and awareness programmes should be conducted for Protection Officers, Police Officers, Advocates, and Service Providers to develop sensitivity and proper understanding regarding domestic violence issues and the provisions of the Act.

### **3. Awareness among Women**

Large-scale awareness campaigns should be organized through educational institutions, media, NGOs, and legal aid authorities to inform women about their rights and remedies available under the PWDVA, 2005.

### **4. Strengthening Coordination Mechanism**

Proper coordination should be maintained among Protection Officers, Police Officers, Service Providers, and Courts to ensure effective implementation and timely disposal of cases.

### **5. Speedy Disposal of Cases**

Special measures should be adopted by Magistrates and Advocates to avoid unnecessary adjournments and ensure speedy disposal of domestic violence cases.

### **6. Effective Monitoring and Accountability**

The functioning of Protection Officers and Service Providers should be regularly monitored by the Government and judicial authorities to ensure accountability and efficient performance of duties.

### **7. Improvement of Shelter and Medical Facilities**

Adequate shelter homes, counselling centres, and medical facilities should be established and maintained for immediate assistance and rehabilitation of aggrieved

women.

#### **8. Promotion of Legal Aid Services**

Free legal aid services under the Legal Services Authorities Act should be made more accessible and effective for victims of domestic violence, particularly women from economically weaker sections.

#### **9. Prevention of Misuse of Provisions**

While protecting victims, authorities and advocates should also discourage filing of false or malicious complaints so that the credibility and objective of the Act are maintained.

#### **10. Use of Technology in Implementation**

Online complaint systems, digital monitoring of cases, and helpline services should be strengthened to make the process more accessible and transparent for aggrieved women.

