CJ cautions against misuse of law

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Bangalore: The Protection of Women from Domestic Violence Act, 2005, is an important law for protecting women against abuse. But its provisions, if not interpreted properly, could cause injustice to the alleged perpetrator.

Chief justice of Karnataka High Court, Justice P D Dinakaran, stressed on the need for awareness about the Act in rural India, sensitization of authorities including police and social workers, and the need to exercise caution while implementing the law. Its implementation has not been very effective, he said on Sunday while addressing high court judges and lawyers at a workshop on domestic violence.

Rural women, who need access to the Act more than those in cities, don’t have enough avenues to avail it. “It’s been just two years since it came into force. We don’t know how well it is being implemented. We should be cautious so that there is no misuse,” he said.

The Act protects women in live-in relationships too, and is considered a strong measure for women’s protection. However, chairman of the sub-committee for implementation of plan of action for welfare of women, Justice B V Nagarathna, stressed that caution needs to be exercised in most cases.

For instance, there is a clause that asks the victim to submit a ‘domestic incident report’, which is like a petition about the complaint. The judge should not take the petition for granted because it could be a tool of misuse. “Similarly, Section 19 of the Act, which directs the respondent to keep away from the household of the victim, could lead to harassment of men if not implemented with caution,” he said.

Justice Nagarathna added counselling is an important part of reconciliation in any case, marital or non-marital. In family courts, 90% of the cases fail to reach the reconciliation stage even though it is a good option.

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