

SC CAUTIONS CENTRE ON BRINGING ACTS WITHOUT FUNDS

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Creating rights with gusto through new welfare Acts would become mere lip service unless their financial impact was kept in mind, the Supreme Court cautioned the Centre on Wednesday.

The court's oral remark referred to how the government promised dedicated protection officers and shelter homes for women who suffered domestic abuse but has not delivered yet.

Yet again, the government enacted the law on the right to education but did not have funds to build the sufficient number of schools or pay decent salaries to teachers working in the programme.

As a result, a three-judge Bench led by Justice U.U. Lalit said, the court was flooded with litigation.

“Revenue officials double up as ‘protection officers’ under the Domestic Violence Act when the training for these protection officers is completely different... Look at the Right to Education law, where are the schools? You have appointed people as *shiksha mitra* and *shiksha karmi* and pay them Rs. 5,000. They come to court seeking parity in pay. So, whenever you bring in an Act, keep the financial impact in mind... When any legislation is enacted, its financial impact has to be assessed... Otherwise, all this becomes only lip-service... You create a right and the courts are left in difficulty,” Justice Lalit addressed the Centre, represented by Additional Solicitor-General Aishwarya Bhati.

The court was hearing a writ petition filed by an NGO, ‘We the Women of India’, about the lack of protection officers and shelter homes’ infrastructure in various States as promised under the Protection of Women from Domestic Violence (DV) Act of 2005.

Advocate Shobha Gupta, for the NGO, said shelter homes were an essential part of the Act.

Justice S. Ravindra Bhat, who is also part of the Bench along with Justice P.S. Narasimha, said the Centre, as a nodal agency under the law, should conduct a statistical assessment of the number of protection officers and how many/the kind of infrastructure required for shelter homes in different States.

The court also asked the government to provide details of the nature of Central programmes/plans outlining assistance to support the efforts under the DV Act.

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