

Special Cell for Women and Children:
The Spirit and Strategies to Meet the Challenges

by
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Purpose of the Handbook

In view of the continued expansion of the Special Cell, the need was felt for creating a handbook which will serve as a procedure guide based on the basic principles on which the Special Cell functions; which will lend uniformity to the work as well as encapsulate the ideology of the Special Cell.

Any person approaching the Special Cell has a different need, as the problems faced by them are peculiar to their situation. Every person has her own strength and limitations, innate capacities and support system. Thus, each one elicits a different set of responses from the social worker. The legal aspects of the situation and the strategies to be adopted also vary from case to case. However, the underlying theme is that of violence and abuse. This means that despite the individuality of the worker, by and large there is a common pattern to the problems faced by clients, which lends itself to the common perspective, work ethos and culture.

The aim of the present endeavour is to highlight these commonalities in the nature of the work and individual functioning and thereby adhere to the team spirit and democratic principles of the Special Cell. The book is a ready-reckoner and broadly covers the larger issues about the Special Cell and its work. However, it is not comprehensive as the purpose is to be a reference book for those working at the Cell and will constantly evolve with time.

Chapter 1: The Special Cell Project

1. Special Cell: The Beginning
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Special Cell: The Beginning

Over the past years, there have been several changes in the attitude of the society towards women. Policies and programmes have been drafted taking into account the marginalised position of women. Laws, policies and regulations have been introduced specifically to meet those needs, which were so far denied. Women's organisations have also made tremendous efforts to address these problems leading to an articulation of the basic rights of women.

In articulation of a strong need to address and eliminate violence against women and children, The Special Cell for Women and Children was started as a joint project by the Tata Institute of Social Sciences (TISS) and the Mumbai police in 1984. The Special Cell is a unique effort in a strategic collaboration between the state and an academic institution, in that it provides a vital connection between citizens and the state that is expected to protect and support them. All Special Cells are located within the police system and work with a clear understanding that violence against women is a crime, against both the violated woman and society, and that it is the responsibility of the state to prevent and counter this crime.

The Strategic Location of the Cell

Although the police force conjures up the image of a mysterious, unchangeable, powerful and closed system; it is the first agency women are likely to approach because of their position in society as protectors of personal rights. However, there is a mismatch of women's needs and the services available within the police system, and women eventually find that there is no real supportive response that places all their options before them. With the vision of protecting the (patriarchal) family structure, women are always asked to compromise, return and adjust with the situation. The police work for long hours, under stress and are understaffed. Violence against women then is a low

priority (soft sector) issue. Also, the police is not equipped with the skills to provide emotional support in situations of trauma or to help the woman realise her rights enabling her to make decisions and come out of the abusive situation.

The police training and experience seem to produce a police force, which is constantly on guard with respect to the self as well as that of the organisation, unlike the social workers, whose training is filled with messages of trust, and belief in the capacity of people for growth and change. To date, the police system does not employ trained social workers, psychologists or sociologists to deal with the socio-psychological aspects which emerge in their policing functions. The budgets, personnel strength, and new programme proposals of the police, do not address themselves to this aspect of work as part of the Criminal Justice System agenda. Moreover, the police lack the training to clearly understand the requirements of violated women.

With the view of developing a strategic alliance with the police system for a more co-ordinated, coherent, and in-depth response to violence; and integrating social services for violated women within the system, the Special Cell was envisioned as a space within the criminal justice system where social services would be provided focussing on the socio-legal aspects of the issue of violence against women. At an operational level, this means that trained social workers of the Special Cell are based in police stations/ offices and work with their counterparts in the police to provide services and support to women clients. Working with a pro- woman perspective, the workers provide psycho- socio- legal services to women facing violence.

The Special Cell is strategically located within the police system. The Legal power and authority of the police system makes the Special Cell a legitimate space which can be accessed by women. The synergy resulting from the different strengths and contributions of the police system and the Special Cell enables a co-ordinated, multi-agency response to the issue of violence against women. There is a constant process of negotiations, dialogues, discussions and planned as well as unplanned interactions with the police. The Cell aims to be able to influence the police not only through laws, rules, confrontations and demands, but gradually working together on individual cases which leads to understanding of patterns that may need strengthening or may need to be broken. The Special Cell's location within the police system also allows a crucial collaboration between civil society (women's groups, social service groups, lawyers/ legal aid, employers, families etc) and the criminal justice system. Such a collaboration attempts to emphasise the criminal nature of violence against women rather than as '*tradition*', '*a family matter*' or '*a husband's right*'. At the same time, Special Cell also seeks civil remedies to the problems of domestic violence, such as restoration of rights to property and access to marital home.

Working in the police system helps the workers understand them better – the structure of the force, the environment they live and work in, the issues facing them as employees in their day-to-day functioning as well as the limitations and gaps that exist. This insight help guide social workers to manoeuvre the undefined spaces to the advantage of women.

Rationale for Special Cells in the Police System¹

Below we highlight a few reasons for this initiative to be a part of the Police System:

1. Violence and crimes against women is a subject for the Police and the Home Department. Consequently harnessing Police's legal power and authority to say 'No to Violence' by locating Special Cells within its premises, is to convey the message that the police is ready to counter the issue of violence.
2. Recognizing women's secondary position is embedded in the social structure of the society and this is acknowledged in the Constitution. Articles 38 and 39 of the Constitution has considered the State, law and enforcement machinery to effect social change.
3. The Cell worker creates socio-legal services for a large number of women who approach police to stop violence against them, enabling access to justice , prevention, and detection in cases like domestic violence, molestation, girl child sexual abuse etc. These services augment the police system to match the needs of the violated women for psycho-socio-legal work. The worker also engages in long term process work keeping in mind the woman's context and history of violence and regain control over herself . Using and sharing of existing infrastructure and network of the Police system by the trained social workers is a purposive strategy to work on the issue of violence against women.
4. The objectives of the Special Cells thus, are to rebuild violated women's self-esteem, self-worth and dignity; offer immediate services: crisis counseling, referrals to medical, psychiatric, educational and vocational services; police assistance; placement in institutions; legal aid; be a liaison between police and organizations for women and children; create critical awareness among women themselves, among professional groups, and general public of the atrocities committed against women and children and; document the work of the Special Cell for critical review, reflection for further work. Thus, the physical location of the Special Cell within the premises of the Police system serves as a vantage point to fulfill these objectives.

¹ [Note prepared by Resource Centre for Interventions on Violence against Women, TISS, Mumbai. May, 2012]

5. The Special Cell deals with violence against women in variety of situations. This includes violence in the family, work place and on the streets. The work requires interaction with the Criminal Justice System and a wide range of people and profession.
6. Research and experience has confirmed the need for multi-agency and coordinated response to Violence against Women. The UNSRVAV in 2003 acknowledges the strategic alliance [Police and civil society organization] as an effective measure to respond to Violence against Women.
7. Police and Special Cell worker's joint work on cases and issues of violence against women, have resulted in finding and developing effective alternatives within the system. Social workers do in depth work in the psycho-socio-legal aspects of Violence against Women, holding continuous dialogue with individual police officers and the police organization, augmenting the multiple dimensional approach.
8. Experience of working together has been mutually educative. Police at different levels have felt the need of trained personnel to deal with violence against women, especially in social investigations. The joint endeavor has led to training for gender aware policing, research and documentation, so as to feed back into relevant systems.
9. In brief Special Cells' intent is to do - Focused work on Violence against Women and Children within a pro-woman framework; Facilitating spaces for Women within the Criminal Justice System specifically the Police system; Working with Police at structural and individual level to deal with Violence against Women and Children- including Training, Research, Documentation on the subject; Dealing with a large number of potentially socio-legal cases of Violence against Women and Children.; Full time trained personnel to deal with violated women and children.
10. Today the emerging understanding within the Government is to (i) mainstream women's/ gender issues into different departments for a multidisciplinary and interdisciplinary approach, (ii) convergence of strengths to achieve the goals of gender equity and (iii) systems to adapt to women's practical needs and strategic interests.
11. The Design of the Special Cells:
 - a) Intend to be part of the team for law enforcement agency on Violence against Women.
 - b) The social service should be visible to women needing and wanting help along with

police assistance

- c) The location of the Special Cells must therefore be part of the police premises.
- d) The program is designed for continuous interaction and professional relationship between violated women, police and Special Cells team for a coordinated response to Violence against Women.
- e) Special Cells is accountable to police hence MI have been developed for monitoring and supervision of the work.
- f) Police guidelines to District Superintendents of Police(SP) to facilitate establishment of Special Cell's at the S.P. Headquarters (Letter No. POMS/MAPV/UMIFEM/TISS/2002) dated 15th January 2002.
- g) Guidelines issued by police and Government of Maharashtra for operating Special Cells (No. MSK-2006/Pr.K. 253/Ka-2) dated 17th October 2006.

Strategic Thrust of the Special Cell:

The strategic thrust of the Special Cell includes the following:

- giving visibility to the issue of violence against women in society, and legitimizing the violated woman's concerns and needs within a pro-woman perspective;
- simultaneity of working at the individual and systemic level, within the context of trained social work practice;
- developing a strategic alliance with the police system for a more co-ordinated, coherent and in-depth response to the issue of violence against women, with the aim of integrating social services for the violated woman within the police system;
- engaging the violated woman in problem-solving through process-oriented work to empower her;
- providing social services within the criminal justice system focussed on the socio-legal aspects of the issue of violence against women; and
- achieving all of the above within the framework of the ethics and values of the profession of social work, through services provided by trained, full-time social workers. (Special Cell for Women and Children, , 2004)

Objectives:

The Special Cells' work is directed towards:

- rebuilding the violated women's self-esteem, self-worth and dignity
- offering immediate services in cases of family violence and atrocities against women in the forms of:

- Police assistance in registering complaints
- Placement in institutions or referral to family service agencies
- Counselling
- Referrals to other services including medical, psychiatric, educational and vocational
- Legal Aid
- liaising between police and organizations for women and children
- creating awareness about the humiliations and atrocities committed, particularly against women and children, amongst women themselves, professional groups, and the general public
- documenting the work of the Special Cells and developing training materials for social work students and police personnel

Administration:

When the Special Cell started as a collaborative effort between Bombay Police and TISS, it was decided that while TISS would provide social workers and pay their salaries, the police would provide the infrastructure and administrative support. Over the years since its beginning the Special Cell has grown and evolved differently. Different states have evolved different mechanisms of administering the Cell. In some states it has become a full-fledged Government scheme, in some in joint partnerships with other agencies Salary source, infrastructural support, space etc varies according to state response and will. The one thing that remains constant over all is that the space for the Cell is provided by the police on police premises.

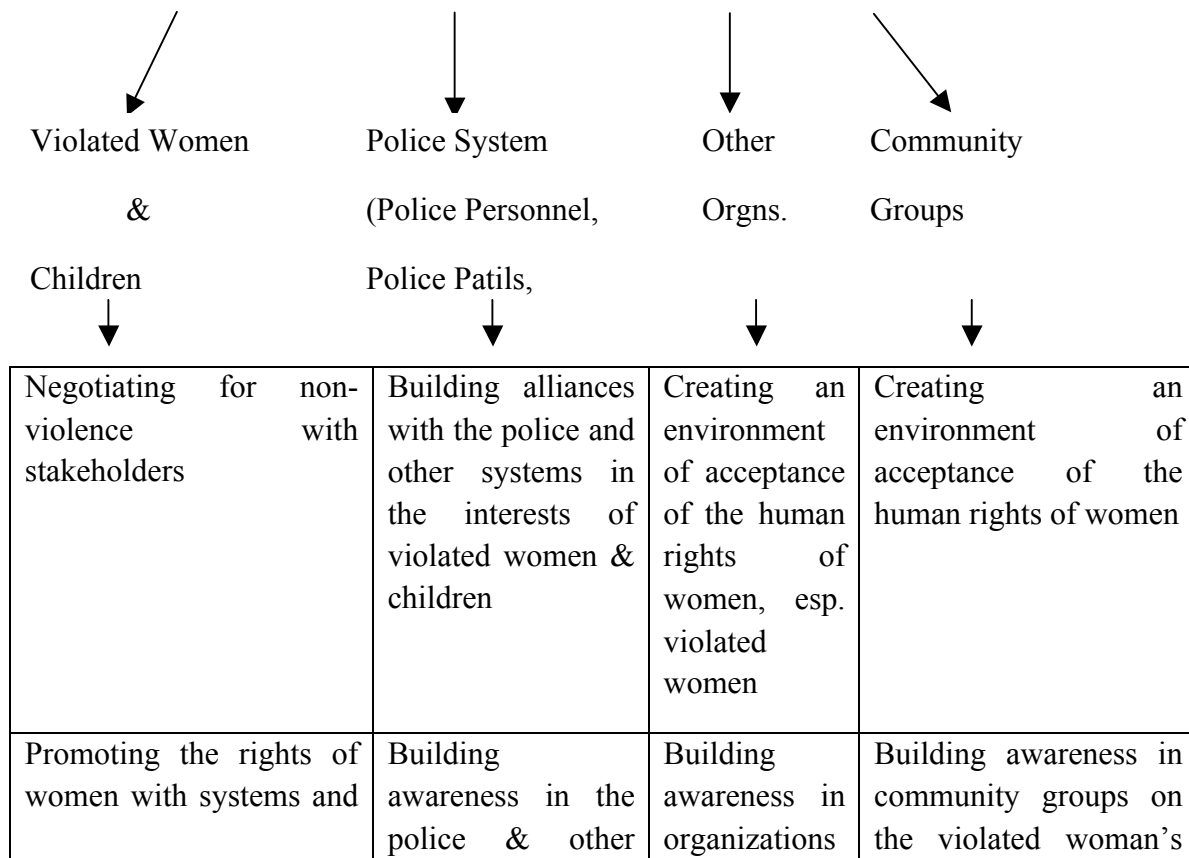
Some commonalities in administration are:

- Space is provided within the police structure for social workers
- There are at least 2 social workers in each cell with at least one social worker in each Cell.
- The Special Cell is responsible and accountable to the Commissioner of Police or the Superintendent of Police.
- Quarterly meetings are held with CP/ SP, where a brief report of the work done, the highlights in that period, administrative clearances and future planning
- An Authority Letter from CP/ SP granting permission to visit police stations, examining records, visiting police lock-ups etc. This letter is the closest to the Special Officer status in the Mumbai Police
- Administrative and Infrastructure support is provided by the police in the following ways:
 - ❖ Furniture (tables-chairs, cupboards, benches, shelves)
 - ❖ Stationary (paper, police telephone diaries, envelopes, typewriter, typing material and postage)
 - ❖ Infrastructure: telephone, jeep for visits (preferable to have fixed days), electricity, access to

- STD (Control Room), fax and wireless
- ❖ Personnel (a constable to help in the administrative work)

Scope of the Special Cell

The Services and Programmes of the Special Cells



stakeholders	systems on the violated woman's problems & perspective	on the problems & perspective of violated women	problems & perspective
Building the violated woman's self-confidence & self-esteem	Training police & other systems on issues pertaining to violence against women		Training community groups on issues pertaining to violence against women
Empowering violated women	Harnessing police authority to help violated women		
Building support systems for the violated woman			
Enabling the violated woman access services, resources & assets due to her			

- 1) Direct work With Women : The Special Cells' process of interventions is primarily directed at the individual level of the violated woman, with a focus on immediate crisis intervention, as usually a violated woman seeks help at the time of a crisis. Subsequent to immediate crisis intervention, if the woman desires, the Special Cells' interventions focus on her longer-term development. Women are helped to think critically, be assertive and develop a positive self-image. They are helped to relocate themselves in a new set of social circumstances. While working at the individual level with the violated woman, the Special Cells also intervene with her families, neighbourhood, community, kinship groups, the police and other components of the Criminal Justice System, the health system, etc., so as to gather support and understanding for the violated woman.
- 2) Work with Groups and Communities : In addition to intervening with the violated woman at the individual level, the Special Cells also address the issue of violence against women at the macro-level by working towards social change at the level of systems, through advocacy, training and networking
- 3) Research and Documentation: Documentation of the work done by the Special Cells is

maintained in the form of case records as well as reports prepared and compilation of the data done on a regular and periodic basis. In order to gain deeper understanding of the issue and interventions related to Violence against Women research is undertaken, mostly in the action research mode wherein it is based on and uses data derived from the intervention on VAW and its findings feed into intervention, advocacy and training on issues related to VAW.

Journey of the Special Cell

Expansion in Maharashtra:

From one Cell in the office of the commissioner of police in Mumbai, there are now 144 Special Cells are sanctioned for various locations across Maharashtra (60 are operational, 30 are in the process of initialisation in current f.y.).

Between 1984 and 1994, the Special Cells expanded from one to three in Mumbai (one each in the Office of the Commissioner of Police, Dadar Police Station, and Kandivali Police Station). In 2001, with a tripartite Memorandum of Understanding (MOU) was signed by the Government of Maharashtra, UNIFEM, and the Tata Institute of Social Sciences, the Special Cells assumed the identity of a joint programme between the three partners, with a stated agenda of expansion to the districts in Maharashtra State. Under this MOU, the Special Cells expanded to seven districts of Maharashtra State, namely, Navi Mumbai, Pune, Yavatmal, Aurangabad, Nashik, Wardha, and Nanded. By the end of 2005, on completion of the MOU, the Special Cells for Women and Children were taken over by the Department of Women and Child Development, Government of Maharashtra. Ten more Special Cells were started in the year 2007 in the districts of Dhule, Jalgaon, Parabhani, Sangali, Bhandara, Usmanabaad, Buldhana, Nagpur, Thane and Amaravati and the responsibility of implementing them was entrusted to local NGOs while coordinating was done by TISS. In 2010 Special Cells were established in the remaining 16 districts of Maharashtra along with additional three Special Cells in Mumbai. Realising the effectivity and need for this program, the Government of Maharashtra has now sanctioned establishment of Special Cells at Taluka level as well.

Resource Center for Intervention on Violence Against Women

With the expansion of the Special Cell, the vast and accumulated knowledge & expertise of Special Cells started being called upon, increasingly since 2000, by State *and* non-State actors, for capacity-building, handholding, advocacy input, and model innovation/demonstration/replication/institutionalization in other states. Simultaneously, the Special Cells programme in Maharashtra

itself required increasing capacity-building input, with newer personnel, and local NGOs being involved in district-level implementation. It also emerged that action-evaluation research is key to further advocacy based on grassroots-cum-systemic praxis in the specific issues *and* interventions of VAW. The feeding back of research findings into planning, training & advocacy, as well as service/systems setting work with State Governments across the country, demanded the conceptualisation & establishment of the Resource Centre for Interventions on VAW, in the form of an FAP of the Institute.

The RCI-VAW was envisioned in 2007-8 to resource the existing Special Cells for Women & Children – i.e. to assess and address internal training with different stakeholders; to conduct steady research for deeper understanding of the issue and intervention/s to stop VAW; to demonstrate direct & effective intervention on VAW in collaboration with the police in different regional contexts, through innovative strategies and then the facilitate the process of institutionalisation within the governmental system, as well as with non-governmental stakeholders.

Expansion in other states: Through the interest of other organisations working for women's rights, as well as multilateral/international funding agencies, the TISS has also helped demonstrate the Special Cells in other States viz. Madhya Pradesh (2010), Delhi (2009), Odisha (2011), Andhra Pradesh (2011), Rajasthan (2011), Haryana (2007) & Gujarat (2011). Institutionalisation of these with the support of the State Government has been possible in some States like Rajasthan (2011), Haryana (2008), Delhi (2010) & Gujarat (2013).

So 5 models of the Special Cells approach have merged, as it were, along the journey. Comparative areas can be understood better through the matrix below:

PHASE	ASPECTS	STATES				
		Maharashtra	Rajasthan	Haryana	Delhi	Guj, A.P. , U.P. , Odisha
Initial phase (Pilot Cells demonstrati	FAP	TISS' SSW's focused FAP with Mumbai Police	Women's groups connected with TISS to learn and initiate Cells in Rajasthan together	RCI-VAW project on invitation of UNDP under SAJI Phase-I	RCI-VAW project with NCW and Delhi Police	RCI-VAW project with Oxfam India & local partner organisations in 4 States

on)	Partners in pilot phase	Mumbai Police 1984-2000, then also UNIFEM & DoWCD till 2005;	Police women's groups & civil liberties groups (NGOs & CBOs)	UNDP funding support for 2 pilot Cells for a year; infrastructure support from Haryana Police	NCW funding support, and Delhi Police providing space	NGO implemented (women's groups) with TISS' technical support & Oxfam India funding
	Year of starting, duration of initial phase	1984; 16 years (funding support from Ford Foundation & others)	2002-2004 (4 years)	2006-2007; 1 year	2009; 1 year	2009; 4 years in Gujarat; continues in A.P., U.P. & Odisha
Second phase (Demonstration & advocacy) Second phase (contd.)	Key Stakeholders	TISS implementation, Police infrastructure, UNIFEM funding, DoWCD MoU to take over in future	Only NGOs directly implementing & funding, Police infrastructure, TISS training	TISS' training, system-setting, advocacy, DWCD funded & administered, Police's infrastructural & intervention support	TISS & Police implemented, NCW other stakeholder (only government bodies, no NGO/donor agency)	Partner NGOs implemented, TISS & Oxfam monitored, Oxfam funded, TISS trained, Police's infrastructure
	Duration	3 years (2002-2005)	2004-2010 (6 years)	2007-08: 1 year	chk with Trupti	2 years in Gujarat; continues in A.P., Odisha
	Personnel	Social Workers at Cells,	Trained social workers at Special Cell	Trained social workers &	Trained counsellors and trained	Trained social workers and

		Project Coordinators at range-levels	units	professional lawyers; empowered under PWDVA 2005 & PCMA 2006 as Protection-cum-Prohibition Officers (PPOs)	social workers; designated counsellors	experienced activists & para-professionals incl. Community organisers;
	Expansion	Regular expansion in number and location of Cells across Police ranges (within Mumbai and across districts)	01.01.2002 – First MSSK in Gandhi Nagar WPS in Jaipur; 2004 – second MSSK in Jaipur; 2010-11 onwards – 23 MSSKs operating with State funding	2006-07 - 2 pilot Cells; November 2008 onwards – 20 Cells across districts; 2011-12 onwards 1 new district & Cell started	2009-12 – 3 Cells; 2012 onwards – only 2 (Malviya Nagar P.S. Cell vacant)	2009-14: 6 Support Centres in 5 districts in Gujarat, 5 in 5 districts of Odisha, & 5 in 4 districts in A.P.; 2014 onwards: 26 Support Centres across all districts of Gujarat
Third phase (programme institutionalised and time	When	Institutionalisation as DoWCD scheme in collaboration with Home/Police	Institutionalisation as DoWCD Scheme in 2010-11	Institutionalisation as a DoWCD programme in November 2008, and schematisati	Not yet institutionalised across districts of Delhi	Institutionalised in 2013-14 as DWCD's programme with Police across all 26 districts of

of system-setting)		Department in 2005		on process is underway		Gujarat; Not institutionalised in A.P. & Odisha
	Location	Special Cells in 3 locations in Mumbai, and 7 at district Police headquarters; Now (in 2013-14) expanded to 144 Cell units across the State (3 taluka-level & 1 district H.Q. Level Cell units in each of 36 districts)	1 Special Cell in each of 26 districts, in Police Stations	1 Special Cell in each of 21 districts of the State, located in office premises of Superintendent of Police	1 in SPUWAC headquarters, Nanakpura, and 1 each in CAW Cells of Pitampura & Malviya Nagar P.S., respectively	Support Centres in Odisha (5), A.P. (5) & Gujarat (6) are based in Police Stations (incl. WPS); U.P. - 2 Support Centres running part-time/non-regular basis in Police space; Now, 1 per 26 districts of Gujarat as institutionalised prog.

An understanding of the way forward with each of the 5 State-based Special Cell models and the highlights of the same are summarised in the table on the following page.

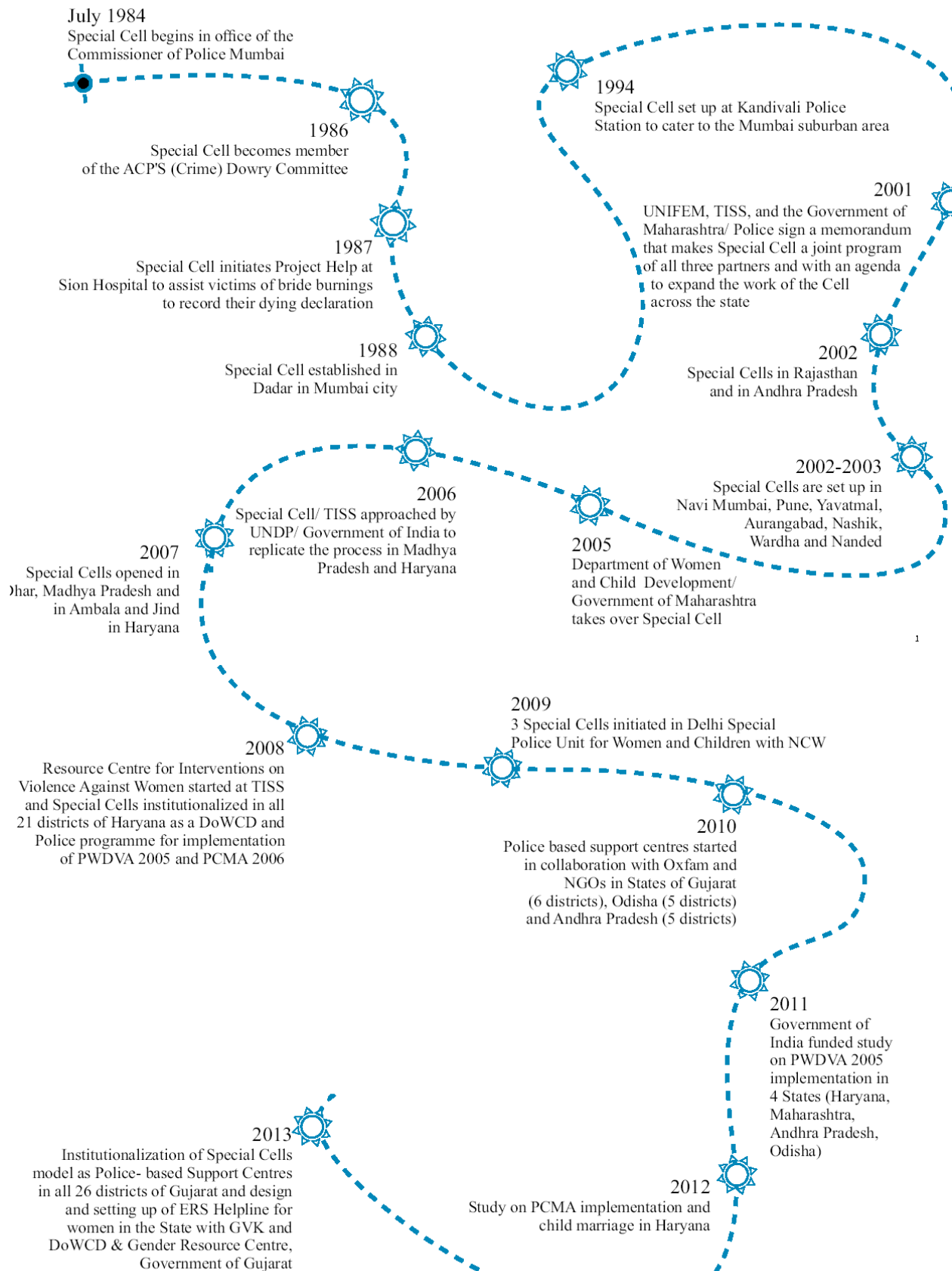
ASPECTS	Maharashtra	Rajasthan	Haryana	Delhi	Guj, A.P. , U.P. , Odisha

Highlight of State-specific adaptation of Special Cells approach	Achievements and strengths	Birthing ground for Special Cells approach – innovation, skills & advocacy all rigorously developed over 30 years of work with Police; Police support in constant advocacy with State & Judiciary for strengthening, sustainability, expansion & streamlining of programme	CSOs incl. Civil rights activist groups & autonomous women's groups took up the Special Cell approach and advocated with State Government for institutionalisation; Have also continued to implement & capacity-build the programme with support from TISS	Police support to TISS in advocating successfully for institutionalisation of the Special Cells approach as DWCD scheme; PPOs empowered under laws to intervene in child-marriage & DV	Special Cells approach & integrated into process & adapted to the CAW Cells (now SPUWAC) of Delhi Police; Cell workers/counselors given good infrastructural support and involved in Delhi Police's training, public awareness & community mobilisation activities	Capacity-building & handholding relationship on VAW intervention & advocacy with State-based NGOs working on women's issues; Advocacy & networking with Oxfam India on national-level PWDVA & Sp.Cells Schemes & (successfully) for Gujarat Sp.Cells' institutionalisation
	Structure	DWCD grants-in-aid to TISS for programme coordination & part-implementation (i.e. employment & monitoring of 28 social workers of 14 Cells across districts & 4	DWCD sponsored Scheme implemented by NGOs/CSOs through grants-in-aid fund flow, with MSSKs located & functioning in Police	State coordination office along with TISS presence as official technical support for implementation & capacity-building of programme	Social workers/counselors' salaries are paid through NCW funds which flow directly to Delhi Police's Spl. Police Unit for Women & Children; Workers	Gujarat Support Centres institutionalised and launched in each district as DWCD programme with a State & Regional-level programme

	regional coordinators), and to NGOs for implementation of Cells; TISS Faculty in-charge manages the project and is member of the State-level Monitoring/Steering Committee (comprising of all stakeholders mentioned, Chaired by ACS, Home)	Stations incl. WPS	(1 project officer in the State); PO (ICDS) at district-level play administrative monitoring role; PPOs at Cells have support staff and all receive salaries directly as contractual employees of State Government	report to ADCP (CAW), ACP & PI at the SPUWAC Headquarters	coordination structure monitored by the State's Gender Resource Centre, with separate budgetary allocation
Way forward	Advocacy & collaboration by TISS with DWCD for streamlining of expanded programme through alternative structure (either State-sponsored Society or in-State Coordination & prog. Implementatio	Refresher & induction trainings by TISS on invitation from DWCD planned for 2014; Advocacy to be initiated with Deptt. for programme evaluation study & long-term training	Refresher training; Scheme document formulation; SoP/protocols being concretised with DWCD; A-V awareness material being developed; 6 year comprehensive report-	Refresher training & documentation support; On-going advocacy for expansion & institutionalisation across 9 districts of Delhi as DWCD & /or Police-sponsored programme, as well as for State-based	Advocacy for establishment of Special Cells in U.P. Police locations; Advocacy for expansion & institutionalisation as State-sponsored programme in A.P. & Odisha with help of CSO partners;

	n mechanism)	component	cum-case-study being finalised (focus on programme's achievements in intervening in VAW & children); Advocacy for Asst. PPO's post to be created & filled	programme coordination unit	Advocacy for systems-setting & basic training for institutionalised Cells across Gujarat towards programmatic quality sustainability
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The milestones in the journey of the Special Cell are depicted below:



Non-negotiable Criteria for Institutionalisation of the Special Cell

An action research project was undertaken by the Special Cell between 2002- 2005 to address issues related to the expansion and institutionalization of the Special Cells within the police system in Maharashtra. This Strategy Planning exercise identified those aspects of the work of the Special Cells that must be protected for effective service delivery in the interests of violated women. The following were enumerated as non-negotiable criteria in relation to recommending the most appropriate structure for institutionalizing the Special Cells

- The pro-woman ideology of the Special Cells must not be compromised, and the Special Cells must continue to work with the same commitment to the needs and rights of violated women.
- The State must have a stake in the future expansion of the Special Cells in terms of both funding and commitment. The Special Cells must be empowered by the State.
- All Special Cells should be attached to police stations/police offices.
- Collaboration is required from the Home Department, the Police System and the Department of Women and Child Development for effective service delivery in the interests of violated women.
- The autonomy within the Special Cells with regard to decision-making and service-delivery must not be diluted. It must be recognized that the accountability of the Special Cells is primarily to the violated woman.
- The quality of professional service offered by the Special Cells must continue, and for this purpose, trained social workers are required to offer the services of the Special Cells after institutionalization, in accordance with the basic principles of social work. This will protect the integrity of the service and the social worker, where their work is facilitated and not directed. This will also ensure uniformity in service delivery.
- The emphasis of the work of the Special Cells should continue to be that of process-oriented work, and not target oriented work.
- Professionals from the voluntary sector, who have demonstrated concern for women's issues, are a crucial resource that should be made an integral part of the structure after institutionalization of the Special Cells.²

² Mathani, R. (2006) Executive Summary Report of "Strategy Planning for the Special Cells for Women and Children: an Action Research Project (2002–2005)"

Chapter 2: The Social Worker at the Special Cell

1. Role of the Social Worker
2. Selection Process
3. Expectations from the Social Worker
4. Responsibilities of the Social Worker
5. Facilitating Teamwork

Role of the Social Worker:

The role of the Special Cell's social worker is central to the process of intervention. The Special Cell's work draws from the values, principles and interventions of social work practice. The worker of the Special Cell, therefore has to be trained and qualified in Social Work. The social worker needs to have skills in undertaking simultaneous actions at multiple levels of intervention, as the issue of violence against women is a complex one and demands interventions at the individual level, as well as at the macro level by working towards bringing about social change at the level of systems. The social worker's commitment to women's issues, with the focus on the issue of violence against women, is a crucial aspect of the Special Cell's service delivery³.

Expectations from the Social Worker

The Special Cell worker has to live up to many expectations. To be able to fulfil these expectations, it is necessary for workers to have multiple skills:

1. keen interest in women's issues
2. ability to think and empathise on problems related to women and children
3. ability to take an active pro-woman stand against all odds
4. clarity of thought and vision of a gender-equitable society
5. strong analytical skills along with a high level of motivation and energy
6. skills to work simultaneously with different systems in the society—from building a network of women, organise and conduct training programmes, documentation (to help theorise practice later), develop training modules that will be participant-friendly or for different kinds of target group ability to understand and implement principles, techniques and skills of social work (largely case work, group work and counselling) and also be able to work in a team as well as independently ability to interact with the police which is an integral part of the work and needs to be skilfully handled.

Selection Process:

³ Special Cell for Women and Children (2004) Mission statement and the Monitoring Indicators for Special Cell for Women and Children

Since the Social worker plays a highly responsible and pivotal role in the effective functioning of the Special Cell, it is imperative that certain specific requirements should be met with prior to being recruited at the Cell. Adhering to a team approach maximum number of available persons are involved in the selection process.

A vacancy notice is put up in Social Work colleges as well as on online job portals. The applicants go through several stages in the selection process. The Special Cell workers are involved and play a key role in selection of new Special Cell workers. The process is as follows:

1. Group discussion conducted by two Special Cell workers
2. Interview by the Special Cell coordinator and a social worker (preferably one not acquainted with the candidate)
3. Spending one working day in any of the Special Cells to get a feel of the work culture
4. Final Interview conducted by Project Director, coordinator and team member
5. From the short-listed candidates, final selection is done by common consensus
6. The selected candidate has to undergo a successful three-month probation period, post which recruitment is confirmed

The **probation period** is of 3 months duration. During this period no cases are directly handled by the candidate. Instead they spend time in observing, discussing and reading to acquire an on-the-job experience of the work. In an attempt to give maximum exposure, the candidate spends the three-month period in different Cells to get familiar with the other offices, police stations, the different workers and their working styles and approaches. Candidates who have been selected for Special Cells located in districts spend a month at Special Cells located in Mumbai; and the next 2 months are spent in the District Cells. During the probation period, feedback is constantly given to the new worker by the team and the coordinator. On completion of the probation period, the new worker presents his/ her observations, learnings and interest to work in the Special Cell; the other team members comment on the professional attitude, sensitivity towards issues, skills to plan and implement, physical energy, strengths and areas for improvement. Post sharing, it is decided whether that worker can become part of the Special Cell team.

Training sessions are held on topics such as Violence Against Women, Social Construction of Gender, Child Sexual Abuse, Women and Law, Police Procedures, Counselling, Principles of Working with Individuals, Families and Children, Sexual Counselling, Documentation etc.

The candidates attend training programmes to help build a perspective towards issues and

strategies used to deal with different cases efficiently. Most training programmes are held over the weekend or on visit days (Tuesdays) so that new workers do not miss out on the core work which is the most important part of the Special Cell. Most training sessions are conducted by the Special Cell team.

As a part of the training and orientation, the new worker is made familiar to the Police hierarchy by introducing the worker to police officials at different levels of the hierarchy, from the sub-inspector to the S.P. at his/ her place of work.

Responsibilities of the Social Worker

The prestige and status accorded to the Special Cells is largely a result of the professional practice and skills with which each case is handled. Hence, each worker is responsible to uphold the standard of the Special Cells through their commitment, sincerity and dedication. With a vision to build an equitable society, the Special Cell takes a stand to empower the woman, and in this process the workers are expected to be sensitive and cautious so as not to violate and encroach upon anyone else's rights.

To ensure the above, it is necessary to adhere to the following:

1. The role of the social worker is facilitative, not directive. As the Special Cell is essentially a space for the woman, it is here that her right to self-determination will be respected.
2. The worker is committed to work on women's issues irrespective of gender, caste, class and communal, religious or sexual orientation. Intrinsic worth of human life is recognised and dignity of individuals will be respected.
3. The approach, style of work and language is non-violent.
4. Worker will share with the women clients, accurate and relevant information regarding the extent and nature of help available to them. These would include opportunities, rights, strengths, limitations and risk associated with the information offered.
5. The worker will need to build a regular dialogue with the police and present monthly work reports to their unit commander i.e. the Superintendent of Police / Police Commissioner as per G.R.
6. The worker needs to build a network with other organisations to create referral services for women and to work on the issue in a united and effective manner.
7. To plan, organize and conduct training programs on the issue of violence against women to enhance understanding on the issue with various target groups like women's groups, police personnel, Mahila Dakshata Samiti members, community volunteers, organizational representatives, students etc. is part of the work undertaken by the workers at the Special Cell.

8. The social worker should be able to work with concerned individuals, various organisations and government departments to deal with the issue effectively.
9. Documentation is an important aspect of the work.

Facilitating Teamwork

In accordance with the feminist principle of accountability, the Special Cell works as a team accountable to each other. The team maintains a dialogue through phone calls, emails, meetings where they discuss case details, plan programmes, and resolve difficult situations, if any, in their work. This leads to collaborative work in terms of exchange of information, seeking guidance and suggestions and strategies for further work. Such practices lead to better communication and foster mutual respect amongst the workers. Each of the Special Cell workers is encouraged to identify his/her interest areas that will help the worker to grow in terms of planning and organizing programmes, enrichment of knowledge and sharpening of skills. This approach incorporates the concepts of participation, collective decision-making and shared understanding of the issues in the functioning of the Special Cell.

Chapter 3: Social Work Practice at the Special Cell

1. Feminist Social Work
2. The Special Cell's Approach of Work
3. Principles of Social Work Practice
4. Working with a Pro-woman Approach
5. Areas of Social Work Intervention With Violated Women

1) Feminist Social Work

Feminism is a system of thought, an ideology. However, unlike many of the other ideologies such as Marxism, Gandhism, Naxalism, and so on, feminism is not an ideology that is based on a belief in what a single individual (usually male) had to say, but is a mode of thought in which every voice counts, and multiple perspectives and opinions exist simultaneously. It is an umbrella term that encompasses a vast variety of voices, and an ever-growing body of knowledge. In our connecting theory to practice, it is important to keep in mind this umbrella term; understand what the feminist perspective entails; and have clarity about the basic concepts such as sex, gender, and social relations between men and women.

Sex and gender: Sex and gender are different concepts. Sex is not one-dimensional, but constructed from a group of markers. One set of markers is *reproductive and sexual organs*. Another is *hormones*, and a third is *genetic* or chromosomal composition. Sex itself is not as fixed and 'scientific' as it was assumed to be, and gender even more so, is socially constructed by the modern/Western discourses of biology and medical science. All bodies are not clearly either male or female, but vary along these three axes. Research has suggested that in 25 people out of 50, the XY genetic make-up alters, to become either XXY, XYY, and so on. The supposedly 'male' and 'female' hormones are present in people of both sexes, and genitals are also extremely varied in appearance and size. Individuals who are born with ambiguous genitalia, or with genitalia that does not match their chromosomal composition, are termed inter-sex. It is the lived reality of at least one in every thousand individuals.

However, the patriarchal definition of sex by a modern, Western-inspired education through biology and medical science has gained supremacy in our minds as 'normal' and 'binary'. In the same way, gender based on these 2 sexes—'male' and 'female'—only, has been socialised into us. Bodies are *marked* by biology and medicine at birth as male and female, and based on this, gender and all its associated expectations and assumptions are assigned to these marked individuals. Certain emotions (loving), behaviours (nurturing), skills (neat, artistic) and capacities (able to cook) are considered appropriate for females while certain other emotions (ambition), behaviours (responsible) skills (techno-savvy) and capacities (professional) are considered more appropriate for males. Children learn gender appropriate characteristics from family, teachers, friends, media and society. This kind of training, that comes from various aspects of and actors in social life, is called socialization.

e.g. many girls in government schools are told to help cooking midday meals while boys help with jobs outside the kitchen, and so on.

The media in all forms feeds us certain gendered stereotypes. From the kind of roles women are given in movies, the demonization of the mother-in-law in television serials, to the models provided for good and bad women, the media is a key instrument in socialization.

Patriarchy: Patriarchy is the structural arrangement of power relations such that various dimensions of social, cultural and political power are invested in men, at the cost of subordination of women. Masculinity is privileged, and men exercise control over women's reproductive and productive power, mobility, and sexuality. However patriarchy does not operate by coercion alone, but uses our consent—it involves us all in the myths it creates and in posing as 'natural', beguiles and implicates us all in upholding it.

Patriarchy and gendered expectations have changed over the years. Gender norms are historically specific, and if we examine the norms of beauty for example, we see that a woman considered beautiful today does not conform to the standard of beauty from say the previous century. Patriarchy thus changes forms, but has continued through the centuries. Gender norms vary even in different cultural context in contemporary times.

If we understand patriarchy and the system of gender relations as a tree, we see that the root of the tree of patriarchy is exploitation, inequality, and the rule of men. The branches of the tree are the gender norms and expectations, in the different forms they take over the years. The fruits of the tree then, become what happens in people do not conform: violence, attacks, and discrimination.

Gender power relations: There exists in society, a certain gender power relations framework. If we identify the four key aspects of society as the household, the state, the market and the community, and analyze the ideal picture presented of each of these, we see that all are ostensibly based on ideas of benefit inclusion and the common good. However, in reality, these organizations practice their own systems of exclusion, marginalization, and subordination along the lines of gender, race, caste, age, and class. They do not work for everyone's good, but rather operate on the basis of a hierarchy of preferences.

Institutions are the main site of gender relations, and the following five categories need to be analyzed in context of each of the four institutions that we have identified:

6. *rules*
7. *people, titles*
8. *resources*
9. *practices*
10. *power*

These five form a cycle, which explains the exercise of power; the effect it has on the people practicing it, the differential access to resources that comes about as a result of it, and where the power rests. This power in turn determines who makes the rules that govern the institutions.

The family is the starting point of socialization, discrimination, and a certain kind of power

dynamics. The family is the most fundamental unit of social organization, and becomes the first site of patriarchal control. e.g. Mothers give their daughters information about how to *protect* their bodies, from unwanted sexual contact, to protect their virginity, to control their body language, to speak of 'women's issues' such as periods only in private, and so on; while boys are taught about health, virility, and strength.

In many communities, girls are taught that once their periods begin, they cannot sit with their legs wide open, as this means they are not 'decent', and are inviting physical relations. However, boys' body language is not controlled in the same manner, and they are taught to sit like men, take up as much space on seats as they wish, and never told to sit with their legs crossed.

Apart from control over women's sexuality and fertility, the family also emphasizes control over women's mobility. Women are not expected to be in certain spaces at specific times of the day, and are kept within the domestic space.

Violence: When we need to to prepare ourselves for working with survivors of violence we need to understand what violence is, and the forms it takes. Some key definitions are as follows:

(a) **Violence** (*asserting own will over another/exerting power, coercive control to ensure others' powerlessness, domination & subordination of groups, socialisation-&-reward-for-compliance, & open force*)

(b) **Violation** (*Oxford Dictionary: "to....disregard, fail to comply with, act against... dictates or requirements of (oath, law, treaty, terms ,conscience); treat profanely, or with disrespect; break in upon, disturb (person's privacy etc.),...violate somebody's rights (e.g. violation of human rights)"; &*

(c) **Crime** (*Webster's Dictionary: "those acts considered to be offences against the State... An act cannot be a crime unless it contravenes a rule of law, customary or statutory"*)

Drawing from our understanding of the concepts above, we can move to the international definition of violence against women:

(d) **VAW** (*The United Nations Declaration on the Elimination of Violence against Women (1993): ... any act of gender based violence that results in, or likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or private life*)

2) The Special Cell's Approach of Work

The Special Cell's priority of work is the violated woman, and it is committed to work in the interests of violated women as a marginalized and vulnerable group. The Special Cell works with all women, irrespective of caste, class and ethnicity. The Special Cell recognizes the violated woman as a person with rights and entitlements, and enables her to gain access to these rights and resources through the problem-solving process, which validates her experiences. (Special Cell for women and

Childen, 2004)⁴

Built within the perspective of social work, the intervention by the Special Cell is a combination of methods. It is multi-level, theoretically eclectic, focused on both individual and systems. The emphasis is on halting the occurrence of violence with an aim to empower the woman. The Special Cell challenges the traditional stereotypes of women as being passive, dependant, submissive and silent. Women are seen as survivors of life-threatening experiences who have many adaptive capacities and strengths. The intervention is, therefore, seen as **a process of empowerment** for women survivors of violence.

The Special Cell's approach of work is described below in terms of the following:

- the principles of Social Work practice within which the Special Cell intervenes,
- the pro-woman perspective within which the Special Cell intervenes,
- the Special Cell's process of social work interventions with women and children.

3) Principles of Social Work

The Special Cell's work draws from the values, principles, and interventions of social work practice. The belief that human beings including both the oppressed and the oppressor can change is central to its work. The Social Work values that form the basis of the work of the Cell include respect for all human beings, irrespective of gender. The Cell also believes in valuing the individual experiences of each individual who comes to the Cell and in the power within each individual. The principles of self-determination, confidentiality, acceptance, individualization and maintaining a non-judgmental attitude are the foundation of the problem-solving process used by the cell.

- Principle of individualization: The violated woman should be recognized first as an individual, a human being with rights and opinions, and not only in terms of the social roles she plays and the expectations imposed on her. This process is identified as **individualization**. Individualisation also means that every individual is different. Two persons cannot be alike in all qualities and traits. Their situations also might be different based on their ascribed statuses. Even if the nature of their problems may be similar the cause of the problem, the perception towards the problem and emotional strength, access to resources etc differs for every individual. Therefore, each client should be treated as an individual who has her own entity.
- Principle of Acceptance: The Special Cell's priority is the woman survivor, irrespective of her class, religion, ethnicity or caste. The Special Cell shows acceptance of a woman in totality, irrespective of her particular choices and behaviours. It also recognises socio-cultural diversity of women's experiences and the conflicting nature of their needs. It is vital

⁴ Special Cell for women and Childen. (2004). *Mission Statement and the Monitoring Indicators for Special Cell for Women and Children*. Mumbai.

that the workers do not impose out own prejudices and expectations on her, but remember that **acceptance** is foundational to casework practice.

- Principle of non-judgmental attitude: The non-judgmental attitude extremely essential in a casework relationship. The Social worker does not assume the right to judge a client on the basis of her/his past, lifestyle, kind of relationship, occupation, caste, class, sexual preferences, race, religion etc. He/she only evaluates the attitudes, standards or action of the client in addressing the concerns of the client. The worker cannot look at the client through the perspective of her/his own biases and prejudices. The client and her own reading of her situation must be respected, without imposing the worker's own.
- Principle of self-determination: An abused woman needs help to re-develop her self-esteem and self-confidence so that she can recognise and neutralise the power held over her by her violent partner, and escape the violence. The Special Cell workers **offer the space and emotional support** for the woman to rebuild herself and her life, by helping her to take control of her own life and make decisions by herself. The Special Cell doesn't take any decision on behalf of the women. The women decide the kind of help and the extent of it. The Special Cell worker is merely the facilitator in the process. The Special Cell's belief in the concept of **self-help** leads to the conclusion that a non-directive approach to work with the violated women works well. At the same time, it is aware that personal and political beliefs of the Cell workers will have an influence while working with violated/ abused women
- Principle of confidentiality: Confidentiality is the preservation of the information concerning the client, which is disclosed in the professional relationship only. The application of the client, papers, assurance letters, and documents submitted at the Cell, case registers should not be shared with anyone. Even if a case is being discussed, the identity of the client such as name, age, address, place of work etc should not be shared. No information which has been shared by the client should be disclosed to anyone without the consent of the client. Keeping the mind the element of shared confidentiality, registers etc are accessed by coordinators, fieldwork students, trainees etc. However, students and trainees should be informed about the need to maintain strict confidentiality. Police, lawyers, bureaucrats, ministers and others in power do not have access to the documents of the special cell, unless asked for by an order of the court

4) Working with a Pro-Woman Approach

Our experience within the Special Cell over many years has confirmed our belief that the widespread occurrence of violence on women is a result of social rather than personal factors. It occurs in all patriarchal countries and cultures of the world, and across all social classes.

Society is organised around the family unit where the man is presumed as the head of the household, and hence exerts control over other family members. He then assumes power and authority over

others in that unit by virtue of his status. In addition, 'wife' abuse is widely accepted as being somehow different from other crimes e.g. violence against a stranger in a public place. As the former occurs between a man and his partner in a private space, it is not considered appropriate for outsiders to intervene.

Domestic Violence is the logical conclusion of the abuse of power structure of the male-female relationship. The interventions for abused women must therefore, in our view, extend to giving women an insight into these wider aspects of power within their own relationships with men outside or within the family.

Special Cell intervention is thus grounded in the **feminist understanding** of women's oppression and their rights, which is intrinsic to any assistance provided by the Special Cell. Unlike the traditional social workers, who believe in being neutral, the Special Cell social workers are **pro-women**. While, this does not mean that the Special Cell is anti-men, it definitely recognises in the context where gender inequalities are extreme, violence against women takes on a gruesome nature to include female infanticide, wife battering, harassment for dowry and dowry deaths, sexual harassment at the work place, rape, and child sexual abuse. The Special Cell workers operate with the premise that women are oppressed, exploited and often rendered powerless in comparison to men in the present patriarchal society. Special Cell intervenes for any woman living in a violent situation and is distressed and approaches the police or the Special Cell. It is committed towards providing support to women victims of violence recognising their marginalisation in society.

5) Areas of Social Work Intervention with the Violated Woman

As the women approaching the Cell come with varied and multiple problems, the intervention done by the Cell is also varied and multi- pronged. The different areas of work of the Special Cell are described below:

1. Providing emotional support and strengthening psychological self
2. Social work interventions for negotiating for nonviolence with various stakeholders
3. Social work interventions for building support systems for violated women
4. Social work interventions for engaging police help in the interest of violated woman
5. Legal aid to facilitate the violated woman's journey through the criminal justice system
6. Social work interventions related to arranging shelter and other services for violated woman
7. Social work interventions related to working with men in the interest of violated women
8. Social work interventions related to the reestablishment of women's relationships with their economic assets
9. Social work interventions related to developmental counselling with violated women
10. Social work interventions for advocacy for group entitlement in the interest of violated

1) Providing Emotional Support and Strengthening Psychological Self

All women coming to the Special Cell for help, irrespective of their problem, require emotional support. This support is provided to the woman by the worker in a multitude of ways- by listening to and respecting her feelings and experiences of violence, creating an awareness in her of her internal strengths, developing her skills and capacities through dialogue, discussion and encouraging feedback thus helping to build her self confidence and self esteem. The woman is encouraged to recognise herself as a person first and then in her multiple roles and relationships; she is made aware that the roots of her problems are in the larger societal myths and expectations pertaining to gender roles. The woman is helped to identify and seek options available to her, to make informed choices and independent decisions for her life and is prepared to actively engage in the problem solving process.

2) Social Work Interventions for Negotiating for Nonviolence with Various Stakeholders

The worker constantly strives to imprint on the minds of the stakeholders that violence is non-negotiable. The stakeholders are made to understand the damaging effects of violence and the rights of women as human beings and as citizens- especially their right to protection from violence and the right to demand redressed. The worker supports the violated woman in her negotiations with the stakeholders on issues affecting her.

3) Social Work Interventions for Building Support Systems for Violated Women

Sensitising police personnel; other arms of the Criminal Justice System including judges, prosecutors, lawyers, probation officers; health system and other professionals is a task that is regularly undertaken by the Special Cell. Efforts are made to create awareness regarding oppressive gender relations, violence against women and the needs and rights of violated women along with required intervention for effective redressal through dialogue, training and dissemination of research findings. Families of violated women and concerned others are urged to protect women from violence. A woman is encouraged to expand her social world by introducing her to various forums and groups, including women's groups. The worker makes all efforts to develop linkages with significant resource persons/organisations/community groups with the potential to help a violated woman.

4) Social Work Interventions for Engaging Police Help in the Interest of Violated Woman

The police are made to recognize violence against woman as a crime through interventions, such as accompanying the violated women to the police station, giving them letters of introduction,

⁵ Special Cell for Women and Children (2004) Mission statement and Monitoring Indicators for the Special Cell for Women and Children

referrals, and having dialogue with the police at different levels in the police system. Alliances are built with/ within the police system to facilitate joint interventions for provision of relief to the violated women. The police are activated to challenge the violators and significant others so as to deter violence against women. They are encouraged to find appropriate legal and procedural path to help violated women including registration of criminal cases, use of preventive measures under the IPC and CrPC etc. An effort is made to involve police personnel on various networks and forums on the issue of violence against women to ensure a coordinated response to the issue.

5) Legal aid to Facilitate the Violated Woman's Journey through the Criminal Justice System

A violated woman is helped to prioritise and strategise her path through the criminal justice system by giving her information regarding the legal options available to her in the Indian Civil, Criminal as well as Customary laws; the procedures of the legal system and the resources required to obtain her legal rights. Referrals are provided for legal aid to lawyers/ legal organisations with a pro-woman perspective. A woman is also prepared to register a criminal case, give statements or depose as witness particularly in cases of sexual offences.

6) Social Work Interventions Related to Arranging Shelter and Other Services for Violated Woman

Referrals are provided to the abused woman and /or child to arrange temporary shelter/residence, health services, educational services or financial aid.

7) Social Work Interventions Related to Working with Men in the Interest of Violated Women

The worker listens to the abuser, facilitating his expression of thoughts and emotions in relation to the violated woman and significant others, the imbalance of power in gender relations and his misuse of this power is explained and challenged, the abuser is helped to confront his violent behaviour and is informed about the legal rights of the violated woman thereby initiating a process of change in his violent behaviour. The worker also assesses the abuser's mental, sexual and social health and refers as well as motivates him for treatment in case of need. Support systems are built to sustain behavioural and attitudinal change in him in the interest of the violated woman by negotiating with his family, employer and other stakeholders.

8) Social Work Interventions Related to the Reestablishment of Women's Relationships with Their Economic Assets

The worker makes the woman, her family and others with whom she has had an economic relationship aware of her economic rights such as her streedhan, inheritance, property, right to housing, maintenance as well as her right to salient documents such as ration cards, licenses, wills etc. Negotiations are done with families and other stakeholders to obtain assurance regarding the payment of dues to her.

9) Social Work Interventions Related to Developmental Counselling with Violated Women

Along with, or even after helping the woman deal with the immediate crisis in her life, in the Special Cell a woman is helped to be more aware, more confident and better equipped to deal with new challenges that she might come across. She is helped to enhance her educational qualifications, become economically independent through identifying opportunities for employment, vocational and educational sponsorship and loans for self employment or acquire skills that will enable her to gain more control over her life situation. With a better understanding of her roles and responsibilities as well as her wants and desires she is encouraged to become more empowered to lead her changing life.

10) Social Work Interventions for Advocacy for Group Entitlement in the Interest of Violated Woman

With the aim to promote acceptance in society of the human rights of women, to give visibility to the issue of violence against women, and to emphasise society's responsibility to end violence the Special Cell addresses various groups including caste groups, community organisations, Government and non government organisations; participates in various forums and networks working on women's issues; proactively responds to various initiatives of the state as well as voluntary sector and tries to expand the services of the Special Cell to reach more and more women.

Chapter 4: The Work of The Special Cell

- **Sources of referral**
- **Why do women approach Special Cell**
- **One time intervention**
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 - Process involved in networking
 - Groundwork to be undertaken before networking
- **Working with Police**
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Sources of Referral

Sources of referrals to the Special Cell are varied. Clients can be sent to the Special Cell for help by former clients, police, social workers in the community with or without political affiliations, lawyers, women's organisations (Mahila Dakshata Samiti, Mahila Suraksha Samiti, Mahila Takraar Nivaran Kendra among others), social work colleges, and help lines etc. Many a times, women come to the Special Cell on their own, when they come to know about the Cell through word-of-mouth, directories, yellow pages or through programmes organised or sessions conducted by the Special Cell workers in communities.

Why Do Women Approach The Special Cell?

The violated woman comes to the Special Cells severely and seriously affected by the violence and usually in a state of crisis – either a single incident or a series -- which she is unable to counter or stop. Hence the intervention has to be immediate. It could be a brief one-time interaction or a series of individual meetings, phone calls or letters. Since the Special Cell is strategically located within the Criminal Justice System, the number of people approaching the Special Cell in times of crisis is significant. However, sometimes women approach the Special Cell for reasons which do not call for intensive engagement with the client.

Data gathered at the Special Cell indicates that individuals have come to the various Special Cells across Maharashtra for the following reasons:

- To gather information about the Special Cell on its location, procedures, help offered, services offered by other agencies within Mumbai and outside, civil and criminal legal provisions related to domestic violence or non domestic violence, issues related to recovery of money, procedures of the civil court, legal provisions regarding child custody, alimony, restitution of conjugal rights etc. and procedures of police.
- To gain direct help for halting/ preventing occurrence of violence, registering non-cognisable or cognisable complaints with the police, arranging shelter/ accommodation, pre-litigation suggestions, letters of referrals to social service providing organisation, police, significant stakeholders, obtaining copies of FIR and other relevant documents in criminal cases.

- To discuss issues – relationships outside marriage, behaviour problems of children as perceived by parents, and orientation, awareness about sexuality issues to adolescents, same-sex relationships, self-arranged marriages, and awareness about HIV/AIDS.

One Time Intervention

Process of One-time Intervention:

One-time intervention is when the client meets/ speaks to the worker only once, when no application is taken from the client and the case is not recorded in the intake register kept at the Cell. One time intervention can also be telephonic, when the worker spends 1/2 an hour or more with the client, listening to her problems and giving her required counselling and /or guidance.

In one time intervention an immediate action is necessary in order to protect the rights of the violated woman. The intervention could last for a few minutes or hours where the Special Cell worker has to be alert and understand the client's viewpoint from various angles and thereby respond to the needs of the client. Therefore multi-tracking and multi-tasking has to happen at a thought and practice level.

One-time intervention is often in a crisis situation. The Special Cell worker needs to acknowledge the crisis by creating a conclusive climate and through empathic communication engages the individual. At the same time, knowledge information about laws, rights, procedures and social services has to be applied to be able to negotiate, bargain, and connect the client with the services she requires.

Effective use of communication skills is very important as the situation has to be assessed at different levels and problem solved during the brief period. The stages of exploration, assessment, planning and problem-solving all happen in one sitting -- a simultaneous process as the worker builds rapport and identifies the different stakeholders, analyses the crisis, identifies needs, assesses safety, brainstorms and helps select an alternative situation to resolve the problem. The worker needs to think, communicate and act immediately to be able to intervene effectively in the crisis situation.

In cases where there is clarity that it is going to be a one-time interaction, the worker promotes independent action so that the individual achieves maximum independence by imparting knowledge,

information and skills; and by providing emergency psycho-social aid. The aim here is to strengthen the individual.

The process of one-time interaction may be short in duration, but of utmost importance as it opens the doors for further action as far as the individual is concerned. The process of one-time interaction could be just the beginning of a change in the life situation of the individual.

While concluding the one time interaction it is important to emphasise that the client can come to the Cell whenever she wants to. A woman may decide after the one time interaction that a longer intervention is required and may approach the Cell again. If that happens, an application is then taken from her and the case is recorded in the intake register.

Case Illustration:

- A 60 year old woman, who used to work as a domestic maid but was now destitute was referred to the Special Cell from the MLA's office. She was living in her former employer's home in Dahanu and now wanted to seek shelter in an old age home. She had brought the address of a particular home for the elderly with her. On contacting the Home it was found that they could accommodate the woman but someone had to take responsibility for her. Since the client had no family, the Cell workers went to the police station and explained the situation to the police inspector on duty. The police station agreed to take responsibility. The police sent a lady constable with the client to the Shelter Home, who took care of the procedural requirements such as getting a medical examination done of the woman. The police were initially reluctant to go all the way to Dahanu, but after the Cell negotiated they went with the woman and brought her belongings. In this case, the police were first hostile towards the client, however, the pro-woman approach of the Cell worker in negotiating for the client ensured their support.
- A woman and her children were locked out of their house by the landlord and she approached the Special Cell, explaining that it was a crisis situation as the children's school exams were ongoing and she needed the house. The social worker telephoned the landlord and negotiated with him to unlock the door.
- In this case, a single phone call from the Special Cell worker created an impact on the landlord. He obliged by unlocking the house and the children's studies were not affected.

Issues & Challenges of One-time Intervention:

- Interaction between the Special Cell worker and the individual happens only once -- therefore there is only discussion about possible alternatives and tentative course of action between the two. E.g. a woman who has made up her mind to get out of a violent marriage approaches the Cell only to find out possible courses of action to ensure child custody. However, the worker does not have the opportunity to observe the implementation of the alternative, assess the outcome or maintain a follow-up in such cases.
- There may be a difference of opinion between the worker and the individual with regards role to the individual and course of action to be taken in the crisis e.g. the worker may be of opinion that the woman who is facing violence needs to register a complaint with the police for the purpose of recording the incident and preventing its re-occurrence; however the woman may be unwilling to do so.
- However, in certain cases, if the expectations of the individual are not in the interest of the violated woman or are transgressing the boundaries of the ideology of the Special Cell, values and principles of social work, the worker needs to communicate the same to the client. e.g. In one case, the client's daughter was being sexually abused, which the client refused to report. The client then had to be explained that though self determination by the woman was a guiding principle of the intervention by the Special Cell, the Cell also functioned within the larger framework of human rights and constitutional provisions, and the client's wishes were neither in the interest of the child nor in keeping with the ideology of the Cell.

Core Work- An Overview

Cell Days & Visit Days

The Special Cell has to be kept open for eight hours on the working days.

The working week at the Special Cell is divided into **Cell days** (Monday, Wednesday, Thursday, Friday) where clients visit the Special Cell; and **Visit day** (Tuesday) where workers go out on home visits. Weekends are used for conducting/ attending training programmes, meetings and other home visits, as required.

On **Cell Days**, the workers remain in the Special Cell, meet clients, receive applications, register cases and hold joint meetings. No visitors (researchers, reporters, students etc) are allowed on these days. Normally, no outdoor work is undertaken either. These days are strictly meant for meeting clients.

Depending on the nature of cases, in order to get a deeper understanding of the case or facilitating the process of case work, the social worker at the Cell may need to visit police stations, work places, government office, courts, home of the client etc. Ideally, such work is to be conducted on **Visit Days** only. The following activities can be taken up on these days:

- Delivering call letter (letter sent to the husband/family of the client for a meeting at the Special Cell)
- Home visit -- Detailed assessment of the client's matrimonial home
- Meeting Police officers for administration and support work
- Visit to Police Station for recovery of Streedhan, gather information, register/ discuss cases
- Accompanying a client to Government Office/ medical organisations/ shelter homes
- Visit to the office of client's husband/ others for inquiry
- Attending seminar, workshop or conference that is relevant to the on-going work
- Community work – awareness/ out-reach programmes
- Meeting visitors, holding orientation programmes for students

Two workers can go on a visit together or independently. However, it is advisable to visit together if the Special Cell worker is new; or if the client is resistant, difficult or demanding, the visit could get confrontational, violent or hostile. In such an instance, two workers should visit together or inform the local police station or have a plainclothes police officer accompany them.

In case, the client accompanies the workers on a visit in order to identify the other party or his/ her residence, care should be taken to avoid confrontation between the client and the other party.

It is better to schedule a minimum of two visits per day and if there is time then one can go back to the office.

The Process of Case Work

The Three Stage Model of Case Work:

The first stage is *Exploration*, which forms the foundations of the process. This is followed by *Understanding*, in which we assess the needs and situation of the client, engage analytically with the situation, and develop understanding, before embarking on the counseling process. The third state is the *Action* stage, in which we begin a more direct intervention process, begin engaging with the family, the police, and whatever and whoever else the situation demands.

It is important not to skip over the exploratory and understanding stage entirely, however much of a crisis the situation is. It is important to engage fully with the client and commit to helping her in the best manner possible.

Facilitative Counselling:

Counseling is a skill that we employ, in order to combat violence against women, and our principles and practice must match our political goals, as well as the professional goals that we owe the client. The Special Cell supports women (psychologically and emotionally) who approach the organization. In the process, the social worker mainly practices Facilitative Counselling.

Facilitative Counselling is the process of helping the woman clarify and explore her problems/concerns and then through self-understanding and environment-modification, devise a plan of action by promoting the client/ woman's self-determination and finally to carry out that action in life. The social worker is usually seen as a helper, one who facilitates/ helps another to solve her problems by working through the stages of the counselling process. The woman's self-determination is crucial i.e. the outcome is decided by the person seeking help. However, in the Special Cell, we start with the belief that violence within a relationship is never acceptable.

Here there is some reluctance to use the term 'counselling' alone as this can imply the existence of a 'client' who has less status in the counselling relationship. Our aim is to enable the woman to realise the power within her and exercise it. Though for want of a better word, we use words like 'counselling' 'counsellor', and 'social worker', our aim is to make it possible for an abused woman to talk about the problems, to understand them and to make her own decisions for the future in the light of increased awareness of her options and take charge of her life.

The Special Cell Workers make conscious efforts to rebuild the woman's self esteem in the following ways:

- By providing emotional support
- By giving quality time
- Focusing on her as a person
- Helping her to identify her priority

- By providing her with relevant information
- By giving her small and simple task, which she can accomplish, for example writing her own application, coming to the cell alone etc.

In facilitating the process of helping the woman several other services are called on. Social workers intervene with the police, refer the client towards legal aid, help in arranging shelter, help women establish relationship with economic assets etc.

Counselling Skills

Preparation: Before the exploration stage, the worker must see that he/she is well *prepared* to receive the client. This relates to arranging the counseling space in a certain way, not being rushed, being aware of our counseling style, and creating a welcoming and professional atmosphere. It is important to respect the client, and this kind of preparation is the first part of our respect for the client and establishing a non-hierarchical, mutually respectful relationship.

In the conventional seating arrangement of having a table and chairs on its either sides, which can become a communication barrier, but in some contexts it becomes necessary. In order to work around this, the client can sit squarely, at the side of the table, and this also makes eye contact less forced. Sitting squarely is a very comfortable arrangement for both the counselor and the client. The worker must introduce himself/herself first, ask basic questions about the client and encourage them to introduce themselves. As a gesture of acceptance it is important to leave the client at the door, and rise from our seats when you invite them to sit. This makes the client feel respected and accepted. The worker must understand that the client-counselor power dynamic is already in place, and that to empower the client, seemingly trivial things like body language can go a long way.

Listening: 'is a basic casework tool. Active, attentive listening is purposeful. The purpose is to understand the speaker's words and feelings as accurately as possible, for which mental concentration is necessary. The listener has to pay attention to what is said, what is not said, and what is suggested. Listening, therefore, becomes a consciously performed activity for the social worker. It is also an aspect for the practice of the principle of acceptance.' (Matthew, 1992).⁶

Attending is vital, in that the worker must not be pre-occupied, answer cellphones while with a client, get distracted by other matters, and so on. The worker must be aware, and register various forms of client communication, even the non-verbal. The physical attending behaviours as are as follows:

- Sitting facing the person squarely

⁶ Matthew, G. (1992). *An Introduction to social case work*. Mumbai: Tata Institute of Social Sciences.

- Open posture
- Leaning slightly forward
- Eye contact
- Relaxed position.

Listening is a key skill, that involves attending, paying attention to non-verbal signals, and sort the information that we are receiving, responding positively to the client and reflecting interest and attention. Listening is not a passive but an active process, which involves validating the client's experience, creating hypothesis, prioritizing what to respond to, and seeking clarification.

The following is a framework for listening which offers a simple and useful system for classifying information which client shares with you.

- Experience: what clients experience as happening to them
- Behaviour: how clients act, what they say and do
- Feelings: what do they feel about their behavior and their experiences
- Thoughts :
- What clients understand about what they do or do not do,
- What sense they make of their own behavior
- What beliefs they have about themselves and others.

Language is also vital, and the worker needs to be careful not to address the client as sister, daughter, brother, aunty, and so on. It is important to use professional language, without being rude and maintaining respect. Family terms of address bring with them the kind of power hierarchies that are prevalent in the family, and it is respectful to address clients by their names, as individuals and as clients, and not as family. It is also important to understand the value of silence. The worker needs to be patient, especially with clients who are defensive. Speaking evenly and pacing out words, and consciously developing one's own style of interacting is important.

Reflection and Restating: . Even reflecting one key work in the form of a question, will open up access to more information. The worker has to select this word carefully, and be aware of the direction it will take the conversation in.

Paraphrasing: is the skill of rephrasing what you understand to be the core message of the client's communication. It is letting the client know that you understand their concern from their point of view. Paraphrasing is an important skill, in that it enables us to gain clarity on whether we have understood what the client has said, communicate the qualities of understanding and acceptance, and to build a trusting relationship. Paraphrasing is different from reflection, in that reflection is more concise, and paraphrasing involves a longer sentence. Both paraphrasing and reflection can be used in tandem, to most skillfully tease out the client's story, while ensuring that she feels comfortable.

Summarizing: is another important skill. Summaries are essentially longer paraphrases, that tie

together important aspects of the conversation in an organized way. This helps to clarify what has been expressed so far, and to review the progress that has been made. By summarizing, the counseling session will move forward in a more coherent manner.

Reflection of Feelings: is the key to an empathetic response. It is vital to focus on *feelings* and not on content, thought and ideas. By reflection of feelings, the client will be put at ease and feel more comfortable about sharing.

Open Questions: Open questions begin with what, where, how, and who. They encourage the client's involvement, and will ensure that the response is more than a 'yes' or 'no', giving the counselor more to work with.

Examples of open questions vs. closed questions are as follows:

Closed: Are you scared?

Open: How do you feel?

Closed: Are you concerned about what you will do if the test results are positive?

Open: What do you think you might do if the test results are positive?

Closed: Is your relationship with your husband a good one?

Open: Tell me about your relationship with your husband.

Assessments: are important in that they help us make sense of the information generated in the sessions. It helps the worker create strategies for the best possible outcome in that it gains clarity on the kind of issues that need to be addressed.

Making a Contract: specifying the limits of the services being provided, and creating a specific commitment from both the counselor and client, to work towards a clearly laid out goal. The worker can outline confidentiality, the fact that there is no fee, and so on, along with informing the client what the Cell can and cannot provide.

Initial Meeting:

The procedure of intervention begins with the initial meeting where the worker puts the client (women, man or child) at ease, on their first visit. This is the time the client is provided with the space to talk openly and freely and the worker takes note of the facts and events, which have led to the problem or crisis situation. The initial meeting comprises of the following:

- Giving the client the time and space to talk.
- Taking time to understand the unique situation of the client
- Explaining the process of intervention followed by the Special Cell

- Asking the client to write an application
- If time is short, scheduling another individual meeting with the client
- Helping the client talk about her situation.

The worker needs to bear in mind:

- not to make assumptions about the client;
- not jump to intervention, first understand the situation and the client's expectations
- not ask the client why the violence occurred. It can be intimidating and sends a message that violence can be justified and happened for a reason.

Application:

If the help sought by the client falls within the purview of the Special Cell, she is asked to submit a detailed application either in English, Hindi or the language of the state in which the Cell is located. In case of non-literates, she can get the application written by any person other than the Cell worker. It is preferable that the application is not in the worker's handwriting to avoid possible legal complications. The chronology of events and the help that is being sought needs to be specified. In brief, the application will have the following:

- Date of marriage/ relationship (if the client is a married woman)
- Duration of marriage when the problem started (e.g. within a day of / six months later/ two to five years)
- Nature of the problem.
- Nature of harassment / violence faced by the client.
- The History of the violence/problem
- Perpetrators and collaborators of the violence
- Address of the client (at the time of application)
- Since when is she not living with her spouse/ family and the reason for that
- Help expected from the Cell

The detailed application helps the distressed woman to analyse and reflect upon her situation. It helps her recognise her situation as being unfair. It helps her to take stock of her life and articulate her needs. Often, the application is the only record of the harassment faced by her. Thus it can be an important piece of evidence in case of criminal proceedings.

The client needs to be given enough time to write. If the client cannot write at home, space can be provided at the Cell.

Only after the written application is submitted the details of the case are entered into the Intake Register of the Special Cell.

Individual Meeting:

This meeting is similar to the initial meeting. It is at this meeting where the client is asked to talk about her experiences and share her story. It is crucial in understanding what she perceives about her situation. It is also a process where she is helped to move beyond the hurt and realise her potential in taking charge of her own life. The practice of the Special Cell draws on principles of self-determination, individualisation, acceptance of the client with a non-judgemental attitude, participation in the problem-solving process with confidentiality.

Call Letter:

Once the application is registered and the first meeting with the complainant has been accomplished, within eight days a communication is sent to the person against whom the complaint has been made. This letter is only sent by the consent of the client who has registered the case. This is called a call letter and specifies the date, time and venue of the first meeting with this person. If the individual does not respond to the call letter, a home visit is made to inquire about the lack of response and to schedule another date for the meeting. In this meeting, an attempt is made to get another perspective to the problem/crisis situation.

If a home visit is made in order to deliver the call letter, any discussion about the case needs to be avoided. The purpose is to get the concerned party to come for an individual meeting to the Special Cell. A copy of the printed call letter is maintained in the Cell.

Meeting with the Other Party:

The purpose is to listen to the other party's side of the situation in order to understand the situation better. The Cell worker maintains a non-judgemental attitude while listening to the other party. Using methods of case work the person can be made aware of the violence. However, it is better to avoid direct confrontation. Confrontation is a process the client has to go through herself, in negotiating her rights. A joint meeting is then fixed at a time suitable to both parties.

Joint meeting:

A meeting with the complainant and the other person/s involved in the presence of the Social worker at the Special Cell is called a Joint Meeting. Depending on the need, subsequent joint meetings are held with other significant people, which could include in-laws, natal family members, friends, or

sometimes even a community leader. The joint meeting provides a common platform for the client and the other stakeholders to discuss the problem as well as to talk to each other in presence of the worker and thus try to sort out the situation at hand.

Assurance Letters:

Wherever possible, an **assurance in a written form** which gives details of what the future plan of action is taken and both the parties give in writing that they would abide by what has been agreed before each other and the Special Cell. This written assurance is taken from the different person/s concerned. A copy of the assurance letter is given to the client as well as other concerned individuals. Assurance paper evolved as a strategy at the Special Cell due to requests from survivors. Women felt assured when the perpetrators of violence would give in writing that he will not be violent towards her in the future. Writing of an assurance paper also is an acknowledgment of the violence committed against her in the past. The fact that the man is assuring no violence in the future also means that he has committed it in the past. Thus, the assurance papers are also telling of the fact that violence has been inflicted in the past.

While it is important to understand the rationale behind writing assurance paper, it is also important to keep in mind that the written document should in no way infringe upon the rights of the woman and men. Journey of the woman at the Special Cell should be an empowering one, the act of writing the assurance paper is part of this process. After a study of the assurance papers written in the Special Cell⁷, following guidelines are suggested for the Cell workers to keep in mind during the process of writing assurance papers:

Language & content:

- The Special Cell worker needs to be careful and alert with the way the husband/ perpetrator writes the assurances as nothing that the man writes should go against the woman's rights. It is important that the person writing the husband/ perpetrator of violence acknowledges the history of violence. The study found that in one of the assurance papers, *the perpetrator has denied history of violence by saying that he has never hit his wife in the past and will not do it in the future*. Denying that there never was violence while writing an assurance paper, indicates that the woman has lied about the violence that she has faced and that her going to the Cell itself was without any reason.
- The idea behind writing assurances is to get it written from the perpetrator of violence. Sometimes, even the survivors of violence write assurances because only then the

⁷ RCI- VAW. A study of assurance papers written at the Special Cell. Unpublished manuscript.

perpetrator agrees to give written assurances. In such cases, it is important that the assurances given by the woman do not go against her rights. The study revealed that in some assurance papers, women have assured that they will not go to their natal family without their husbands' permission. Writing that she will taken her husband's permission before going to her natal family, infringes upon the woman's mobility and her right to have access to her natal home. Many of the Special Cells located in Mumbai have negotiated to get "I have read what is written above and I agree to it" written from the woman. This is the best statement that the woman can write as she is not making any assurances and is signing the assurance written by her husband as a witness.

- In one of the assurance papers written by the man, he has written that without reason I will not verbally and physically abuse (... *vinakaran konalahi shivigal ani marhan karnar nahi*). Statements like this and "*darupiyun marhaan karnar nahi*" leaves a window open for violence to occur when the husband feels that there is enough reason to physically and verbally abuse the woman and when he is intoxicated. Thus, it is very important to note the kind of language used especially by the perpetrator while getting written assurances from him.

Layout & format:

- Care needs to be taken to ensure that assurances papers are *not written* on a stamp paper as this may misguide the woman and man to think it is a legal document. There should neither be a stamp of the Cell nor should it be typed out. It is strongly advised that the assurance paper be written on Special Cell letterheads or on plain paper.
- The assurance paper needs to be signed only by the perpetrator and survivor. Signatures of lawyers or Cell workers should not be on the paper.
- The Assurance Letter is not legally binding. However, during negotiations in the family court it stands as a proof of assurance given to the client.

Referrals & Follow-ups:

As and when necessary, the worker would have to make referrals to help the woman/ man for shelter, employment, treatment, de-addiction, children education, legal aid, and so on.

Follow-up of the case is absolutely essential and can be made by home-visits or through phone calls. However, especially in cases of reconciliation, clients continue to identify the Special Cell social workers with the police system. In such a situation, the woman is requested to visit the Special Cell for follow-ups as a visit by the social worker to her home could be perceived as a threat to the relationship.

The Special Cell does not believe in closing a case. Women clients are told that they can get back

anytime they feel the need to.

Home Visits

Home visits are sometimes crucial in the intervention process. Home visits are used for the following purposes:

- Intervention in crisis situation: “Crisis implies a state of disorganisation in the life cycle, when there is a disruption in the “normal” pattern of life and momentary inability to cope with stress” - AWAG report.

Often, a woman facing violence seeks help after an incident of severe abuse. The incident could be the last straw in a series of violent incidents, or an incident which is much more in intensity. It requires a lot of courage for any abused woman to take the first step towards ending the violence, hence, the way in which her request for help is received is very important. There will be many occasions when a woman will make only one visit or phone call for help to the Special Cell, so we must make it count. The workers need to make an alert and reassuring response to a woman or child in a crisis situation. While following the approach and procedures of the Special Cell work, flexibility needs to be maintained, if necessary, for the client’s well-being. Hence the Special Cell workers go for home visits in case the woman calls them in crisis, in situations of intense violence.

- Developing Bonds with the client: Home visits help to develop a bond and build a rapport between the worker and the client. It also conveys concern, empathy and commitment of the worker to the client, helps the client gain confidence, as the woman perceives that the social worker is interested in her welfare and feels emotionally supported. In case of male applicants to the Special Cell, home visits help the worker to reach to the woman and gain her trust by explaining to her that the approach of the Special Cell is in the interest of the violated individual.
- Social Assessment and Investigation: Home visits help the Special Cell workers to assess the crisis that the client is going through. They can be used to understand the socio-economic condition of the family: living conditions, locality and surroundings. Interacting with the client and family members in their environment would indicate the openness and their decision-making patterns, their resistance, needs and expectations and relationship of the family with neighbours. In fact the impact of violence on the family can be assessed accurately during the home visits.
- Building a Relationship with the Family Members: Home visits facilitate working on the attitudes of not only the client but also of the family. The commitment of the worker demonstrated through the home visit helps in building commitment in the family members and facilitates building of support systems
- Maintaining Follow-up: A follow-up visit is planned after the consent of the concerned woman.

In most cases, it is after a woman starts cohabiting with her husband following intervention from the Special Cell.

Sometimes, when a woman starts living life anew, the follow-up visit is to assess the situation, and reassure support in this post-crisis period. E.g. Economically-independent, single women, facing harassment from their parents, decide to move out of their parents' home and live separately. Follow-up visit is to assess the situation and reassure support in this post-crisis period.

At other times, it could help in understanding a situation clearly. E.g. the Special Cell workers heard of a woman who had obtained a permanent custody order for her minor son from the Family Court. Special Cell workers visited her house to understand why she decided to take this step. The woman revealed that her elder son had become anxious and protective about the younger brother, as he feared that the father would take him away. The Special Cell workers suggested to the woman that in case of a crisis, she could approach the police or the Special Cell for help.

Case Illustration:

The following cases illustrate the purposes for which home visits can be made.

- An application was received from a woman who told them that the housing society had issued a notice to the family to move their house as the husband was troubling the people living in the neighbourhood. A call letter was sent to the husband requesting him to visit the Special Cell. He did not respond. It was then decided to pay a home visit.

During the home visit, the Special Cell workers got the opportunity to read the notice issued by the society. The woman said that she kept all documents locked as she feared her would destroy the papers. When they met the husband, they realised he was an alcoholic and that the house too was disrupted due to harassment from the husband. A home visit definitely helps in exploring the case further. The home shows us the socio-economic-cultural atmosphere. A further perspective about the case gets built.

- One woman applicant's husband was a regular at joint meetings initially. However, later he stopped coming. On visiting his house, the Special Cell workers discovered that the man had a second wife living with him. It was only because of the home visit that the Special Cell workers became aware of the man's second marriage and could help the client strategise for further action in terms of approaching the criminal and civil justice system for relief.
- A young woman shared that she wanted to move out (with her husband) from her matrimonial family. She felt uncomfortable in the house especially after her husband's elder brother had tried to sexually molest her. During the home visit, the Special Cell workers found that, the couple used to sleep under the iron bed and when they got intimate, the brother-in-law used to watch them. He used to reach out and touch the woman's leg. Sometimes, he would block way as she

would pass through a narrow doorway. The home visits gave the workers a chance to see the house, and the conditions in which the couple lived as well as the dynamics in the family. Such visits help the workers to discuss sensitive and intimate issues like sexuality, privacy, space, and violence more specifically during the joint meetings at the Special Cell.

- An elderly couple approached the Special Cell for help since they were facing harassment from their son and daughter-in-law. The Special Cell workers had observed that the son was arrogant, rude, and angry during the joint meetings. Though the son gave a written assurance that he would safeguard the rights of the parents, the Special Cell workers were not sure that the applicants were safe.

Social workers paid a home visit in order to find out about their condition. The parents were being deprived of space to rest and access to facilities such as television or telephone. Interaction with the neighbours revealed that though they were aware of the violence, they thought it was a private matter and did not intervene. The Special Cell workers explained to the neighbours that violence was not a private issue though personal in nature, and that they could make anonymous phone call to the police asking for immediate help if suspected ill treatment to the old couple. The neighbours assured help to the couple. In this case, the home visit gave a clearer picture about the dynamics between the parents and the son, gave the worker a chance to meet the neighbours and enlist their help.

Challenges Faced During Home Visits:

Certain challenges need to be tackled during the course of home visits.

- Incorrect address: Postal address is either wrong or incomplete (maybe the woman's is unaware of the actual address or was disturbed). In such situations, the workers can enquire from local shops, paanwala, tea stalls for finding the address. Also something unique about the person's occupation, pet name can lead to locating the house. However, one has to guard against the general curiosity of the community, the people and principle of confidentiality to be maintained.
- Legal status: At present, the Special Cell is under the umbrella of the Government and this provides the workers with a legitimate space. Nonetheless, workers are at a high risk of getting implicated in legal complications. The workers therefore need to be careful and non-threatening in their communication style and manner of presenting themselves, and assessing response of the people.
- Police connection: While the Special Cell workers can utilise the resources in the Criminal Justice System (police vehicle, help of police personnel in uniform or civil) especially in the retrieval of belongings, requesting people to come to the Special Cell or negotiations for non-violence. However, this can have a negative impact if reconciliation is on the cards as people do

have reservations about the police vehicle or persons coming to their house. As a rule, the police is not encouraged to accompany the workers on a home visit.

- Drawing the personal-professional divide: During home visits, people offer food and refreshments and sometimes even food grain, vegetables and fruits to the Special Cell workers out of affection and gratitude. However, the Special Cell workers have to express their inability to accept these without hurting their feelings and emotions by explaining the philosophy of the Special Cell and values such as transparency, sincerity, and honesty.
- Sometimes clients are happy about the outcome at the Special Cell and bring sweets which can be shared with other clients and the police station staff. This serves both the purpose of keeping the client happy and of letting others (client and police) know about the work of the Special Cell. This also gives a clear message to people about the ideology of the Cell.
- Facilities and infrastructure available: In the rural areas, when the workers are out for home visits, non-availability of hotels and public facilities like toilets may create problems for the workers. In such an instance, social workers may make use of the panchayat samiti office or houses next to the police station.
- Aggression: Sometimes people receive the call letter with a lot of trepidation. In one such case, the woman applicant's husband was not around and the man's father categorically refused to accept the letter. The Special Cell workers made a home visit and found the father to be extremely hostile. The workers calmly and logically explained the role of the Special Cell and the fact that though the Cell was situated in the police premises, they were social workers and not the police. The father was told that the applicant was a member of the family and the father could come to the Special Cell on behalf of his son to facilitate the process, which he did the next day.

During a follow-up visit, the Special Cell workers found that the woman was severely battered, with bruises on her face, neck and shoulders and unable to move. In spite of such intense violence, she did not wish to speak up nor complain to the police. She lived in a big apartment and feared that the building watchmen would stop workers from the Special Cell. The Special Cell workers spoke to her in detail and convinced her to lodge a complaint with the police.

Here the workers planned a strategy with the woman to combat the violence even while conveying to her that the 'personal is political' and examined the oppressive forces and to speak against them and empower her to stand up against the violence. Another observation is that pressures to not talk about violence and maintain status quo are extremely high in financially sound sections of the society. The Special Cell workers have to therefore work intensively with the attitudes and mindset

of the violated women with an aim to motivate them to talk about the violence.

In cases, where the woman herself does not have a complete or proper address of the persons concerned or if the house is difficult to locate, then they accompany the Special Cell workers in their visits and facilitate the search in spite of innumerable constraints. However, it must be avoided especially if the visit is paid to the person/s towards whom the woman has a grievance. This is done, so that any confrontation/negotiation should happen in the Special Cell, where confidentiality can be maintained and the client can feel free to express herself.

Preparing for a Home Visit:

The following points need to be kept in mind while planning a home visit:

- Noting the accurate address and other landmarks to locate the place
- Collecting relevant documents (written assurances of non-violence, call letters, address slips, address of the Special Cell etc)
- Co-ordinating with one another and with the client before home visit
- Requesting in advance with motor transport department for a police vehicle
- Preparing in advance on what approach to take during the home visit – strategy to be adopted, who else to meet apart from the applicant/ husband/ concerned person/s
- Preparing mentally and emotionally, depending on the case ahead
- Assessing if there is a need to approach local police station, community leaders, neighbours etc
- Assessing if there is any threat/ danger to self/ client during the home visit

Pre-requisites for Home Visits:

The worker needs to display the following qualities to make effective use of home visits-

- Having confidence, courage and presence of mind
- Warding off hostility of other family members
- Maintaining calm in the face of hostility
- Making conscious use of self power/authority (language, procedures, body language) in the interest of the violated woman
- Dealing with maturity with situations that could be conflicting without antagonising the group
- Being observant and alert to anybody who is arrogant, abusive and aggressive.
- Ensuring not to get implicated in legal complications such as fighting, abusing, trespassing, theft and kidnapping especially in child custody and streedhan retrieval cases
- Never getting tempted to slip into the role of the police
- Avoiding entering the home if not invited or if adults are not at home

- Avoiding confrontation
- Avoiding taking a uniformed police on home visit
- Not discussing the nature of case if call letters are delivered by hand.

Guidelines During Casework:

Through the entire process of intervention, the Social Worker needs to be aware and alert of the following:

- The use of sarcasm, anger, and biases blocks the communication process and hampers negotiations. Similarly, the worker's ego too can be a stumbling block. Thus, awareness of the self is essential along with control over one's expressions.
- The client is always treated as an equal
- It is always helpful to know the client's vulnerabilities and strengths, to be able to point them out in a constructive manner and build on those.
- There is a need to say 'No' to violence – hence the primary aspect is negotiating for non-violence with the stakeholders
- Confidentiality is to be maintained. No information is to be shared with anyone without the consent of the client. The Client decides who she wants to share the information with, or what she wants to share. If the case is being discussed the identity of the client is never given away.
- Joint meetings are planned along with the client. If her emotions or expressions in the joint meeting are likely to hamper the process of change, care needs to be taken to prepare the client so that they are not expressed in a destructive manner. The worker needs to hone negotiation skills especially where reconciliation has to be worked out. She also needs to stress on the positive aspects of the relationship.
- If apprehension still persists on the safety of the woman after reconciliation, a safety plan needs to be worked out. An application to the concerned police station before the client starts living together with the husband/ family can prove to be helpful. The client needs to know the important telephone numbers from where she can seek help in case of emergency. A routine follow up plan can be decided upon with the knowledge and consent of both the parties.
- A time limit for negotiation period as well as when commitment to the assurances made, if any may be set.

The following cautions need to be kept in mind:

- Attempts to force one's ideas on the woman are not advisable. The worker can let the woman know the pros and cons of her decision, including the legal significance but never decide on her behalf.
- The worker needs to bear in mind that she is not the aggrieved person; and refrain from taking over the proceedings. In a joint meeting, the woman is prepared to face her husband and put forth her logical arguments. It is her space and opportunity to speak to her husband on an equal footing. The social worker is a facilitator.
- At the same time, care needs to be taken not let the joint meeting turn into a fight. In a joint meeting, emotions can run high and tempers fluctuate. Neither stakeholder should be allowed to abuse each other and family members either verbally or physically. The discussion is kept focussed and issue based.
- Joint meetings need not drag on for hours. If required, they can be rescheduled to ensure two or three joint meetings.
- Significant members or family -- from either side need not be allowed in the joint meeting. Care must be taken to maintain the privacy and confidentiality and allow that personal space to the couple.
- The temptation to dig out any information from the client in an attempt to find the truth needs to be resisted. Justice and truth is the domain of the courts. The client should be given the space, time, understanding and agency to decide what she/he wishes to share in the Cell and what she/he does not want to share.
- The worker needs to restrain from assuming power and authority even if a woman insists on her role to be pre-dominant. An important and crucial part of our work is to empower her. Throughout the Special Cell intervention, the woman must feel that she is at the helm of things. This feeling will come gradually to her. If required, several meetings may be scheduled with her before scheduling a joint meeting. Throughout the intervention the client needs to be given the much-needed encouragement and help to build her confidence.
- Lastly, the social worker needs to be patient and refrain from losing temper and control in front of the clients.

Coordination among the Special Cells

For the purpose of coordination, the Special Cells in Maharashtra are divided into four different ranges namely Mumbai- Thane- Konkan Range; Aurangabaad – Amravati range; Nanded – Nagpur Range and Nasik- Pune- Kolhapur Range. Four coordinators, anchored by the Tata Institute of Social Sciences are appointed to hand hold the Special Cells in each of these ranges.

Responsibilities of the Coordinators:

The coordinators are responsible for the following:

- programme management including supervision and guidance, planning and review, monitoring and evaluation of Cells' work/interventions, of range ,
- anchoring/conducting training and capacity-building for Special Cells and implementing NGOs' personnel,
- support in crisis-intervention including leveraging/facilitating Departmental support esp. of district,sub-district, range and regional-level officers
- record-keeping, compilation, reporting and dissemination of Cell, and Range-wise work
- facilitating official processing and fund flow for reimbursement of Cell workers TA/DA and mobile phone expenses within same quarter/half of financial year as per the written communication containing reimbursement request
- procuring and providing stationery for correspondence as well as daily activities of the RPO itself, as per budgetary allocations
- facilitating timely advertisement and recruitment (selection and appointment process) for filling any vacant positions of staff at the Special Cell

Co- ordination for Home Visits:

Since the Special Cells are located in different geographical locations, there is ample scope for coordination amongst the Special Cell workers for home visits. The woman might approach a Special Cell located in a particular district, and persons about whom she has given the application may be living in some other district or city. In such a situation, if the need for a home visit arises, the Special Cell workers in that district or neighbouring district can pay a visit and communicate their assessment to their colleagues.

Monthly, Regional and State-level Meeting of the Special Cells:

All Special Cells meet on a monthly basis. The objective of these meeting is to analyze the work

done, work not done, lacuna in the goals set and the goals not achieved and the reasons for it. This meeting also aim at sorting out personal issues and undertake team building efforts. In the Special Cell there is no hierarchy amongst the workers. To ensure this there needs to be constant rotation of work and responsibilities.

Documentation

Documentation of intervention is as important as actual intervention in cases of violence against women. Documentation involves maintaining files of important documents and correspondence, recording information in registers, periodically compiling and reporting data in prescribed formats.

Importance of Documentation:

- To facilitate monitoring and assessment of work
- To maintain continuity of work
- To provide information/ evidence as required by court
- For advocacy on issues related to violence
- To project work done by the organization/individual
- Research and training

Dealing with woman and children affected by violence involves a lot of paper work. These papers which are in the form of applications of the aggrieved woman, correspondence records, case files and others should be maintained. Filing needs to be done promptly so that no paper gets lost or misplaced and can be traced as and when required. The records maintained at the Special Cell are official documents and may be used by courts. It is important that the language is clear, easy to understand, detailed and not offensive.

Different Forms of Documentation Done in the Special Cell:

Documentation Related to the Core Work of the Cell:

1) Intake register of all cases- In this register all details of the case work with the aggrieved woman are entered.

Points to be kept in mind while registering the case details of the woman:

- Please take permission of the woman before filing, and explain to her the reason for filling the details.
- Unless the woman herself reveals intimate details like sexual violence may be asked only in the second or third meeting, when the woman has developed confidence in the Cell worker.
- Facts have to be written in clear, simple, language which can be easily understood. Care must be taken not write anything which will go against the woman in the judiciary.
- If the case is handled by more than one worker then both the workers' names have to be entered in the section –Case handled by. Both the worker should keep a track of each others method of handling the case.

2) Intake register of cases of children- Record of cases where clients are below 18 years of age

3) Visit register- Record of visits made by case workers for casework or for networking with other individuals or organisations

4) DV case register- Record of cases referred to us and by us under PWDV act

5) Onetime intervention register- Record of people who approach the Special Cell only once for help and do not need/wish a long term intervention is kept in this, mentioning the date and the reason for approaching the Cell.

6) Unregistered case file- A woman may come only once to the Special Cell with the application regarding her violence but may not want to register herself. Or, she may send the application by post, without coming to the Cell in person. This file consists of applications of one time client who do not get registered with the Special Cell. The woman may come the next month and get herself registered. Her application goes into the file for registered applicants.

7) Visitor register- record of representatives of other government organisations/ NGOs / academic institutions who visit the Cell

8) Inward and outward register- All letters or any other correspondence coming to the Special Cell going out of Special Cell and going out of the are registered in this.

9) Stock register-record of all movable property in the Special Cell

10) Attendance register- This attendance register -is to keep a record of the Special Cell workers' arrival and departure.

11) Application file- Once the woman agrees to register she is asked to give a detailed application. The application can be either in English or Hindi or in the local language. The client preferably has to write the application herself. In case of a non-literate, she can dictate application written to someone, have it read aloud to her, and then sign it.

The detailed application helps the distressed woman to analyze and reflect upon her situation. Often,

the application is the only record of the harassment faced by her. Thus it can be an important piece of evidence in case of criminal proceedings. Hence it becomes essential on the part of the Special Cell worker to file the applications with utmost care so that they can be referred to as and when required.

12) Assurance paper file- In the joint meeting between the aggrieved woman and the other party, problems are discussed and both the parties come to a mutual agreement. Whenever possible, written assurances are taken from the person(s) concerned.

13) Correspondence with police- This contains letters for request for a meeting of the Special Cell worker with the police official and letters from the police official confirming or not confirming the meeting, as well as Letters to/ from Police stations

14) Call letter file- After the aggrieved woman comes to the Special Cell the worker calls the other party against whom the complaint has been made, to hear their side of the conflict. This is done either through phone calls and if the person does not come or cannot be reached by phone then a call letter is sent to the client. This call letter is a standard call letter in which the address of the Special Cell the date, day and time of meeting and the name of the client/ clients who have been called for the meeting is written. The Call letter is filled, put in an envelope and sent. The details of the call letters sent are entered in the Call Letter File.

15) Client's legal papers file- The client is supposed to keep the originals of her legal paper. But the Special Cell worker may keep photocopies of the legal work, copies of F.I.R which are stapled together and files properly.

16) Correspondence with shelter file-All letters sent to shelter homes and received from them with regarding placement of our clients or issues emerging during our client's stay in the shelter home are filed in this.

17) Correspondence with TISS file- All letters to/from T.I.S.S are filed in this file.

18) RTI file- Copies of All correspondence related to the RTI cases filed against the Cell are kept in this file

19) Sexual harassment file- Cell workers are nominated as members of various sexual harassment committees. Correspondence and other details related to the work of these committees is recorded here.

20) Invitation and program file along with diary of events- All programmes/ activities attended as well as conducted by the Special Cell workers should be entered here. If possible photographs of the programme should also be put so that it can be shown to the visitors.

21) Office diary- This diary should be maintained by all social workers to plan their work and keep a track of their daily activities.

Regular Reports to be Sent by Special Cell worker:

- Monthly report- This report has to be submitted by the Special Cell worker at the end of every month. The format of the report is given in the annexures.
- Quarterly reports- This report is given once in three months as per the format given in the annexure
- Theme report - Every quarterly report has a theme report which is based on the issues emerging in the process of dealing with women and children in the Special Cell. Examples of these issues are- Dowry and its relation to domestic violence, Intervention with Muslim women, Working with violent men etc. Special Cell established recently can take up themes like Ground work under-taken while establishing Special Cell, Challenges faced while setting up Special Cell.

Stationary to be Made Available in the Special Cell:

- Letter heads: These are used for correspondence and as social assurance letter.
- Address Slips: As a policy Special Cell workers do not have a formal visiting card. Instead they have a Special Cell slips which gives address, phone no, working days at the Special Cell. These slips should always be readily available.
- Plain paper and writing letter pads- This can be given to the clients to write their application. Pens, Pencil, paper clip, stapler.

Documentation of Information and The Right to Information Act, 2005

The Right to Information Act has given the people of India the right to access information. More importantly the RTI Act creates a space and scope for transparency and accountability towards public work and services. However, certain information which is sensitive in nature cannot be accessed.

Section 8 (j) of the Right to Information Act states that:

“ Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

We at the Special Cell believe that the application submitted by the woman to the Special Cell is a document which is personal in nature and it does not have any relationship to public activity of interest. Sharing of the application is an unwarranted invasion of the privacy of the client and also violates the principle of confidentiality which outlines the practice at the Special Cell.

In the situation that a RTI claim is filed, the recordings in the register and client's application cannot be given. A letter stating the provision under section 8(j) of the RTI Act and its usage in the practice of Special Cell should be sent in reply.

Networking

Violence against women is a complex issue. For a long-term intervention to sustain effectively, it is extremely important to create social support networks for clients. The clients coming to the Cell require different resources while ending the violence they experience in their life; such as medical care, jobs, shelter, legal aid etc. The Special Cell cannot offer every kind of specialized service or provide for the variety of requirements of the clients. It therefore responds to the needs of the woman through a network of social service organisations which are capable of providing services and resources for the clients. This process of developing networks will involve work with the various stakeholders and significant others to get a woman the support she needs to accomplish her goals. These stakeholders include her family members, neighbours, caste Panchayat members and medical and legal aid centers. At the same time, networking is required at the macro level with other relevant segments of the society- decision and policy makers, opinion leaders, government and non-government organizations, professional groups and religious groups, the media, police and other members of the criminal justice system. The key elements of developing effective network are-

- Advocacy- Building popular support to effect policy changes and mobilizes resources, building supportive policy environment, legislative reforms, development and dissemination of region specific tools.
- Community mobilization- Engaging communities in planning, advocating implementing programs
- Partnership building- Mobilizing alliances including local government, private sector, non-governmental organizations and civil society.
- Mass media and social marketing - Raising awareness, informing the public and promoting behavior change.

The social worker thus will have to develop varieties of networks in facilitating the process of case

work at the Special Cell.

Process involved in networking with specific groups:

- Government departments- The Special Cell worker needs to have a thorough knowledge of the Integrated Child Development Scheme (I.C.D.S) and other welfare schemes formulated by the Women and Child Welfare department (W.C.D). These departments are involved in framing policies and have workers working at grass root level. These departments have regular monthly meetings with all the workers. The Special Cell worker needs to make contacts so that they are invited to attend these meetings. In the meetings the Special Cell workers can give an orientation about the issue of violence against women and children and the work done by Special Cell in dealing with it.
- Judiciary- Visits are conducted to the civil and criminal court with the purpose of developing contacts with the Judge, the lawyers. A list of the lawyers who are available for free legal aid along with their contact number would be helpful for referrals. Free legal aid posters put up in the Special Cell would remove the fear from a woman's mind about the legal processes. Inquiries could be made to find if there are voluntary organizations which provide legal help for women. If there are no organizations then efforts could be taken to explore whether organizations operating in other areas could extend their legal aid. The workers can join as resource persons during the legal literacy camps. Making good contacts may even give the opportunity to the Cell workers to get invited to the Bar council meetings where they can make a presentation on Special Cell.
- Government Aided Organizations- The government runs many shelter homes for woman and children which can be either temporary or permanent. Under the J.J Act the government is supposed to run children's home, observation homes, special homes and after-care institutions. Meeting with the chairperson and members will facilitate in referrals for Special Cell.
- Hospitals and health providers: Women and Children affected by violence approach the hospital for immediate help. The hospital personnel are aware of women coming due to health problems as a result of violence. They can refer them to the Special Cell. The Special Cell can also send women for treatment. Doctors and health providers need to be made aware that violence against women should be treated not only as a health issue but as a crime against women. The workers can also explore subsidies for treatment and medicines. Contacts can be made with Community Health Workers. The Cell workers may accompany the health personnel to the community or be there during the health camps or immunization camps and create awareness through information booths and by putting posters of violence against women and children. A list of a panel of doctors from different specializations sensitive to women and children can be made.

- Caste panchayats are powerful institutions which make decisions on the issues of women. One needs to have a good understanding of the caste, its tradition, beliefs and practices before challenging them. Community based solution to violence against women is difficult especially if it goes against prevailing practices but the same community if convinced can take up preventive steps to stop violence against women, provide support for rehabilitation and also convince its men against being violent.
- Involvement of youth: This is a group which is open to ideas and ready to change. Contacts with this group can be made through Nehru Yuva Kendra (N.Y.K) and National Service Scheme (N.S.S). Formal presentations and putting up posters in higher secondary schools and colleges will help in creating awareness amongst the youth. The youth could be involved in putting up street plays to create awareness in the communities. They can spread information in the community as well act as resource persons by sending women affected by violence to the Special Cell.
- Self- Help Groups (S.H.Gs): These are groups which work at the grass-root level in bringing together people with common experiences. Participants share experiences, provide understanding and support and help each other find new ways to cope with problems. The Self help group of women can be a great support in the dissemination of Special Cell's agenda, in intervention against violence against violence and for reconciliation between the woman affected by violence and the other party. In Maharashtra there are 13000 S.H.Gs workings in on women's issues.
- Contact with Police: Special Cell is located within the police system. It works in coordination with the Police in addressing the issue of violence. Hence it becomes essential that the Special Cell workers make contacts, create awareness about the agenda of Special Cell and conduct regular training programmes for the police to create gender sensitivity and keep them updated about the work done by Special Cells. It will be greatly beneficial to the Special Cells established recently to cover all the police stations and get detailed information of all the police stations in the jurisdiction of their district
- The Police have a clearly defined hierarchy. The line of hierarchy may defer from police station to police station. It is essential to make contacts with the head of each Police Station and those Police personnel who are from the local community or have been posted in the police station for a long period of time. For making an effective contact-the Special Cell worker needs to take a formal appointment from the police personnel to be contacted and before going for the meeting the Special Cell worker needs to be clear about Special Cell's work and the agenda of the meeting. The appropriate I.E.C material can be taken. In the meeting the worker gives orientation of the Special Cell and also explains the expectations and the areas where they will be able to help. Police Stations of Mumbai have a Police gazette which is an update of all police stations. A police notification in the police gazette

can be issued about Special Cell.

Ground work to be undertaken before starting networking:

- Background of the people- Before starting work in an area it is essential to get comprehensive details about the people – Social, cultural and economic details, the different caste and religious groups existing in that area and the dynamics between them.
- Latest statistics compiled by the government and its analysis will be helpful in getting details of literacy rates, the sex ratio, and the different occupations in which people are involved.
- Preparation of Awareness Materials: Information, Education and Communication (IEC) materials are important to reach people and create awareness. Special Cell of each region may make pamphlets, posters, brochures in the local languages with the emphasis on addressing the local issues which require immediate attention.. Posters can be put up in courts, hospitals, community, camps, schools, colleges to create awareness. Information brochures can be given to the personnel with whom the worker has meetings.
- Special Cell slips: These slips give address, phone no and working days at the Special Cell. Special Cell workers should always have a number of Special cell slips which can be given to any person who wants to keep or make contact with them.
- Professional approach to work: Taking prior appointment, being clear about Special Cells ideology, commitment to the work creates a direct impact on the clients who approach the Special Cell and all those people whose help we seek.

Working with the Police

Police response to violence against women can be subjective. It may depend upon the police personnel's individual understanding of social roles of men and women, perception about cause of violence and sense of justice. Women are often judged by the police personnel according to her socio-economic identity, language used by her and his/her own beliefs that largely come from the patriarchal society. Constant dialogue and co-ordination with the police is therefore an integral part of the working at the Special Cell. The aim is to create an understanding amongst the police of the needs and requirements of the women who are facing violence; activate the police to challenge the violators and to enable the police to develop practices that are friendly to the violated women and find appropriate legal and procedural paths to help the women. The energy resulting from the synchronisation of the two disciplines has led to both the systems to draw from strengths of each other and give a multidisciplinary response to the issue of Violence against Women.

Role of Police in the work of Special Cell:

- The husband or the in-laws may be called to the Special Cell by sending an application. In spite of sending two or three call letters if the concerned party does not come then it is sent through the police by their post or hand delivered by police personnel so as to make it harder to ignore.
- Before calling the husband or the in-laws with the help of the police the police should be communicated regarding the extent of violence on the woman.
- In some police stations the Special Cell workers make use of Police's hot-line to call the clients to make it effective and this way the Special Cell worker is able to make best use of internal resources.
- Regular training programmes for police personnel on Gender sensitivity help in exchanging views.
- The Policemen are a part of society's patriarchal set up. They may oppose the views of the Special Cell. In such instances, workers can present facts on violence against women. They can create a better impact if they are confident about their focus on pro-woman ideology and the rights of women accorded to them by laws and the highest authority-'the constitution of India'.

Chapter 5: Specific Issues

1. Domestic Violence
2. Child Custody
3. Sexual Harassment at the Work place
4. Trafficking
5. Rape
6. Child Sexual Abuse
7. Relationship Outside marriage
8. Issues related to Lesbian and Bisexual women
9. Working with elderly
10. Working with Adolescents and Children

Domestic Violence

The home can become a dangerous place, particularly for women and children. The family is a primary group to which most people belong. It is marked by close conjugal or consanguine relationships. The normative family is an unrivalled source of strength and comfort. Members of a family share strong emotional bonds and are interdependent on each other. But it is this very closeness of its members that can also intensify the worst in human relations. The expected norms of family outline gender roles and mark expectations. Deviance from the norm may lead to stress and conflict often resulting in violence.

The social order in many families is rooted in patriarchy. The members of the family in such a system are viewed as constituting the property of the patriarch. Undoubtedly this implies that the patriarch has responsibilities towards all members of the family, nonetheless, these may be less strictly interpreted and enforced than his corresponding rights over them. Within the family roles, duties and responsibilities are often outlined based on the sex and age. Women are viewed as dependents and their primary role is to support the male of the household and often have no decision making or bargaining power within the household. Non-adherence to male demands and expectations may lead to violence.

Violence can often be culturally constructed as an appropriate reaction to resolve problems. Violence above a certain degree may not be positively approved, but may be justified to a certain degree within the ambit of certain relationships. Violence which happens within these justifiable spaces often is merely condoned as being regrettable but understandable in the circumstances. The violent person, needing some rationalisation for his or her behaviour, may be able to find it in the knowledge that such a substratum of tacit approval exists.

This very social legitimising of family based violence might lead to denial or unwillingness on behalf of the victim to recognise the existence of violence so that public appearances can be maintained. There is a silencing of family based violence, sanctioning the sanctity of its endurance

and perpetuation within the walls of a home; upholding the facade of a normative family as an institution which can do no harm to its members. Rather than a conspiracy of silence, it also constitutes of the reluctance of persons to get involved in situations fraught with tensions, and possibly danger. The memory of older, more violent traditions, ostensibly buried, may nevertheless linger on, providing yet another rationalisation for non-interference, on the basis that this is just a vestigial remnant of what was once widespread.

Domestic violence in its fullest sense consists of a wide range of acts which may include physical, sexual, psychological, emotional or economic abuse.

Forms of Domestic Violence:

Physical Abuse:

This includes slapping, punching, kicking or choking; being slammed against a wall or injured with a weapon or object. Brutal beatings can result in bruising, lacerations, broken bones or death.

Psychological Abuse:

This includes living with the constant fear of threat of violence against a woman, her children or her friends and relatives. It includes being harassed at work by phone calls or visits, the destruction of prized possessions and even suicide threats on the part of the victimiser. Also included are name-calling, and put downs alone or in front of friends and relatives, unjust blaming, false accusations about loyalties and controls on time, activities and actions. Hiding things and then denying it, preventing contact with family and friends, claiming children will be removed if anyone is told about the violence.

Sexual Abuse:

Sexual Abuse is the forcing of undesired sexual behaviour/acts by one person on another. It may or may not include sexual intercourse. Denial of sex can also be considered as sexual abuse. Battering the woman during sex, burning with cigarettes, using sharp objects or objects that will cause physical harm, forcing to watch pornography or filming/photographing sexual activity without her consent or even circulating the woman under coercion, force of without her knowledge would constitute as sexual abuse.

Financial Abuse:

Financial Abuse involves controlling, denying, regulating the economic means of the woman. The woman may live in a comfortable house, wear good clothes, have children who are well-equipped with toys and luxuries, but has no control over what is spent or saved, over what money comes into the family, or over what will be brought. Neither is she allowed any money for personal use. She may be denied inheritance rights or denied access to the family's money. It may also be refusing to

pay bills so the woman goes hungry or lives in fear of the electricity being cut off. Her salary may be taken from her. Taking on debt on the woman's name and not repaying it on time or Keeping a check on all bank transactions or expenditures made by the woman. The forms are varied. Financial abuse is a way of depriving the woman of dignity and respect and harassing her emotionally and psychologically.

It is necessary to keep in mind that violence never occurs in water-tight categories. It always merges and overlaps. Often one client may be facing different types of violence. Or some type of violence will result in another type of violence. It is important to remember that no matter what the type or form of violence the woman experiences, she is emotionally disturbed and this needs to be recognised as emotional violence. Also, the classification is based on the form of violence and not the reason for violence. There is never a reason for violence.

Wheel of Power and Control

The Power and Control Wheel developed by groups of feminists working with violated women in the 1980s represents the lived experience of women who live with a man who beats them. It does not attempt to give a broad understanding of all violence in the home or community but instead offers a more precise explanation of the tactics men use to batter women.

Battering is one form of domestic or intimate partner violence. It is characterized by the pattern of actions that an individual uses to intentionally control or dominate his intimate partner. That is why the words "power and control" are in the center of the wheel. A batterer systematically uses threats, intimidation, and coercion to instill fear in his partner. These behaviors are the spokes of the wheel. Physical and sexual violence holds it all together—this violence is the rim of the wheel.⁸

Domestic Violence is Different from Other Types of violence

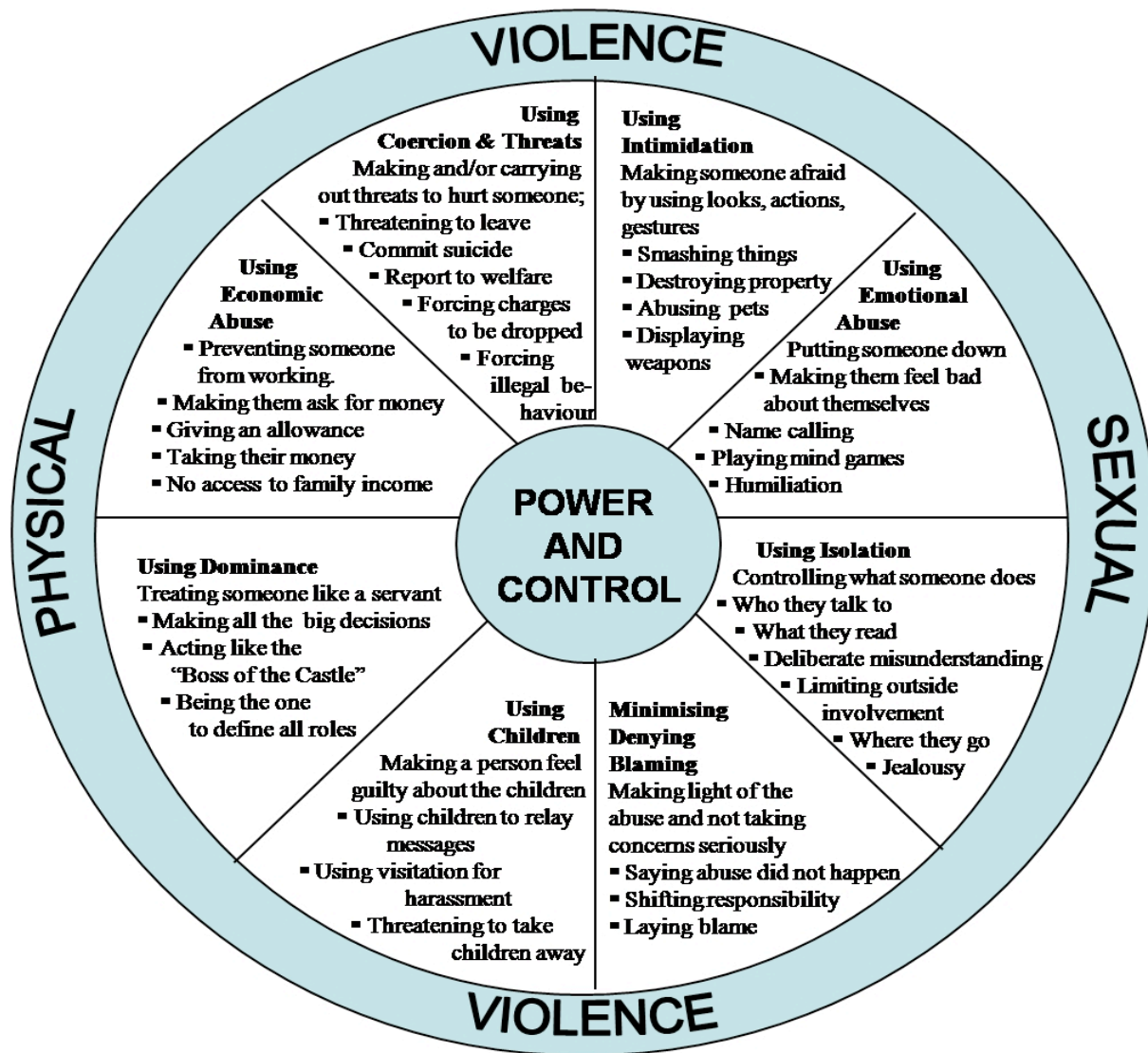
The victim/survivor and the perpetrator of domestic violence are known to one another, and often share an intimate relationship; which makes it difficult to respond towards stopping the violence. The perpetrator and victim of violence often live or used to live together. The perpetrator has close access to the victim/survivor. Besides, the perpetrator may have a legal sanctity to his relationship with the victim/survivor and thus any legal action may be difficult.

Gender role hierarchies emphasise that the woman forgive the violence in order to protect the family. Often the victim/survivor has feelings of care towards her assailant and hopes that he will change. This makes the situations very complex and means that there are rarely simple solutions.

Unlike violence afflicted by stranger, domestic violence occurs overwhelmingly in private and behind closed doors. This allows perpetrators to argue in court that they are 'not a danger to the general public'. Outsiders tend on the whole to take domestic violence less seriously and are more

⁸ www.theduluthmodel.org/pdf/PowerandControl.pdf

likely to seek to blame the victim/survivor for the occurrence.



Myths Surrounding Domestic Violence

Myth : Domestic violence affects only a small percentage of the population and is rare.

Fact: According to NFSH3 (2005-06), more than a third (34 percent) of women age 15-49 have experienced physical violence, and 9 percent have experienced sexual violence. In all, 35 percent of women age 15-49 in India have experienced physical or sexual violence. By state, women's experience of physical or sexual violence ranges from a low of 6 percent in Himachal Pradesh to 40 percent or more in Rajasthan, Madhya Pradesh, and Tripura, and to a high of 56 percent in Bihar.⁹

Myth : Domestic violence occurs only in poor, uneducated families.

Fact: Studies of domestic violence consistently have found that battering occurs among all types of families, regardless of income, profession, region, ethnicity, educational level or race. However, the fact that lower income victims and abusers are over-represented in calls to police, and social services may be due to a lack of other resources¹⁰.

Myth: Financial independence protects women from violence

Fact: An analysis done in 2001 of the records maintained at the Special Cell between 1990 - 1997 showed that 64.3% of the non earner women and 53.5% of earner women were physically abused. Mental harassment was high in both categories. 51% of non working women were deprived of their marital home as against 35.3% of working women. However, financial harassment was more in working women.¹¹

Myth : Domestic violence is usually a one time isolated occurrence

Fact: Domestic violence rarely happens once and if unchallenged or unchecked, tends to increase in frequency or severity over time.

Myth : Domestic violence is perpetrated on daughters-in-law by their mothers-in-law

Fact: The study by Special Cell (2001) found that in 79.1% of the cases husband was the main perpetrator of violence. Mothers in law were named as collaborators in 34.3% of the cases¹². The data further supported our experience from the field that the perpetrator of violence can be any member of the household who is in a position to exert control or power over. Domestic violence can take place between ex-partners, unmarried partners or people living within a shared domestic space and within same-sex relationships as well.

⁹ National Family Health Survey (2005-2006) Mumbai, IIPS.
www.measuredhs.com/pubs/pdf/FRIND3/00FrontMatter00.pdf

¹⁰ Special Cell (1993) Personal is political. Mumbai: TISS

¹¹ Dave A. and Solanki, G. (2001) Journey from Violence to Crime . Mumbai, TISS

¹² Dave A. and Solanki, G. (2001) Journey from Violence to Crime . Mumbai, TISS

Myth : Men have a right to discipline their partners for misbehaving. Domestic violence is not a crime

Fact: While our society derives from a patriarchal legal system that afforded men the right to physically chastise their wives and children, we do not live under such a system now. Women and children are no longer considered the property of men, and domestic violence is a crime.

Myth : alcohol abuse causes domestic violence.

Fact: Although there is a high correlation between alcohol, or other substance abuse, and battering, it is not a causal relationship. Batterers use drinking as one of many excuses for their violence and as a way to place the responsibility for their violence elsewhere. Stopping the abusers' drinking will not stop the violence. Both battering and substance abuse need to be addressed separately, as overlapping yet independent problems.

Myth : Men who batter are often good fathers and should have joint custody of their children if the couple separates.

Fact: Studies have found that men who batter their wives also abuse their children in 70% of cases. Even when children are not directly abused, they suffer as a result of witnessing one parent assault another. Batterers often display an increased interest in their children at the time of separation, as a means of maintaining contact with, and thus control over, their partners.¹³

Why doesn't a battered woman leave home?

Battered women are usually constrained from easily leaving home by a number of factors. These may include:

- Fear of reprisals: Many women are subjected to threats of injury and violence to themselves or their children if they choose to leave.
- Social isolation: Many battered wives are at home with the dependent children. Their husbands often deliberately isolate them from friends and family. Sometimes victims choose to hide at home because of their sense of shame at their injuries. Battered women often have no one to turn to and are unaware of available services.
- Financial dependence: Women generally do not have earning capacity equivalent to men. To leave their partner condemns many women to a substantial decline in their standard of living.
- Social stigma: Many women experience social pressure not to separate and deprive their children of a father. Women also struggle to adhere to the image of a 'good' woman. To walk out of marriage or to leave a violent husband is considered to be 'bad', and this may deprive her of her social support system. Her own natal family may ostracise her, along with extended family members, friends and neighbours.

¹³ <http://www.clarkprosecutor.org/html/domviol/myths.htm>

- Emotional dependence: Many battered women are committed to their marriage and / or have an emotional attachment to their partner and hope for a change in the relationship. Some women may also be fearful that their partner will not cope with a separation and do something to hurt himself or someone else e.g. that he will commit suicide.
- Poor self-esteem: Many women, after years of beatings and verbal abuse have lost their self-confidence, and doubt their ability to cope on their own.

Cycle of Abuse

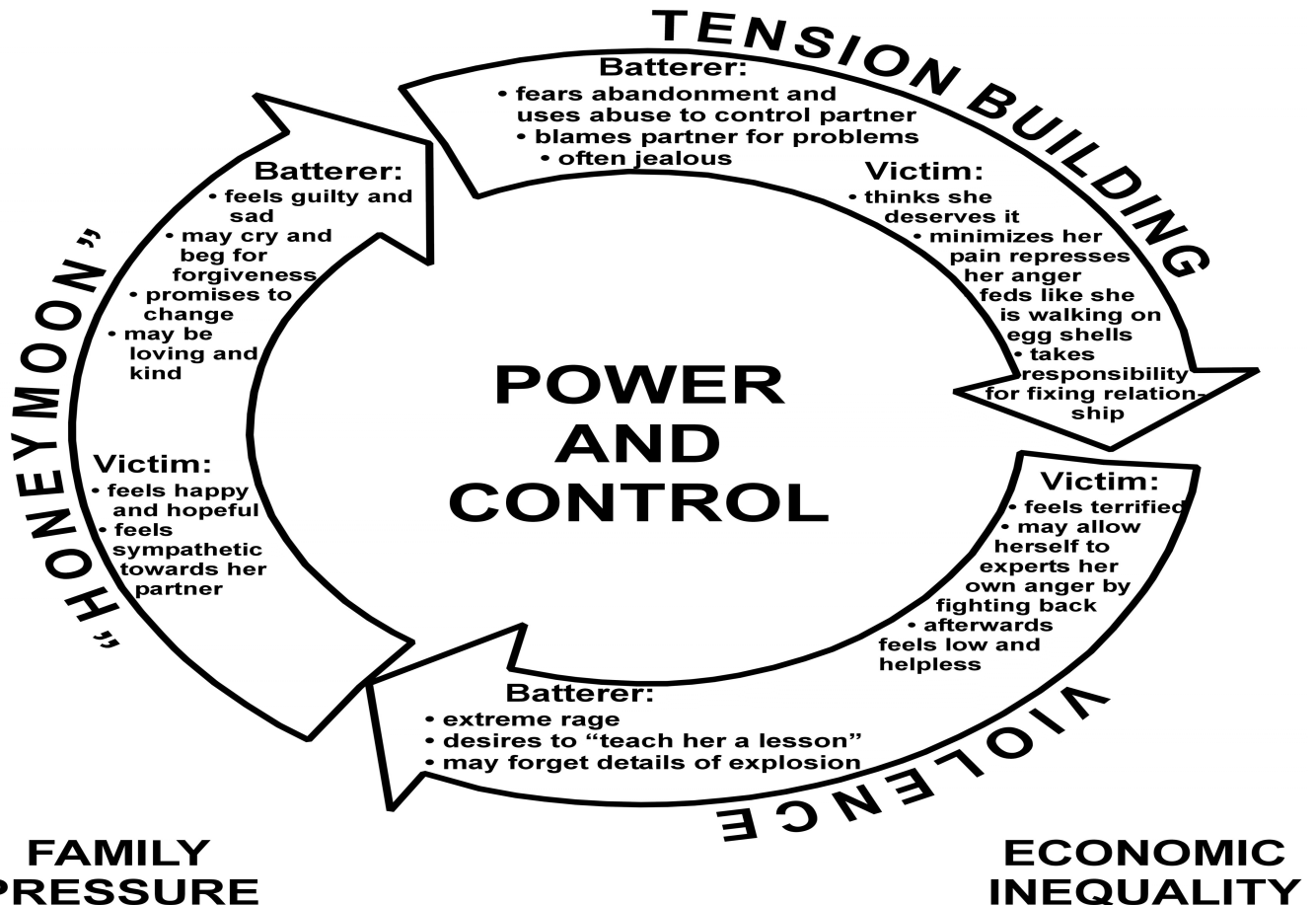
The cycle of abuse is a social cycle theory developed in the 1970s by Lenore Walker to explain patterns of behavior in an abusive relationship.¹⁴ This theory emphasizes that violence within relationships, once established follows a pattern and continues. Violence erupts in many relationships in the first year, often involving a pregnancy, and setting off a cycle which may last for five, ten or twenty years before the cycle breaks. In some cases the cycle may never break. The cycle of violence occurs over the following phases.

¹⁴ Walker, Lenore E. (1979) *The Battered Woman*. New York: Harper and Row.

THE CYCLE OF VIOLENCE

RELIGIOUS
PRESSURE

SOCIETAL
PRESSURE



Theory developed by: L. Walker (1979)

In time the cycle of violence usually escalates, increasing in both frequency and intensity. The “honeymoon” phase may shorten, while the violence phase may be extended.

Phases of the Cycle of Violence

Tension Building Phase: Builds within the relationship as tension increases, communication breaks down, and a constant threat of violence looms in the background. This is the phase prior to the act of violence. The victims try altering own behaviour while in the hope of avoiding an outburst. She copes with minor battering incidents that occur. Towards the end of this phase, coping techniques fail to work. Anticipating severe violence creates severe stress.

Violence Phase: This phase is characterised by the outburst of violent/abusive incident/s. The abusive partner attempts to dominate by the use of violence. The incident is majorly destructive. The battered woman finds herself in a psychological trap. Often the victim/survivor of the attack disassociates herself from the attack. The acute attack is followed by initial shock, denial and disbelief. Both the perpetrator and victim of violence justify the seriousness of the attack. The woman does not seek help in this period unless for medical attention. There is a general emotional collapse for the next couple of hours.

Honeymoon Phase: This phase is characterised by apologies and ignoring the incident. The abuser apologises, gives excuses, blames the victim for triggering the violence, denies the abuse, minimises the intensity of violence stating that violence was not as much as the woman claims. However, during this phase the abuser in trying to ignore the incident repents for his acts, gives gifts to the woman, promises of never abusing again. After having come so close to separation and destruction the partners seek comfort in each other. During this phase the relationship is considerably calm and peaceful. There is no tension or threat of violence. Unfortunately, this phase does not last forever and leads to the tension building phase. The cycle inevitably continues as the relationship, still bearing all its original problems, weakens against under the growing weight of tensions.

People outside a violent relationship find it hard to understand why a woman stays. Love and hope for change play a very strong part in keeping women as victims. It should be understood that the woman may have a sense of attachment and commitment towards her husband and so it becomes extremely difficult for her to put an end to the violence, as it is often seen as an end of the marriage itself.

This cycle may occur on a weekly, monthly or yearly basis, but will go the full cycle. However, this cycle can be broken.

Critique of the Cycle of Violence Theory:

Applying the cycle of violence to the patterns of a violent relationship one can understand the confusion a woman may experience as her partner keeps on promising peace and still the violence continues. However the theory must be used with caution while understanding domestic violence. The critique of the theory states that there is little empirical evidence testing the cycle of violence theory. Walker's own early research showed that only some of the women interviewed in her study reported patterns of abuse consistent with this theory, with 65% of all cases reporting evidence of a tension-building phase and 58% of all cases reporting evidence of loving contrition afterward (Walker, 1984). Further, a recent study (Copel, 2006) of the patterns of abuse in a small sample of women with physical disabilities did not find a contrite loving phase in the aftermath of abuse.¹⁵ In many cases this theory, was not found to be consistent with women's experiences. Many women never experienced a honeymoon period. Others stated that there was no gradual build-up of tension,

¹⁵ Dutton, M. (2011) Update of the 'Battered Woman Syndrome' Critique http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=2061

but rather unpredictable, almost random, episodes of battering. This theory also did not explain why men directed their explosions of rage only against their intimate partners.¹⁶

Effects of Violence

Most forms of violence against women have physical and mental consequences on her health. Long term exposure only intensifies the impact of violence. Women who face violence within the home often have a lack of access to health care services. Due to the embarrassment and guilt women who have been abused experience, they do not seek help (medical or otherwise) as easily. The delay in seeking help further leads to increased ill consequences on the well being of the woman.

Women who have survived violence claim to have experienced sexual and reproductive health problems, chronic physical problems caused due to the physical violence like burns, broken bones, etc. Emotionally the woman may feel threatened, scared, trapped. Escaping from the situation is not easy as she may lack economic support or social support. Wider notions about morality and gender role expectation compel her to stay in the situation under the threat of serious hurt to her well being.

What the law says:

- The Protection of Women from Domestic Violence Act 2005 defines domestic violence as actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.
- The act seeks to cover those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or a relationship in the nature of marriage, or adoption; in addition relationship with family members living together as a joint family are also included. Even those women who are sisters, widows, mothers, single women, or living with the abuser are entitled to get legal protection under the proposed Act.
- The act provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.
- The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives and others who provide her assistance from the

¹⁶ Minnesota Advocates for Human rights (2003)
www1.umn.edu/humanrts/svaw/domestic/link/theories.htm

domestic violence.

- The act provides for appointment of Protection Officers and NGOs to provide assistance to the woman w.r.t medical examination, legal aid, safe shelter, etc.
- The magistrate can impose monthly payments of maintenance. The respondent can also be ordered to meet the expenses incurred and losses suffered by the aggrieved person and any child of aggrieved person as a result of domestic violence. It can also cover loss of earnings, medical expenses, loss or damage to property.
- The act provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.
- Apart from the victim herself, the complaint regarding an act or act of domestic violence can also be lodged by ‘any person who has a reason to believe that’ such an act was committed or is being committed. This means that neighbors, social workers, relatives can also take initiative. And the provisions of the Domestic Violence Act make sure that ‘no criminal, civil or any other liability’ lies on the informer, if the complaint is lodged in good faith.
- The act ensures speedy justice as the court has to start proceedings and have the first hearing within 3 days of the complaint being filed in the court and every case must be disposed off within a period of sixty days of the first hearing.^{17,18}

Intervention by the Social Worker

Domestic violence is a criminal problem, social problem, a health issue and a violation of human rights. While working with survivors of domestic violence the social worker should remember that:

- Domestic violence occurs in relationships where emotions may be high and the survivor of domestic violence may often have strong sentiments and feelings of commitment towards the perpetrator of violence.
- The myths around domestic violence need to be challenged. These myths are not the cause, but an excuse to justify domestic violence.
- Developing an in-depth understanding of the situation of the woman who has been through the trauma of violence, can help in planning an effective strategy plan for the woman.
- While working with the survivor of violence it should be noted that her protection and safety is of prime importance. This however, needs to happen through a process of empowerment, where she is empowered to plan for her safety and challenge the perpetrator towards putting an end to the violence.

¹⁷ www.mightylaws.in/219/protection-women-domestic-violence-act-2005

¹⁸ pib.nic.in/release/release.asp?relid=21508

Intervention in the Crisis Situation:

A woman in a violent relationship usually experiences a gradual build-up in the severity of the violence. She may believe that she has been at fault or has somehow provoked his behaviour. She then usually tries harder to please him and keep him from getting angry and frustrated. No matter how hard she tries, the violence inevitably continues. Eventually a crisis point is reached:

- Perhaps she realises nothing is changing.
- She may be badly hurt or her child might be hurt.
- She is not allowed to touch her child.
- Threat to her life.
- Threat to throw her out of the house.
- Husband / In-laws have made a police-complaint against her based on false allegations.
- She may talk to someone about the violence and realise she can get help.

The worker needs to remember that a crisis is a subjective experience and is characterized by a person's inability to cope. If a person cannot call upon inner resources, or social supports to find new ways to cope, the crisis escalates.

The Immediate Needs of a Woman in a Violent Relationship

The immediate crisis needs of a woman in a violent relationship may be for:

- Protection from imminent harm.
- A safe place for her and her children.
- Informing the Police – a Non-cognizable offence complaint or registering a criminal case.
- Urgent medical attention.
- Time to think clearly.
- Someone to listen to her and believe her.
- Information about how to protect herself and / or her children.
- Practical assistance like shelter, employment / income opportunities, legal-aid etc.
- Someone to assure that she is not to blame for his violence.
- Someone to help her explore all her options without determining for her what she should do.
- Someone to help her put her plans into action if she does not have the ability to cope with such tasks at the moment.
- Someone who can speak her language and understand her culture and situation.

Most of the women who come to the Cell have a history of violence in the homes, but it is usually something else that brings them to the Cell, domestic violence is never recognized as a problem in itself. During the course of conversation, the client's perception of violence is recognized which may be different from that of the worker. Often, a woman does not mind a slap from her husband

but when her brother in law slaps her she sees it as a violation, as disrespect to her. Similarly, she may not hold her husband responsible for his passive support to violence i.e. her in-laws mentally harass her and though her husband is aware of it he does not intervene. The assistance sought by the woman will be based on her perceptions and immediate needs. Thus, before we strategize to meet her expectations and give her the assistance that she is seeking, we need to have an in-depth discussion with her regarding her perceptions and the problem faced. The woman facing violence needs someone to be non-judgemental and supportive.

Domestic Violence is considered as a crime according to law. However, there are civil laws (PWDV act) which emphasise on providing security to the victim instead of punishment to the perpetrator.

Domestic violence is not an isolated incident of violence and usually it may involve a multiplicity of issues like child custody, divorce, maintenance, outside marriage relationship, alcoholism etc. Hence, Domestic Violence needs to be addressed in different ways.

Working with Violent Men and Other Stakeholders:

Special Cell for Women works with a pro-women understanding, which does not however mean that the Cell is anti-men. The core belief is that to help women effectively men need to be taken along. The intervention will not be long term and effective if men are isolated as a community. The Special Cell works with a clear understanding that working with men and other significant stakeholders such as families, community, Jaat Panchayats and friends is of utmost importance, the goal being stopping violence against women. Women want to be in relationships, they want to have families, they want children; what they don't want is violence. Hence it becomes imperative to work with men because a woman wants her husband back provided he changes his violent behaviour. Keeping the interests of the woman in mind the Special Cell works with men who

- approach the Cell for help
- husbands of clients
- other significant members of the family, community or Panchayat.

Characteristics of Violent Men¹⁹

While psychiatrists and psychologists generally agree on the type of characteristics possessed by the men who batter, it is important to remember that abusers are as diverse as the women they abuse. Some are charming and, at times, loving. Some are cruel and sadistic. All are dangerous.

The batterer is usually a strong traditionalist when it comes to sex roles. He believes that a man should be "the master" of the house, and that it is the woman's job to satisfy all his needs and wants. Additionally, he often believes that he has the right to use violence against his wife in order to enforce his will.

¹⁹ Waits, k. () *the criminal Justice System's Response to battering*. politicalscience.tamu.edu/documents/.../Waits-Response_to_Battering.pdf

The batterer often suffers from low self-esteem and is usually emotionally isolated from everyone except his wife. His dependence and feelings of inadequacy typically translate into jealousy. Like a child, the batterer is both impulsive and easily frustrated. It is this combination of traits that makes him dangerous; when he feels frustrated, he impulsively responds by lashing out at his wife. Although the abusers may give some signs of his impulsiveness and low frustration threshold in other aspects of his life, he is rarely violent in other relationship. Even when drunk, he is conscious enough to hit his wife any only but never raise his hands on his parents, siblings, or his colleagues, or his superiors or strangers. He beats his wife because he can win a physical battle with her, and because he has learned that he can get away with it.

Batterers also are able to delude themselves about their violence and thereby avoid taking responsibility for it. Rather than taking the blame for his action, the batterer most frequently blames his victim. The batterer may say that he uses violence because of stress at work, because of money problems, because his wife did not have dinner ready on time, and so on. Del Martin cites cases in which women were severely beaten “because” they had broken an egg yolk at breakfast or “because” they had worn a ponytail instead of another hairstyle. The common denominator is always that it wasn’t the abuser’s fault.

Most batterers feel some remorse for their violence. Ironically, it is the very depth of their guilt that causes them to search so vigorously for external explanations for their behaviour. Changes will not occur, however, until the wife beater takes responsibility for the battering and is punished for his behaviour. As long as men are not punished for battering, as long as others justify it by attributing blame to his victim or to alcohol, he will not change.

Process of Working with Men:

The Special Cell workers conduct in-depth interviews with the men, individually, and also with their families in order to understand their point of view and also their perception of the problem. Through this process the worker tries to build a rapport with the man and also locates his position within the problem. The worker also gets an opportunity to interact with other family members of the man’s household to understand what their stakes are with regard to the problem. Areas of discussion and negotiation depend on the decision of the client. These are often regarding women’s right to matrimonial home, maintenance, custody of children and so on. In the course of negotiation with the man the significant family members or Panchayat members are involved to put pressure on the man. At times when the man is reluctant for negotiation, the workers approach the work place of the man to create a support system for the woman. Creating support system for the women at the work place may mean talking to the employer to give a part of salary to her to run the house in case the husband is alcoholic or gambler. The employer can also support the family by providing the employee with some concessions if he is motivated to go for treatment for de-addiction. But the responsibility of stopping violence is always on the husband in cases of matrimonial disputes.

Men give various reasons to justify the violence. However, some reasons increase the gravity of

violence, for example, addiction to alcohol, substance abuse, gambling, outside marriage relationship, or health problems of family members. Hence, Special Cell helps them to come out from the situation by making referrals to psychiatrist, psychotherapist, hospitals and de-addiction centres.

During the negotiation process strategies change as per the wishes of the client.

For instance, in the beginning, if she wants reconciliation the strategy could be sorting out the differences and negotiating. Later if the woman wants a non-violent separation then the negotiations/strategy could be retrieving her streedhan, negotiating for maintenance or/and child custody.

Strategies to Work with Violent Men:

Working at an individual level with men who have a history of perpetuating violence is an interesting and challenging area of work, though difficult and posing a lot of challenges for workers. As a result certain specific strategies are used for effective functioning.

- Building rapport with men is very important as it helps in the intervention in long run. And the first individual meeting with the man being an opportunity for that, as a strategy, the workers need to give it their best shot.
- Active listening, giving time and space to him to express his feeling, not asking too many questions initially, allowing his flow, avoiding challenging his beliefs immediately, helps to build a good professional relation initially. The worker can make him feel comfortable and empathise wherever needed. Periodical work with men without making him feel defensive produces better results.
- Assessing the violent man's mental, sexual and social health, and motivating him for the required treatment and behavioral change by making appropriate referrals. eg. de-addiction, therapeutic counseling etc. is a strategy employed.
- Facilitating an expression of his emotions in relation to the violated woman and significant others is done by the worker
- Discussing relaxation techniques to be able to control his anger may prove helpful. If he gets aggressive during the joint meeting, asking him to relax can help
- Clarifications are made on men's beliefs and attitudes, which justify violence against women. They are made to see violence as a choice and not an uncontrolled reaction. Engaging the violent man in self reflection is important.
- Informing the violent man about the legal rights of the violated woman and the civil & criminal remedies available for her and helping the families of the violated women and concerned others to understand the rights of women as human beings and as citizens, especially by urging them to protect women from violence is important.
- Challenging men's beliefs and attitudes, so as to work towards prevention of violence is a part of intervention. Understanding the man's context, his environment, his behavior,

frustrations, struggles and his coping mechanisms but not accepting any of these as justification for his violent behavior, builds trust and helps in engaging in the problem solving process.

- Helping the man confront his violent behavior and making him feel responsible for his act of violence is done so that he can take charge and cognizance of his behavior.
- Ensuring that violence is non-negotiable is achieved by consciously asserting it with all stakeholders, especially the violator, that violence against women is not acceptable, it is a crime
- By facilitating egalitarian interaction and acknowledging power dynamics in joint meetings the man is made to acknowledge the pain and humiliation that the woman may be suffering in the relationship. He is made to listen to the woman and understand her perspective. The need for equity in gender roles and relationships is asserted by the worker.
- In cases of disputes between partners regarding household chores and other responsibilities, a work graph is used to plot the number of responsibilities taken by both, to explain the division of work
- In case where there is communication problem between the partners- discussions on communication patterns and how space and quality time given to each other could help
- In case of unrealistic expectations with each other- both of them are asked to write down their expectations from each other on paper and then exchange and discuss the possibilities on priority basis, to come to a mutual understanding.
- In cases where the woman is finding it difficult to take a decision, explaining the cycle theory of violence to her helps. This can also be done with the man. The power game could be explained in a similar manner.
- Providing space to the couple to discuss sexual problems/ issues openly releases a lot of tension.
- Negotiating with men, in both natal and matrimonial families of the violated woman to generate/ mobilize support for her. Negotiating with the violent man's family, employer, community, and significant others, so as to build support systems to sustain behavioral and social change in him, in the interest of the violated woman
- During the process of negotiation if both the parties come to a settlement it is usually a written document or an assurance paper. A written word calls for more commitment especially in cases of violent men who agree to stop violence. In cases of reconciliation or if the husband has agreed to return the clients streedhan a written assurance is taken as to when and how he would be returning the streedhan peacefully.
- The strategic location of the Special Cell in the police premises also helps. Being housed in police station and calling the man through a simple call letter and not involving the police as a strategy creates a positive impact. When a call letter is sent the men usually come for the meeting. Getting police help in case the husband does not come, or requesting the police to

give necessary support to the woman in cases where jurisdiction is in a different police station, is also a part of the strategy while dealing with violent men

- Use of counseling skills like paraphrasing, , focusing, prioritizing and summarizing in addition to the use of humour gives a lot of mileage to the work. Working with patience and having controlled emotional involvement pays dividends.

Points to Remember While Working with Violent Men:

- There is never a reason for violence
- Anyone can face violence
- The victim is never at fault
- Violence against women happens across class, caste, community, religion, region, ethnicity etc.
- It is possible to break the cycle of violence

Alcoholism and Violence:

Alcoholism is not necessarily a direct cause of violence and therefore does not help to explain the causes of wife-beating. Further, not all alcoholics batter their wives, nor do they batter their wives only when drunk. While alcohol can exacerbate a violent situation, in itself it does not cause the violence or dictate that it be directed against women.

Intervention by Social Worker:

When a woman facing a violent family situation comes to the Special Cell:

- Active listening is called for on the part of the worker.
- An assessment needs to be made of the nature of the crisis situation in the family due to alcoholism.
- An essential part of this process needs to centre around the fact that alcoholism is a disease; it involves a long-term treatment necessitating hospitalisation, and the possibility of relapse is high.
- It needs to be conveyed to the woman that she is in no way responsible for the situation in the family.
- Conversations with the man are aimed at finding out what may motivate him to quit alcohol, and assessing his level of motivation and sustenance.
- An assessment of his performance at the place of work is also essential.
- Working with the couple entails intervention at the familial level in order to draw strength from the family members.
- The Cell worker needs to establish a link between the woman and other self-supporting groups

facing similar problems.

- In situations where the woman has decided to separate from her alcoholic husband, the decision must be respected. The procedures followed will be similar hereafter to that followed in cases of domestic violence.

Violence from the Natal Family

Domestic Violence does not take place only in marriages or between partners. It can happen to anyone within the home. The woman may face violence from her natal family (may be before or after marriage or after separation). Daughters are not considered as normative heirs to natal property, further traditional understandings of family often state that the rightful place of the daughter is as a wife in her matrimonial home. Hence, when women challenge or break these norms the natal family is not always supportive. This can lead to violence.

The respect (izzat) of a family is often based on the sexual and moral purity of the women of the family. In retaining this “respect” severe constraints can be placed on the women of the home. Non adherence to these constraints can lead to violence.

Child Custody

The rights and responsibilities towards a child are referred to as “guardianship”. They include:

- Guardianship - care of a child and/or its property
- Custody - concerned with the child’s physical placement
- Access - meeting conversing etc. with the child

A woman may seek custody of her child in case of separation from her spouse, divorce, widowhood- during which she is denied access to her child.

Child Custody in Case of a Widow: A widow is the natural guardian of her children.

Intervention by the Social Worker:

In case of widows who are being denied custody of their children by their husbands’ family

- Joint meetings are held with the in-laws, relatives or any other concerned people are called if needed. They are made aware of the fact that denying a woman guardianship to her child is a form of mental violence and the penalty that they are liable to incur is a kidnapping / abduction charge.
- If they try to prove that it is against the welfare of the child, the worker may have sessions with the child, in order to be able to gauge the child’s feelings. The worker may use home visits and play methods to help in communication. The welfare of the child is the primary concern. Children are vulnerable and can be easily influenced against the mother. It is important to understand the situation and help the child realise the situation. The social worker needs to be sensitive to the child and try to relate to the feelings of the child.

- A woman is often denied custody to her child by stating that she is an unfit parent, who does not care for her child. If the opposite party complains that she is in some way an unfit guardian, the woman is helped to gather all necessary proof to prove that the case is false. This may require co-ordinating with other agencies.
- If their argument is that she is not capable of looking after the children due to poverty, the worker may use the statutes that mention that a Hindu woman is entitled to maintenance from her in-laws after the death of her husband and has a right in the marital property.
- In spite of this if custody is denied -
- The worker can seek police help to get physical custody of the children that is:
- if client is going on her own or the home is not in vicinity the worker can write an introducing letter communicating only the necessary details of the case and requesting assistance.
- if she is not confident of going on her own the worker can accompany her to the concerned police station and communicate the situation to the officer and help her to get her children.
- Legal Custody Orders can only be issued by the court. The Domestic Violence Act has the legal provision for custody. The Special Cell can only intervene in negotiating with the family. It is easier to get legal custody of the child if the child is already living with the mother. So, the role of the social worker at the Special Cell is to help the woman in getting legal custody, such that even in the future the child cannot be taken away from her.
- Being a single parent is a difficult. The client needs to be prepared emotionally, so that she can gather the resources she requires to support herself and her child. Networking with other organisations to help provide educational opportunities, shelter and employment opportunities may be necessary.

Child Custody in Cases of Estrangement, Separation or Divorce:

What the Law Says

Child custody is a term used in family law courts to define legal guardianship of a child under the age of 18.. In most cases, both parents continue to share legal child custody but one parent gains physical child custody. Legal custody means that either parent can make decisions which affect the welfare of the child, such as medical treatments, religious practices and insurance claims. Physical child custody means that one parent is held primarily responsible for the child's housing, educational needs and food. In most cases, the non-custodial parent still has visitation rights. Family law courts generally base decisions on the best interests of the child or children, not always on the best arguments of each parent.

In general, courts tend to award PHYSICAL child custody to the parent who demonstrates the most financial security, adequate parenting skills and the least disruption for the child.

Child custody matters in India are governed by the Guardians and Wards Act 1890 (GAWA), which is applicable to people of all religions in India., In determining the question of custody and guardianship, the paramount consideration is the welfare of the minor. The word 'welfare' has to be taken in its widest sense, and must include the child's, moral as well as physical well-being, and also have regard to the ties of affection. Generally, the custody of a small child under 5 years is given to the mother. Custody of older boys may be given to the father, and of older girls to the mother. However, courts also consider specific personal laws while giving their judgements and there is no hard and fast rule.

The Hindu Minority and Guardianship Act, 1956 contains a provision which lays down that custody of a child upon the age of five should ordinarily be with the mother. Under other personal laws, though it is no such statutory provision, the Indian courts have consistently taken view.

Hindus are governed by the Hindu Minority and Guardianship Act 1956 (HMGA), which follows similar considerations as GAWA. Although the HMGA provides that the father is the natural guardian of the child, because of a recent Supreme Court judgement - Geeta Hariharan Vs Reserve bank of India²⁰, both the father and the mother are considered natural guardians.

Christian law per se does not have any provision for custody but the issues are resolved as per the Indian Divorce Act, 1869. Under Parsi Law the issue of custody is dealt with by the Guardians and Wards Act of 1890,

Under Muslim Mother has the right of custody known as right of hizanat so long as she is not disqualified. The mother's right of hizanat was solely recognized in the interest of the children and in no sense it is an absolute right.

Son—Among the Hanafis, mother's right of hizanat over her son terminates on the latter's completing the age of 7 years; among the Shias, after her son is weaned; among the Malikis, Shafiis and the Hanabalīs after the child has attained the age of puberty.

Daughter—Among the hanafis the mother is entitled to the custody of her daughters till the age of puberty and among the Malilikis, Shafiis and the Hanabalīs till they are married. Under the Ithna Ashari law the mother is entitled to the custody of her daughters till they attain the age of 7. The mother has the right of custody of her children up to the ages specified in each school, irrespective of the fact whether the child is legitimate or illegitimate. Mother cannot surrender her right to any person including her husband, the father of the child. Under the Shia school after the mother hizanat belongs to the father. In the absence of both the parents or on their being disqualified the grandfather is entitled to custody. Among the Malikis certain female relatives are entitled to custody in the absence of mother.

All the schools of Muslim law recognize father's right of hizanat under two conditions that are:

- on the completion of the age by the child up to which mother or other females are entitled to

²⁰ I(1999) DMC 337 SC FB

custody.

- In the absence of mother or other females who have the right to hizanat of minor children.
- Father undoubtedly has the power of appointing a testamentary guardian and entrusting him with the custody of his children

Hazin may be deprived of the custody of the child if he is a minor or of unsound mind. Also hazin who is leading an immoral life or who is a profligate has no right to the custody of the child. The Shia law is very categorical and lays down that a person who has ceased to be muslim is not entitled to the custody of the child.

Irrespective of the customs or personal laws, any parent who wants custody of a child and cannot reach a settlement has to seek custody separately from the Court. There is never any automatic transfer of a child's custody to a particular parent. The courts give their decision based on various aspects that deal with the welfare of the child which are as follows:

- The welfare of the minor is very broadly defined and includes many diverse factors, notably the age, sex and religion of the minor (courts take into account the personal law of the father). The welfare of younger children is generally regarded as being in the mother's custody;
- The character and capacity of the proposed guardian: courts usually reject baseless allegations against mothers;
- the wishes, if any, of a deceased parent, for example specified in a will;
- any existing or previous relations of the proposed guardian with the minor's property: courts do not look kindly on guardians seeking custody just in order to have control over the minor's property. But if, for example, the minor's property is shared with the mother and she is otherwise a suitable guardian, the court will regard the property relationship as an additional factor in the mother's favour.
- the minor's preference if she/he is old enough to form an intelligent preference, usually accepted as about 9 years old.
- whether siblings would be divided: courts prefer to keep children united and award custody of both to either the mother OR the father.
- whether either/both parents have remarried and there are step-children: Although the mother's remarriage to someone who is not the children's close blood-relative often means the court will not grant her custody, this rule is not strictly followed. Although the father's remarriage usually denies him custody, sometimes the courts agree to grant him custody especially when the children's step-mother cannot or will not have her own children.
- the child's comfort, health, material, intellectual, moral and spiritual welfare: this very broad category includes the adequate and undisturbed education of the child²¹, ²²
- It has been repeatedly held that weak financial position of the mother doesn't disentitle her from guardianship on the grounds of the child's welfare .After a divorce, the husband may be ordered

²¹ <http://www.legalserviceindia.com/article/134-Custody-Laws.html>

²² www.womensweb.in/articles/child-custody-law-for-the-layperson/

to pay maintenance to the wife, which can also be used to bring up the child.

It is preferred that the child resides with the parent with whom it has been residing before the suit. Thus as a strategy if the mother wants the custody of the child, the mother should pick up the child first and then file a custody case to prove in the court that all along the child has been residing with her.

However, all women can claim for child custody under the protection of women from Domestic Violence Act.

Intervention by the Social Worker:

- The client does not have to apply for divorce or judicial separation in order to take custody of her children. But if she has instituted the said proceedings against her husband and is only interested in obtaining custodial rights over her children, then she may be able to apply for this under the relevant matrimonial act. Under such circumstances it is necessary to help the client understand the legal process and if necessary meet with her lawyer.
- The worker needs to gather complete knowledge of where the children are, under what condition, why she wants to shift them, to where, how far into the future has she reflected etc. This will help the worker find out the kind of assistance she really requires now and in future.
- The client needs to be given enough reality orientation to know what to expect from her choosing to take sole custody of the children. Other possible options are explained to her- she can let her husband have custody of the children, with herself retaining access. She can ask for “Visitation rights” which include access to the child on a regular basis, and time together during vacations. Or it can be the other way around. It is explained to her that all these orders can be varied or modified according to the changes in circumstances. Even after having custody of her children and maintenance, husband may constantly default, or leave his job etc. leaving her to cope with children and the minimum income. And even though court procedures are available they rarely produce as much as they promise, so it is better to avoid moving to the court as much as possible.
- If the client has decided to take custody, if possible the worker needs to see if she can get the children away from the home before further proceedings.
- The husband and if required the relatives or in-laws are called for a joint meeting. It is made very clear to them that a mother is as much a guardian as a father.
- During the joint meetings the worker needs to try to determine what is in the best interests of the child. Meetings are held with the child to find out what its preferences are if any.
- If the father has any illness or psychological problems the woman is advised to gather evidence. If any neighbours, friends, or relatives agree to attest to the fact they are asked to give a statements in writing or at least said in front of the father.
- Each parent is helped to comprehend the viewpoint of the other. Attempt is made to negotiate

not only for the custody of the children but also maintenance (if need be) for them.

- Once the husband agrees to give his wife custody of the children all the details are kaen down on the assurance. All the details of access- when and where, monetary obligations- of whom, when, how frequently etc. (school fees), how are the arrangements of access going to be made need to be taken down very clearly in writing, from both.
- Only if these negotiations don't succeed is the woman referred to a lawyer
- If even after all the negotiations the husband is refusing to give her children to the mother who wants to keep them with her, then a strategic move may be effected.
- Client is consulted to find out when and where she could get the children alone and all to herself. It can be picking them up from school, or going to meet them in the husband's house, or meeting them while family members have been called to the Cell for a meeting. the woman is carefully advised to take the children and go to a safe place, where nobody will inform her husband. If she doesn't know any such shelter, she is given assistance to find one.
- Under the law the woman is never prevented from taking her children with her when she leaves the home, as long as she doesn't deny the husband access to meet the children. However, the worker needs to ensure that the client gives an application to the concerned police station saying that her children are with her, and mentioning the circumstances under which she is doing so. This is done to ensure that she never gets accused of kidnapping the children or absconding with them, and the worker doesn't get embroiled in having aided and abetted her.

Interim custody and /or rights of the child's property

The woman needs to also apply for the above as the actual case for custody or property may proceed for years. In her application for such the woman will be required to prove that this would be in the best interests of the child.

Sexual Harassment at the Workplace

What the Law Says:

- The Sexual Harrasment at Workplace (Prevention, Protection and Redressal) Act 2013:

The act defines sexual harassmaent at workplace as:

Sexual harassment includes such unwelcome behaviour (Whether directly or by implication) as :

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) making sexually coloured remarks;
- d) showing pornography;
- e) any other unwelcome physical, verbal or non - verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs and is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

1. implied or explicit promise of preferential treatment in her employment
2. implied or explicit threat of detrimental treatment in her employment
3. implied or explicit threat about her p[resent or future employment status, or
4. interference with her work or creating an intimidating or offensive or hostile environment for her
5. humiliating treatment likely to affect her health or safety²³

The definition of “aggrieved woman”, who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well. The Act also covers students in schools and college.

The “workplace” includes organisations, department, office, branch unit etc. in the public and private sector, organized and unorganized, hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation.

Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.

Employers who fail to comply will be punished with a fine of up to 50,000 rupees. Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business Under s as well as patients in hospitals.

The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.

The Complaints Committees have the powers of civil courts for gathering evidence.

The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant²⁴.

- Other Laws:

A woman can take recourse to other laws in cases of sexual harassment at workplace

1. IPC Section 354 deals with use of assault or criminal force to a woman with intent to outrage her modesty. It says “Whosoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description of term which may extend to two years or with fine, or with

²³ <http://wcd.nic.in/wcdact/womenactsex.pdf>

²⁴

http://en.wikipedia.org/wiki/The_Sexual_Harassment_of_Women_at_Workplace_%28Prevention,_Prohibition_and_Redressal%29_Act,_2013

both.” Classification of Offence.-The offence under this section is cognizable, bailable, compoundable with permission of the Court, pending and triable by any Magistrate.

2. IPC Section 355 deals with use of assault or criminal force with intent to dishonour person, without grave provocation. It says “whosoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The offence under this section is non-cognizable, bailable, compoundable and triable by any Magistrate.
3. IPC Section 509: Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Intervention by the Social Worker:

When a case of sexual harassment at the work place comes to the Special Cell, the worker needs to:

- talk to the woman and believe her
- find out if an Internal Complaints committee is in place at her workplace
- make her write a complaint to the committee if it is in place
- approach the district officer (collector or deputy collector or district magistrate or additional district magistrate) if it is not in place.
- build up her courage and strength, to deal with the emotional turmoil as filing a case of sexual harassment at the workplace, might have grave implications for the woman..
- create space for dialogue between the woman and the committee, as filing a case of sexual harassment at the workplace might have grave implications for the woman. Visiting the workplace to understand the case better may be necessary. The person accused is often in a position of authority. The committee members might be biased. It is necessary to support the woman throughout the case.

Trafficking²⁵

What the Law Says:

According to the Criminal Law Amendment Act, 2013, if a person (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person, by using threats, or force, or coercion, or abduction, or fraud, or deception, or by abuse of power, or inducement for exploitation including prostitution, slavery, forced organ removal, etc. will be punished with imprisonment ranging from at least 7 years

²⁵ This section has been written based on the session conducted by Priti Patkar from Prerana, Mumbai.

to imprisonment for the remainder of that person's natural life depending on the number or category of persons trafficked²⁶.

Trafficking involves many crimes:

- Abduction/Kidnapping/Wrongful Confinement/ Wrongful Detention/Smuggling
- Buying/Selling/ Pawning/Pledging
- Repeated Rapes/Assaulted/Modesty Outraged/Physically exploited
- Servitude/ Debt Bondage
- Privacy/ Personal life, & Justice Denied
- Criminal Conspiracy against a Victim

Intervention by the Social Worker:

While dealing with cases of trafficking, the worker needs to

- remember that the victims are also victims of repeated and multiple rapes. The damage is irreversible. It is necessary to intervene with the woman with understanding, acceptance, non-judgmental attitudes and confidentiality.
- keep the police in the loop as they have the authority to intervene legally. Women who have been trafficked are scared of the police. They feel that they might get arrested. Further, they are told to not cooperate and are tutored with responses. It is therefore, very difficult to get the real picture.
- conduct home visits to get a deeper understanding. Often, the family of the woman who has been trafficked will approach the Cell. Often, girls are trafficked by their own family, it is necessary to get the facts right. Because, in this situation it is generally not the woman herself who comes to the Cell asking to be rescued, the process of intervention will need greater presence of mind and attempt towards understanding the underlying layers involved in trafficking.

Points To Remember:

- Anyone can give information about the presence of the victims or the crime.
- Special Police Officer can search without warrant and carry out rescue. (Sec. 5 ITPA)
- A Magistrate (*any of the categories of JM/ MM/ SDM/ DM, having jurisdiction over the area*) can take cognizance of a report by anybody.
- The Magistrate can order any police officer (SI and above) to rescue the victim. Sec. 16 ITPA
- The rescue team should have 2 women police officers Sec. 15(6A) ITPA
- Two respectable persons are required as witnesses during the rescue /search and one of them should be a woman. Sec. 15(2) ITPA.
- It is important that the victim is interviewed in the presence of a female Police Officer and if possible a counselor and or a woman social worker. (*Prerana 2007 Mumbai High Court Order*)

²⁶ <http://indiacode.nic.in/acts-in-pdf/132013.pdf>

no. 1694 of 2003).

Rape

What the Law Says

Section 375 of the Indian Penal Code defines rape. It reads:

“A man is said to commit “rape” if he

- Penetrates his penis to any extent into the vagina, urethra, anus or mouth of a woman or makes her do so with him or any other person; or
- Inserts, to any extent, any object or part of his body, not being the penis into the vagina, urethra or anus of a woman or makes her do so with him or any other person; or
- Manipulates any part of body of a woman so as to cause penetration into the vagina, urethra anus or any part of body of such woman or makes her do so with him or any other person; or
- Applies his mouth to the vagina, urethra or anus of a woman or makes her do so with him or any other person
- Under the circumstances falling under any of the following descriptions

who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:—

First.— Against her will.

Secondly.— Without her consent.

Thirdly.— With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly.— With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.— With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.— With or without her consent, when she is under eighteen years of age.

Seventhly.— When she is unable to communicate her consent²⁷

Certain changes have been introduced in the CrPC and Evidence Act by the CLA 2013, like the recording of statement of the victim, more friendly and easy, character of the victim is irrelevant, presumption of no consent where sexual intercourse is proved and the victim states in the court that there has been no consent.

²⁷ <http://indiacode.nic.in/acts-in-pdf/132013.pdf>

Compensation is provided to rape victims by the government.

Rape Related Trauma:

A person who has been raped suffers from rape related trauma. They may show symptoms of rage, self blame or depression. The person may experience unpredictable and intense emotions, which they might not be able to handle by themselves. The victim may have an exaggerated startle response, may have memories and intrusive thoughts about the assault, nightmares, difficulty in sleeping and difficulty in concentrating. Some may socially withdraw; may dwell on the intrusive thoughts or may avoid thinking all together. Unfortunately in many cases these effects can be life-long if the victim does not get immediate support and care. The emotional upheaval can lead to suicide.

Intervention by the Social Worker:

- The social worker needs to help the woman cope with the situation. It is important to put across the point that 'It is never the victim's fault'. In rape cases the victim is often blamed. Further, there is a sense of guilt and shame attached to being raped.
- The woman needs support and understanding from her family and friends. It is essential to talk to the family and help them realize that the 'victim is never at fault'. It is important to recognize that the life of the woman is much more valuable than 'izzat' or honour of the family. There are many emotions which the family members may experience. It becomes necessary for the social worker to work with them so that they can deal with the grief and anger and help the woman cope better.
- Rape might result in loss of work, or missing work. Hence, it is essential to help the woman get back to work. This might need the social worker to network with the work place.
- The worker needs to remember that a rape victim who comes to the cell is no longer a victim, but a survivor.
- In most cases the rape is committed by a person who is known to the woman. Sexual intercourse outside marriage is taboo and has attributes of shame and dishonor attached to it. In such situations negotiations might take place between the family of the woman and the rapist, to marry the woman and the rapist. The rapist may offer to marry the woman in order to avoid being penalized. In such a situation, not having any other option, the woman might want to marry the perpetrator. However, she needs to be oriented with reality. The social worker needs to talk to her and her family. A reality orientation regarding the future implications of the marriage for the woman is necessary. Also, if a man is willing to marry her in order to avoid a case, then he is marrying her just to save himself and may continue with violence against her in the marriage.
- Rape cases are highly confidential. In case of Rape the FIR is not a public document. Reporting of rape in the media entitles that the identity or location of the woman is never

revealed.

If a woman comes to the Cell immediately after a rape assault the worker needs to:

- Call a friend or family for moral support, if the woman agrees
- Advise the woman to not bathe, brush teeth, wash clothes etc till the medical checkup is done as it is important to preserve evidence of the attack.
- Accompany the woman to a government hospital and get a medical examination done.
- Ask for a blood, urine test to be conducted if the woman feels that she has been drugged.
- Be with the woman throughout the entire process. Keep her updated about what is happening and prepare her for the medical checkup and police case.
- Help her to write down all the details she can remember about the attack and attacker.
- Write down details while filing the FIR.
- Place an option before the woman to take an Emergency Contraception Pill (ipill etc) once the medical examination has been conducted.
- Arrange for temporary shelter facility if the woman does not want to go home. However, the shelter home need not be told about the rape if she does not want to.
- Get the woman in touch with a lawyer, to support her. Court appoints a lawyer.
- Schedule further individual meetings to help her cope
- Refer for therapy if required

If the woman comes to the Cell days after the rape assault the worker needs to:

- help her write down all the details she can remember about the attack and attacker
- believe her and support her as she needs help and support in coping,.
- ask if the clothes she was wearing at the time have not been washed/ burnt as medical evidence on her body might have been washed
- make the woman aware that a rape case can be reported only by the woman; however, she will need to justify the delay in reporting in the court.
- network with the police to file an FIR.
- get the woman in touch with a lawyer, to support her. Court appoints a lawyer.
- help her cope with the trauma and grief by building support services if the woman does not want to file a complaint.
- refer for therapy if required

Breaking the Myths around Rape

There are many myths surrounding rape. While working with a woman who has been raped we must remember that it is essential to bust these myths. These very myths lay the blame and further victimize the women who have been raped. Following is a list of myths which one may come across while working.²⁸

Myth: Rape is sex.

Fact: Rape is experienced by the victims as an act of violence. It is a life-threatening experience. While sexual attraction may be influential, power, control and anger are the primary motives. Most rapists have access to a sexual partner. Gratification comes from gaining power and control and discharging anger. This gratification is only temporary, so the rapist seeks another victim.

Myth: Women incite men to rape.

Fact: Research has found that the vast majority of rapes are planned. Rape is the responsibility of the rapist alone. Women, children and men of every age, physical type and demeanor are raped. Opportunity is the most important factor determining when a given rapist will rape.

Myth: There is a "right way" to respond to a rape situation.

Fact: Since rape is life-threatening and each rapist has his own pattern, the best thing a victim can do is follow her instincts and observe any cues from the rapist. If the victim escapes alive she has done the right thing.

Myth: A victim should be discouraged from dwelling on the rape. She should "forget it".

Fact: This advice generally comes from people who are more concerned with their own feelings than the victim's. All victims should be offered the opportunity to talk about the assault with those personally close to them and knowledgeable professionals. Victims who are not allowed to talk about the rape have a much more difficult time recovering from it.

Myth: You can tell a rapist by the way he looks.

Fact: Rapists are not physically identifiable. They may appear friendly, normal, and non-threatening. Many are young, married and have children. Rapist types and traits however can be categorized.

Myth: Women fantasize about being raped.

Fact: No woman fantasizes about being raped. Fantasies about aggressive sex may be controlled and turned off if they become threatening. In rape, the victim is unable to control the violence and stop it.

Myth: A man can't rape his wife.

²⁸ The list of rape myths has been retrieved from the following internet source:
Hamlin, J. (2005, March 3). *List of Rape Myths, Sociology of Rape, University of Minnesota Duluth*.
Retrieved November 29, 2011, from <http://www.d.umn.edu:3925/myths.html>

Fact: The idea that a man can't rape his wife suggests married women do not have the same right to safety as do unmarried women. Most battered women have experienced some form of sexual abuse within their marriage.

Myth: Only "bad" women get raped.

Fact: No other crime victim is looked upon with the degree of suspicion and doubt as a victim of rape. Although there are numerous reasons why society has cast blame on the victims of rape, a major reason found in studies is that of a feeling of self protection. If one believes that the victim was responsible because she put herself in an unsafe position, such as being out late at night, drinking alcohol, dressing in a certain way, or "leading on" the rapist, then we are able to feel safer because "we wouldn't do those things." But, the basic fact remains that without consent, no means no, no matter what the situation or circumstances.

Myth: Rape is just unwanted sex and isn't really a violent crime.

Fact: Rape is a lot more than an unwanted sex act, it is a violent crime. Many rapists carry a weapon and threaten the victim with violence or death.

Myth: Rape only occurs outside and at night.

Fact: Rape can and does occur anytime and anyplace. Many rapes occur during the day and in the victims' homes.

Myth: Sexual assault is an impulsive, spontaneous act.

Fact: Most rapes are carefully planned by the rapist. A rapist will rape again and again, usually in the same area of town and in the same way.

Myth: Sexual assault usually occurs between strangers.

Fact: By some estimates, over 70% of rape victims know their attackers. The rapist may be a relative, friend, co-worker, date or other acquaintance.

Myth: Rape only happens to young attractive women.

Fact: Rape can and does strike anyone at anytime. Age, social class, ethnic group and has no bearing on the person a rapist chooses to attack.

Myth: Rape is a crime of passion.

Fact: Rape is an act of VIOLENCE, not passion. it is an attempt to hurt and humiliate, using sex as the weapon.

Myth: Most rapists only rape one time.

Fact: Most rapists rape again, and again, and again - until caught.

Myth: No woman or man can be raped against her or his will. Any person could prevent rape if he or she really wanted to.

Fact: Rapes involve the use of force to intimidate the victim. Women are often physically weaker than men and are not taught to defend themselves or to be physically aggressive. Furthermore, some women are not willing to hurt another person, especially if the offender is someone they know.

Myth: If the assailant, victim, or both are drunk, the assailant cannot be charged with rape.

Fact: Rape is a crime. People who commit crimes while under the influence of alcohol or drugs are not considered free from guilt.

Myth: Rapists are abnormal perverts; only sick or insane men are rapists.

Fact: In a study of 1300 convicted offenders, few were diagnosed as mentally or emotionally ill. Most were well-adjusted but had a greater tendency to express their anger through violence and rage.

Myth: If a person doesn't "fight back" she/he wasn't really raped.

Fact: Rape is potentially life-threatening. Whatever a person does to survive the assault is the appropriate action.

Myth: A person who has really been assaulted will be hysterical.

Fact: Survivors exhibit a spectrum of emotional responses to assault: calm, hysteria, laughter, anger, apathy, shock. Each survivor copes with the trauma of the assault in a different way.

Myth: Women "ask for it" by their dress or actions.

Fact: Rapists look for victims they perceive as vulnerable, not women who dress in a particular way. Assuming that women provoke attacks by where they are or the way they dress is victim-blaming. No person, whatever their behaviour, "deserves" to be raped.

Myth: Women who are drunk are willing to engage in any kind of sexual activity.

Fact: The fact that a woman has been drinking does not imply consent. Alcohol and drugs can render a woman incapable of consent. (Hamlin, 2005)²⁹

Child Sexual Abuse

What the Law Says

The Protection of Children from Sexual Offences Act, 2012 defines a child as any person below eighteen years of age and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography.

A person is said to commit penetrative sexual assault if-

- He penetrates his penis to any extent, into the vagina, mouth, urethra or anus of a child or makes a child do so with him or any other person; or
- He inserts, to any extent, any object or part of the body not being the penis, into the vagina, urethra or anus of a child or makes a child do so with him or any other person; or
- He manipulates any part of the body of the child so as to cause penetration into the vagina, urethra or anus of a child or makes a child do so with him or any other person; or

²⁹ Hamlin, J. (2005, March 3). *List of Rape Myths, Sociology of Rape, University of Minnesota Duluth*. Retrieved November 29, 2011, from <http://www.d.umn.edu/http://www.d.umn.edu/cla/faculty/jhamlin/3925/myths.html>

- He applies his mouth to the penis, vagina, urethra or anus of a child or makes a child do so with him or any other person

A person is said to have committed sexual assault if he:

- With sexual intent touches the vagina, penis, anus or breast of the child or
- Makes the child touch the vagina, penis, anus or breast of such person or any other person, or
- Does any other act with sexual intent which involves physical contact without penetration

A person is said to commit sexual harassment upon a child when such a person with sexual intent –

- Utters any word or makes a sound, or makes a gesture or exhibits any object or part of the body with the intention that such a word or sound shall be heard, or such gesture or part of the body will be seen by the child; or
- Makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or
- Shows any object to a child in any form or media for pornographic purposes; or repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or threatens to use, in any form of media a real or fabricated depiction through electronic film or digital or any other mode or any part of the body of the child or the involvement of the child in a sexual act; or entices a child for pornographic purposes or gives gratification thereof.
-

A person is said to have used a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification, which includes:

- Representation of the sexual organs of a child
- Usage of a child engaged in real or simulated sexual acts with or without penetration,
- The indecent or obscene representation of a child³⁰

The Act deems a sexual assault to be “aggravated” under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-a-vis the child, like a family member, police officer, teacher, or doctor.

People who traffick children for sexual purposes are also punishable under the provisions relating to abetment in the Act.

The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum

³⁰ <http://wcd.nic.in/childact/childprotection31072012.pdf>

term of rigorous imprisonment for life, and fine.

The Act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so, he may be punished with six months' imprisonment and/ or a fine.

The police personnel receiving a report of sexual abuse of a child are given the responsibility of making urgent arrangements for the care and protection of the child, such as obtaining emergency medical treatment for the child and placing the child in a shelter home, should the need arise. The police are also required to bring the matter to the attention of the Child Welfare Committee (CWC) within 24 hours of receiving the report, so the CWC may then proceed where required to make further arrangements for the safety and security of the child.

The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of paramount importance at every stage of the judicial process. The Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences. These include:

- Recording the statement of the child at the residence of the child or at the place of his choice, preferably by a woman police officer not below the rank of sub-inspector
- No child to be detained in the police station in the night for any reason.
- Police officer to not be in uniform while recording the statement of the child
- The statement of the child to be recorded as spoken by the child
- Assistance of an interpreter or translator or an expert as per the need of the child
- Assistance of special educator or any person familiar with the manner of communication of the child in case child is disabled.
- Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence , and in the case of a female child, by a female doctor.
- In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- Frequent breaks for the child during trial
- Child not to be called repeatedly to testify
- No aggressive questioning or character assassination of the child
- In-camera trial of cases without revealing identity of the child

The Act recognizes that the intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalized. The attempt to commit an offence under the Act has been made liable for punishment for upto half the punishment prescribed for the commission of the offence.

The Act also provides for punishment for abetment of the offence, which is the same as for the

commission of the offence. This would cover trafficking of children for sexual purposes.

For the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault and Aggravated Sexual Assault, the burden of proof is shifted on the accused. At the same time, to prevent misuse of the law, punishment has been provided for making false complaint or proving false information with malicious intent.

Above all, the Act stipulates that the evidence of the child to be recorded within a period of 30 days.

Also, the Special Court is to complete the trial within a period of one year, as far as possible.

Another important provision in the Act is that it provides for the Special Court to determine the amount of compensation to be paid to a child who has been sexually abused, so that this money can then be used for the child's medical treatment and rehabilitation.

The National Commission for the Protection of Child Rights (NCPCR) and State Commissions for the Protection of Child Rights (SCPCR) have been made the designated authority to monitor the implementation of the Act.^{31,32}

Consequences of Child Sexual Abuse:

Short-term effects:

Some short effects (Browne and Finkelhor, 1986)³³ include fear, anger, hostility, guilt, shame, confusion, depression, low self-esteem, poor self-image, physical and somatic complaints, sexual behavior disturbances, and poor social functioning. The abused child's relationships with adults and other children may be distorted in that they may only be able to relate to adults of one sex and have no class friends, or alienate themselves by involving other children in sexual activities.

Long term consequences³⁴:

Child-rearing Difficulties: repeat cycle of abuse, over protectiveness, fear closeness or intimacy.

Social dysfunction: withdrawing from the so-called good boys or girls to make friends with only those girls or boys perceived to have a similar and lower status, Potentiality for aggression and becoming an abuser, delinquency, criminal behaviour, acts of violence, victim role.

Emotional dysfunction: A child may feel anxious, Inefficient with impaired coping skills, a tendency to run away from problems, may suffer from despair and depression, possibility of re-victimisation

Sexual Traumatization: May lead to sexual promiscuity (prostitution, tendency to sexualize

³¹ <http://pib.nic.in/newsite/erelease.aspx?relid=84409>

³² <http://pib.nic.in/newsite/efeatures.aspx?relid=86150>

³³ Browne, A & Finkelhor, D. (1986) Psychological Bulletin, Vol 99(1), 66-77.

³⁴ Bhave, Swati Y., and Anjali Saxena. "Child Sexual Abuse in India." Child Abuse and Neglect Challenges and Opportunities (2013).

relationships with own children), Sexual aversion & difficulty in arousal or orgasm or complete avoidance of sexual intimacy

Feeling of Betrayal: In most cases the child is sexually abused by someone psychologically or biologically close to the child. This is a person whom the child trusts and who is expected to care for and protect the child. The child feels betrayed and hurt by the actions of this person.

Stigmatization : Adult rape victims are often afraid and ashamed to report being raped, because of the stigma attached to this crime. For a child to report being sexually abused is as difficult, if not more. Especially, in cases where the abuser is a member of the child's family or a close and relative of the family the child may experience confusion about the person. Further, children often lack the language to describe child sexual abuse. Childhood sexual abuse victims may come to view themselves as "whores or damaged goods" in comparison with other girls.

Powerlessness: The sexually abused child feels trapped in a relationship, which is uncomfortable and often perceived as wrong. The child is afraid to disclose the abuse and experiences a feeling of powerlessness and helplessness.

Preventing Child Sexual Abuse³⁵

Children can be best protected by giving them the knowledge and skills necessary for their safety and well-being and by creating an atmosphere in our communities where they feel safe enough to come forward if they are being mistreated or abused.

Children who are well informed about inappropriate touching, who are taught to trust their feelings about situations and people, and who know where to get help if they require it are less likely to be victimized by any type of assault.

Prevention education is of particular importance for children who have been sexually abused, as they are at a higher risk of re-victimisation than are children who have not been sexually assaulted.

Intervention by Social Worker:

In cases of child sexual abuse the worker needs to:

- believe the survivor, even if the child may sometimes doubt herself, even if what she tells sounds too extreme.
- join the survivor in validating the damage. All abuse, even if it is not violent, overtly physical or repeated has negative consequences

³⁵ Bhawe, Swati Y., and Anjali Saxena. "Child Sexual Abuse in India." Child Abuse and Neglect Challenges and Opportunities (2013).

- be clear that the abuse is never the child's fault. Children ask for affection and attention, not for sexual abuse.
- validate the survivor's feelings: The survivor's anger, fear and pain are natural responses which need to be expressed
- express your compassion: The worker may share the feelings of outrage and compassion for her, there is nothing more comforting than a genuine human response.
- respect the time and space it takes to heal. Healing is a slow process that cannot be hurried.
- encourage the survivor to get support, to reach out to others.
- resist seeing the survivor as a victim: Continue to see her as a strong courageous child who is reclaiming her own life.³⁶
- it is essential to work with the parents of the child. Parents of the child need help in dealing with the situation and equipping themselves to take care of the emotional needs of the child who has faced child sexual abuse.
- the impact of Child Sexual Abuse can be long term. While working with adult survivors of child sexual abuse, it is essential to help them eliminate the feelings of shame, guilt and loss of self worth and look at themselves in a positive light.
- in case of adult survivors of child sexual abuse, maintain confidentiality in all circumstances. It is a journey the person must make by themselves to be able to talk about the abuse. It might be necessary for the social worker to work with the husband/partner of the person in helping them cope with the situation.

Breaking the Myths about Child Sexual Abuse:

Findings of a study conducted by Panchal, T. & Sheikh, N. (1997)³⁷ busted some of the myths about child sexual abuse.

Myth: Very young children do not get raped

Fact: It has been found that children as young as three months also get raped.

Myth: Abusers are usually strangers

Fact: In a majority of the cases the offender was known to the family and and therefore had access to the child. Neighbours, cousins, family friends and acquaintances formed the common categories of offenders.

Myth: Home is a safe place for children

Fact: About 56 % of cases of abuse took place either in the victim's home or the offender's house.

³⁶ Bass, E. and Davis, L. (1988) *The Courage To Heal*. Harper Perennial

³⁷ Panchal, T. & Sheikh, N. (1997) *Documentation of Police Cases of Sexually Abused Girls*. Unpublished manuscript.

Myth: Abuser's are often poor, unemployed men

Fact: A majority of the offenders were permanently employed or self employed or in business.

Myth: Offenders are dirty old men

Fact: The offenders can be from any categories of class. Caste, religion, educational background and age. About 30.4% of the offenders were below the age of 18

Myth: An offender may be so drunk or high that he or she cannot be considered responsible for what he or she did.

Fact: Offenders certainly used alcoholic stupor as an excuse to say that they did not know what they were doing, surprisingly had wits enough to plan the crime and take measures to hide it.

Some other myths about child sexual abuse are as follows³⁸:

Myth: Children make up stories or lies about sexual abuse.

Fact: While children do make up stories, they seldom lie about sexual abuse. Children who have not been abused do not usually have explicit knowledge of intimate sexual behaviour. Research indicates that most reports of child sexual abuse are true.

Myth: If a male child or young man has an erection, or if a female child or young woman does not complain or display any signs of distress during the sexual abuse, then what is occurring is not abuse

Fact: Physical reactions to sexual stimulation indicate only that one's biological functions are healthy. Under no circumstances should these physical reactions be taken to mean that the child or young person is enjoying the abuse.

Myth: Children and young people who have been sexually abused by a member of the same sex (or opposite sex) grow up to be homosexual.

Fact: The sex of the person who commits the crime does not determine the victim's sexual orientation

Myth: Child marriage protects children from sexual abuse.

Fact: Child marriage is in itself another form of sexual abuse

Myth: Sex with a virgin can cure sexually transmitted diseases.

Fact: Only medical treatment can cure STD's.

Myth: Most children will forget abuse if adults do not remind them.

Fact: Children usually do not forget. They may try to hide their hurt, anger and confusion because they believe that the adults in their lives do not want to hear about it. Or it will hurt their feelings. Often very young children feel responsible and guilty about abuse.

Child Marriage

³⁸ www.communities.qld.gov.au/.../childsafety/child.../child-sexual-abuse-

What the Law Says:

Child Marriage Act 2006 Provisions of PCMA (2006):

The Prohibition of Child Marriage Act (PCMA), 2006 defines a child as a male under 21 years of age and a female under 18 years of age. The salient features of PCMA are as follows

Appointment of Child marriage Prohibition Officers- The Act provides for the appointment of Child Marriage Prohibition Officers by the State Governments and gives powers to these officers to prevent and prosecute solemnization of child marriages and to create awareness on the issue. Additionally, District Magistrates are also deemed to be the Child Marriage Prohibition Officer to prevent solemnization of mass child marriages on certain days such as Akshaya Tritiya.

Reporting of child marriages- Any person can report an incidence of child marriage before or after it has been solemnized to the nearest police station, the CMPO or a judicial magistrate of First Class or a Metropolitan Magistrate.

Injunction- The Courts have the power to issue injunction for prohibiting child marriages from taking place. However, the injunction order can only be given after the Court has issued a written notice and adequate opportunity to the concerned parties to show cause against the issue of the injunction. This gives an opportunity to the contracting parties to understand that their action is illegal and the court has taken note of it and gives them time to call off the child marriage. This can also help to minimize use of force by prohibition officers or district magistrates at the venue where the solemnization of child marriage is taking place. However, the Act also provides that in case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section and allows ex parte injunctions as well. The punishment for disobeying the injunction is imprisonment that may extend to two years or with fine, which may extend to one lakh rupees or with both.

Void Marriage- Child marriages are declared null and void if the injunction prohibiting a child marriage from taking place is violated/ contravened or, if the child is taken away from their lawful guardian by enticement, force or use of deceitful means or, is sold or trafficked for the purpose of marriage.

Prosecution- the PCMA provides for punishment for any male over 18 years of age with rigorous imprisonment of up to 2 years or with a fine up to 1 lakh rupees or both. Similar punishment is prescribed for anyone who performs, conducts, directs or abets or negligently failing to prevent any child marriage. However, no woman can be punished with imprisonment. All offences are cognizable and non-bailable.

Voidable marriage- Child marriages are voidable at the option of the contracting party who was a child at the time of the marriage. The petition to declare the marriage void has to be filed within two

years of the child attaining majority.

Protection to children rescued from child marriages- The Act mandates the return of all valuables, money, ornaments, and gifts in marriage on declaration of the nullity order by the Court. It provides for the maintenance and residence for the minor girl till her remarriage by her husband or his parents. The act gives a legal status to all children born from child marriages and makes provision for their custody and maintenance. It provides for all support and aid including medical aid, legal aid, counseling and rehabilitation support to the children rescued from child marriages.

Intervention by the Social Worker:

The workers in the Special Cells in Haryana have been authorized by the Govt of Haryana to work as Child Marriage Prohibition Officers under the PCMA act, 2006. When complaint of a child marriage is made, the worker is supposed to:

- visit the home of both the contracting parties, and make the parents/guardians/relatives/community elders aware that child marriage is a punishable offence under the law and advise them not to conduct the marriage.
- with the assistance of the police, prohibit the marriage seeking an injunction order if necessary
- collect evidence of the marriage taking place (such as photographs, invitations, receipts of payments made for marriage purposes) if the Marriage is Currently Taking Place, or has already taken place
- make a list of offenders who are responsible for arranging, performing, supporting, encouraging and helping in the marriage or attending it. Complain to the police and with the assistance of the police get the offenders arrested.
- if the child is at risk of being forced, threatened or enticed into child marriage, or if there is a risk to the child's life, provide immediate protection and aid to the child
- provide follow up support to children once they are rescued.
- spread awareness regarding the negative consequences of child marriage and the Prohibition of Child marriage Act 2006

Relationship Outside Marriage

Intervention by the Social Worker:

- Every case is different and may require different strategies in dealing with the above situation.
- The tendency of the legally wedded wife or the first woman is to put all the blame on the 'other' woman, and holding her responsible for luring her husband/man away. The Social Worker here needs to help the woman to shift her focus. The worker must enable the client

to prioritize and realise the role of husband in having a relationship outside the marriage. As a social worker at the Special Cell needs to realise that no person can be compelled into a relationship against their will. Also, as social workers one must try to understand the basis of patriarchal power and its control of female sexuality.

- It is necessary to have a meeting with the concerned man/husband. In this meeting, one should be careful in not being judgemental towards the man and talk to him in accordance with the basic principles of social case work. The husband is made to realise the pain and hurt he has caused his wife by having a relationship outside marriage. Also he should feel responsible for his actions.
- When an individual approaches a worker with a problem of either his/her wife or husband deserting him/her for another man/woman or that s(he) being involved in a relationship outside marriage, the worker needs to take an unbiased stand.
- No matter who has a relationship outside the marriage, the objective is to reach out to the woman/women involved and give them their rights. Given our pro-woman understanding, the well-being of the women/woman concerned is the key. In case of a woman whose husband has a relationship outside marriage, the worker has to take care not to totally deny the other woman or the second wife her rights.
- The social worker must remember not to take a decision on behalf of the woman, but help her decide and negotiate for herself.
- In all such cases, the family is a crucial support system and the worker needs to ensure that the much-needed family support is available to the woman.
- A woman tends to blame herself if her husband has a relationship outside marriage. The woman coming to the Special Cell, might feel extremely vulnerable and insecure as most women are often just one man away from destitution. She might feel cheated and betrayed. Emotional support to the woman is therefore required.

Issues Related to Lesbian and Bisexual Women

Lesbian and bisexual women are a sexual minority. They live with a gender variant status throughout their life. Society is based on hetero-patriarchal power structures. Lesbian women and bisexual women experience oppression because of their sexual orientation. This experience of oppression may vary according to class, religion, region, education etc. Lesbian and bisexual women have dreams, feelings, aspirations, skills, talents, parents, children, friends, jobs like everyone else. However, they face oppression and have difficulty in living with pride and dignity. Many myths about lesbian and bisexual women exist. These myths build prejudice and misinformed attitudes towards them, making lesbian and bisexual women feel anxious, guilty and depressed. They also constantly fear the rejection of family and friends. Such feelings can create barriers in helping them develop positive self-esteem and self-identity. Due to all these factors lesbian and bisexual women might feel phobic towards themselves. They find it difficult to find spaces where they feel

supported, respected and accepted enough to share their feelings and concerns.

Lesbian and bisexual women could face violence within the family. This is of most concern because the constant rejection from family may lead one to feel extremely isolated and depressed. The family might even use violence in controlling the woman. She might be forced into marriage or sent away to another place or locked inside the home. She might be beaten. Forms of violence vary.

Intervention by the Social Worker:

- As a social worker one needs to reach out to a lesbian or bisexual woman with a non-judgmental attitude, offering support and acceptance.
- Each person is different; however, the social worker enables the woman to embark on a journey of self-exploration, self-understanding, self-acceptance, and self-esteem.
- The social worker will often have to work with the family of lesbian and bisexual women and enable them to bust myths in negotiating against the oppression she might face within the family. Negotiations with the family through processes of joint meetings and individual meetings are conducted. The family is spoken to and myths should be busted. Sometimes, getting them in touch with other parents of lesbian and bisexual women can help. They need to be made aware of the wellbeing of the woman. This involves skillfully questioning societal misunderstandings.
- The Protection of Women from Domestic Violence Act (2005) can be used to protect a woman who is facing violence from her family
- Like any intimate relationship, there can be cases of violence within lesbian relationships as well. Though, the Special Cell would look out for the best interest of both the women, we would need to extend more support to the woman who has lesser access to power and resources while negotiating against the violence.

Working with the Elderly

With a fall in the death rate, there is a growing number of aging people in families and households. In a recent demographic study of the aged, Kumudini Dardekar has concluded that in a rural population of about 640 million, about 45 million or 7% are above 60; half of this population is poor and at least 10% are helpless and in the category of requiring financial support (Dardekar, 1996). While there is little information on attitudes and behaviour of younger family members towards the elderly, a few studies have established that a situation of dependency on the younger generation results in neglect and in some cases, ill-treatment and different forms of violence against older people, in particular women. For instance, neglect of ailments by family members which is often quite common, is extremely demoralizing for the aged (Shankardass, 1997).

Researchers in the West have tried to make a distinction between active and passive neglect; others have viewed neglect and abuse differently (Mahajan and Madhurima, 1995). Reluctance to speak of

their trauma and a concern with the family's reputation or izzat coupled with dependence on others has meant that "elder abuse becomes known to the authorities through a third party".

While in India, institutionalisation of the elderly is virtually unknown, there is evidence that households are increasingly disinclined to invest scarce resources on those whom they feel will have little to contribute to a family's success and mobility. A report brought out by the women's organisation, Karmika characterised the habitual scolding, nagging, non-communication as well as feigned ignorance about their needs and ailments as informal violence: this form of violence, argued the report, could be sometimes worse than physical injury.

Abuse at the psychological level is far more pervasive, although hidden. Shah, Veeton and Vasi (1995) report that it happens in varying ways such as: being taken for granted, being used as additional domestic help, not being included in the family's social events, being made the focus of cruel jokes of youngsters, and not being acknowledged or appreciated for contribution made in household chores. Labelling senior family members as insane, in order to gain control of their financial assets, is not an uncommon practice. Most estimates of abuse are based on media reports, which are largely confined to incidences in urban areas.

Newspapers report that 50% of crimes committed against elderly citizens involve matters of inheritance. Hospital social workers have recounted that many elderly are 'dumped' in hospitals without accurate information about their residential address.

In a study conducted in Pune, Bambawale (1997) reported instances of social religions and economic abuse in 47% of elderly women. In the study of 3 villages of Andhra Pradesh, Rao (1995) found 40 out of 1000 elderly experiencing physical violence. Srinivas (1996) reported a high rate of verbal abuse directed towards the elderly and the women were found to be subjected to worse treatment. Devi Prasad (2000) reported an increase in abuse in India too as the number of elderly increased. Out of 749 destitute elderly situated in Haryana, 60 reported being abused (Mahajan, 1992). Shankardas (1997) illustrated the vulnerability of older women to violence with narratives of two older women. Indian widows are shown to be at higher risk of being exploited by others, including religious system in India (Prakash, 1997).

Given the above overview, the social worker needs to be sensitive to the problem of the senior citizen. Especially, in case of an elderly woman, her life may have a long history of domestic violence in her youth, after marriage, the perpetrator may have been her husband, and in her old age it is her children.

Intervention by the Social Worker:

- Joint meetings are held during which the family members are sensitised to the needs of the aged. Specially that of space and work. In cases where conflict over property is an issue (which is a common occurrence) and in absence of a statement, an injunction is moved on behalf of the aged person.
- In case of severe harassment, the help of the police is sought. For those who require support to

obtain basic needs, the same maybe sought by demanding maintenance from the children. For the above cases, the worker networks with collateral agencies i.e. police, lawyer.

- For the aged who are entitled to pensions and are unable to avail the same, the worker mediates on behalf of the client.
- In cases of destitution, the worker is an integral part of the process of providing for shelter and basic needs by co-ordinating and networking with various institutionalise services.

Working with Adolescents and Children

Although child abuse, violence against women, and elder abuse have been transformed from being regarded as personal problems to becoming significant social issues and social problems, the intersection between domestic violence and children had been largely overlooked.

The impact that Domestic Violence has on children is increasingly perceived as a serious concern by those working on preventing and combating domestic violence. Children can themselves be victims of domestic violence. Witnessing violence during childhood can have long term effects on the personality and behavior of the individual. The effect of domestic violence on children can be seen in the form of internalizing symptoms (like depression, anxiety etc) or externalizing symptoms (like aggression and hostility), underachievement at school, negative social interactions outside the home and greater vulnerability to develop eating disorders, alcohol, drug or tobacco abuse. Not all children respond to Domestic Violence in the same manner. The type of violence they witness at home, the conflict in relationship, attitude of parents towards the care of children are some of the factors which can influence the effect domestic violence can have on children. In general, studies find that boys exposed to domestic violence exhibit more behavioural problems than girls, especially externalising behaviours such as hostility and aggression, while girls exposed to domestic violence demonstrate more internalising problems such as depression and somatic complaints (Jaffe, Wolfe, Wilson and Zak, 1986; Wolf and others, 1985).

Intervention by the Social Worker:

- Often children accompany their mothers when they come the complaint to the Special Cell. As far as possible, children should not be present either at the time of the first meeting. Neither should they be called is to affirm or disclaim there parent's views.
- If at all there is a need to talk to the children, it needs to be done in a subsequent meeting. They are first made comfortable and then spoken to separately.
- If either parent feels that the child / children is facing a behavioural problem, then Social Worker speaks to the child / children, or if need be refer her / him to a therapist.

Interviewing Children:

While interviewing children, the social worker needs to :

- Interview the child away from both parents.
- Interview the child in a place comfortable for children.
- Get on the child's level by crouching or sitting and establish rapport.
- Ask some simple questions first to make the child comfortable.
- Explain why the worker is there and the action intended.
- Avoid indicating a response one is looking for, or the child may simply give it.
- Be aware of any indication that the child is afraid of one or both parents.
- Be aware of a child's inclination to feel responsible or guilty about what has happened and reassure the child.
- Avoid prying information from the child. Children who are also victims of abuse may have been warned not to talk to outsiders and distrust all adults.
- Document any signs of injury to the child.
- Document "excited utterances".

Chapter 6: Spaces for Women in The Criminal Justice System

1. Women and the Constitution of India
2. Women's Rights as a Human Rights issue
3. Women and the Police
4. Chapter Case Proceedings
5. Structure of Courts

Women and the Constitution of India

The Fundamental Rights enshrined in the Constitution have given women equal status as men sans discrimination.

1. Article 14: "The State shall not deny to any person equality or the equal protection of the laws within the territory of India."
2. Article 15 (1): "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."
3. Article 16 (2): "No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for or discriminated against in respect of any employment or office under the State."

But what does one imply for the rights of women? This will have to be considered in three different respects:

- Women's right to be treated equally with men
- Women's right to be treated unequally from men i.e. favoured or protected by the law (as a response against the historical and social subjugation of women)
- Rights which women have because of their specific biological difference from men

Women's Right to be Treated Equally with Men

A combined reading of the above three Fundamental Rights provides for the foundation for legal equality of women. The Articles make it abundantly clear that everyone will be treated equally in the eyes of the law, all will have equal protection of laws and women cannot be discriminated against on account of their work.

Women's Right to be Treated Unequally from Men

The equality provision prohibits unequal treatment of equals, but allows unequal treatment of unequals. However, this does not mean that a reasonable classification for application of laws is not permissible. Hence one way of applying some laws to men alone or women alone is by showing that men and women form different and distinct classes for the purpose of the law.

Many of the Constitutional disputes around women's rights in India, have centered around certain laws which discriminate against women and are sought to be justified by arguing that for the purpose of the given law, treating women as a separate class amounts to a valid classification.

Besides, what Article 15(1) prohibits is discrimination only on grounds of sex. If it is shown that the discrimination is not only on the grounds of sex but also on other grounds, at times the same has been held to be valid.

In order to achieve the Constitutional goal of equality, it is not enough to just treat men and women as equals. What is more important is to grant certain preferential rights to women so that they can achieve equality. Article 15(3) of the Constitution reacts: "Nothing in this Article shall prevent the State from making any special provision for women and children."

Rights for Women because of their Biological Difference from Men

Thus while Article 15(1) would prevent the State from making any discriminatory law on the ground of sex alone, the State by virtue of Article 15(3), is permitted despite Article 15(1), to make special provisions for women. The insertion of Article 15(3) in relation to women is a recognition of the fact that for centuries women of this country have been socially and economically handicapped. It is in order to eliminate this socio-economic backwardness of women and to empower them in a manner that would bring about effective equality between men and women, that Clause (3) is placed in Article 15.

The power conferred by Article 15(3) is wide enough to cover the entire range of State activity including employment under the State. Both reservation and affirmative action are permissible under Article 15(3) in connection with the employment or posts under the State.

The word "provision" includes within its meaning a legislative enactment, a rule, a regulation and a general order, but it does not include a decision given in a particular case or matter.

Some of the affirmative action laws passed by the Government:

- Reservation for women in panchayats and other selective bodies

- Section 498A of IPC, providing special rights to women in case of domestic violence
- Provisions of soft loans and tax concessions for women entrepreneur etc

Women's Rights as a Human Rights Issue

Why was it necessary to rethink women's rights as human rights?

The early conception of "rights of man" in the 17th century and the original conception on international "human rights" in the mid-20th century were formulated with male household heads in mind. However when 'women's life experiences started being taken into account, these theories, compilations and prioritizations changed – some examples of issues include rape (including marital rape and rape during war).

Even as Article 16 of the Universal Declaration of Human Rights is devoted to Family and Marriage, critical questions of gender neutral vocabulary and the definition of family itself arise -- Article 12 reiterates the focus on male heads of households than other family members : *"No one shall be subjected to arbitrary interference with HIS privacy, family, home or correspondence, nor to attack upon HIS honour and reputation"*

Privacy and honour both become problematic in the context of women's rights as violence is more often than not witnessed in the "privacy of family homes". In the name of honour, there is justification for confinement, beating and even murder of female household members like the honour killings in South Asia and several incidents by caste *panchayats* in India.

A distinction between public and private spheres was reinforced and International Human Rights has been subjected to feminist critique as the laws drew a distinction between the Public World (legal and political order) and Private Life (home, family and non-state actors). Thus there was a public sphere where the state and international systems could intervene and a private sphere where any state intervention and international scrutiny was prohibited.

This led to several human rights violations being dismissed as private family, cultural or religious rather than political matters and occurred within families and justified by reference to culture, religion or tradition. Or even worse, dismissed as trivial or secondary to the concerns of life and death.

Some human rights violations on women start from even before they are born. Amniocentesis/ abortion of female fetuses in China and India is rampant and where

birth ratios reflect low female births. In patriarchal societies, girls are fed less than their brothers. Across cultures, women are subjected to sexual, racial and national imperialism – in India, eight out of ten wives are victims of violence.

The absence of legal intervention to protect women in the community and within the home devalued women's roles and kept the traditional male dominated hierarchies intact. So recognizing women's rights as human rights means looking at the institutions of family, religion and culture or tradition differently as well as questioning the rigid dichotomy of public vs. private, so far the foundation of International Human Rights Law.

Culture is also widely used as a tool of violation of women's rights. The situation of private rights violations is complicated by the fact "respecting cultural differences" has increasingly become a rationale for restricting or denying women's human rights. (In India different religious communities enforce their own personal law and there is no uniform civil code of family law.)

This has grave consequences for women who are differently treated in matters of divorce, custody and inheritance issues. In the 1970s, the most prominent women's issue related to discrimination against women in the public sphere and the need to ensure equitable participation of women in the development process. CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) came into force in 1979 and described as "essentially an international bill of rights for women and a framework for women's participation in the development process... and spelt-out internationally accepted principles and standards for achieving equality between men and women."

The first declaration specifically aimed at women's human rights, the CEDAW departs from gender neutral language to address issues such as maternity leave, pregnancy-related healthcare and affirmative action for women in education and employment.

However, explicit prohibition of violence against women is singularly absent. Until the 1980s, the subject of violence was invisible from the international perspective with only a mention of trafficking and prostitution.

The UN Third World conference on women in Nairobi in 1985 brought violence against women on the agenda and by 1990s, violence against women was on the international agenda but as an issue of women's rights and crime prevention rather

than Human Rights.

Some important landmarks:

- The Vienna Declaration and DEVAW (Declaration on the Elimination of Violence against Women, 1993
- Beijing Declaration, 1995: Rape during times of armed conflict was recognized as a war crime, with victims having a right to compensation
- DEVAW provided the normative framework for all international action in the field of violence against women. *“Any act of gender based violence that results in or likely to result in physical , sexual, or psychological harm or suffering to women, including threats of such acts , coercion or arbitrary deprivation of liberty , whether occurring in public or private life”* . It also defined violence against women at three levels :
 - a) Family: Includes physical sexual, and psychological violence in the family such as battering , sexual abuse of female children in the family, dowry related violence, marital rape and other traditional practices
 - b) Community: prohibits violence against women in the community by rape, sexual abuse, sexual harassment and intimidation whether at work in educational institutions or elsewhere
 - c) State: Recognizes that violence can be perpetrated as well as condoned by the state

What are the implications now that violence against women has been firmly entrenched by the Human Rights commission as an important and fundamental issue of Human Rights?

Assault on the power and structure of the nation state or sanctity of sovereign borders is challenged. Women transcending national boundaries or taking issues directly to the international community by articulating women’s rights and in today’s context especially in the area of violence against women, states may be held responsible for not preventing, prosecuting and punishing individuals and communities that violate the rights of women.

Women and the Police

Under the Criminal Justice System, it is the local police station which is the nearest

and most accessible (round-the-clock) to a woman or any victim of violence for swift redressal. For any Court of Justice, proof and evidence to establish a history of violence is of utmost importance. Given the patriarchal understanding of our legal system, a single incident of domestic violence is not considered a crime. Thus it becomes absolutely essential for the woman to report each and every incident of violence to the area police station.

Non-cognizable (NC) Complaints

A verbal complaint to the police station either in person or through a phone call can be registered as a non-cognizable offence or NC.

When information about the NC offence is given to a police officer, he records the information in the station house NC register and gives the complainant the NC number. In any NC offence, the police officer has no power to arrest the person. However, if the woman insists, then the duty officer can call the person and warn him from repeating the offence.

If the police station refuses to lodge a NC complaint then the aggrieved person should give a written application addressed to the Senior Inspector of Police. The application should be brief and to the point. The original should be submitted to the police station and an acknowledgement taken on the Photostat copy for future reference. An application is also essential in the following cases:

- If there is threat to the woman's life either from her husband or any of his friends or relatives
- If the woman is planning to leave the matrimonial home either with her *stridhan* and/ or her children
- If in case of reconciliation, the husband refuses to give a written assurance to the Special Cell, then an application is very useful
- If the woman has been thrown out of her matrimonial home and wants to return, then an application to the concerned police should be made before she goes back

In case the police station refuses an application, then the same should be sent by registered post either to the police station or the concerned ACP or DCP of the area

Chapter Case Proceedings

Under Section 107 CrPC. (Code of Criminal Procedure, 1973), Chapter Case Proceedings can be initiated against the offender. This is possible when:

- An Executive Magistrate receives information that any person is likely to commit a breach of peace or disturb the public tranquility or any wrongful act that may probably occasion a breach of the peace or disturb the public tranquility and is of the opinion that there is sufficient ground for proceeding, he may, in the manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, (with or without sureties) for keeping the peace for such period, not exceeding one year, as the Magistrate thinks fit.
- Proceedings under this section may be taken before any Executive Magistrate when either the place where the breach of the peace or disturbance is apprehended is within his local jurisdiction or there is within such a jurisdiction a person who is likely to commit a breach of the peace or disturb the public tranquility or to do any wrongful act as aforesaid beyond such jurisdiction.

Given the above definition and explanation, the police are very reluctant to start Chapter Case Proceedings in Domestic Violence cases. Domestic violence happens within the four walls of our home and thus there is no witness and no disturbance of public tranquility. However, if the man/ husband creates a lot of disturbance – yells, shouts, hurls abuses, breaks furniture, doors-windows, then the police can be convinced. Often, especially in case of an alcoholic man/ husband, the neighbours complaint to the police is a greater help. A minimum of three to four NCs is a pre-requisite to initiate Chapter Proceedings. Neighbours as witness always strengthen the case.

In urban areas, the Assistant Commissioner of Police (ACP) has the powers of the Executive Magistrate. The accused is required to appear before the ACP regularly for a given period of time. A bond of good behaviour is taken from the man if he breaks the bond within a year, then either he has to pay in cash or face imprisonment. The provision of bond or imprisonment falls under the Bombay Police Act.

Structure of Courts

The legal system has two branches, i.e. **the Civil** and **the Criminal**. Criminal law deals with offences and their punishment. Civil law, on the other hand,

focuses on the “rights” of individuals and what is needed to protect them. The Criminal and Civil laws have distinct characteristics and functions through different courts.

Criminal Law:

Criminal law recognises certain Acts as “offences” punishable with imprisonment or fine. It may be brought into action by making a complaint to the police or magistrate, and anyone (apart from a few exceptions) can file a complaint. The State prosecutor takes the lead and the police are usually involved. The Court decides on the punishment that has to be awarded. The magistrate, sessions court and high courts deals with criminal cases.

Offences in Criminal Law:

- Cruelty by the husband or his relatives
- Dowry death
- Abetment of suicide
- Causing miscarriage and infanticide
- Causing hurt and grievous hurt
- Rape and sexual offences
- Criminal Breach of Trust if the husband refuses to return belongings and stridhan
- Culpable homicide, murder and attempt to murder
- Deceitful marriage and bigamy
- Accepting dowry or even demanding for the same

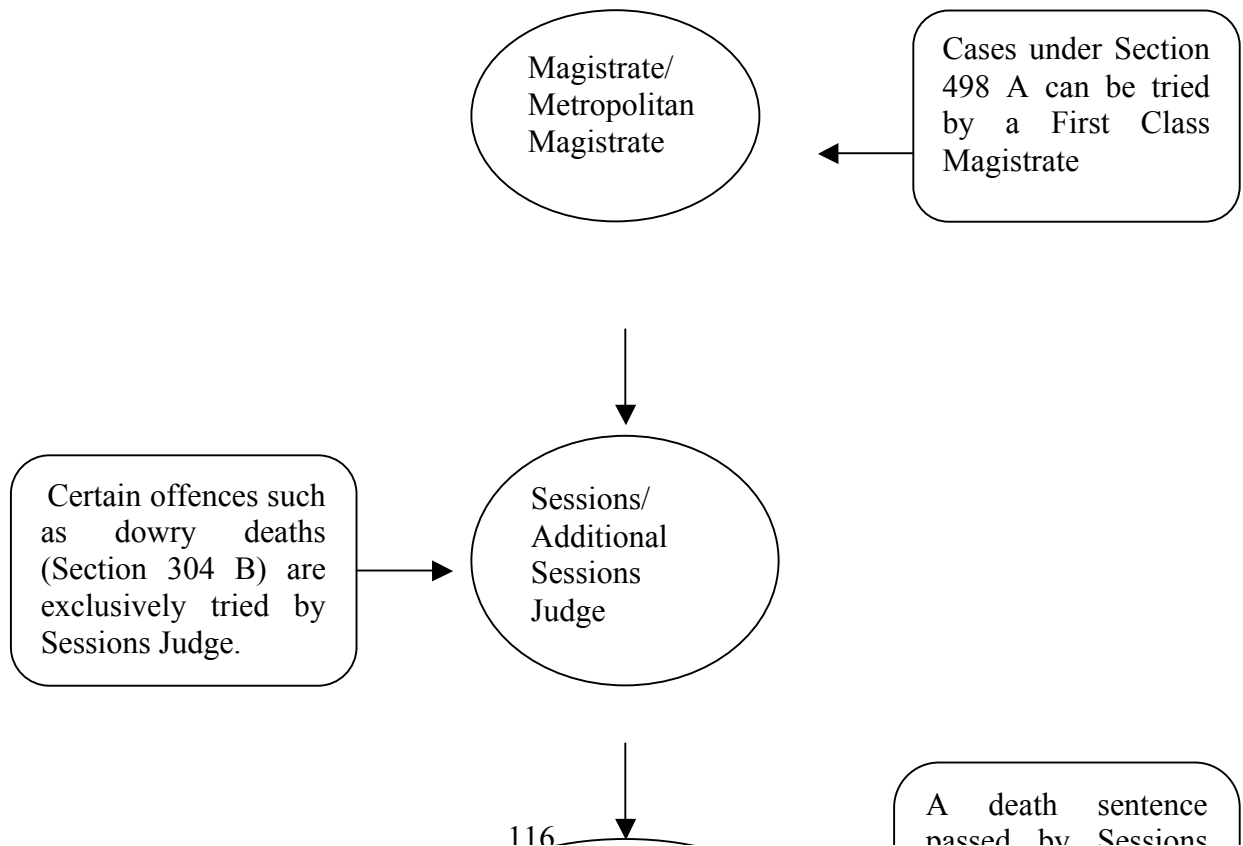
Civil Law:

Civil law deals with the rights of individuals and can be brought in the action by filing a suit or petition in the Court. One needs to hire an advocate and only the affected party can file the suit or petition. City Civil Judges, Munsifs, District Judges, Family Courts and the High Courts deal with civil cases.

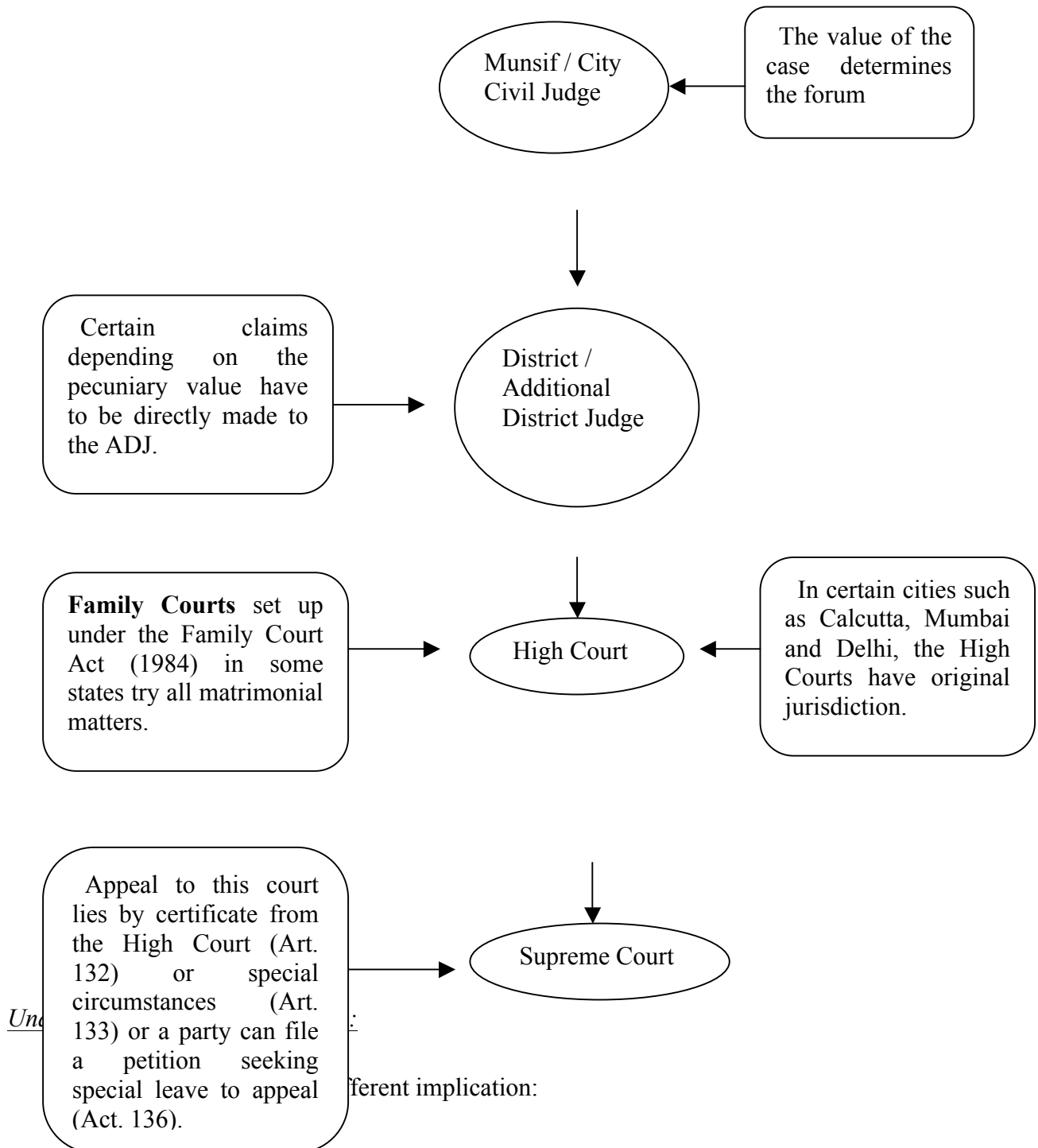
Remedies in Civil law:

- Judicial separation, divorce and restitution of conjugal rights
- Maintenance to pay for food, clothing, residence, education, medical treatment etc.
- Injunctions to prevent the abuser from doing anything that could harm your interests
- Damages or compensation for the harm done to client
- Custody of children

STRUCTURE OF CRIMINAL COURTS



STRUCTURE OF CIVIL COURTS



- If a notice is sent that the matter is ‘sub-judice’ (ie some part of the matter is being negotiated in court), then speak directly to the lawyers of the husband and explain what and how you want to intervene. However, it is important to realise that an amicable out-of-court settlement may not be necessarily liked by the lawyers. Do not interfere too much in such a matter. Explain the situation to the client and also how much one can intervene.
- The client may receive notices with allegations. Clarify to the client that it is only a letter from a lawyer. There is no need to panic and she can send a hand-written reply to all the allegations. Often clients or the husband may be accompanied by a lawyer to the court.
- Remember, this is your area of work and you are operating within the ambit of law. Do not feel threatened or overwhelmed by the situation.
- Use the laws strategically and calmly work your way to get the best for your client. Make it clear from the onset that both parties can contact their lawyers if they wish. Photo-copies of all documents should be kept available. However, lawyers can be given only the relevant documents of the case. However, if a judge or members asks for papers, ask them to give you a request letter and submit reports or photocopies of the papers – as required. But never submit original documents.
- Mention to the client that in the event that their case is refereed to in the courts, then we are willing to speak to the lawyers and help with guidance for court procedures and strategic use of laws. However, because of lack of time, space and ethical reasons it would not be possible to attend court as witness if summoned by their lawyers. However, photo copies of all documents including the application, which is generally confidential, can be submitted to the court.