Training and Resource Manual for Police Personnel
North East Network, Revised Edition (2014)

The first publication (2009) reports on a research project financed by Canada's International Development Research Centre (www.irdc.ca)
This second publication (2014) is a revised version of the Training and Resource Manual and reports on a research project financed by Germany's Brot fur Die Welt (www.brot-fuer-die-welt.de)

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MEGHALAYA STATE POLICE

MISSION STATEMENT

Our goal is to prevent crime, maintain public order, uphold justice, ensure the Rule of Law, and have honesty, integrity and fairness in all our dealings. We are committed to the safety and security of all our citizens in partnership with the people.

OBJECTIVES

- *Provide an honest, efficient, effective, law abiding, courteous, responsive and a professionally competent law enforcement machinery.*
- *Protect lives and properties of people from criminals and anti social elements.*
- *Maintain law and order in society by taking all possible measures to prevent breach of peace and in case breach of peace takes place, to bring the situation back to normal with utmost speed.*
- *Strict enforcement of legal provisions with regards to human rights.*
- *Earn goodwill, support and active assistance of the community.*
- *Equal treatment to all irrespective of religion, caste, social, economic status and political affiliation.*
- *Effective prevention and detection of crime.*
- *Effective management of traffic.*
- *Take firm and prompt action against the anti-social and rowdy elements.*
- *Maintain public order during fairs, festivals, public functions, processions, strikes, agitations, etc.*

NORTH EAST NETWORK (NEN)

OUR VISION

To build a society where there is gender justice, equality and respect for human rights across all sections, where women are involved as decision makers in all development interventions and peace processes, and where there is a change in development perspectives from 'needs' to 'rights'.

OUR MISSION

NEN is situated at a historical juncture where there is tremendous interest in the development of the hitherto marginalized North East Region, and where people of the region themselves are articulating their vision of societal change.

NEN believes that women's collective action will bring about and contribute positively to this societal change. NEN is committed to gender justice and will strive to prioritize gender issues, change perspectives of the women of the region from needs to rights and ensure the framing of gender just policies.

NEN will endeavor to empower women of the region around the issues of livelihood, reproductive health and environment and enable them to see themselves as equal partners and decision makers in the development process of the region.

NEN believes that the progress of society depends on peace both inside and outside the homes and will strive towards creating a culture of peace by women's active and informed involvement and by enhancing women's leadership roles.

NORTH EAST NETWORK

AND

MEGHALAYA STATE POLICE

GENDER SENSITIZATION TRAINING AND RESOURCE MANUAL FOR POLICE PERSONNEL

The Gender Sensitization Training and Resource Manual for Police Personnel is approved by the Government of Meghalaya, Home (Police) Department vide letter No. M/CID/Cell-V/NEN/2009/187, dated 14th August, 2009. The above was communicated to North East Network through the Special Superintendent of Police (CID) Meghalaya, Shillong.

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DR. MONISHA BEHAL
EXECUTIVE DIRECTOR
NORTH EAST NETWORK

PREFACE

North East Network, ever since its inception in 1995, has addressed the issue of violence against women in society and ways for its redress. It took up an initiative almost a decade back, to sensitise the enforcement authorities in dealing with abused and vulnerable women in the state of Meghalaya. A Training Manual was prepared for their use in 2008 and it went through a second edition after a review meeting was held in December 2013 with revisions in it. On suggestions of the members present at the review meeting, crime against children, with special reference to POCSO, has been included in the Manual. NEN emphasised that inputs on the Criminal Amendment Act of 2013 be included. Finally NEN has included the obligations of the State to minimize discrimination against women as committed, by ratification, in the UN Convention for the Elimination of All Forms of Discrimination Against Women, CEDAW.

I thank Mr A.K.Mathur, IPS, Director, NEPA for extending facilities to NEN in holding consultation in the Academy with participation of the Faculty members. We are grateful to Ms. Rovina Bastain Head of the Gender Sensitive Police Project Karnataka, for giving inputs towards the second edition of the Training Manual. I also offer deep appreciation to the team of officers of Meghalaya Police led by Mr. B.R. Rana, IPS (IGP-CID) and consisting of Mr. Vivek Syiem (SP East Khasi Hills), Mr. Maxwell Syiem (DySP, CID) and Ms. Hanny B Sangma (Inspector, CID) to the session of consultation.

Last but not the least, sincere thanks are also due to DGP Mr P.J.P.Hanaman, IPS for writing the Foreword to this edition of the Manual and also for having supported NEN in carrying out its various Projects and social responsibilities.

Dr. Monisha Behal
Executive Director
North East Network

SHRI P.J.P. HANAMAN, IPS
DIRECTOR GENERAL OF POLICE
MEGHALAYA, SHILLONG

FOREWARD

I must acknowledge in all honesty that the first edition of the Training and Resource Manual for Police Personnel on "Gender Sensitization: Violence Against Women" has been of immense help in enhancing professionalism among Police personnel while dealing with issues relating to crimes against women and children. I also compliment North East Network for this initiative.

North East Network has been working with the Meghalaya Police for several years towards providing resource support for in-service training for our Police personnel. This co-operation has led to the publishing of the second edition of the Training and Resource Manual, where the latest laws and amendments such as "The Protection of Children from Sexual Offences Act 2012" and "The Criminal Law Amendment Act 2013" have been incorporated. I am sure that this edition will be an invaluable addition to the lexicon of Police training resource material and I call upon the Police Training School and other Training Institutions of the Meghalaya Police to reap the benefit of this joint initiative.

Crimes against women and children in Meghalaya has unfortunately been on the increase and calls for the police force to exercise greater professionalism in investigating such cases so that the guilty are brought to justice. There is also a need for the police to display greater sensitivity towards the victims while handling such cases. This timely publication, I feel, will go a long way in achieving this objective.

P.J.P Hanaman
25/04/2014

Shri P.J.P Hanaman, IPS
Director General of Police
Meghalaya, Shillong

ROLES AND RESPONSIBILITIES OF THE POLICE STATIONS WITHIN COMMUNITIES *

In a democratic country like India, the police owe their existence to, and derive their authority from, the public at large. The Constitution and the various laws governing police work, serve both as clear parameters for police functioning as well as the limits of their authority. Considering the historical background of police in India, it has been difficult to transform the system from a type of ruler-appointed force to a people appointed-service; most critics feel that the police themselves have not understood and accepted this transformation.

In 1947, with the gaining of Independence, the expected overhaul of the inherited colonial police system did not take place, because the security and stability of India were most important. However, it is not encouraging that fifty five years later, we are still in the process of attempting this transformation. We are still trying to work together, the police and the people, to make the system more responsive and sensitive towards the citizens of a democracy, particularly those who are traditionally oppressed, dominated, violated against or ignored-women, children, minorities, people from SC/ST communities, the disabled and so on.

The difficulties that the police face in protecting citizens cannot be under-estimated; being a police person is challenging physically, mentally and emotionally. However, it sometimes appears as though police roles and responsibilities do not adequately reflect the issues that affect vulnerable people. Women and children alone constitute over 70% of the population, yet violence against them often goes unrecorded! All elements of the justice system need to be sensitized to these problems, but the police, in particular, can be positive role models in their attitudes and behavior.

THE NEED FOR POLICE REFORM

It is true that the role of the police all over the world and in India, in particular, is becoming vastly enlarged and complicated. This is because of new laws, additional responsibilities regarding social legislations, the alarming increase in crime, terrorism and so on. The limitations of existing legal provisions to tackle new types of situations, a shortage of manpower and equipment to meet new challenges, the mostly unsupportive media and other related reasons also make the task much more complicated. In this context, it is but natural that police attitudes to various job-related issues get altered or reinforced.

However, psychologists speak of the need to develop positive attitudes to work on human relations. Unfortunately, it is the negative attitudes of the police personnel that lead to public disapproval. When these negative attitudes affect public interest and the course of justice, they need to be understood and changed. A change in attitude does not mean only change in behavior. Offensive and unlawful behavior ought to be, and generally is, dealt with according to the departmental rules of discipline and the criminal laws. On the other hand, where required, attitudinal changes or corrections can be brought about only through a process of individual and group commitment and intensive and repeated training, both structured and on the job.

In examining the police system and the structure, one needs to understand the issues of power, socialization, authority, hierarchy and routinisation. It is important to remember that social relations within the police system, the underlying assumptions or biases that govern these relations are reflections of the same assumptions and biases within the larger social context. While routinisation helps in the capacity to regulate arrangements of procedures it does not necessarily work towards the achievements of social justice. Police officers as well as complainants can forget their essential humane nature

*Reproduced from the Karnataka State Police Training and Resource Manual 2003, with additional inputs by NEN.

in the details and stresses of daily routine. Within the system itself, police officers might dominate or oppress each other through the structures of rank and hierarchy.

The reason that it is difficult for many police officers to prevent violence, or to stop themselves from being violent, is that there is a group opinion that feels that a particular situation demands violence and many feel unable to disagree. However, many officers, particularly senior officers involved in reform processes, feel strongly that police authority does not have to be negative, repressive force. Collective as well as individual action can make an authoritative system like the police more sensitive, both towards the public as well as for the officers themselves.

THE IMPORTANCE OF THE POLICE STATION AS A COMMUNITY INSTITUTION

The police do not work in isolation, and in moving towards being a people-oriented system, they need the support of the communities they live and work in. Sir Robert Peel, while evolving the London Metropolitan Police, gave to his police a series of principles. The first two of these ideals are given here.

1. The basic mission for which police exists, is to prevent crime and disorder.
2. The ability of the police force to perform its duties is dependent upon the public approval of police existence, actions, behavior, and the ability of the police to secure and maintain public respect.

First, the police do reflect the culture of the society they represent. Secondly, a democratic policing style expects a substantial amount of self-policing by the people, if communities are to succeed in sustaining peace and order. Thirdly, the nature of police behavior becomes very vital for the success of police work in the context of the community.

If the style of law enforcement (most commonly seen in the actions of the police) is to be credible and ethical to the ordinary citizen, with standards of fairness, reasonableness and human decency, then it will depend on the extent to which police behavior reflects such an outlook. The process of developing such system of law enforcement depends on a number of factors- the design of recruiting quality entrants, having better training, confirming the integrity of police work by insulating it from political and other extraneous pressures, increasing opportunities for the self-advancement of police personnel and improving the method and manner of job functions, including the application of technology in all areas of police work. Finally, however, this system depends on the foundation of public support.

Community policing then is a philosophy essential to the police system. Not only do the police need to understand their commitment to the communities they work with, but the communities including Non Governmental Organizations (NGOs), in turn need to support their local police, as well as be critical of their efforts when needed. In order to optimize the impact of community policing, there have been several initiatives across India. In the State of Meghalaya North East Network, a women's rights organization, initiated a project with the objective of *Gender Sensitizing Police Personnel* so that they are able to response sensitively and effectively to cases of violence against women. The Project draws from a successful effort as seen in the Karnataka State Police where the latter in partnership with UNICEF team, worked together on a ***Gender Sensitization and People-friendly Police Project.*** The NEN project ultimately aims at advocating appropriate public policy that would ensure support services for abused women and girls and protect the rights and dignity of the survivors of violence.

It is only through the collective effort of different departments of the government, NGOs and communities, that there is an acknowledgement of, and action taken on, the various issues affecting women and children. All this makes the Police Station an essential institution in the community that succeeds in protecting citizens' rights, and therefore, the police personnel working in these police stations are critical 'change agents' for a process of responsible and responsive policing.

THE TRAINING AND RESOURCE MANUAL

INDICATORS OF GENDER-SENSITIVITY

HOW TO PLAN WORKSHOPS?

THE STRUCTURE AND DESIGN OF THE WORKSHOP SESSIONS

WHAT ARE THE OBJECTIVES AND OUTCOMES EXPECTED FROM THE WORKSHOP - WHAT SHOULD 'GENDER - SENSITIVITY' MEAN TO YOU?

AS A HUMAN BEING:

- Gender is a term used for the socially assigned/constructed roles given to men and women. 'Gender Sensitization' is the process of understanding how this socialization creates inequalities between men and women.

- 'Gender equality' is the political equality given to men and women, by the Constitution of India. However, the lack of social and economic equality means that we have to work towards 'gender equity' and 'gender justice' in the world around us. This will help in creating a more just and progressive society.

- Violence in any context is not acceptable: no one has the right to abuse another.

- Violence in any form is not acceptable: the universal definition of violence is 'physical, sexual and psychological violence, occurring in the home, in the community, in the workplace or by the State' (see the Convention on Elimination of Discrimination Against Women).

- Violence occurs when someone tries to gain power at the expense of someone else who is less powerful.

- All over the world, individuals, organisations and governments understand and accept the need to combat violence of any kind, particularly against women and children.

AS A POLICE OFFICER:

- The police are an integral part of the community; you have special responsibilities and powers to protect your community. Therefore there is a need for direct positive and pro-active interventions

- **Police personnel who are 'gender-sensitive' are best able to prevent gender- based violence.**

- Every police officer, every police station, is the first step in the criminal justice system: in a democratic state, this means that the police is accountable to the people and the state.

- The police system exists to implement laws in such a way that the faith of the people in the delivery of justice is maintained.

- A change in attitude leads to a change in action: only if you understand and act upon laws and procedures in a people- friendly manner, will justice be achieved.

- Positive policing is a productive process: being sensitive to colleagues and complainants makes the police system more effective and efficient. Being a good police officer means being able to produce good outcomes for the most number of people.

- Let us remember that most of us have girl children and their rights and future need to be protected and secured.

STRUCTURE OF THE TRAINING MODULE AND DESIGN OF THE WORKSHOP

IS GENDER SENSITISATION IMPORTANT FOR POLICE?

'Gender' is the socially assigned/constructed roles given to men and women.

'Gender Sensitization' is the process of understanding how this socialisation creates inequalities between men and women through different relation of power.

WHY IS GENDER SENSITISATION IMPORTANT?

A police station's jurisdiction covers a population of men, women and children of different class, caste, ethnic, religious, and language backgrounds. It is essential that all police officers understand the issues related to women who comprises 50% of these population. As professional attitudes are influenced by social or personal values, it is important for all of us to examine our perspective towards different people, in order to become more people- friendly and sensitive to cases of violence against women.

WHY IS GENDER SENSITISATION PARTICULARLY IMPORTANT FOR THE POLICE?

The state of Meghalaya bears a population of 29,66,889 (2011 census) comprising of a female population of 14,75,057 i.e.,49.7% of the population[1] Equipped with 43 police stations, 45 police out posts, 8 beat houses, 19 circles and 4 subdivisions, each police setup therefore, looks after approximately 18,000 population on an average. With a handful of police officials counting to 12,489, every police personnel/officer is responsible for over 300 people under their jurisdiction, making it a heavy burden of duty and responsibility for them. Hence it is very crucial and essential for every police officer to understand the nature of the people he or she works for and works with. Would you not want to understand the issues concerning almost half the population you work with i.e., the women?

[1]Source: Office of the Inspector General of Police

GENDER SENSATIZATION WORKSHOP

WHY SHOULD POLICE OFFICERS BE TRAINERS AND FACILITATORS FOR A GENDER SENSITISATION WORKSHOP?

This training module is important for police personnel because of your crucial role in the criminal justice system, your unique ability and powers to support women, and the opportunity to enhance your skills to make you and the police system, even more sensitive and responsive. This will help the public to appreciate the positive aspects of policing, rather than seeing police officers as figures of negative authority.

As a police officer, you know and understand best the powers and responsibilities of the police system, and are also aware of the constraints under which police personnel work. A police officer's duty is to respect and enforce the law, in order to protect citizens and safeguard their rights. Your own position therefore makes you uniquely equipped to be a trainer, and to use your experience towards improving relations between the community and the police. The 'gender-sensitization' workshop should help all police persons to understand better the issues relating to women, and to ensure an increased receptivity towards complainants. As a trainer, you are uniquely contributing to a long –term commitment of the police to create more positive working environments, and to become more people friendly.

PLEASE FOLLOW THE STRUCTURE OF THE MODULE CLOSELY- THIS WILL ENSURE THE MOST EFFECTIVE OUTCOMES FOR THE TRAINING.

The training is structured in this format, for a period of 2 days:

DAY I	**CONTENTS**	**PAGE**
Session 1	: A questionnaire on Women – To be distributed, filled and collected on the spot	... 12
Session 2	: An introductory 'icebreaker' session with all participants	... 13
Session 3	: Introduction to the Training	...
Session 4	: Situational Analysis – Violence against Women	...
Session 5	: Understanding Violence Against Women	...
Session 6	: Gender and Power Relations	...

DAY II

Session 1 : Review by the participants of the previous day's sessions ...

Session 2 : Laws related to Crime against Women ...

2.1: Protection of Women from Domestic Violence (PWDV) Act and the Role of Police

2.2: Presentation on Criminal Law (Amendment) Act, 2013 ...

Session 3 : Rights of Children and Responsibilities of the Police ...

3.1 : Standard Operation Procedures (SOPs) ...

3.2 : Presentation on Protection of Children from Sexual Offences Act, 2012 ...

Session 4 : UN Conventions ...

Session 5 : Communication skills in police work, Public Perceptions and Police Behaviour ...

Session 6 : Sharing of Experiences and Feedback ...

Session 7 : Valedictory & Distribution of Certificates ...

DAY I

WHO CONDUCTS THE SESSION AND FOR HOW LONG?

WHAT IS NEEDED FOR TODAY?

Questionnaire on Women

White board with pens or black board with chalk

Overhead Projector (OHP) and transparencies (if required)/ LCD Projector

Charts, flip chart & sketch pens/markers for group exercises

Posters for display (to remain on display throughout the training-optional)

Issue based films for the evening screening-optional

Files for participants with note pads, pens, programme sheet

Hand outs

Any additional resource material that external resource persons may want to share (these can be added to the kit for future reference and distribution also, if appropriate)

Registration list

Mike system, if necessary

SESSION 1: QUESTIONNAIRE ON WOMEN

Who conducts the session?
The team of trainers and resource persons.

For how long?
15-30 minutes.

Why? (Objectives and outcomes of the session)

At the end of the exercise, the participants should understand the following:

- The kinds of myths that exist around violence, especially against women
- Very often, people perpetuate these myths- at home and at work- such that violence becomes 'acceptable' in many ways.
- The different laws and procedures that prevent violence against women, and punish the perpetrators of such crimes

How? (How to conduct the exercise)

Methodology
Prepared questionnaires on violence against women which can be used to assess the attitudes and information levels of all participants. These questionnaires should be given both at the beginning of the workshop and on Day II, during the 'Feedback Session'.

QUESTIONNAIRE INCLUDED AS APPENDIX II. PLEASE PHOTOCOPY AS MANY COPIES AS REQUIRED FOR EACH TRAINING.

Process
Give all participants the questionnaire and ask them to fill it up- without consulting fellow participants. When the questionnaires are returned, tabulate the results at the end of Day I. Then again give the questionnaire to the participants on Day II during the feedback session. Use the comparison to gauge the change in attitudes through the duration of the training. This will also be a measure of how effective the training has been.

SESSION 2: INTRODUCTORY GAME FOR ALL PARTICIPANTS

Who conducts the session?
Trainers/Resource Person.

For how long?
20-25 minutes

Why? (Objectives of the session)

- To establish a more open atmosphere and make people more comfortable.
- To initiate sharing amongst participants.

How? (How to conduct the session)

Methodology
Participatory, involving all participants in an exercise, with instructions from the trainer/resource person.

Process

- Change the position of the participants for instance; Sub-Inspectors from the same police station should not sit together. Make them sit in a circle/semi-circle.

- Next, ask the participants to form pairs with the person sitting on their left, and ask them to respond to each other, answering the following questions (give them 5 minutes for this process):
  - What is your name?
  - What is your favourite colour and food?
  - Who is the person you admire most?

(The trainers should also be part of the game)

- After this exercise, ask each pair to stand up and introduce each other, giving the answers to the 3 questions (encourage, if possible, the participants to memorise the answers rather than to read them out).

** The facilitator can use other introductory games as per the context and need of the participants/training session.

SESSION 3: INTRODUCTION TO THE TRAINING

Who conducts the session?
Trainers/Resource Person

For how long?
10 minutes

State the Agenda/Objectives of the different Sessions for the day.

Why? (Objectives and outcomes of the session)

- To familiarize participants with objectives of the training.

How? (How to conduct the session)

Methodology
Presentation from the Trainers/Resource Persons.

Process
- Introduce the training and its objectives.
- Work with the participants on what the code of conduct should be (this may be participatory and voluntary).Emphasize the need to respect each other throughout the training.
- State the importance and need of Gender Sensitization for the Police force.

CODE OF CONDUCT
This code of conduct is meant for all days of the workshop, and should help the trainers in setting a few ground rules for behavior during the sessions. It can be developed with the participants so that it is binding on everyone present at the workshop. However, as the trainer, try to make sure that the following points get discussed as part of the mutually agreed upon code.

- Be punctual
- Be respectful to everyone
- Do not discriminate on the basis of rank, gender, region, religion, community or language
- Allow others to share their views without interruption
- During discussions, everyone's views are important and should be listened to, even if there is no agreement
- Even after the workshop sessions of each day, participants should maintain the 'code of conduct'.

Trainers can emphasize Article 14 of the Constitution as the foundation for the workshop's "code": Right to Equality and Dignity.
**** The above is as per the 'code of conduct' in the training manual of Karnataka State Police UNICEF, 2003.**

TEA BREAK FOR 10 MINUTES

SESSION 4: SITUATIONAL ANALYSIS-VIOLENCE AGAINST WOMEN AND GIRLS

Who conducts the session?
Trainers/Resource Persons

For how long?
15 minutes

Why? (Objectives and outcomes of the session)

- To enable the participants to gain knowledge and understanding on the various forms of Violence Against Women and Girls prevalent in Meghalaya and in the North East Region of India.
- To identify which forms of violence against women is the highest.

How? (How to conduct the session)

Methodology
Presentation from the Trainers/Resource person.

Process
- Introduce the session and its objectives. Make a short presentation on the situational Analysis of Violence Against Women and Girls.
  (See Annexure VIII)
- Have an open discussion on the contents of the presentation.

** It is important to note that the situational analysis of women should always be updated before every training session.

SESSION 5: UNDERSTANDING VIOLENCE AGAINST WOMEN

Who conducts the session?
Trainers/Resource Persons.

For how long?
2 hours

Why? (Objectives and outcomes of the session)

- To enable participants to discuss violence against women.
- To identify the root causes of violence against women.
- To build the culture of thinking and working together to achieve creative solutions.

How? (How to conduct the session)

Methodology
Exercise, group discussion, lecture.

Process
4.1

Understanding violence

Exercise

- **Chose your partner whom you are comfortable with and share with each other in pairs.**

Share two episodes in your life-

1. Where you face violence, somebody inflicted violence on you.
2. You inflicted violence on someone.

What did you share? Answer questions based on what you discussed with your partner.

- **Based from your narration, who were these people who faced violence**.

Think of the episodes again and then answer the following:

- Who were the abusers, who inflicted the violence on whom?
- What is the nature of the relationship?
- What was the type of violence (what did you share)?
- What did you feel as a perpetrator?
- What did you feel as a victim?
  (eg, discomfort within a relationship, depressed, sad etc..)

Was it easy for you to do this exercise? ***(Resource Person asks the question and can conclude the exercise by stating that it is not easy for a woman to share her problems of intimacy with others).*

Resource person gives an introduction on **"Violence"** and its definition:

WHO's Definition of Violence (2002)

"The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation."

United Nations Definition of Violence Against Women (1993)

"Any act of gender based violence that results in or is likely to result in Physical, Sexual or Psychological harm or suffering, including threats of such act, coercion or arbitrary deprivation of liberty, whether in public or private life."

NEXT (The resource person can start a discussion on the following):

- What allows them to be violent
- What is the profile of the perpetrator
- Sources of power

The above can be done as an exercise where the resource person can make two columns on a chart paper as follows:
The participants should mention who are the victims of violence and who are the perpetrators. The resource person can fill in the responses in the respective columns.

VICTIM:	PERPETRATOR:

Resource person should elaborate on the given responses and explain that in relationship, superior and inferior roles exist. There is no quality of power and in most cases the women are found to be the victims of violence. POWER encourages/paves the way to violence of different forms. Accordingly, POWER is used to (write the following statements on the chart paper):

- To inflict violence on others
- To create misunderstanding
- Dominate/Control
- Humiliate etc.

This clearly indicates that violence is not an uncontrollable behavior but is something which is done intentionally; and these forms of behavior are expressed physically, mentally, emotionally and economically. Resource Person refers to the *Power and Control figure* in Appendix VI to emphasize the various forms of violence against women and how women may experience all these forms of violence at the same time, or only some aspects. But research shows that the longer men are left unchecked by the criminal justice system and community, the more likely it is that the forms taken by violence will be extended. The reason for this is that violence against women is the result of behavior that seeks control through the exercise of power.

What is Power?
Resource person asks participants to respond to the above question.

Then the resource person will give a brief explanation of power, sources of power and how power and violence is used to maintain the unequal structures in society *(explain the power matrix and bring in the element of patriarchy and how patriarchy affects the acting out of roles and stereotypes).*

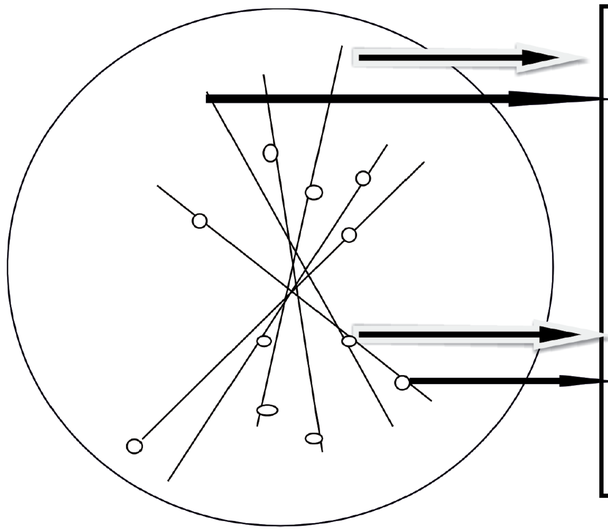
Patriarchy and Power

Patriarchy "the rule of the male" uses Power to set out the agenda for acting out of various forms of violence or oppressions against women. These violence/oppressions can be carried out systematically and can be termed as "Systemic Gender Oppression". Systemic Gender Oppression is acted out in the – families, Communities, State, Social and Legal systems, covertly and overtly.
****Culture and traditions are used to justify the various forms of violence or Gender-based violence that exists in every society or community.*

When we use the term power or powerful, what do we understand by it, what are the sources of power in Society, how do you say that somebody is more powerful than the other or weaker than the other person. Is it only physical strength? No, status decides how much power one has. What defines status in Society?

The resource person then does an illustration of the POWER MATRIX on a chart paper. This can be done in a participatory way:

POWER MATRIX:
The Resource Person will work through the Power Matrix Exercise by asking participants to give instances in society where there is a difference in status. Some of the responses could be: financial position, class/caste, designation, gender, education, political power, religion, age, geographical distance, the haves and the have nots, etc. Resource person can then explain the Power Matrix as follows:



Rich educated woman from city – high status and hence more power.

Politician who is a man- high status and hence more power than his woman counterpart.

Rich uneducated woman from village - lower status and hence less power.

Politician who is a woman- lower status hence lesser power.

Any incident is violence when it is intentional and deliberate and it is meant to cause harm and to humiliate or cause damage, one need to remember that this is possible in any relationship where there is difference in power.

Ask participants to go back to all the earlier victim and perpetrator profiles that you spoke about: Teacher-Student, Husband-Wife, Parents-Children, Boss-Worker, and Boyfriend-Girlfriend. These are relationships which have unequal relationship, where somebody is more powerful than the other.

Sources of Power in Society:
How do you say that somebody is more powerful than the other or that somebody is weaker than the other? Is it only physical strength? Or is it also Status.

What defines Status in Society?

- Financial Position/Class: Here we have somebody who is in a higher position and somebody who is in a lower position. The people who are higher in class/Financial position will have more power as compared to the people who are lower in class/Financial position.
- Gender (male and female)
- Designation
- Educational Qualification
- Political Power
- Age/ Caste/ Religion
- Geographical distance (urban and rural)
- Etc.

These are several factors by which a person in society is valued/undervalued. People can be valued or undervalued because of factors stated above.

Based on where each person is (in the Power matrix), defines the kind of status that each person has and therefore the power that they have. It is obvious that all people in the society are not at power, there is always some difference and so there is a difference in status and a difference in power. And violence is a tool to maintain these unequal structures and unequal relationships, because what a person does by being violent or by inflicting violence on somebody else, is to tell the person this is where they belong, to further humiliate the person, so one is using one's power to abuse someone and by doing that they maintain that relationship as it is. So violence is really a tool to allow these kinds of inequalities to continue in society. It takes various forms: physical, emotional, violence against women, violence within homes, violence within communities (communal conflicts), violence based on religion etc... All of these are a way, a method of keeping those who are seen as less powerful or often known as minorities to keep them at the level they already are at.

Unless we understand what is the social structure that is allowing these violence to occur, we will not be able understand the realities and help those in need.

Discrimination:

When we say that a certain group is discriminated against or an individual faces discrimination, what

we really mean is that they are not able to realize all their rights.

"Violence" is a direct violation where a person is inflicting pain on another.
"Discrimination" is keeping people away from accessing certain resources and from fully realizing certain rights. And till there is discrimination, society will always have hierarchy within relationships and amongst different human beings in society.

- Resource Person gives the different forms of gender based violence & Explains the theory - ***Cycle of Violence (Appendix VI)***

FORMS OF GENDER-BASED VIOLENCE

Physical Abuse	Psychological / Emotional Abuse	Sexual Coercion	Controlling Behavior
Physical assaults and threats used to control another person.	**Mistreatment and undermining self worth of another person results in making that person more dependent and frightened of the abuser.**	**Physical force or non-physical coercion to compel women to have sex against their will.**	**Results from the power relationships and discrimination especially due to patriarchal norms.**
• Punching • Hitting • Choking • Beating • Throwing objects at the person • Burns • Kicking and pushing • Using weapons such as knife, sickle and rod to hurt	• Criticism • Threats • Insults • Passing belittling comments • Inciting other person to get angry	• Forced penetration • Sexual assault-forced sexual contact • Sexual molestation • Intimidation to force a women for sexual act • Forced marriage	• Prohibiting women to work outside home • Financial control • Isolating the person • Monitoring their movements • Restricting access to information

- Resource Person ends the session with a poem :

A POEM

"I GOT FLOWERS TODAY"

We had our first argument last night, and he said a lot of cruel things that really hurt me.
I know he is sorry and didn't mean the things he said, because he sent me flowers today.
I got flowers today. It wasn't our anniversary or any other special day.

Last night he threw me into a wall and started to choke me. It seemed like a nightmare, I couldn't believe it was real.
I woke up this morning sore and bruised all over.
I know he must be sorry cause he sent me flowers today.
I got flowers today, and it wasn't mother's day or any other special day.

Last night he beat me up again, it was much worse than all the other times.
If I leave him, what will I do? How will I take care of my kids?
What about money? I'm afraid of him and scared to leave.
But I know he must be sorry because he sent me flowers today.
I got flowers today. Today was a very special day. It was the day of my funeral.
Last night, he finally killed me. He beat me to death. If only I had gathered enough courage to leave him, I would not have gotten flowers today.....

NEXT:

Resource Person explains the following:
Who is a Perpetrator/Assailant? Someone who has committed a violent or harmful act/crime.

Who is a Victim? A person who has been harmed or killed as a result of a crime or other event of action.

Who is a Survivor of violence? "Survivor" is a term for the individual who is being targeted for abuse. Sometimes they may be referred to as "victims." A survivor is someone who carries on no matter what – a survivor is a person of extreme courage and perseverance.

The following Handouts may be given to participants: Hand out on Domestic Violence, Myths and realities about rape, Cycle of Violence
Duluth Model.

SESSION 6: GENDER AND POWER RELATIONS

Who conducts the session?
Resource Person/Trainers

For how long?
2 hours

Why? (Objectives and Outcomes of the session)

At the end of the session, the participants should understand the following:

- The ways in which social relations are created
- How different allocations of power and resources can create discriminations of various types, particularly gender based discrimination
- The difference between gender and sex
- That the roles of men and women are socially constructed, in most cases
- The reasons for gender stereotypes and socialization of attitudes
- The difference between the use/abuse of power and violence
- How violence is created in different aspects (institutions) of our lives, how we support or deny humaneness and human rights.
- How violence is supported or challenged through the connections between these social and public institutions.

How? (How to conduct the session)

Methodology
Interactive with exercises and role play

Understanding Gender

Exercise 1:
Read the following gender/sex statements aloud and ask if it refers to sex or gender (could write them on a chart, and then add Sex or Gender next to it.). Participants could be asked to stand in a row/s and instructed to step forward if it is GENDER and remain in same position if it is SEX

List of Gender/Sex statements:

- Women give birth
- Most taxi drivers are men
- Little girls are gentle and boys are tough
- Boy's voices change, girls don't.
- Girls have long hair
- Women cook
- Men are violent by nature

The exercise could generate considerable discussion in the group because for some statements, participants may not be sure about whether they should step forward or remain in the same position. Some of the statements on biological sex could be easy to decide on, but the ones on social conditioning could be tricky. Two statements that could cause debate are with regard to hair length and cooking. Use the example of these two characteristics to explain how some notions are so finely ingrained into our upbringing that we almost begin to consider them as biologically determined traits. That is why long hair is subconsciously associated with being a woman.

The same logic applies to cooking as well. In most houses, it is the woman who cooks. But if one were to step into a restaurant, more often than not, the chefs are men. Similarly, it is the woman who normally mends clothes in the house, but most professional tailors and dress designers are men. So men are able to do the same work as women, but when they do, there is an economical value associated with it. Stress that it is not wrong to cook and sew, but when these duties are enforced upon women as a gender construct, it is a problem.

Other understandings through the exercise are: that biological sex is generally permanent while gender can be changed. Some of the statements on violence are related to gender rather than sex. Men and women both have feelings of anger, but they react to it in different ways. This is because it is considered okay for men to be violent, but women are expected to be gentle.

This exercise clearly shows how society, norms and culture play an important role in differentiating the two sexes and ultimately defines the role for them.

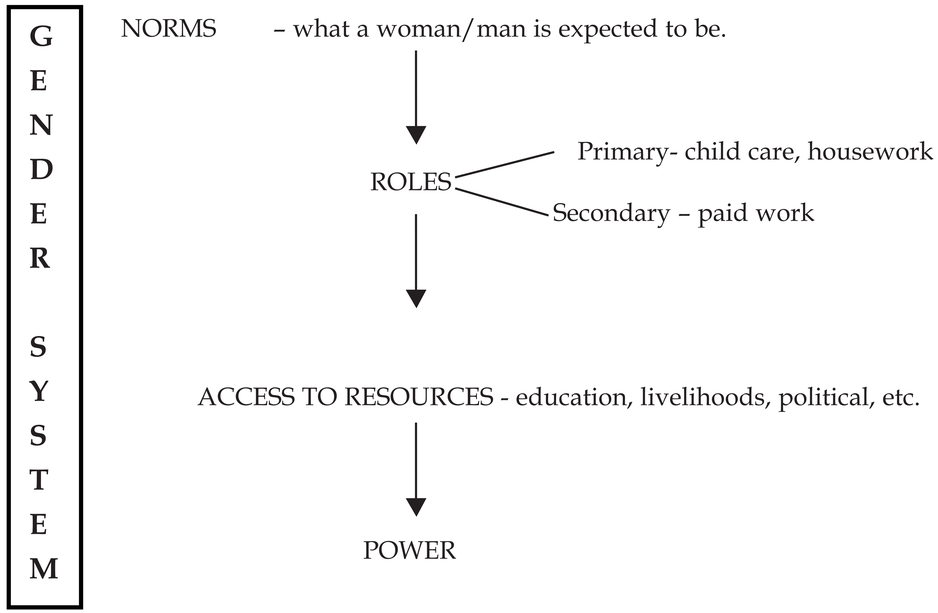
Following this the resource person flashes the chart below:

GENDER		**SEX**	
Men	**Women**	**Men**	**Women**
Strong	Emotional	No breasts	Menstruate
Sensible	Home-maker		
Decision-maker	Nurturer	Cannot give birth	Give Birth
Etc.	Etc.	Etc.	Etc.
GENDER CAN CHANGE		**SEX CANNOT CHANGE**	

Then the resource person can elaborate by saying that the above social constructions (GENDER) create discrimination in the society. For instance attitude towards a woman, perception of a woman and value which we nourish, that is unhealthy, leads to discrimination. Next, the resource person can ask participants to go back to the session on Violence and reflect on why gender based violence happen?

Exercise 2:
Resource person to conduct a Reflective Exercise (Refer to Appendix vii: My Personal Gender Profile) with the participants. Handouts of the chart to be given.

Exercise 3:
Resource Person will do a participatory exercise on: The Gender System to show that all society across the globe follows one gender system:



Resource Person explains by stating that because of the above, there is a strong need to change and break the system in order to achieve equal power relations.

** End the Session by connecting Power to Victim Perpetrator which was done in the earlier session.

DAY II

WHO CONDUCTS THE SESSION AND FOR HOW LONG?

WHAT IS NEEDED FOR TODAY?

White board with pens or black board with chalks

OHP or LCD Projector, if required

Charts, flip chart & Sketch pens/ crayons for group exercises

Registration list (for verification of attendance for that day)

Mike system, if necessary

Any resource material that external resource persons may want to share (these can be added to the kit for future reference and for distribution also, if applicable)

SESSION 1: REVIEW OF THE PREVIOUS DAY'S SESSIONS BY THE PARTICIPANTS

Who conducts the session?
Trainers/Resource Person

For how long?
5-10 minutes

Why? (Objectives and outcomes of the session)

At the end of the session the participants should have done the following

- Expressed their overall impressions of the training as it is being conducted.
- Reviewed the previous day's sessions so that any difficult concepts are reiterated and reinforced.
- Raised any issues, either in terms of content or logistics that need to be brought to the notice of the coordinating team.

How? (How to conduct the session)

Process

- Each person or any one participant can come up and express their overall impressions either by using a white board or by pointing out any key issues identified through the previous day's sessions.

- Participants can ask questions about the previous day's sessions from the resource persons. These can be clarified, if possible, or if an appropriate response cannot be given, a promise should be made to get back to the group with a resource person's response.

Tea Break for 10 minutes

SESSION 2: LAWS RELATED TO CRIME AGAINST WOMEN

Who conducts the session?
Trainer/Resource Persons

For how long?
1 hour for two sessions

Why? (Objectives and outcomes of the session)

At the end of the session, the participants should have done the following:

- Learnt different types of sections related to Violence Against Women.
- Focused on how to strengthen the content of an FIR, in cases of dowry death, assault, harassment, other forms of violence, trafficking and abuse in any context- by using sections of the law under the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), Prevention of Immoral Trafficking Act (PITA), the Indian Evidence Act, any particular State Police Act, Dying Declarations.
- Understood that the police are a critical part of the criminal justice system, along with the linkages between public prosecutors, the judiciary, forensic and medical experts.
- Learnt how to create partnership with members of the communities, especially social organizations including women's groups, who would be willing to support the police in the course of justice.

How? (How to conduct the session)

Methodology
Presentation, with a question- answer session.

Process

- Explain to the participants the most important laws and legislations that deal with violence against women.
- Go on explaining the most important laws and legislations that deal with violence against women. The most commonly used by police personnel is 498A. However, ask the participants whether they all know this section in detail.

The actual wording of 498A states that "whosoever, being the husband or the relative of the husband of a women, subjects such women to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to a fine."

The section goes on to explain cruelty under this provision as:

a. any willful conduct which is of such nature as is likely to drive the women to commit suicide or to cause grave injury or danger to the life and limb or health (mental or physical) of the women.

OR

b. harassment of the woman where such harassment is with a view to coercing her, or any person related to her, to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such a demand.

This shows clearly that 498A does not imply or cover only dowry harassment. 498A recognizes that all violence against women within the four walls of the house, do not begin and end with or because of dowry. Cases of women reporting violence because of alcoholic husbands, financial stress, because of second marriages, suspecting the wife etc. are other complaints. 498A covers all these cases, and provides women relief from violence arising out of issues not limited to dowry and dowry demands. Any act or conduct that is willful and violent often forcing women to suicide or an attempt to suicide, are covered under this section.

- There is no time limit to the invoking of this section.
- If the cruelty complained of is in relation with dowry demands or unfulfilled dowry promises, then in addition to section 498A, Section 4 of the Dowry Prohibition Act 1961 must also be used.

- Help participants understand that not all cases of cruelty against women should and can be booked only under Section 498A. Sections like 319, 320-323, 324, 341-348 etc can also be used by police officers to prevent the different forms of cruelty used against women.

Reiterate at the end of this session that a complainant most often comes to the police station as a last resort. Therefore, it will help the complainants and make police procedures more efficient if the following steps are followed:

- If the complainant wants to file a complaint, please do so immediately and give her a copy of the FIR. After that, other forms of help can be given as appropriate to the situation, including counseling.
- In cases of physical abuse-where a Cognisable Offence has been clearly committed- an FIR must be registered immediately.
- In cases where specialized counseling may be required, please send the complainant to a local NGO/social worker/counselor who can speak to her in confidence.
- If the complainant desires that she wants some other form of help-please help her in whatever way possible.

SESSION 2.1: PRESENTATION ON PWDV[2] ACT AND ROLE OF POLICE

Who conducts the session?
Resource person or Training team

For how long?
20-30 minutes

Why? (Objectives and outcomes of the session)

- To provide clarity on the provisions of the Act.
- To create awareness about Women's Rights and Gender issues in the context of the Law.
- To create awareness on other International Women's Rights mechanism like CEDAW[3].

How? (How to conduct the session)

Methodology
Presentation, with a question- answer session.

Process

- Brief account on history of Women's Rights mechanism
- Resource person should clarify that PWDV Act is a civil law giving relief order to women victim and not a criminal law though it is also said that the IPC section can also be added to strengthen the case.
- The law clearly states that women cannot use this law against another woman.
- Under this act the role of the police is as follows:
- When aggrieved person comes to the police station, police are supposed to make Diary Entry. Under section 5 it is the duty of the police to give information regarding the different options under the Act and also other existing legislations.
- In case the aggrieved person decides or opt for different options under the act then it is the duty of the police to guide the aggrieved person to a Protection Officer or Service Provider
- In case there is any breach order from the court then the case becomes punishable offence and it is the role of the police to arrest the accused (Section 31).
- Section 95 & 7 directs police to give protection to aggrieved person and or assist in the implementation of the order.
- Resource person can also talk about different rights mechanisms and different relief that the abused woman can avail under this act.
- In the presentation the resource person can also highlight different procedure and options for women to file a complaint through this act. (See appendix VII-Overview of the PWDV Act, 2005)

[2]Protection of Women from Domestic Violence Act, 2005
[3]Convention on the Elimination of all forms of Discrimination Against Women

SESSION 2.2: CRIMINAL LAW (AMENDMENT) ACT, 2013

Who conducts the session?
Resource person or Training team

For how long?
15-20 minutes

Why? (Objective and outcomes of the session)

- To acquaint the participants with the provisions of the Act.
- To make participants understand the Amendments made to strengthen the existing sections in the IPC, CrPC and IAE (Indian Evidence Act) related to sexual offences.
- To make participants aware of the widened definition of Rape and the recognition of new sexual offences along with the punishments levied.
- To create awareness on the limitations of the Act so as to enable critical analysis and thinking. (refer to Appendix IX)

How? (How to conduct the session)

Methodology
Power Point Presentation, handouts, group work on new offences and applicable section/s of IPC/CrPC/IAE, open discussion.

Keywords: Accountability, Acid Attack, Sexual Harassment, Disrobing, Voyeurism, Stalking, Trafficking, Rape, Custodial Rape, Consent.

Process

- A history of Rape Reform beginning with the Mathura Rape case of 1972 leading to the Supreme Court Judgment of 1979 should be given so as to understand the journey of amendments made to the Criminal Law on rape and sexual assault over the years.

MATHURA RAPE CASE:

The Mathura rape case was an incident of custodial rape in India on 26 March 1972, wherein Mathura, a young tribal girl, was allegedly raped by two policemen on the compound of Desai Ganj Police Station in Chandrapur district of Maharashtra. After the Supreme Court acquitted the accused, there was public outcry and protests, which eventually led to amendments in Indian rape law via The Criminal Law (Second Amendment) Act 1983 (No. 46).

- A brief account on the background of the Criminal Law (Amendment) Ordinance, 2013 (refer to Appendix IX)
- The trainer should briefly introduce to the participants the main Highlights of the Act so that they have a systematic understanding on the content of the session. The session can be conducted in accordance with this.

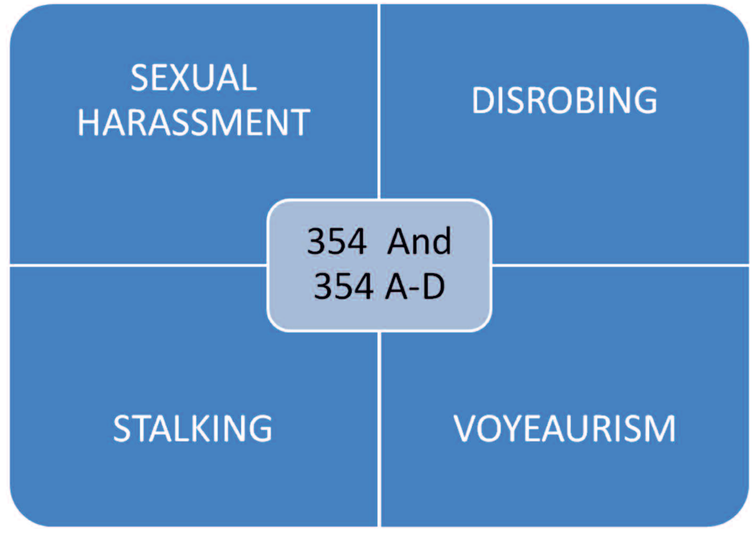
HIGHLIGHTS OF THE LAW:

- **Accountability of public servant disobeying direction under the law (Sec166A) and punishment for non-treatment of victim (Sec 166B)**
- **Inclusion of new offences like acid attack, broadening the offence of sexual harassment to voyeurism, stalking, disrobing of a woman etc.**
- **Broader definition of Rape, gradation of sexual assault.**
- **Punishment for repeated offenders included**

- Group Work: Participants made into 4 groups.
  Group 1: Look at 354 A, **Group 2:** Look at 354 B, **Group 3:** Look at 354 C, **Group 4**: Look at 354 D.

The groups should list out the following:

- The main ingredients/components of sections
- The Punishment and if the offence is Bailable/Non bailable
- Give One example each of what falls within the offence and what does not



- Amendments to the Code of Criminal Procedure (CrPC) and the Indian Evidence Act, 1972 should be highlighted.

Amendments in Code of Criminal Procedure	Amendments to Indian Evidence Act, 1972
⏩ Identification of the accused by a physically or mentally disabled person should take place under the supervision of a judicial magistrate and use methods the person is comfortable with. ⏩ Recording of information/statement by a woman police officer. In case of a person mentally or physically disabled, the information will be recorded at the resident of the person or a convenient place for such person, in presence of an interpreter and such recording will be video graphed. ⏩ All hospitals (public/pvt) shall immediately provide first aid or medical treatment free of cost to the victims of offence under Sec 326 A, Sec 376, Sec 376 A-E and inform the police immediately.	IEA, 1972 ⏩ Previous sexual history :No specific provision barring the use of previous sexual history in rape cases. ⏩ Presumption of consent Required the victim of rape to prove that she did not consent. Amendment Act, 2013 ⏩ Section 53A: Bars the use of past sexual history in determining consent of the victim. Bars evidence or questions in the cross-examination of the victim as to the general immoral character of the victim or past sexual history with any person. ⏩ Section 114A :Shifts the onus on to the accused to prove that consent was given.

⏩ Resource person can also talk about different rights mechanisms and the number of years that the perpetrator will be sentenced or fined with (group work for participants).

SESSION 3: RIGHTS OF CHILDREN AND RESPONSIBILITIES OF THE POLICE – LEGISLATION AND PROCEDURES

Who?
An external resource person (trained in this subject) or a police trainer with specific interest in this subject.

How long?
3 hours with a 15 min break in between.

- Child Rights – 30 min
- JJA - 45 min
- Police roles and responsibilities – legislations and procedures – 90 min

Why? (Objectives and outcomes of the session)

At the end of the session, the participants should know the following

Child Rights

- Defining age of child (upto 18 yrs of age)
- History of CRC. What does it mean to ratify an international convention?
- The four basic rights of children.
- Response to CRC – State and other setups

Juvenile Justice Act

- The Juvenile Justice Act 2006 – history of JJ systems.
- Use of proper terminology relating to children
- Who are children in need of care and protection and children in conflict with law
- Systems and mechanisms in place for implementation of JJA :
  - ♦ CWC, JJB and SJPU
  - ♦ Child Helpline, JJ Institutions, NGOs

Police roles and responsibilities – legislations and procedures

- Procedures and process involved when handling cases of children in need of care and protection (missing, abandoned, child labour, child marriage, child sexual abuse, corporal punishment, child trafficking etc.) and children in conflict with law
- IPC sections that could be used along with JJA sections
- Other laws relating to children – Protection of Children from Sexual Offences Act, Child Labour (Prohibition and Regulation) Act, Prohibition of Child Marriage Act, Immoral Trafficking Prevention Act, Pre-Conception and Pre-Natal Diagnostic Techniques Act, Shops and

Establishments Act.

- Interdepartmental convergence and other linkages
- Myths and attitudes justifying exploitation of children

(How to conduct the session)

Methodology:
Interactive/ participative with exercises, role play and case studies – ideal with a group of 45 – 60 participants.

Keywords: Child, juvenile, rights, abuse/violence, health, school, education, participation, responsibilities of care givers, protection, family, JJ A, CWC, JJB, SJPU, Child Welfare officer, JJ Institutions, child labour, child trafficking, age of marriage, CRC, Depts. of Women & Child Development, Labour, Education, Health.

Process:
Ask the participants to recall childhood experiences that are either pleasant or unpleasant. From the information shared help the participants understand the situation of children and further link it to the four major rights for children – Right to Survival, Right to Protection, Right to Development and Right to Participation with a brief overview of the CRC.

Lead the discussion to list out children in difficult circumstances who are deprived of these rights as these are the children/ young people who come in the purview of the police department.

Focus on the Juvenile Justice (Care and Protection of children) Amendment Act 2006 as the key legislation for the care and protection of children. Highlights of the Act:

- Defining the age of the child/juvenile
- Emphasise that the Act covers all children – children in need of care and protection and children in conflict with law
- Clarify that the State plays the role of the facilitator in implementing the act setting up salutatory bodies to facilitate implementation of the Act
- Elaborate on the statutory bodies set up to facilitate implementation of the Act being, the Child Welfare Committee (CWC); the Juvenile Justice Board (JJB) and the (SJPU) Special Juvenile Police Act
- Child Friendly terminologies used in Act
- Mechanisms for rehabilitation and social reintegration

Use the following case studies or case that you are aware of to facilitate a discussion on the various laws in place to protect children from abuse and punish the perpetrators of crimes against children.

CASE STUDY 1

(to articulate the issues of forced labour, trafficking, harassment and abuse)

Sonam 11yrs is one among 5 siblings. A neighbour visiting the family convinces her parents to send to Bangalore, promising a well paid job. They are paid Rs. 5,000/- and Sonam is sent along with the neighbour. At Bangalore, Sonam is handed over to a broker who pays the neighbour Rs. 20,000/- and sends Sonam to work in a house as a domestic maid. Sonam is made to work for long hours and beaten by the employers for small mistakes. One day when she is sent out to buy vegetables she narrates her story to the shopkeeper who informs 1098 (Childline), and she is rescued by Childline and the local police.

CASE STUDY 2

(focussing on the issue of abandoned children)

Police constable Ajay found a 2 day old baby girl discarded in a garbage bin. He remembered that the local business man was childless and wanted to adopt a child. So he handed over the child to him.

CASE STUDY 3

(Child Sexual Abuse)

17 year old Maria is taken to the local District Hospital. She is seven months pregnant and has developed complications. On questioning she reveals that she has been going around with 21 year old John for the past few months and has had sex with him resulting in pregnancy.

CASE STUDY 4

(juveniles in conflict with law)

16 yr old Jerry was caught stealing a mobile phone he was taken to the Police station and beaten up, kept there for 2 days and then produced before the District Magistrate.

Elicit response through either group activity or dialogue to gauge the participant's knowledge on how they presently handle such cases. Provide additional inputs on sections from relevant legislations, and procedures for the correct handling of the case.

For procedures to handle cases relating to children – care and protection, conflict with law and child sexual abuse refer to annex.

While analysing the case studies emphasise the roles and responsibilities of the key departments in the legislation applied including the need for departmental convergence.

Highlight the specific role of the statutory mechanisms like the CWC, JJB, SJPU and other support systems like Childline, JJ institutions/ Fit institutions etc.

Conclude the session with any of the following activities:

a. A quick quiz with key issues and terminologies.
b. A 10 point questionnaire to recap the session
c. Pictures to elicit information on the kind of case and procedures that need to be followed.

Myths and attitudes that justify exploitation of children which need to be addressed when handling case studies:

- Children have to work because families are poor.
- It is ok for children to work because they learn livelihood skills
- Education does not get you jobs.
- Girl children doing domestic work will be better housewives.
- Early marriage of a girl child moulds her better to adjust to the family.
- Some work can be done only by children.
- Sex with virgins will cure STIs, HIV and impotency.
- Physical punishment is a must to discipline a child.
- Beating a juvenile (CCL) is necessary to elicit information.
- Girl child is a burden to the family.
- Boy child is necessary for continuing the family name.

ANSWERS TO CASE STUDIES

Case Study 1 – A case of trafficking for labour where the child has been abused

- *Trafficking as defined in IPC Sec 370 (1) – whoever for the purpose of exploitation recruits, transports, harbours, transfers or receives a person. Consent of the individual, whether adult or child is immaterial as it involves fraud, deceit or force.*
- *Case of trafficking should be registered against the neighbour (recruiting), the broker (transferring) and the employer (receiving).*
- *Sonam is below 14 yrs of age and the Child Labour (Prohibition & Regulation) Act prohibits employment of children below the age of 14 yrs in hazardous and non-hazardous sectors and makes it punishable. ("Domestic Work" is considered as hazardous labour under the Act). However a case under Sec. 14 of the Act will be heard in the 'Labour Court', therefore the Labour Inspector must be informed.*

Case to be registered under the following sections of law:

IPC	*Sec. 370 (4): Trafficking of minor* *Sec. 370 A (1): Employing trafficked minor depending on the circumstances* *Sec 323: Voluntary causing hurt* *Sec 325: Voluntary causing grievous hurt* *Sec 326: Voluntary causing hurt by dangerous weapons or means* *Sec 342: Wrongful confinement* *Sec 374: Unlawful compulsory labour*
BLS (A) Act	*Sec 16: Enforcement of bonded labour* *Sec 17: Advancement of bonded debt* *Sec 18: Extracting bonded labour*
JJ Act	*Sec 23: Cruelty to juvenile* *Sec 26: Cruelty to juvenile employee*
CL (P&R) Act	*Sec 14: Whoever employs a child or permits a child to work*

IPC – Indian Penal Code
BLS (A) Act – Bonded Labour System (Abolition) Act,1976

JJ Act – Juvenile Justice (Care and Protection of Children|) Act, 2006 and Amendment Act 2010
CL (P&R) Act – Child Labour (Prohibition & Regulation) Act, 1986

Refer to Annex for procedures to be followed

Case Study 2 – Case of a child who is abandoned

Abandonment of a child by the parent or guardian is a punishable offence. The child must be given immediate medical care and produced before the Child Welfare Committee and an FIR to be registered and information regarding the child to be entered in the National Website for missing and found children- trackthemissingchild.com

IPC Sec 317: Exposure or abandonment of child under 12 years, by parent or person having care of it (applicable also when children below the age of 12 yrs are found by police/public at railway station, bus stand, market place, fairs etc).

Reiterate Juvenile Justice procedures and CARA (Central Adoption Regulating Agency) guidelines have to followed with regard to adoption, anything otherwise would be considered as trafficking and sale of babies.

In case children who are missing ensure that Supreme Court guidelines regarding investigation of children missing are followed and FIR is registered immediately. Information about the child missing to be entered in the National Website for missing and found children- trackthemissingchild.com

Case Study 3 – Child Sexual Abuse

The Protection of Children from Sexual Offences Act, 2012 (POCSO) defines a child as a person below the age of 18 yrs and the consent of such person has been made immaterial.
The Act makes it mandatory to report commission of an offence and failure to do so would make a person liable for punishment. Therefore it is mandatory on the part of the doctor to inform the local police station for necessary action to be taken and an FIR to be filed against John.

POCSO Sec 6: Aggravated Penetrative Sexual Assault

Refer to Annex for procedures to be followed by the police as per the POCSO Act

Case Study 4 – Child in conflict with law

Crimes committed by children are classified into Serious Offences (Crimes which entail punishment for 7 years and more than 7 years) and Non-Serious (Crimes which entail punishment for less than 7 years) as per the Juvenile Justice Central Rules 2010.

IPC Sec 378: Theft

Punishment for theft is upto 3 years and therefore a Non-Serious Offence. The Principle of Diversion to be applied as detailed in the procedures.

Refer to Annex for procedures to be followed

SESSION 3.1: STANDARD OPERATION PROCEDURES (SOPS)

PROCEDURES FOR HANDLING CASES RELATING TO CHILDREN

CHILDREN IN CONFLICT WITH LAW

Pre-production procedures

- Police officer or 'Child Welfare Officer' at the Police Station receives the child/juvenile.
- Transfer the case to 'Child Welfare Officer (CWO)' if the case is received by any other police officer at the Police Station.
- CWO enquires the case.
- CWO informs the 'Sr. Child Welfare Officer (Sr. CWO)' or the 'Social Worker (SW)' at the SJPU about the case immediately, if required ask for assistance of SW in handling the case.
- CWO informs the parent, relatives, friend or care giver about the child being brought to the Police Station and the charges against him.
- Inform Probationary Officer (Form 2) for home enquiry – a detailed report on the social background, antecedents of the child and the crime.
- CWO to get relevant document to certify age of the child – birth certificate/school leaving certificate/school transfer certificate/medical examination.
- Make entry in the Station House Diary mentioning:
  - Name and details of the child
  - Offence committed by the child
  - Date and Time the child was brought to the Police Station
  - Time of informing Sr. CWO/SW at the SJPU
  - Time of informing parents/relatives/guardians
  - Time of informing probationary officer.
- Explain apprehension and charges to the juvenile in a language he/she understands.
- CWO and SW jointly conduct preliminary inquiry and make case report – (Form 1).
- Discuss action to be taken with Sr. CWO and any one member of the JJB.
- Till the home enquiry report is received from the PO the child is placed at the Observation Home.
- After enquiry and prior to production before Juvenile Justice Board the child is sent to the Observation Home/ Place of Safety on a written request given by the Station House Officer to the Superintendent of the Govt. Observation Home/Officer incharge of the Place of Safety. The requisition should contain:
  - Details of the child
  - Details of the offence -
  - Crime No., if FIR has been registered
  - Request for temporary shelter

In case of Serious Offence

After completion of preproduction procedures

Production before JJB

- In case of a child apprehended for serious offence the juvenile must be produced before the Juvenile Justice Board within 24 hrs.
- Information from police/SJPU to be given to Juvenile Justice Board (Relevant Forms 1 , 2 and Details)
  - Date and Time the child came into police custody (photocopy of entry in the Station Diary).
  - Documents to prove age of the child (School certificate/birth certificate /medical examination report).
  - First Referral Report – complete details of the child (Form 1)
  - Copy of the letter to intimate parents regarding the child's whereabouts. In case parents have been informed through telephone copy of the bill. (Form 2)
  - Copy of the letter to intimate Probationary Officer for home inquiry.(Form2)
  - First Information Report.
  - Property Found Report.
  - Remand Application.
  - Place where child was detained prior to being produced before the Juvenile Justice Board.
  - Other information as sought in the forms.
- When the Juvenile Justice Board is not sitting then the child must be produced before any one member of the Board (Rule No. 11 sub-section 10).
- After receiving appropriate detention order hand over the child with relevant reports to the Observation Home.
- Order given by the member of the Broad on a non-sitting day must be ratified by the Board on the first sitting day (Rule No. 11 sub-section 14).

In case of Non- serious offence

After completion of preproduction procedures

Diversion at SJPU Level
In the event where the offence committed by the child is non-serious in nature – an offence entailing a punishment of less than 7 years imprisonment for adults (Rule No. 10 sub-section 7 and Rule No. 10 sub-section 11)

- Apprehension is not necessary, unless it is in the best interest of the child.
- Registering of FIR and filing of charge sheet is not required.

Even before the child can be produced before the Juvenile Justice Board, when in possession of the relevant information the CWO taking cognisance of case and in consultation with Sr. CWO at the SJPU and

one member of the board can:

- Release the child after warning and counselling to both the child and the parent/gurdian – if it is a case of a child who has committed an offence, non-serious in nature for the first time, or circumstances and situations have lead the child to commit the offence or he/she has been instigated by adults.

OR

- Refer the child to the CWC for care and protection – if it is a case of a child, who is involved in anti-social activities because of adult instigation/peer pressure, or if he/she is a repeated offender, or if the environment at home does not allow the child to reform.

OR

- Refer the child involve in an offence, non-serious in nature to the JJB, if the child is a repeated offender and all avenues for rehabilitation have been exhausted.

Diversion and disposing of case
Information from police/SJPU to be given to Juvenile Justice Board (Relevant Forms and Details) in case FIR has been registered

- Date and Time the child came into police custody (photocopy of entry in the Station Diary).
- Documents to prove age of the child (School certificate/birth certificate /medical examination report).
- First Referral Report – complete details of the child (Form 1)
- First Information Report
- Letter to the Board detailing:
  - Details of the child
  - Social Background
  - Economic Background
  - Case details
  - Sections of the JJ Rules that state the offence committed by the child as non-serious
  - Request for applying principle of diversion and appropriate action to be taken.
- The report of the case is submitted before JJB.
- The JJB may summon such JCL for subsequent hearing and dispose the case.
- Only after disposal of case at the JJB can the case be closed at the Police Station.

CHILDREN IN NEED OF CARE AND PROTECTION

Pre-production procedures

- Police officer or 'Child Welfare Officer' at the Police Station receives the child/juvenile.
- Transfer the case to 'Child Welfare Officer (CWO)' if the case is received by any other police officer at the Police Station.
- CWO enquires the case.
- CWO informs the 'Sr. Child Welfare Officer (Sr. CWO)' or the 'Social Worker (SW)' at the SJPU about the case immediately, if required ask for assistance of SW in handling the case.

- CWO informs the parent, relatives, friend or care giver about the child being brought to the Police Station.
- Inform Probationary Officer (Form 14) for home enquiry – a detailed report on the social background, abuse/harassment.
- CWO to get relevant document to certify age of the child – birth certificate/school leaving certificate/school transfer certificate/medical examination.
- Make entry in the Station House Diary mentioning:
  - Name and details of the child
  - Nature of case
  - Date and Time the child was brought to the Police Station
  - Time of informing Sr. CWO/SW at the SJPU
  - Time of informing parents/relatives/guardians
  - Time of informing probationary officer.
- CWO & SW jointly conduct preliminary inquiry and submit report to CWC.
- Discuss action to be taken with Sr. CWO and any one member of the CWC.
- Explain next course of action in a language he/she understands.
- If inquiry is not complete child to be escorted to Govt. Children's Home or Fit Institution. (Compulsory for WPC to accompany girl child)

Production before CWC

The Child must be produced before the CWC by the SJPU/CWO within 24 – 48 hrs depending on the distance.

- Information from Police/CWO/SJPU to be given to CWC (Relevant Forms)
  - Date and Time the child came into police custody (photocopy of entry in the Station Diary).
  - Documents to prove age of the child (School certificate/birth certificate /medical examination report).
  - First Referral Report – complete details of the child (From 12)
  - Copy of the letter to intimate parents regarding the child's whereabouts. In case parents have been informed through telephone copy of the bill.(From 14)
  - Copy of the letter to intimate Probationary Officer for home inquiry. (Form 14)
  - First Information Report (against adult perpetrator, if it is a case of child abuse).
  - Place where child was detained prior to being produced before the Child Welfare Committee.
  - Other information as sought in the forms.
  - Other information as sought in the form

In the case of a CINOCAP – child abuse – rape, incest, physical abuse or in case of trafficking the same procedures holds good.

GENERAL DO'S AND DONT'S FOR POLICE

- Ensure that the juvenile/child is provided with access to
  - Water

  - Toilet
  - Food
  - Emergency medical care
  - Phone call
- In the case of Missing Child/Juvenile Complaint – FIR is mandatory.
- All CWOs to provide Missing child database to the CCRB/DCRB on a monthly basis.
- Police Stations can be inspected by members of JJB on authorisation by the Judicial Magistrate
- When handling case of children in conflict with law
  - When the child is received between sunset and sunrise the child must be kept in a 'Place of Safety' - Observation Home or Fit Institution
  - In case the child is to be housed at the OB/FI for temporary shelter between sunset and sunrise Form 1 of the Act to be submitted to OH and Form 2 of the Act to be given to the parents.
  - Police should be in uniform when apprehending a child in conflict with law.
  - Further to apprehension the police should not be in uniform for all further process and procedures.
  - Juvenile should be escorted in the civil dress only.
  - Apprehension and while accompany a girl child in conflict with law, women police personnel compulsory.
  - When a child is apprehended for an alleged offence CWO to ensure that the juvenile is not beaten/abused/ill-treated and no leading child or handcuffs to be used when producing the child. In the event of torture or abuse police can be summoned by the JJB.
  - CWO should ensure that no information about the child in conflict with law or his/her photograph is published.
  - No MOB of the child in conflict with law to be maintained at the PS.
  - In the case of child apprehended for serious offence the police/CWO should not refer the child in conflict with law to lawyers/advocates as the rule stipulates that legal representation is not need up to the time of proceedings.
  - All cases pertaining to child in conflict with law should be preserved only for a period of 7 yrs at the PS.
  - In case of child missing from custody a second FIR (escaping from custody) need not be filed.
  - All the cases pending before the JJB for more than 3 months without charge-sheets being filled are deemed to be closed.

SESSION 3.2: PRESENTATION ON PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

The Resource Person may refer to the POCSO Handout in the Appendix.

A power point presentation may be done for more clarity.

SESSION 4: UN CONVENTIONS:

- **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)**
- **Convention on the Rights of the Child (CRC)**

Who conducts the session?
Resource Person/Training Team

For how long?
45 minutes

Why? (Objectives and outcome of the session)

At the end of the session the participants should have done the following:

- Understand that Violence against Women and Children is an international concern and hence made aware of the international mechanisms available to address the crisis.
- Be aware of the obligatory role of the State and its institutions (such as the Police) in addressing and tackling the issue.
- Have more information on government programmes/interventions available as also NGO programmes in their jurisdiction.
- Identified the vital role of the police in safeguarding Women's and Child's Rights, including their protection.

Methodology:
Power Point Presentation

Process:

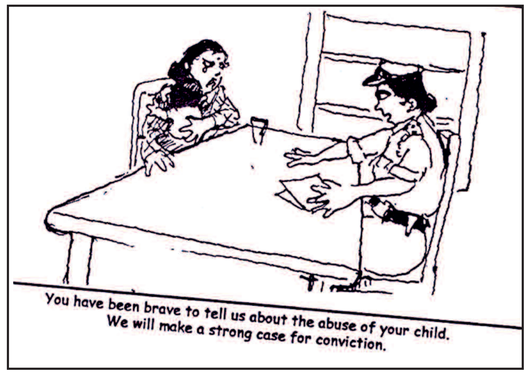
- The resource person should begin by giving a brief introduction on the Convention on Elimination of all forms of Discrimination Against Women (CEDAW). The participants should be made to understand that India became a signatory to this International Treaty in 1993 and hence has obligations to abide by it to ensure the safety and rights of every woman. (refer to Appendix XI for the text on the CEDAW)
- There are 30 Articles in the CEDAW, and the resource person should clearly explain those Articles more applicable/relevant in the context of the North East, for which the States are obligated to fulfill.
- The resource person should then introduce the Convention on the Rights of the Child (CRC) and explain that it is another International Treaty to which India became a signatory in 1992. By signing this convention, the Government of India has committed itself to guarantee the rights of every child in the country. (refer to Appendix XI for the text on the CRC)
- The CRC has 52 articles, for which India has listed the following as the basic rights of the child:
  - The Right to Survival
  - The Right to Protection
  - The Right to Development
  - The Right to Participation

LUNCH BREAK FOR 45 MINUTES TO 1 HOUR

SESSION 5: COMMUNICATION SKILLS IN POLICE WORK, PUBLIC PERCEPTIONS AND POLICE BEHAVIOUR.

Who conducts the session?
Resource person/ Training team

For how long?
1 hour- 1 hour 15 minutes

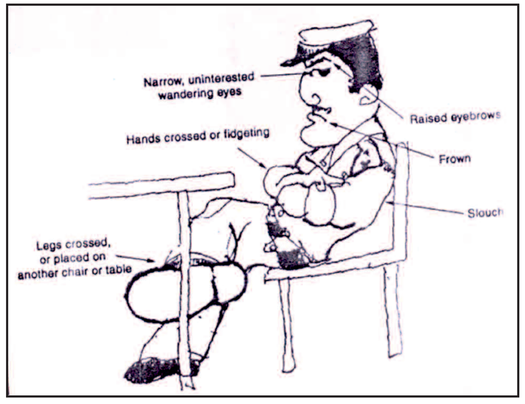


Why? (Objectives and outcomes of the session)

At the end of the session, participants should understand the following:

- Communication skills can be acquired and used by all police officers, so that they are able to be more sensitive to the complainants' needs and to the situational context, especially in cases of violence against women.

- Police officers who have good communication skills may also be able to counsel the complainant but counseling is a specialized skill and discipline requiring specific academic and practical qualifications. Therefore in cases where the complainants are in severe distressed situations, the support of these specialized counselors or counseling groups is required. At the end of the session, all participants should have also done the following:
  Understood that public perceptions (including stereotypes) of police behaviour are mostly negative.



BAD BODY LANGUAGE

- Learnt how these perceptions can be transformed into positive images and role models through a process of applying better communication skills.

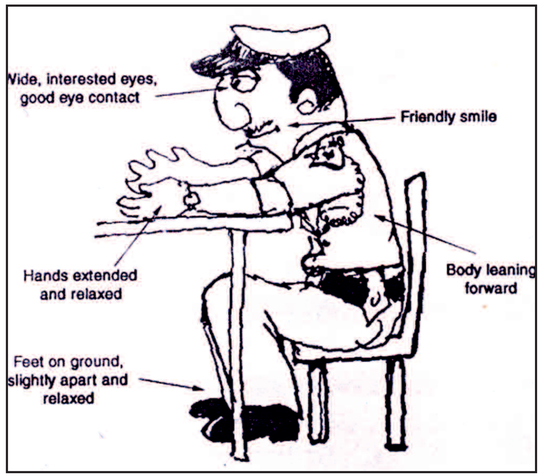
- Understood that a change in personal attitudes leads to a change in professional behaviour. This

makes a positive difference to police procedures, and leads to greater achievements of justice in case of violence.

- Realized that attitudes and behaviour affect inter-personal relations with the public as well as with colleagues.

- Become aware that all citizens-irrespective of class, caste, community and gender have the right to dignity and fair treatment from the police.

- Understood that 'fair treatment' involves positive attitudes and behaviour by the police towards the public, as well as towards the nature of their problems. When complainants approach the police, the officer can, through both verbal and non-verbal communication, create an atmosphere of support and safety. On the other hand, a negative approach can add to the sense and safety. On the other hand, a negative approach can add to the sense of violence and insecurity that the complainant is already suffering.



GOOD BODY LANGUAGE

- Appreciate that cases of violence against women need special care and attention from the police, given the discrimination faced by women in most situations.

How? (How to conduct the session)

Methodology
Interactive, with group work/role play/ demonstration/power point presentation.

Key words
Perceptions, stereotypes, behaviour, communication, attitudes, body language, vocabulary, sensitivity, responsiveness.

Process
Role Play

- Resource person can start with two role plays:

First Role Play

- Invite one training team member to play the role of an aggrieved woman and one participant to play the role of a police officer.
- Explain the situation- A woman who is facing violence comes to the police station, meets the officer who starts talking to the woman.
- What the officer should say is left entirely to him/her.

Second Role play

- Situation will be the same but now the role of the police officer will be performed by the trainer. The role of the aggrieved woman will still be played by the training team member.

Points to remember for the resource person while playing the role of a police officer:

- Offer seat to a woman/complainant
- Offer water to the woman
- Make the environment comfortable for the woman to share her grievances.
- Maintain eye contact while a woman is sharing her pain and listen to her first.
- Incline your body while talking to a woman.
- After the woman is done ask her what she wants to do next.
- Provide her with an option
- At the end the resource person can emphasize the importance of the police behaviour as this would help to enhance their image and relationship with public.

- After the role plays the resource person asks the one who played the role of the aggrieved women, how she feels and in which role play she was more comfortable to talk and share her grievances.
- Resource person can then ask the group to comment on the role plays.
- Resource person will then emphasize the importance of good communication especially when an aggrieved woman comes to the police station for help.

Remember:

A) Although you communicate in a way that seems clear to you, the receiver of the communication filters the information through a very complicated set of preconceptions that can function to distort the message received.

B) Receivers listen selectively. They hear and process some things and get other things out. That means that while you may have explained the "whole picture", it is likely that the whole thing wasn't received.

C) The ONLY way you can ensure that you have created common understanding is by asking what they have heard, and what their reactions are to it.

Good Communication

Resource person will also explain the following:

- There are all kinds of models of communication, some basic and some complex.
- For our purposes, communication can be described as CREATING UNDERSTANDING:

i. Through words, actions, body language, voice tone, and other processes. This constitutes precisely one-half of the communication process.

ii. The second half consists of verifying that the message you intended to send was actually received and interpreted the way intended. The only way that you can be sure you have created understanding is to listen to the people you are communicating with, and make special effort to encourage them to reflect back to you what they have hears (and what they make it).

iii. The resource person can sum up by talking about the skills of communication like listening, attending, understanding, cross checking based on what the complainant has said. Give options to the aggrieved women like (a) is she wants to file a case (b) if she needs to talk to an expert counselor (c) other options that she may have in mind.

Assure her that the matter would be taken care of. This is called PROCESS.

Public perceptions and police behaviour

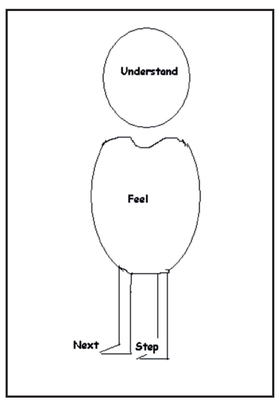
Resource person will:

- Make them understand that public perceptions (including stereotypes) of police behaviour are mostly negative.

For example, public believe that police are not friendly, they are violent, cruel, misuse their power etc.

- Let them learn how these negative perceptions can be transformed into positive images and role models through a process of applying better communication skills.
- Make them understand that a change in personal attitudes leads to a change in professional behaviour. This makes a positive difference to police procedures, and leads to a greater achievement of justice in cases of violence.
- Make them realize that attitudes and behaviour affect inter-personal relations with public as well as colleagues.
- Make them aware that all citizens-irrespective of class, caste, community, gender-have the right to dignity and fair treatment from the police.
- Make them understand that 'fair treatment' involves positive attitudes and bahaviour by the police towards the public, as well as towards the nature of their problems. When complainants approach the police, the officer can, through both verbal and non-verbal communication, create an atmosphere of support and safety. On the other hand a negative approach can add to the sense of violence and insecurity that the complainant is already suffering.
- The resource person can also emphasize that cases of violence against women and children need special care and attention from police, given the discrimination faced by them in most situations.

SESSION 6: SHARING OF EXPERIENCES AND FEEDBACK SESSION



Who conducts the session?
Resource person/ Training team

For how long?
45 minutes-1 hour

Why? (Objectives and outcomes of the session)

At the end of the session, all participants should have done the following:

- Been able to share their experiences of the training and what they have learnt, how they feel and what they are going to do next.
- Understood that while it is difficult to change structures and systems, the first step of change is individual. Only when there is a change in individual attitudes, can there be a change in procedures. And we all have the choice to make a change, in our work and in our lives.

CHANGE BEGINS WITH YOU!

How? (How to conduct the session)

Methodology
Self Reflection

Process

- Training team can distribute three different coloured meta cards to the participants and ask them to write what they have learnt from the training, how they feel now and what they want to do next. Each colour should stand for these three purposes (these can be anonymous). For instance, Yellow- what they understood or learnt from the training, Pink- how they felt by attending this training and Blue- what is their future plan or next step.
- Trainer can draw the Head, Heart and Feet on 3 chart papers respectively as shown in Figure above and spread this on the floor. Participants place the cards accordingly to bring more clarity.
- New set of questionnaire could be distributed and collected as instructed in Day 1 Session 1.

SESSION 7: VALEDICTORY AND DISTRIBUTION OF CERTIFICATES

Note to the Trainers/Training Team

- Invite the Chief Guest who is the officer of higher rank from the Police Department, if possible.
- Invite other police officials to attend the function.
- Invite any two participants before-hand who can share their experiences, regarding the training, in the valedictory function.
- All certificates need to be assigned by the relevant authorities, and distributed by the Chief Guest, as decided before-hand.

APPENDICES

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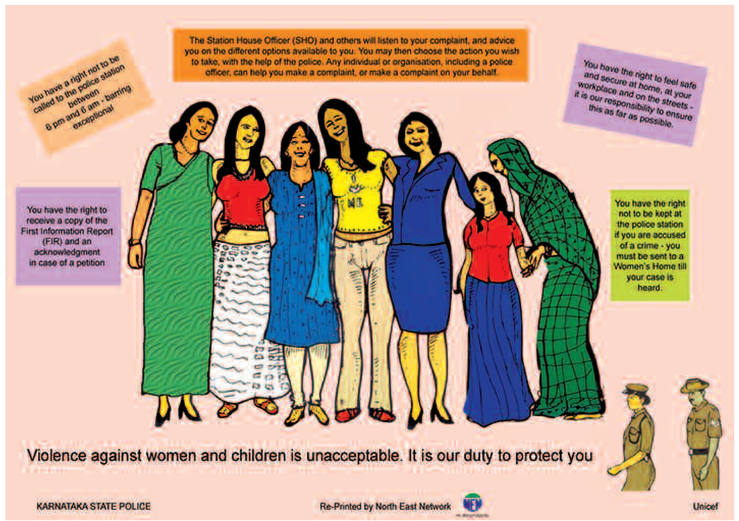
APPENDIX I
POSTERS

YOUR RIGHT AS A WOMEN



APPENDIX II
A QUESTIONNAIRE ON WOMEN
MEGHALAYA STATE POLICE

SL NO.		STRONGLY AGREE	AGREE	MILDLY AGREE	MILDLY DISAGREE	STRONGLY DISAGREE
1.	The home is the safest place for a women					
2.	Women and men are physically different, therefore discrimination is natural/inevitable/justified.					
3.	A woman is not a complete person unless married.					
4.	Men get provoked easily.					
5.	Woman's role is to obey, please and serve the husband at home.					
6.	Working women do not have a good character/reputation.					
7.	A husband has the right to discipline his wife and not vice versa.					
8.	Middle class, educated men do not beat their wives.					
9.	Husbands beat their wives because they love them.					
10.	Sons must be subject to the same controls as that of a girl.					
11.	A housewife is not a working woman.					
12.	Women workers are entitled to the same pay as men for the same work.					
13.	Women commit suicide because they have no tolerance and are sensitive.					

	Tick appropriate answers below:	
14.	**Provisions like 498A etc. are misused by**	
	1. The victim	
	2. The accused	
	3. Victim's father/brother	
	4. Advocates	
	5. Police	
	6. women's organizations	
15.	**According to you, counselling is**	
	1. Telling the woman to adjust	
	2. Advising the woman to "give in" and extend "understanding"	
	3. Taking action according to law	
	4. Any other	
16.	**Domestic violence is,**	
	1. A private matter between husband and wife	
	2. It is a trivial matter	
	3. It happens in all homes	
	4. A cognizable offence	
17.	**When a women comes to the station with a complaint of mental harassment, will you as Officer In charge**	
	1. Disbelieve her- ask for proof.	
	2. Advise her to 'put up'/ 'adjust'	
	3. Send for the husband and listen to his side	
	4. Tell her to forgive and forget	
	5. Patch up the marriage	
	6. Register a complaint	

18.	**Which of the following according to you constitutes violence?**	
	1. Denial of food	
	2. Locking the women outside the house	
	3. Denying access to the children causing mental torture	
	4. Repeated physical violence	
	5. Demoralizing and running the women down in the presence of children and others	
	6. Confining her in the house and not allowing her to lead a normal life	
	7. Denying the paternity of the children with the intention of causing mental torture	
	8. Threatening to divorce and remarry	

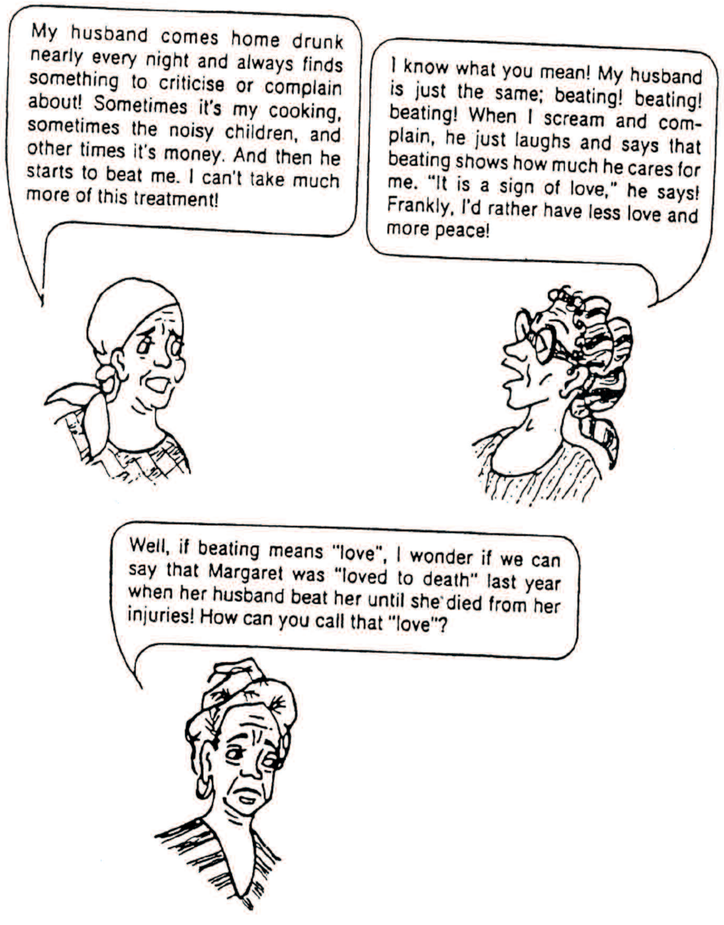
SL NO.		STRONGLY AGREE	AGREE	MILDLY AGREE	MILDLY DISAGREE	STRONGLY DISAGREE
20.	For a woman motherhood is the only goal.					
21.	Men and women should have equal opportunities					
22.	Use of new technology help in the process of investigation and conviction.					
23.	The content of FIR can be strengthened by using multiple sections.					
24.	Housework is a woman's job					
25.	Fashion madness of women contributes to the spoiling of young men					
26.	To achieve equality there is no need for special laws to protect women					
27.	In various fields of activity women have shown that they are equally capable when compared with men					
28.	For women's peace of mind, it is useful to have Women's Police Stations.					
29.	Women do not have the necessary personality and stature needed for police duties.					

30.	It is necessary that women are made aware of the various rights and solutions to problems legally available for crimes against them and the role of police in this.					
31.	Communication skills can be acquired and used by all police officers, so that they are able to be more sensitive to the complainants' needs and the situational context, especially in cases of Violence against Women.					
32.	Listening, attending, understandings, cross checking and good body posture are the different skills of communication to deal with cases of Violence against Women.					
33.	In order to investigate crimes of outrage of modesty of women it is necessary to investigate the earlier sexual history of these women.					
34.	A women who drags the husband's 'maleness' to court is indeed a shameless women					
35.	When investigating crimes against women, it is necessary for the investigating officer to co-opt female investigators also.					
36.	When prostitutes bring in complaints of wrongdoing, it is a laughing matter.					
37.	Women police should be given only limited responsibilities					
38.	Policewomen are by nature soft spoken and compassionate and hence cannot handle rough criminals who behave like dacoits.					
39.	In police stations and other offices, receptionists should be policewomen only.					

APPENDIX III

HANDOUT ON DOMESTIC VIOLENCE

OUR EXPERIENCE



APPENDIX IV

MYTHS AND REALITIES ABOUT RAPE

Rape is one of those crimes which causes emotional reactions in people. Some even think that rape is impossible, that a woman really wants it to happen. When a rape victim goes to the police station or to court, she will find that she has to prove that she did not provoke the rapist in some way.

Rape happens a lot these days because women have loose morals.

Yes, I think it does happen more often today.
But I don't think it is because women have loose morals.

But even if they have loose morals, do they deserve to be raped?

Have you noticed how women dress these days?
All those tight trousers provoke men.

Eh! But I am an old grandmother and even I was raped.

And my friend's daughter was raped
and she is only 9 years old.

Eh, you people! My neighbour's little 2 year old daughter was raped. Is she provocative?

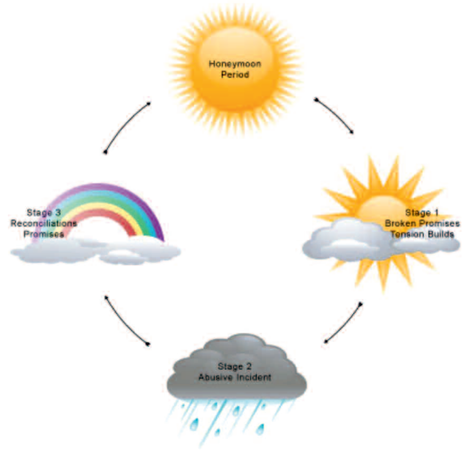
Adapted from Oxfam Kenya: *Women, law and development legal guides*

APPENDIX V

DULUTH MODEL

APPENDIX VI

CYCLE OF VIOLENCE



The theory of the cycle of violence was developed by Dr. Lenore Walker. It has three distinct phases which are generally present in a violent relationship:

1. **Tension Building Phase**
2. **Violent Episode Phase**
3. **Kind and Loving Phase**

Outlined below are typical feelings and behaviours exhibited by family members in the various phases of the cycle of violence.

PHASE ONE: TENSION BUILDING

Woman feels: Angry, unfairly treated, hopeless, tense, afraid, embarrassed, humiliated, disgusted or depressed.
BEHAVIOR: Nurturing, compliant, accepting, works to diffuse partner's anger and frustration, may verbally express own anger feelings or may use alcohol and / or drugs to avoid situation.
Partner feels: Tense, frustrated, disgusted, self-righteous or jealous.
BEHAVIOR: Verbally abusive, fits of anger, silent, controlling, drug and alcohol usage, possessive, demanding or irritable.
Children feel: Afraid, tense, angry at Mom for not "fixing" partner or confused.
BEHAVIOR: Side with one or the other parent, hide, deny or try to distract.

PHASE TWO: VIOLENT EPISODE

Woman feels: Frightened, trapped, helpless or numb.
BEHAVIOR: May try to protect self, hit back or submit helplessly, may try to get away or seek help, may feign unconsciousness.
Partner feels: Angry, enraged disgusted self-righteous, jealous, or frustrated.
BEHAVIOR: Dangerously violent, deliberate desire to hurt or kill, out of control or irrational.
Children feel: Frightened, trapped and helpless.
BEHAVIOR: May watch helplessly, hide or attempt to stop fighting, may attempt to help woman or may join in beating her.

PHASE THREE: KIND AND LOVING:

Woman feels: Relieved, angry over incident, guilty or hopeful.
BEHAVIOR: Offers excuses for batterer, talks, tries to settle, solve or prevent future incidents, hopes and believes change will last.
Partner feels: Apologetic, remorseful, forgetful about degree of violence, self-righteous or unable to understand why woman is still angry.
BEHAVIOR: Try to please, distract self to forget, stress behaviors: nervousness or tics.

APPENDIX VII

MY PERSONAL GENDER HISTORY

CHILDHOOD	ADOLESCENCE	EARLY ADULTHOOD	STAGE OF BUILDING A FAMILY
When I was a child, my parents taught me that:	When I was a teenager my family, teachers, religion taught me that:	When I was choosing my career/work, I learned that:	In building and nurturing a family, I learned that:
Little girls should behave this way:	As a young women, I should behave this way:	Career/work associated with women are:	Women should take the following roles:
Toys/games for girls are:	Hobbies/interests for young women should be:	At work the capacities and attitudes expected of women are:	In making decisions women should be:
Little boys should behave this way:	As a young man, I should behave this way:	Career/work associated with men are:	Men should take the following roles:
Toys/games for boys are:	Hobbies/interests for young men should be:	At work the capacities and attitudes expected of men are:	In making decisions men should be:

APPENDIX VIII

VIOLENCE AGAINST WOMEN AND GIRLS: SITUATIONAL ANALYSIS OF NE & MEGHALAYA[4]

Violence against women and girls (VAW/G) is the most widespread form of abuse worldwide, affecting one-third of all women in their lifetime.

- The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."
- Violence against women transcends race and class
- VAW triggers problems encompassing the physical, psychological and emotional. It results in physical, mental, sexual, reproductive health and other health problems and increases vulnerability to HIV.
- Studies released by the UNO (November, 2012) reveal that in some countries, up to 7 in every 10 women are likely to be raped or beaten or abused in some way during their lifetime.
- The problem has been described by the UNO as one of pandemic proportions; for the 15-44 age group, violence causes more death and cases of disability among women than cancer, malaria, road accidents, and war, combined.
- UNO, 2011 – In India, 22 women murdered daily in dowry killings.

Sources of Data:

- National Crime Records Bureau – Ministry of Home Affairs
- State Crime Records Bureau:
  Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and Sikkim.
- National Family Health Survey:
  NFHS – 2 India 1998-1999
  NFHS - 3 India 2005-2006.

Crime Against Women – National Level (2011)

Crime Head	Cases Reported	% to total IPC crimes	Rate of Crime	Charge-sheeting rate	Conviction Rate
Kidnapping and Abduction of Women and Girls	35565	1.5	2.9	73.0	28.1
Molestation	42968	1.8	3.6	96.5	27.7
Sexual Harassment	8570	0.4	0.7	96.4	45.8
Cruelty by Husbands and Relatives	99135	4.3	8.2	94.4	20.2
Importation of Girls	80	0.0	0.0	82.4	7.8
Total Crimes Against Women	228650	9.8	18.9	92.0	26.9

[4]The Situational Analysis needs to be updated before each Training.

Meghalaya – A comparative statement (2002-2012

Sl. No.	Crime	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
1.	Rape	38	40	54	63	74	82	88	112	149	130	158
2.	Kidnapping and Abduction of Women and Girls	10	10	18	19	25	22	25	26	37	37	11
3.	Dowry Death	0	0	2	1	6	2	2	0	0	1	0
4.	Molestation	23	13	34	44	57	45	54	72	48	74	43
5.	Sexual Harassment	0	1	0	0	0	1	4	1	0	1	1
6.	Cruelty by Husband or Relatives	0	4	5	3	13	19	32	24	24	21	18
7.	Importation of Girls	0	0	0	0	0	0	0	1	0	3	0
8.	Immoral Traffic (P) Act	0	1	0	1	1	1	3	1	3	2	5
9.	Dowry Prohibition Act	0	0	0	0	0	0	0	0	0	0	0
10.	Indecent Rep. of Women (P)	0	0	0	0	0	0	0	0	0	0	0

Crime Against Women – Sikkim

Sl. No.	Crime Head	2005	2006	2007	2008	2009	2010	2011 *(till June)
1.	Rape	18	20	24	20	18	18	8
2.	K/A of women and girls	3	8	9	4	6	6	5
3.	Molestation	38	14	13	19	10	11	16
4.	Dowry Death	-	-	-	-	-	1	-
5.	Cruelty by Husband /Relatives	4	6	7	5	6	3	4

Crime Against Women – Mizoram

Sl. No.	Crime	2010	2011	2012 (till April)
1.	Rape	93	77	37
2.	Outraging Modesty	82	73	30

Nagaland - Incidence of Rape from January-December, 2011

District	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Kohima	-	-	-	-	-	-	-	-	1	-	-	-
Dimapur	1	-	2	1	1	-	1	1	-	2	-	1
Wokha	-	-	-	-	1	-	-	1	1	-	-	1
Mokokchung	-	-	-	-	-	-	-	-	-	-	1	-
Peren	-	-	-	-	-	-	-	-	-	-	-	-
Phek	1	-	-	1	-	-	-	-	-	1	-	-
Tuensang	-	-	-	-	1	-	-	-	-	1	-	-
Zunheboto	-	-	-	-	1	-	-	-	1	-	-	-
Kiphire	-	-	-	-	-	-	-	-	-	-	-	-
Longleng	-	-	-	-	-	-	-	-	1	-	-	-
Mon	1	-	-	-	-	1	-	-	-	-	-	-
Total	**In the year 2011, there were 25 cases of rape reported in Nagaland.**											

Crime Against Women

Arunachal Pradesh – 2010-2012. Total data from all 19 districts of the state are 309 cases of crimes committed against women.

Assam - Of the 2,28,650 incidents of crimes against women in the country, according to the NCRB, Assam registered 11, 503 incidents. 2012 - 5,745 cases of cruelty by husband and their relatives on women and 2,011 cases of rape were registered.

Manipur – January – October 2012 - 251 cases of violence against women - which included 21 rape cases, 4 rape-cum-murders, 16 murders, 7 molestations, 1 immolation, 41 brutal physical assaults, 4 abductions, 2 intimidations, 56 missing cases, 3 abandonment cases and 78 trafficking cases.

Highlighted statement of crimes against women in the NE Region

Crime	Meghalaya (2002-2012)	Sikkim (2005-2011)	Mizoram (2010-2012)	Nagaland (2011)
Rape	890	126	207	25
Molestation	485	121	185	-
Domestic Violence (Cruelty by husband/relative)	151	35	-	-

- Among all the cognizable crimes recorded under IPC (1971-2011), rape has seen the maximum rise in the country.
- Rape cases are highly unreported because of deep rooted social reasons and fear of retaliation
- NCRB 2011 - The conviction rate is also very low across the nation. Incidentally, the highest conviction rate in rape cases were recorded in small north-eastern states.

	Mizoram	Nagaland	Arunachal Pradesh	Sikkim	Meghalaya
Conviction Rate	96.6%	73.7%	66.7%	66.7%	44.4%

Domestic Violence

- Gender Based Violence
- DV is the most prevalent yet the least reported
- Not restricted to the marital context alone
- Forms: Physical, Sexual, Verbal and Emotional, Economic
- NFHS-2 (1998-99) – Women who have experienced beatings or physical mistreatment since age 15
- Meghalaya records the highest DV cases in the NE. It was 2nd in an all India context, the national average being 21%

State	Percentage	Perpetrator
Meghalaya	31%	Husband/In-laws/Others
Arunachal Pradesh	26%	Husband
Manipur	20%	Husband/In-laws/Others
Mizoram	20%	Husband
Nagaland	19%	Husband
Tripura	14%	Husband

Domestic Violence

Percentage of women aged 15-49, who experienced different forms of violence by state: NFHS3 (2005-06)

State	Physical Violence only	Sexual Violence only	Physical and Sexual Violence	Physical or Sexual Violence
Arunachal Pradesh	25.1%	2.8%	7.5%	35.5%
Assam	24.7%	2.2%	9.6%	36.5%
Manipur	28.8%	2.1%	7.9%	38.9%
Meghalaya	14.6%	0.4%	1.0%	16.0%
Mizoram	22.9%	0.5%	2.1%	25.5%
Nagaland	12.9%	3.1%	3.0%	19.0%
Sikkim	16.8	1.6%	2.4%	20.9%
Tripura	28.9	2.5%	13.2%	44.7%

Conclusion

- Violence against women has no structural barriers.
- Urgent need for continued activism and sincere efforts towards its eradication, awareness and acceptance.

APPENDIX IX

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Adopted by UN Commission on Status of Women, 1981 Under the Chairmanship of India

A total of 185 countries, i.e. more than 90 % of the UN members, have ratified, accessed and succeeded the Convention. India ratified it in August, 1993.

WHY CEDAW?

- Exclusion of women from the International Human Rights Discourse.
- Absence of an understanding on systematic violations of women's rights.
- Absence of accountability of State for private actions.
- Tension between Civil-Political and Socio-Economic rights regimes.

Specific Features

- A Comprehensive Bill of Rights for Women, which acknowledges the historic disadvantages faced by women.
- Ensures a holistic application of the human rights system by bringing together Civil-Political and Socio-Economic rights.
- Breaks the Public-Private divide in accessing, exercising and redressing rights and their violation.
- Puts in place a clear Universal standard for women's human rights.
- Defines Equality and Non-Discrimination.

Principles of CEDAW

- Substantive Equality
- Non- Discrimination
- State Obligation

Principle of Equality

CEDAW promotes Substantive Equality as opposed to the Sameness and Protectionist Approaches to Equality.

- **Sameness Approach:** Women and men are regarded the same. Therefore women are treated equally according to male standards. In this approach women's strategic gender needs can be denied.
- **Protectionist Approach:** Women are denied equality of opportunity on the ground that the denial is in their best interest. This approach recognizes the problem as a weakness or inferiority in women and not involved in the environment which needs to be corrected.
- **Substantive Equality:** It recognizes that women are in unequal position and may have to be treated differently in order to benefit equally. It ensures equality of results, not only of means.

Principle of Non-Discrimination

- The Convention states that inequality between men and women is socially constructed. Hence Proactive measures have to be taken to remove it.
- According to Article 1 of the Convention any act "… which has the effect or purpose…" of discriminating would be termed as discrimination. This definition helps in recognizing laws/policies that may intend to discriminate but any how their implementation results in discrimination.
- The convention mandates that both legal and development policy measures are taken in order to guarantee women's rights.

Principle of State Obligation

- The implementation of the Convention is binding on all State Parties.
- State Parties have to submit a national report to the CEDAW Committee within one year of ratification and therefore every four years. In the reports the State Parties must lay down the measures they have taken to fulfill the provisions of the Convention. The Committee then discusses these reports and suggests further action to be taken by the State Party.
- The implementation of the convention is binding on all State Parties.
- State Parties have to submit a national report to CEDAW Committee with one year of ratification and thereafter every four years. In the reports the State Parties must lay down the measures they have taken to fulfill the provisions of the convention. The Committee then discusses these reports and suggests further actions to be taken by the State Party.

General Recommendations

General Recommendations are statements made by the Committee o the meaning of the Convention Provisions; on what kind of information should be included in State Party reports, e.g. dealing with issues related to specific articles that have been noted as concern during the consideration of reports; and on Convention related issues, such as the impact of reservations.

Till now the CEDAW Committee has made 25 General Recommendations (GR). Three important GR are GR 19, 21 and 24.

- GR 19 is concerned with gender based violence against women.
- GR 21 is concerned with equality in marriage and family relations.
- GR 24 is related to Women and Health.

Violence Against Women, General Recommendation 19

Gender based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men. The full implementation of the Convention requires State to take positive measures to eliminate all forms of violence against women. The Convention in Article 1 defines discrimination against women. The definition of discrimination includes gender based violence, that is, violence that is directed against a woman because she is a woman or that affects women inappropriately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

Gender based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights convention, is discrimination within the meaning of Article 1 of the Convention. These rights and freedoms include:

a. The right to life;
b. The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
c. The right to equal protection according to humanitarian norms in time of international or internal armed conflict.
d. The right to liberty and security of person;
e. The right to equal protection under the law;
f. The right to equality in the family;
g. The right to the highest standard attainable of physical and mental health;
h. The right to just and favourable conditions of work.

The Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

APPENDIX X

OVERVIEW OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (PWDVA)

An Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victim of violence of any kind occurring within the family and for matters connected therewith or incidental thereto.

This Act is called the Protection of Women from Domestic Violence Act, 2005. It extends to the whole of India except the State of Jammu and Kashmir. The Parliament passed this Act in August 2005 and assented to by the President on 13 September 2005. The Act came into force from 26 October 2006.

Why this Law?
Violence can happen to any woman and girls of all ages. According to United Nation Population Fund report as many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or coerced sex[5]. Seventeen primary survey studies undertaken around the world between 1990 and 1997 indicate that anywhere from 20 to 50 percent of the women sampled reported physical abuse by intimate partners (WHO 1997)[6]. Every day, about 19 women were murdered by their husband and family members (source: 2005 National Crime Research Bureau).

However, looking at the magnitude given above it was found out that no existing laws or any laws could deal with this issue effectively. In the past, only section 498A could be used to address Domestic Violence. 498A could only be used in case of spousal abuse. It did not provide relief to women, only punishment for the offender. Intimacy of relationship & social factors prevented women from using 498A. Realizing the gap between 498A and other existing laws and the need of women facing violence there was a felt need to legislate domestic violence. PWDVA is a civil law that recognizes a woman's right to reside in a violence free atmosphere and it provides emergency remedies in case the right is violated.

What are some of the salient features of PWDVA?
- It is a civil law.
- It is aimed at providing immediate support to women facing domestic violence. It is different from criminal law, which is directed at providing punishment to perpetrators of violence through imprisonment of fines.
- Legal remedies under Domestic Violence Act are in the nature of civil relief such as injunctions, compensation and monetary relief. There can be no arrest made on a complaint under this law until there is a breach of any of the court order.
- The advantage of a civil law is that it is victim-oriented and the woman is not dependent on the police to initiate action.

What constitutes Domestic Violence?[7]
Section 3 under the Act gives the definition and explanation of domestic violence. For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it -
a. harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
b. harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
c. has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
d. otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

What is Domestic Relationship?
Section 2 (f) under the Act defines domestic relationship between two persons who live or have, at any point of time, lived together in a shared household. The domestic relationship can be through:
- Marriage (wives, daughters-in-law, sisters-in-law, widows etc with other members of the family)
- Blood relationships (mothers-sons, sisters-brothers, daughters-fathers, widows etc)
- Other relations (adoption, relations in the nature of marriage-including legally, invalid and bigamous marriages etc).

What is Shared Household?
Section 2 (f) under the Act defines shared household as:
- A household where the aggrieved person resides or at any stage had lived either singly or with the man in a domestic relationship. It can also mean the household where she has lived in a domestic relationship and from which she has subsequently been thrown out.
- A house can be owned/rented/leased/joint family etc.

Section 17 under the Act recognizes a woman's right to stay in the shared household. The court can order to bring a woman back, if she is thrown out of the house and it can also direct to provide alternate accommodation in case she does not want to return to a violent home. Section 2 (q) gives the definition of the respondents against whom the complaint could be filled that is adult male perpetrators who is, or has, been in domestic relationship with the aggrieved person and against who the aggrieved person has sought any relief under this Act. Marries/lives in the nature of marriage, complaint can also be files against male or female relatives of the husband or partner who have perpetrated the violence.

What can a woman get by filing a complaint under this law?
A woman can get relief of various kinds as given below:

1. Protection Order (Section 18)
The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence has taken place or is likely to take place, pass a protection order in favor of the aggrieved person and prohibit the respondent from committing an act of domestic violence. It prevents perpetrator from entering woman's place of employment and causing harassment. Preventing from communication and violence being caused to a person related to the woman. Protection order also prevents financial action being taken by the perpetrator detrimental to the woman.

[5]Press Trust of India. Postal online: Thursday, October 13, 2005 at 1405 hours IST. *www.expressindia.com/messages.php?newsid=56501 - 37k. Accessed on May 8, 2009*
[6]World Health Organization 1997. Violence against Women. Geneva: World Health Organization.
[7]*The definition below was taken from The Gazette of India. EXTRAORDINARY PART II- Section 1. PUBLISHED BY AUTHORITY. MINISTRY OF LAW AND JUSTICE (Legislative Department) New Delhi, the 14th September, 2005/ Bhadra 23, 1927 page no. 3*

2. Residence Order (Section 19)
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 under section 19, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.

3. Monetary Relief (Section 20)
Section 20 under the act provides Monetary Relief to the aggrieved person to meet expenses incurred as a result of violence (medical bills, loss of belongings etc) and maintenance to take care of actual expenses.

4. Custody Order (Section 21)
The Magistrate may, at any stage of hearing of the application for protection order or for any other relief under this Act grant temporary custody of any child or children to the aggrieved person or the person making an application on her behalf and specify, if necessary, the arrangements for visit of such child or children by the respondent provided that if the Magistrate is of the opinion that any visit of the respondent may be harmful to the interests of the child or children, the Magistrate shall refuse to allow such visit.

5. Compensation Order (Section 22)
The Magistrate may on an application being made by the aggrieved person, pass an order directing the respondent to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by that respondent.

6. Interim/ex parte Order (Section 23)
Interim measures for the safety of the woman while the proceeding under PWDVA is on and before a final order is passed.

What are the consequences for breach of protection order by the respondent?

Section 31 (1) of PWDVA states that a breach of protection order, or of an interim protection order is an offence under this Act and it is punishable in accordance with the CrPC with imprisonment of either description for a term which may extend to one year, or with fine which may extent to twenty thousand rupees, or with both. According to section 31 (2), the breach must, as far as practicable, be tried by the same Magistrate who passed the order.

Section 32 (2) of the PWDVA provides that the sole testimony of aggrieved person is sufficient for proof of breach under Section 31.

The breach of protection order under section 31 can be reported to the following authorities:[8]

i. To the Magistrate directly, in the form of a complaint;
ii. To the Protection Officer, as a complaint or report of the breach of protection order;
iii. To the police, in the form of an FIR. This may be in addition to an FIR under the section 498A IPC or any other cognizable offence as mandated by section 31 (3) of the PWDVA. The police can then forward the complaint to the Protection Officer and the court. Please note that under the Act, the police have been provided the duty to assist in the enforcement of the orders passed by the court.

[8]Handbook on Law of Domestic Violence. Lawyers Collective. Edited by Indira Jaising. First Edition 2009. Page number 132-133

Again, the Rules expressly state that the breach shall be reported to the nearest police station. Hence, registering an FIR for breach of protection order under section 31 is clearly within their statutory role.

What are some of the important mechanism under this Act?

- **Protection Officers as the Key Implementing Agency (Sections 8 &9, Rules 8, 9 & 10)**

Protection Officer is the "Outreach Officer" of the court – the bridge between the woman & the courts. He/she take steps to protect women from, & prevent the violence. Protection Officer also assist the court in discharge of its functions and facilitate a woman's access to the courts – including providing information on her legal options and rights, arranging for legal aid etc. Another role of protection officer is to facilitate a woman's access to support services, assisting the court in enforcing its orders and coordinating a multi-agency response to domestic violence.

- **Service Providers are organizations registered under the Act (Section 10, Rule 11)**

Service Providers are organization registered under Companies Act/Societies Registration Act. They register with State government as Service Providers. These are generally NGOs working for women's rights. Their role is to record the Domestic Incident Report and forward it to Magistrate. They also help the aggrieved person to get medically examined and to ensure that the aggrieved person is provided shelter in a shelter home, if so requires.

What is the role of the Police?

- Complaint of Domestic Violence can be lodged directly with Police and they are required to make a dairy entry.
- It is the duty of the Police to inform aggrieved person of her rights to proceed under PWDVA as well as existing provisions of IPC or other laws.
- According to the wishes of aggrieved person she can either register FIR or if required to refer her to protection officer for recording Domestic Incident Report under PWDVA.
- Police to assist in enforcing court orders.
- The Police continue playing their role under existing laws and take appropriate action (investigation, arrest etc.) for cognizable offences under IPC

When the protection order passed by magistrate is not complied with. The police officer will still have to take appropriate action under law for the commission of cognizable offences under criminal law. A case can be registered under 498A of IPC to make arrests of accused persons in case of continued violence.

What to do if there is no Protection Officer/registered Service Provide in the area?
An aggrieved person can file a criminal complaint under 498A. However, since the police do not have the power to record a Domestic Incident Report, they are required to make a diary entry of the complaint, and refer her to the nearest Protection Officer or Service Provider for recording the Domestic Incident Report. If police refuses, she can approach the Magistrate's Court – requesting the court to direct the police to register Domestic Incident Report/FIR

What is a "Domestic Incident Report" ("DIR")?
Section 5 under the act speaks about DIR where the Protection Officer has to prepare a domestic incident report in **Rule 5 Form I** and submit the same to the Magistrate and forward copies to the police officer

in charge within the jurisdiction where domestic violence have been committed and to the service provider in that area. The aggrieved person can lodge a complaint of Domestic Violence with the Protection Officer, the Service Provider, the Police or directly with the magistrate. This complaint is made in the form of a DIR to be filed as Domestic Violence Act-Civil Law, however, an FIR in cases of criminal law. A DIR is the official format in which the complaint will be registered. Aggrieved person can get this **Form 1** from police stations, Protection Officer and Service Providers and fill it herself. If she cannot, Protection Officer, Service Provider or police will convert her complaint into **Form 1** and explain the content to her. Protection Officer, Service Provider or Police will then send the DIR to Magistrate/Court.

What are the proceedings in court?
Section 12 (1) under the Act states that aggrieved women or a Protection Officer or any other person on behalf of the aggrieved person can present the application to the Magistrate seeking one or more reliefs under the Act. However, **Form II** has been constructed in such a way so as to enable an aggrieved person to directly fill the Form and submit it to the court. After the application under section 12 is submitted the Act requires Protection Officers to prepare a 'Safety Plan' for the aggrieved person. The Safety Plan is based upon the risk assessment after discussion with the aggrieved person.

Section 12 (5) under the Act directs that the magistrate shall endeavour to dispose of every application made under sub-section (1) of section 12 within a period of 60 days from the date of its first hearing. However, Section 12 (4) directs the court to fix the first date of hearing within the three days of the court's receipt of an application under section 12.

Section 14 (1) under the Act empowers the Magistrate to direct either or both parties to counselling at any stage of the proceedings.

During the proceedings before the court, there could be several situations. One of the situations could be when the respondent fails to present on the first day of hearing then court passes an order for ex parte ad-interim relief based on the satisfaction of prima facia case. Another situation is when the notice is served and accepted by the respondent and the respondent is present on the first date of hearing and to file show cause reply, then based on a prayer for interim relief, court passes an order (prima facia case) and may direct Home Visit by the Protection Officer.

What Remains to be done?
The basic requirement for the success of the Act is the speedy justice for the aggrieved person and adequate budget allocation for the implementation of the Act by the State. Encouraging registration of Service Providers (NGOs) and appointing right kind of persons to be Protection Officers. Imparting training and sensitization programs for functionaries, including members of the judiciary is also important for the success of the Act. It is also important to have a good coordination between the services provided by concerned Ministries and Departments dealing with law, home affairs including law and order, health and human resources to address issues of domestic violence. However, primary responsibility for dissemination of the law is on the Central and the State governments and they shall take all measures to ensure that the provision of this Act are given publicity through public media including the television, radio and the print media at regular intervals (Section 11).

APPENDIX XI

OVERVIEW OF THE CRIMINAL LAW (AMENDMENT) ACT, 2013

The Criminal Law (Amendment) Bill, 2013 is an Indian legislation passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, which provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offences. The Bill received Presidential assent on 2 April 2013 and deemed to come into force from 3 February 2013. It was originally an Ordinance promulgated by the President of India, Pranab Mukherjee, on February 2013, in light of the protests in the 2012 Delhi gang rape case.

Background:
On 16 December 2012 a female physiotherapy intern was beaten and gang raped in Delhi. She died from her injuries thirteen days later, despite receiving treatment in India and Singapore. The incident generated international coverage and was condemned by the United Nations Entity for Gender Equality and the Empowerment of Women, who called on the Government of India and the Government of Delhi "to do everything in their power to take up radical reforms, ensure justice and reach out with robust public services to make women's lives more safe and secure". Public protests took place in Delhi, where thousands of protesters clashed with security forces. Similar protests took place in major place in major cities throughout the country.

On 22 December 2012, a judicial committee headed by J.S. Verma, a former Chief Justice of India was appointed by the central government to submit a report, within 30 days, to suggest amendments to criminal law to sternly deal with sexual assault cases. The committee submitted its report after 29 days on 23 January 2013, after considering 80,000 suggestions received by them during the period from public in general and particularly eminent jurists, legal professional, NGOs, women's groups and civil society. The report indicated that failures on the part of the Government and Police were the root cause behind crimes against women. Major suggestions of the report included the need to review AFSPA in conflict areas, maximum punishment for rape as life imprisonment and not death penalty, clear ambiguity over control of Delhi Police etc.

The Cabinet Ministers on 1 February 2013 approved for bringing an ordinance, for giving effect to the changes in law as suggested by the Verma Committee Report. According to former Minister of Law and Justice, Ashwani Kumar, 90 percent of the suggestions given by the Verma Committee Report has been incorporated into the Ordinance. The ordinance was subsequently replaced by a Bill with numerous changes, which passed by the Lok Sabha on 19 March 2013.

The Criminal Law (Amendment) Ordinance, 2013
New offences
This new Act has expressly recognized certain acts as offences which were dealt under related laws. These new offences like acid attack, sexual harassment, voyeurism, stalking have been incorporated into the Indian Penal Code:

Section	Offence	Punishment	Notes
326A	Acid attack	Imprisonment not less than ten years but which may extend to imprisonment for life and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim.	Gender neutral
326B	Attempt to Acid attack	Imprisonment not less than five years but which may extend to seven years, and shall also be liable to fine.	Gender neutral
354A	Sexual harassment	Rigorous imprisonment up to five years, or with fine, or with both in case of offence describes in clauses (i) & (ii) Imprisonment up to one year, or with fine, or with both in other cases.	Gender neutral i. physical contact and advances involving unwelcome and explicit sexual overtures; or ii. a demand or request for sexual favors; or iii. making sexually colored remarks; or iv. forcibly showing pornography; or v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
354B	Act with intent to disrobe a woman	Imprisonment not less than three years but which may extend to seven years and with fine.	Assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked.
354C	Voyeurism	In case of first conviction, imprisonment not less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.	Watching or capturing a woman in "private act", which includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy, and where the victim's genitals, buttocks or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the person is doing a sexual act that is not of a kind ordinarily done in public.

354D	Stalking	Imprisonment not less than one year but which may extend to three years and shall also be liable to fine.	Only for women. To follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or monitor the use by a woman of the internet, email or any other form of electronic communication. There are exceptions to this section which include such act being in course of preventing or detecting a crime authorized by State or in compliance of certain law or was reasonable and justified.

Changes in Law

Section 370 of Indian Penal Code (IPC) has been substituted with new sections, 370 and 370A which deals with trafficking of person for exploitation. If a person (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, 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 to imprisonment for the remainder of that person's natural life depending on the number or category of persons trafficked. Employment of a trafficked person will attract penal provisions as well.

The most important change that has been made is the change in definition of rape under IPC. The word rape has been replaced with *sexual assault* in Section 375 and have added penetrations other than penile penetration an offence. The definitions is broadly worded and gender neutral in some aspect, with acts like penetration of penis, or any object or any part of body to any extent, into vagina, mouth, urethra or anus of another person or making another person do so, apply of mouth or touching private parts constitutes the offence of sexual assault. The section has also clarified that penetration means "penetration to any extent", and lack of physical resistance is immaterial for constituting an offence. Except in certain aggravated situation the punishment will be imprisonment not less than seven years but which may extend to imprisonment for life, and shall also be liable to fine. In aggravated situations, punishment for life, and shall also be liable to fine. A new section, 376A has been added which states that if a person committing the offence of sexual assault, "inflicts an injury which causes the death of the person or causes the person to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean the remainder of that person's natural life, or with death."In case of "gang rape", persons involved regardless of their gender shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life and shall pay compensation to the victim which shall be reasonable to meet the medical expenses and rehabilitation of the victim. The age of consent in India has been increased to 18 years, which means any sexual activity irrespective of presence of consent with a woman below the age of 18 will constitute statutory rape.

Certain changes has been introduced in the CrPC and Evidence Act, 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, etc.

Criticisms
The Criminal Law (Amendment) Ordinance, 2013 has been strongly criticised by several human rights and women's rights organisations for not including certain suggestions recommended by the Verma Committee Report like, marital rape, reduction of age of consent, amending Armed Forces (Special Powers) Act so that no sanction is needed for prosecuting an armed force personnel accused of a crime against woman. The Government of India replied that it has not rejected the suggestions fully, but changes can be made after proper discussion.

The Criminal Law (Amendment) Act, 2013
The Bill was passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, making certain changes from the provisions in the Ordinance. The Bill received Presidential assent on 2 April 2013 and came into force from 3 April 2013. The changes made in the Act in comparison with the Ordinance is listed as follows:

Offence	Changes
Acid Attack	Fine shall be just and reasonable to meet medical expenses for treatment of victim, while in the Ordinance it was fine up to Rupees 10 lakhs.
Sexual Harassment	"Clause (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature" has been removed. Punishment for offence under clause (i) and (ii) has been reduced from five years of imprisonment to three years. The offence is no longer gender-neutral, only a man can commit the offence on a woman.
Voyeurism	The offence is no longer gender-neutral, only a man can commit the offence on a woman.
Stalking	The offence is no longer gender-neutral, only a man can commit the offence on a woman. The definition has been reworded and broken down into clauses, The exclusion clause and the following sentence has been removed "or watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such person, or interferes with the mental peace of such person, commits the offence of stalking". Punishment for the offence has been changed; A man committing the offence of stalking would be liable for imprisonment up to three years for the first offence, and shall also be liable to fine and for any subsequent conviction would be liable for imprisonment up to five years and with fine.
Trafficking of person	"Prostitution" has been removed from the explanation clause.
Rape	The word *sexual assault* has been replaced back to *rape*. The offence is no longer gender-neutral, only a man can commit the offence on a woman. The clause related to touching of private parts has been removed.

Limitations to the Criminal Law (Amendment) Act, 2013 – Myths and Facts (Source: kafila.org)
The Justice Verma Committee (JVC) report was a landmark statement, applauded by all citizens, welcomed by all Political Parties. JVC was significant because it showed a mirror to the Constitution of India, and reflected its wise and just guarantees of women's equality. Today the women and youth of India are looking with hope and expectation towards Parliament, and towards all Political Parties. We urge all Members of Parliament to pass a law upholding the spirit and letter of the Justice Verma

Committee; to pass a law that makes a step forward in our collective struggle to end sexual violence in India.

Myth 1: The Criminal Law (Amendment) Bill 2013 is against men
Fact: The new anti-sexual violence Bill is NOT against men. For our fathers, brothers, husbands, partners, neighbours and colleagues are men too. Are these Men in our lives not committed to seeking an end to the constant threat of sexual violence lurking around every corner? Yes, men must, and *men do support this Bill*. For this bill is against criminals. It is against the scourge of sexual violence, and seeks to prevent and protect our society from heinous sexual crimes like rape, molestation, disrobing and parading of women and stalking.

We know that men too can be vulnerable to sexual attacks by criminal men. And we welcome the Bill's recognition that both men and women can be victims of acid attack and provides protection to all 'persons' for these offences. But we further ask you, our Parliamentarians, to recognize that *men must also be protected against the crime of rape and custodial rape committed by other men*, and to change the definition of victim in section 375 and section 376 (2) to 'person' and not restrict victimhood in these instances to women alone. Men and women are and must remain partners in this battle against sexual violence. And all 'persons' deserve protection of the law against rape.

Myth 2: If the age of consent for sexual act is lowered to 16 years, this will encourage child marriage, prostitution and trafficking.
Fact: The age of consent for sexual relations in India has stood at 16 years for the last 30 years, since 1983. The age was increased without adequate public discussion in the Protection of Children from Sexual Offences Act, May 2012, 9 months ago, and later, in the hasty Criminal Law (Amendment) Ordinance of Feb 4th 2013. The JVC report recommends that it be retained at 16 years as it always has been in the IPC, to prevent criminalization of young persons for consensual sex. Women's groups are merely asking for it to be retained at 16 years, rather than increase it unthinkingly to 18 years.

Retaining age of consent at 16 years does not mean social or moral endorsement or encouragement of teenage sexual activity. The law is not asking young people to do this or that. This is merely an acknowledgement that if two young people consensually decide to engage in sexual contact, we might want to teach them and educate them but we do not want to treat them instantly as criminals, or consign them to custody. For that is what 'age of consent' means – it means that a boy who has sexual contact with someone below the age of consent is committing statutory rape. If that age is now raised to 18, it means that boys of 16-18 years, or slightly older, will be held guilty of committing statutory rape if they have consensual sex with another person who is also between 16-18 years. In such cases, the judge will have no discretion under law and will be forced to place such boys in protection home (if under 18 years) or in jails (18 or above).

Indian society should not treat as criminals and rapists young men and women who might engage in *consensual* sexual acts. For we must recognize that 'criminalizing as RAPE', the consensual acts of young adults, will make most vulnerable our young men, particularly those from marginalized communities. Third-party complaints of statutory rape against young boys will force the Courts to condemn them to prison (if over 18) or protection homes for juveniles (if under 18) for committing no crime other than consensual sexual contact.

We must retain the age at 16 because raising the age to 18 years does not provide additional protection to young women against rape or sexual assault. It only serves to increase societal control over the lives and decisions of young persons, both young men and women. To protect their fundamental rights including the right to choice and sexual autonomy and agency, the law must keep 16 years as the age of consent for sexual acts.

Why should the age of marriage be 18 years and consent for sexual acts be retained at 16 years?
The age of marriage must be retained at 18 years. Marriage is a serious commitment and entails many

long-term responsibilities of life, and it is appropriate to keep the age of marriage at 18 years. But there is no merit or useful purpose served by keeping one uniform legal age for every act of a human being. Studies, surveys and research conducted across India, including in rural India, all indicate that young people are engaging in consensual sexual activity between the ages of 16-18 years. The anxiety and legitimate concerns of parents on this count is real and valid. However, the answer to that lies outside the law – in education in schools and within families, and communication between the parents, teachers and young persons.

In any case, marriage of persons under 18 years is legal and valid under the law. Consequently, sex between spouses, one or both of whom may be between 16-18 years is not criminalized. Raising the age of consent to 18 years, treats consensual sex between married persons, one or both of whom may be between 16-18 years, differentially from sex between unmarried persons of the same age group. Tainting an unmarried boy of under or above 18 years with the stigma of criminality for consensual sex is unduly harsh and discriminatory, when compared with the legal status of a married boy of the same age.
Retaining the age of consent at 16 years is only to ensure that when teenagers engage in consensual sexual activity, it does not lead to young boys being punished and imprisoned. Retaining age of consent for sexual contact at 16 years does not have any bearing or adverse impact on the efforts to prevent child marriage, to which we all stand committed.

Will the age of consent at 16 years lead to more trafficking and forced prostitution of women and children?
It must be emphasized that key to the definition of RAPE is the absence of consent of the woman. Each case where there is such absence of consent must be treated as a crime and punished.
In the case of trafficking and forced prostitution this issue of 'consent' whether at 16 or 18 is totally irrelevant. In cases of trafficking or forced prostitution, the consent of the girl or woman at any age is neither free nor voluntary; it is coerced and hence in the eyes of law does not amount to consent. The issue of age is irrelevant in all cases of trafficking and forced prostitution. As pointed out in the Justice Verma Committee Report, the police and other powerful forces are complicit in the crime of trafficking and forcing women and children into exploitative work. The 2013 Bill has special provisions to deal with Trafficking and we must ensure that these are rigorously enforced by the police.

Myth 3: The offences of Voyeurism and Stalking will trap innocent men.
Fact: The offence of *Voyeurism* as defined in Sec. 354C IPC, is very specific and pointed in scope and has no possibility of misuse or abuse. In villages, towns and cities, we know that the poor do not enjoy the luxury of a private bathroom in their homes. This makes the young girls and women particularly vulnerable to sexual abuse even as they perform routine activities of bathing, attending to the call of nature in fields and open public places. They are always fearful of men who may use this occasion to watch them or take pictures of them as they perform these private activities. The offence of Voyeurism will punish a man who watches or records a woman while she is in any private act where her private body parts may be exposed. This offence seeks to uphold the dignity of women and makes the violation of their fundamental right to privacy a crime.

Stalking: The crime of stalking takes a serious toll on the life of women. Gripped by fear and anxiety due to being repeatedly followed by a man, girls and women have been forced to drop out of education, quit jobs and even change homes to escape the stalker. The rape and murder of the young law student Priyadarshini Mattoo, is a grim reminder that if the stalker is not stopped, he can rape and kill. Stalkers are also known to throw acid on their victims, as a way to take revenge. By making stalking a crime, the law can actually prevent rape and other forms of aggravated sexual crimes and save innocent women from being brutally sexually assaulted or killed. The codification of this crime will fill an important lacuna in the present law. Only in situations where a man repeatedly follows a woman, either physically or through the Internet and this causes her fear or distress, will the crime of stalking be recognised as such.

APPENDIX XII

OVERVIEW OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 (POCSO)

The Protection of Children from Sexual Offences Act 2012 (POCSO Act) was passed to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. Sexual offences are currently covered under different sections of IPC, but the IPC does not provide for all types of sexual offences against children and, more importantly does not distinguish between adult and child victims.

POCSO defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 from the offences of sexual assault, sexual harassment and pornography. These offences have been clearly defined for the first time in law. The Act provides stringent punishments, which have been graded as per the gravity of the offence. The punishments range from simple to rigorous imprisonment of varying periods. There is also provision for fine, which is to be decided by the Court.

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.

The Act recognizes that the intent to commit an offence (even when unsuccessful for whatever reasons), needs to be penalized. The **attempt to commit an offence** under the Act has been made liable for punishment for up to 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 Asexual Assault, the **burden of proof is** shifted on the accused. This provision has been made keeping in view the greater vulnerability and innocence of children. 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. An offence is treated as 'aggravated' when committed by a person in a position of trust or authority of child such as a member of security forces, police officer, public servant etc.

Punishments for Offences covered in the Act are:

Offence	Provision	Key Features	Penalty
Penetrative Sexual Assault	Section 4	Penetration to any sexual organ or other body orifice (mouth, anus)of the child or makes a child do the same Inserts an object to any sexual organ or other body orifice or makes a child do the same. Applies his mouth to any sexual organ or other body orifice of the child or makes a child do the same	Not less than 7 years imprisonment, may extend to life imprisonment and fine

Sexual Assault	Section 8	Non-penetrative Touch /physical contact Sexual intent Child's sexual organs Makes child touch Or any act involving physical contact	3 years- may extend to five years and fine
Aggravated Penetrative Sexual Assault	Section 6	Position of authority Position of trust or/and authority Public servant Government services/armed forces Gang assault Taking advantage of the vulnerability of the child	RI for not less than 10 years- may extend to life imprisonment and fine
Aggravated Sexual Assault	Section 10	Using deadly weapons, fire, heated substance or corrosive substance Consequence of the sexual act Situation in which offence committed Sexual offence coupled with other offences Above situations make aggravated	Not less than 5 years-may extend to seven years and fine
Sexual Harassment	Section 12	Non-penetrative, Non-touch Sexual intent for the act Utters words/makes sounds/gestures/exhibits Make child exhibit his sexual organs Shows objects in any form for pornographic purposes Repeatedly follows or watches- stalking Threatens to use any body part through media Entices child for pornographic purposes	May extend to 3 years and fine
Using child for pornographic purposes	Section 14	For personal use or otherwise Depicting child's sexual organs As engaging in real or stimulated sexual acts Indecent or obscene representation of the child	May extend to 5 years and fine Subsequent conviction may extend to 7 years and fine Punishment also varies based on its being clubbed along with other offences
Storage of pornographic material involving child	Section 15	Storing for commercial purposes	May extend to 3 years or with fine or both

Abetment to commit any sexual offence against child	Section 17	Instigates /engages in conspiracy/intentionally aids	Same as the offence
Attempt to commit any sexual offence against child	Section 18	Attempts to commit or cause such an offence to be committed	One-half of the life imprisonment or one-half of the longest term of imprisonment
Failure to report or record a case	Section 21 (1)	Any person who fails to report the commission of an offence { Sec. 19 (1)} or fails to record such offence {Sec. 19 (2)}	Six months imprisonment or fine or both
	Section 21 (2)	Any person In-charge of a company or an institution fails to report the commission of an offence by a subordinate under his control	Imprisonment for a term which may extend to one year and with fine
Media	Section 23 (4)	For reporting wrong information about a child that may reduce the reputation of the child or; disclosing the identity of a child	Imprisonment not less than six months- may extend to one year or fine or both
False Complaint	Section 22(1)	Against a person of penetrative/sexual assault with intention to humiliate/extort/threaten/defame	Imprisonment for a term which may extend to six months or with fine or both
	Section 22(3)	False complaint about any offence under this Act against a child knowing it to be false	Imprisonment for a term which may extend one year imprisonment or fine or both

AUTHORITIES THAT HAVE BEEN IDENTIFIED WITH ROLES AND RESPONSIBILTIES UNDER POCSO ACT

KEY ROLES AND RESPONSIBILITIES OF DIFFERENT AUTHORITIES

Special Judge

- Ensure that the process is child friendly
- Hold the proceedings in camera
- All questions to the child during examination asked through the judge
- If necessary, child given frequent breaks during trial
- Permit a parent, relative or any other person of child's choice to be present with her in the Court
- Protect the identity of the child anytime during the trial or investigation. Exceptions can be made only when it considers the disclosure to be in the interests of the child
- Ensure that evidence of the child is recorded within thirty days from the date of taking cognizance of the case.
- Ensure that the trial is completed within one year
- Assistance of translator, interpreter or special educator should be taken in cases where the child may require such assistance
- In appropriate cases, the Court may also direct payment of compensation to the child

Support Person

- Maintain confidentiality
- Inform the child of his/her role in the judicial process
- Keep the child and family informed of the proceedings
- Convey to the relevant authorities that the concerns the child may have regarding his safety in relation to the accused and the manner in which he would like to provide testimony

Medical Officer

- Provide emergency medical care.
- Ensure that parent or person whom the child trusts is present while conducting examination
- When necessary, use Sexual Assault Forensic Evidence (SAFE) Kit to collect medical evidence.
- Follow protocols while collecting medical evidence like samples, smears, etc
- Maintain chain of custody of collected evidence until material is handed over to Police
- Refer child and family to mental health facility / professional for psychological counseling

CWC

- On receiving information that an offence has been committed or is likely to be committed and that the perpetrator is in the same house/household or the child is living within an institution and has no parental support - determine within 3 days if the child needs to be taken out of the custody of the family after an enquiry
- Provide support person with the consent of the child and his parent/guardian/ person in whom child reposes trust if the need is felt
- Terminate the services of a support person on the request of the child and his parent/guardian/ person in whom child reposes trust without the child assigning any reason for the same.

DCPU

- Maintain the list of translators, interpreters, special educators, etc.
- Share this information with SJPU, CWC, Special Court, etc.

PROCEDURES TO BE FOLLOWED BY THE POLICE

Under this Act, any person – adult or child who has,

- Apprehension that an offence is likely to be committed
- Knowledge that such an offence has been committed has a duty to provide information to the Special Juvenile Police Unit or the local Police Station - Sec 19 (1)

Some people have additional responsibilities to report i.e media, hotel, lodge, club, photographic facilities etc have a duty to inform about any material or objective that is exploitative of the child

1. Every report received must be:

a. Ascribed a number
b. Entered in the Station House Diary
c. Read over to the informant
d. Entered in the register kept at the police unit (Register as per DG &IGP Circular dated) - *Sec 19(2)*

2. The officer recording the information must disclose:

a. His/her name and designation
b. Address and telephone number
c. Name, designation and contact details of his/her supervising officer - *Rule 4 (1)*

3. If report is given by a child ensure that it is recorded in simple language as the child narrates. - *Sec 19 (3)*
4. Seek the help of a Translator/Interpreter/Special Educator, if the child does not understand the language or needs special assistance - *Sec 19 (4)*
5. Register an FIR using appropriate sections of POCSO and IPC and furnish the copy of the same to the informant. - *Rule 4 (2) (a)*
6. If the child is need of care make arrangements for the child to be given medical care or admitted to a shelter after recording reasons for the same in writing. - *Sec 19 (5)*
7. Medical examination conducted (as per section 164 A of Cr PC) even when FIR/complaint not registered under this Act. - *Sec 27 (1)*

a. In case of girl children examination to be conducted by woman doctor. - *Sec 27 (2)*
b. Medical examination to be conducted in the presence of parent or a person whom the child trusts or has confidence in. - *Sec 27 (3)*
c. Where parents or person in whom the child trusts cannot be present, medical examination to be done in the presence of a woman nominated by the head of the medical institution. - *Sec 27 (4)*
d. Ensure that samples collected for the purpose of forensic tests are sent to the forensic laboratory at the earliest. - *Rule 4 (2) (d)*

8. Report the matter to the Special Court and Child Welfare Committee within 24 hours including the need for the child to be given care and the steps taken in this regard. - *Sec 19 (6)*

9. Request CWC for Support Person and inform Special Court in writing within 24 hrs of making such arrangements. *- Rule 4 (7) (9)*

10. Officer preferably a woman officer not below the rank of sub-inspector must record statement of the child (as per section 161 of Cr PC). *- Sec 24 (1)*

11. When recording statement ensure that:

a. Statement of the child is recorded at the child's residence or a place where the child is comfortable *- Sec 24 (1)*
b. Officer recording the statement shall not be in uniform. *- Sec 24 (2)*
c. Audio visual recording of the child's statement is done
d. Statement is taken in the presence of parent or a person whom the child is comfortable with
e. Investigating Officer to ensure that the child does not come in contact with accused *- Sec 24 (3)*
f. No child to be detained in the police station at night for any reason *- Sec 24 (4)*
g. Investigating Officer to ensure that the identity of the child is protected from the media unless otherwise directed by the Special Court *- Sec 24 (5)*

12. Produce the child before CWC within 24 hours with reasons and request for assessment, when: *- Rule 4 (3)*

a. Accused living in the same or shared household
b. Living in an institution without parental support
c. Found without home or parental support.

13. Keep the child and his parent/guardian/person whom the child trusts/support person *- Rule 4 (12)*

a. Informed about the developments, including the arrest of the accused, applications filed and court proceedings.
b. Provide information on public and private emergency and crisis services
c. Procedural steps involved in criminal prosecution
d. Availability of victim's compensation benefits
e. Status of investigation of crime (to the extent that it will not interfere with investigation)
f. Arrest of suspected offender
g. Filing of charge sheet
h. Schedule of court proceedings
i. Bail, release or detention status of offender
j. Verdict and sentence imposed

Order No: LAW 114 LCE 2011, Bangalore Dated 11.7.2011 "Children's Courts" set up in Karnataka as per Section 25 and 26 of the Commission for Protection of Child Right Act, 2005

High Court Memo No: GOB.II.148/2011 Dated 26.3.2013 – Establishment of **"Children's Court"** at Bangalore City

Govt. of Karnataka, Home Department (Law & Order) Circular No: OE 633 PPE 2012 Dated 29.1.2013 "Special Public Prosecutors" designated as per section 26 of the Commission for Protection of Child Right Act, 2005

Sl.No.	District	Judge	Special Public Prosecutor
1.	Bangalore City	**Smt. Shuba Goudar** 50th Addl. City Civil & Sessions Judge	50th Addl. City Civil and Sessions Court
2.	Bangalore Rural	**Shri K. Somashekar** Principal District and Session Judge	Principal District and Sessions Court
3.	Bagalkot	**Shri B. Balakrishna** District and Sessions Judge	District and Sessions Court
4.	Belgaum	**Shri K.N. Phaneendra** Principal District and Session Judge	Principal District and Sessions Court
5.	Bellary	**Shri D. Visweshwara Bhat** Principal District and Session Judge	Principal District and Sessions Court
6.	Bidar	**Smt. M.A. Shashikala** Principal District and Session Judge	Principal District and Sessions Court
7.	Bijapur	**Shri K. Ninge Gowda** Principal District and Session Judge	Principal District and Sessions Court
8.	Chamrajnagar	**Shri V.G. Savadkar** District and Sessions Judge	District and Sessions Court
9.	Chikkaballapur	**Shri Subash Yallappa Irannavar** District and Sessions Judge	District and Sessions Court
10.	Chikmagalur	**Shri B.A. Patil** Principal District and Session Judge	Principal District and Sessions Court
11.	Chitradurga	**Shri Sreenivas Harish Kumar** Principal District and Session Judge	Principal District and Sessions Court
12.	Davanagere	**Shri Chandramalle Gowda** Principal District and Session Judge	Principal District and Sessions Court
13.	Dharwad	**Shri K. Natarajan** Principal District and Session Judge	Principal District and Sessions Court
14.	Gadag	**Shri Avin Tippanna Hanumappa** District and Sessions Judge	District and Sessions Court
15.	Gulbarga	**Shri D.R. Venkatasudarshan** Principal District and Session Judge	Principal District and Sessions Court
16.	Hassan	**Shri J.S. Somashekara** Principal District and Session Judge	Principal District and Sessions Court
17.	Haveri	**Srhi H.P. Sandesh** District and Sessions Judge	District and Sessions Court
18.	Mangalore	**Shri Choudapurkar Arun** Principal District and Session Judge	Principal District and Sessions Court

19.	Karwar	**Shri V.V. Angadi** District and Sessions Judge	District and Sessions Court
20.	Kodagu	**Shri S.R. Somshekhara** District and Sessions Judge	District and Sessions Court
21.	Kolar	**Shri S. Renuka Prasad** Principal District and Session Judge	Principal District and Sessions Court
22.	Koppal	**Shri Srikanth Babaladi** District and Sessions Judge	District and Sessions Court
23.	Mandya	**Shri B. Shivalinge Gowda** Principal District and Session Judge	Principal District and Sessions Court
24.	Mysore	**Shri Mohan Sripad Sankoli** Principal District and Session Judge	Principal District and Sessions Court
25.	Ramnagara	**Shri M.K. Prahalada** District and Sessions Judge	District and Sessions Court
26.	Raichur	**Shri P. Krishna Bhat** Principal District and Session Judge	Principal District and Sessions Court
27.	Shimoga	**Shri Rajashekar Malleshappa Shettar** Principal District and Session Judge	Principal District and Sessions Court
28.	Tumkur	**Shri H.B. Prabhakara Sastry** Principal District and Session Judge	Principal District and Sessions Court
29.	Udupi	**Shri Balasaheb M. Angadi** District and Sessions Judge	District and Sessions Court
30.	Yadgir	**Smt. Vidyavati S. Akki** District and Sessions Judge	District and Sessions Court

APPENDIX XIII

CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,
Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of

his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the

implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon

request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others; or
(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent

with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
(c) Encourage the production and dissemination of children's books;
(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have

the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other

person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;
(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and

risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right

progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and

artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;
(b) Provide for appropriate regulation of the hours and conditions of employment;
(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;
(b) The exploitative use of children in prostitution or other unlawful sexual practices;
(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her

age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
(i) To be presumed innocent until proven guilty according to law;
(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
(iii) To have the matter determined without delay by a competent, independent and impartial author-

ity or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii)To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.1/ The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months

before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

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NEN OFFICES

NORTH EAST NETWORK, ASSAM
J.N Booroah Lane, Jorpukhuri
Guwahati- 781001, Assam
Phone: (+91-361) 2603833
Telefax: (+91-361) 2631582
E-mail: assamnen@yahoo.co.uk
assam@northeastnetwork.org

NORTH EAST NETWORK,
42 Deshbandhu Society,
15 I.P. Extension Delhi – 110092
Phone: (+91-11) 22721744
E-mail: nen@northeastnetwork.org

NORTH EAST NETWORK,
Springside, Jingkieng Nongthymmai
Shillong – 793014, Meghalaya
Phone: (+91-364) 2520750
Telefax: (+91-364) 2521221
E-mail: meghalaya@northeastnetwork.org

NORTH EAST NETWORK,
NEN Resource Centre
Chizami – 797102, Phek District
Nagaland, India
Mobile: +91-9436607403
E-mail: nagaland@northeastnetwork.org

WEBSITE: **www.northeastnetwork.org**
E-MAIL: **nen@northeastnetwork.org**