



Mahila Police Volunteers: A Handbook



Government of India
Ministry of Women and Child Development
in Collaboration with
Ministry of Home Affairs
2016



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सत्यमेव जयते



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MESSAGE

While we have made much progress to improve the lives of women in our country, there is a long way ahead. Through our programmes, we are working to empower women, challenge gender stereotypes and provide services to victims of gender based violence. At the same time, we want to encourage women to take action against the discrimination and abuse they face. For this, a community level intervention was deemed necessary.

For a myriad of reasons, women are often apprehensive to approach the police for help. This creates a cycle of violence where the perpetrators do not face consequences for their crimes. The concept of Mahila Police Volunteers (MPV) is based on the idea of community policing. A MPV will serve as a bridge between the police and the community, encouraging women to come forward and increase reporting of crimes such as domestic violence, child marriage and dowry harassment. MPV will facilitate an environment of safety for women and girls by sensitizing the general public through community meetings and home visits. She will be a model for the village as an empowered woman leading the way for change.

This handbook is designed to equip MPVs to deliver their duties to their best ability. With the help of this handbook hope these volunteers can effectively serve as a much needed public-police interface. I look forward to cooperation from all States and UTs to make this initiative a success.


(Smt. Maneka Sanjay Gandhi)



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॥ संदेश ॥

मैं देश की सभी महिलाओं और लड़कियों को बधाई देती हूँ, विशेषकर उन दलित, पिछड़ी, शोषित बहनों को जो अभी तक अपने कानूनी अधिकारों से वंचित रही हैं। इन सबकी जरूरत को समझते हुए महिला एवं बाल विकास मंत्रालय एवं गृह मंत्रालय, भारत सरकार द्वारा मिलकर महिला पुलिस वालंटियर्स योजना का शुभारंभ किया है।

यह योजना सामाजिक भागीदारी से तैयार की गई है जिसमें गांव समाज की शिक्षित महिलाएँ वालंटियर्स के रूप में पुलिस विभाग से ट्रेनिंग लेकर घरेलू हिंसा, बाल विवाह, दहेज प्रताड़ना जैसे मुद्दों पर कानूनी जानकारी उपलब्ध करायेगी और पीड़ितों को कानूनी सहायता पहुँचाने में अपना योगदान देगी।

मैं समझती हूँ कि यदि समाज से अपराध और सामाजिक बुराईयों को जड़ से मिटाना है तो उसके लिए सामाजिक जागरूकता व सामाजिक भागीदारी अत्यन्त आवश्यक है इसके लिए महिला पुलिस वालंटियर्स योजना सरकार की अनूठी पहल है, जिसके लिए सरकार के सभी अधिकारी बधाई के पात्र हैं। मैं विश्वास के साथ कह सकती हूँ कि यह योजना भविष्य में महिलाओं के प्रति हो रहे अपराधों को कम करने में कारगर साबित होगी और समाज में समान न्याय व्यवस्था में अहम योगदान देगी।

प्रथम चरण में इस योजना के अंतर्गत प्रदेश स्तर पर दो जिलों और केंद्र शासित क्षेत्रों में एक-एक जिले का चयन किया गया है। अतः इस योजना के बेहतर कार्यान्वयन के लिए देश के सभी प्रदेशों व केंद्र शासित प्रदेशों से आग्रह करती हूँ कि वह अपनी-अपनी भूमिका का निर्वाह पूरी निष्ठा के साथ करें।

(कृष्णा राज)



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MESSAGE

Indian women have come a long way in asserting and accessing their rights. Today we see an increase in number of women and girls in schools, colleges, workplaces as well as the public arena. This is a sign of India coming of age, with equal opportunities for all. However, there remain many challenges in achieving true gender equality. There are still numerous instances of discrimination, harassment and abuse of women, most of which go unreported and thus unprosecuted.

Mahila Police Volunteers (MPV) is an initiative championed by the Ministries of Women and Child Development and Home Affairs to help increase the reporting of and response to crimes against women. The MPV will encourage women to come forward with complaints of violence and discrimination, provide information to them on remedies for this, and assist them in taking their cases to police authorities. She will serve as an example to the village and encourage a woman friendly environment both within and outside the police station.

MPVs will be trained with the help of this Handbook and equipped to best deliver their duties as community level change-makers. I look forward to the widespread implementation of this initiative, and its imminent success.

Leena Nair
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PREFACE

Gender-Based Violence (GBV) faced by women both in public and private spaces, including domestic violence, sexual assault, rape, voyeurism, stalking etc are a major threat to women equality and empowerment. It cuts across boundaries of age, race, ethnicity, culture and geography. Any form of such violence is a manifestation of unequal power relations between women and men, which not only devalues the status of women in our society but also deeply entrenches gender bias and discrimination faced by them through-out their lives. Thus women safety and security is not just a concern for women but for the entire society.

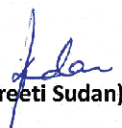
Police plays a pivotal role in maintaining law and order as well as safety and security of citizens in general and women in particular. However, it is a matter of common knowledge that women who are victim of violence or harassment may not find it easy to approach the police or other authorities for getting assistance or support. It would, therefore, be desirable to provide women an effective mechanism that is located within the context of coordinated community response to enable police outreach.

It is in this context, the Mahila Police Volunteers (MPVs) initiative has been envisaged by the Ministry of Women and Child Development in collaboration with the Ministry of Home Affairs for engagement of MPVs in States and UTs to provide public-police interface and facilitate women in distress.

Any empowered women from the community, who is of 21 years of age and is at least 12th pass can become MPV. An MPV will play the role of community police and will report any incidence of violence against women such as domestic violence, child marriage, dowry harassment and any other form of violence faced by women in public and private spaces. She will be provided a badge to build her identity and enable her engagement with the community. She will mobilize community to form Mahila and Shishu Rakshak Dals (MASRD) to act as community watch groups.

The State Home Department and Women and Child Department will have a critical role to play in adoption of this initiative and ensuring its implementation on ground. This Handbook of Mahila Police Volunteer has been developed as a model to train the cadre of MPVs in States/UTs. I sincerely hope that this Handbook will be an effective guiding template for the States and UTs to replicate and contextualize it in their local contexts for training the MPVs.

I would like to acknowledge the valuable inputs of Bureau of Police Research and Training, Ministry of Home Affairs and National Institute of Public Cooperation and Child Development for development of this Handbook and the team of Officials and Consultants in Women's Welfare Bureau and Programme Management Unit, Beti Bachao Beti Padhao of WCD Ministry for their important contribution in its finalization.


(Preeti Sudan)



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GENERAL INSTRUCTIONS FOR MPV

- This handbook is developed to facilitate and prepare the Mahila Police Volunteers (MPVs) to orient herself with the scheme and her role as MPV.
- She is expected to go through the entire study material and prepare herself for the job.
- Each chapter is detailed out about her role in various activities.
- The MPVs may refer already prepared training modules on BBBP, OSC, VCFS as reading and reference materials to gain further knowledge.



Introductory Session: About The Mahila Police Volunteer Initiative

Women rights are human rights which are universal, interdependent, interrelated and indivisible. Violence against women is an intolerable violation of human rights and in order to safeguard women's rights there is a need to eliminate all forms of violence against them. The last few years have an increased attention and sensitivity to the issue of violence against women, and sustained efforts by the Government and campaigning by women's groups/organizations has led to stringent legislations to promote women empowerment.

1.2 The country has witnessed advancements in various fields and even though the literacy rate amongst women has shown an improvement, century old traditions and customs, biased against a girl child still prevail in large parts of the country. The major paradox of our society is that the girl child is denied her right to survive which is reflected in unabated decline in Child Sex Ratio (CSR) between 0-6 years. Census 2011 reveals that CSR has recorded significant decline with an all-time low of 918 girls for every 1000 boys, indicating the unequal status of women and girls in the society.

1.3 Violence against women and girls is rooted in unequal power relations between men and women in society and can be well understood within a gender framework. Unequal treatment and discrimination in child rearing, and caring practices in the family, male preference, and denial of rights to health care and education to women and girls are some of the factors that make women vulnerable and susceptible to different forms of violence. Gender based inequalities in all stages of women's life manifest in the form of several acts of violence.

1.4 Police has a lead role in maintaining law, order, safety and security of citizens in general and women in particular. To increase the visibility of women in the police force, Home Ministry has carried forward the initiative to give 33% reservation to women in police force by implementing it in UTs and propagating in the States. There has been an increasing emphasis on gender sensitivity of police force through training programmes, performance appraisal, women police stations to tackle crime against women. A recent advisory dated 12th May, 2015 by the Home Ministry stresses on the need for sensitivity in handling women's issues.

1.5 However, it is seen that women who are victims of violence or harassment may not find the police or other authorities approachable for getting help or support. Therefore, it is important to provide women an effective alternative for getting help and support.

1.6 In order to promote these objectives and increase focused community outreach, Government of India envisages engagement/nomination of Mahila Police Volunteers (MPVs) in all States and UTs who will act as a link between police and community and facilitate women in distress. This will be done in a phased manner. The details of the Mahila Police Scheme are placed at **Annexure II**.

ROLE AND RESPONSIBILITIES OF MPV

1.7 An MPV could be any woman who is socially committed towards empowerment of women and girls, willing to raise her voice against gender based violence and support the police in creating a gender just society free from violence. The MPVs will be chosen by the Home Department of the concerned State/UT through the Superintendent of Police of the district. The MPV will directly report to the Circle Inspector in the Police Station.

1.8 A woman nominated as an MPV shall be entrusted with the task of acting as a link between the police and the society on gender concerns. MPVs will act as a facilitating link between the citizens and the police. During the course of her work, she shall undertake the following activities:

- Create awareness of the existing services available for women and children for example, One Stop Centers (OSC), Short Stay Homes, Shelters, Police Helpline 100, Women's Helpline 181, Childline 1098, Mobile Application for Emergency.
- Inform the police personnel about any unpleasant behavior or untoward incidences against women and girls in the community.
- Act as an additional intelligence collection unit of the area regarding all issues pertaining to women in that area--spotting of new and suspicious arrivals in the village; information about missing women or children of the area; substance abuse and deviant behavior among school children and college students.
- Report incidences of missing children, violence against women such as domestic violence, child marriage, dowry harassment, trafficking and any other form of violence faced by women in both public and private spaces. In case of missing children, or child abuse cases, MPV shall immediately call up 1098 and inform police.
- Mobilize and facilitate Mahila aur Shishu Rakshak Dal (MASRD) preferably of 10- members (similar to "Shaurya Dal" - A community led initiative to curb violence against women and girls in Madhya Pradesh). MASRDs may comprise of local leader, Sarpanch/ward member/ Resident Welfare Association member, Teacher, Social Worker, SHG member, Counsellor, Local Media representative, Frontline Workers (ASHA, AWW)/Community/Youth volunteers to act as Community Watch Groups. In addition, the existing groups working in the community on women empowerment issues may be integrated with MASRDs.

- Mandatory visit of the local Anganwadi Centre once in a week on the day when the ANMs and ASHA workers also visit the Anganwadi. This will facilitate building partnerships and provide a platform to meet women.
- Familiarize herself with the existing awareness generating websites/portals such as www.wcd.nic.in and resources related to informational/educational material for sensitizing women/girls and children.
- Conduct one-to-one meetings, home visits, and community meetings, Focus Group discussions to build confidence among women, families and peer groups to approach the Local Police, Women Helpline and One Stop Centre in times of need.
- Establish linkages with Protection Officers under “The Protection of Women from Domestic Violence Act, 2005” at district/block level for convergence and coordination.
- Tie-up and be in constant touch with the other stakeholders on women’s and children’s issues--the police station concerned especially the women police personnel posted there, ANMs, ASHA workers, women homeguards, NSS, NCC, Mahila mandal workers, women’s collectives, SHGs, Mahila Samakhya (wherever available).
- Participate in meetings on Village Health Nutrition Day (VHND), Village Health Sanitation Nutrition Committee (VHSNC), Gram Sabhas, Special Gram Sabha, Mahila Gram Sabha on regular basis for better convergence and coordination on issues affecting women in these forums.
- Engage and provide suggestions and feedback to the local administration and police about improving access to services and other related information.

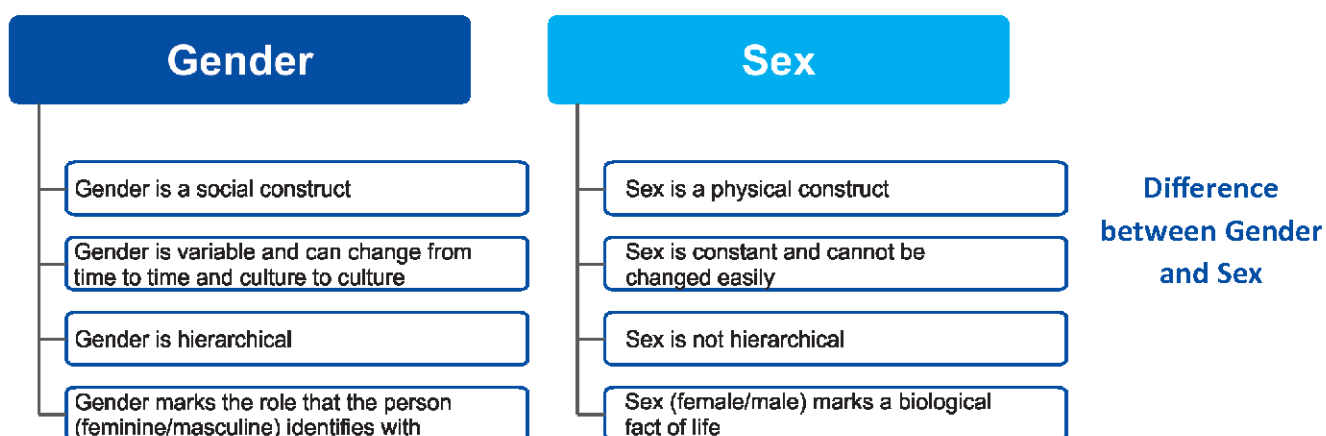
Role of MPV

- ☞ The MPV is supposed to get familiar with her role and responsibilities in the community.
- ☞ She will act as an interface between the community and the local police.

Gender Based Violence, Discrimination and its Impact

Gender discrimination is one of the major inequalities that are suffered by the women and children of India. Conventional patriarchal customs have consigned women to inferior status within the household and workplace. People are born male and female but learn to become boys and girls. As they grow, sex differences determine how they will behave and what they will be, during the rest of their lives. Boys and girls grow into men and women in a socio cultural context.

Gender inequalities arise from the different and unequal roles, and the unequal power relations between men and women in different spheres of life. These inequalities have consequences on their lives, well-being and health. Gender inequalities in most societies lead to women having fewer roles in decision making over their own health, poor access to health services and inadequate capabilities to protect themselves from risks to their health.



Various factors play a role in building up and promoting perceptions of gender-cultural, political, environmental, economic, social and religious. Tradition, custom, law, class, ethics, and individual or institutional bias further strengthen these stereotypes. It is this social perception of differences between men and women and the subsequent behaviour that are called gender stereotypes. Both men and women get trapped in this distorted perception created by the dynamic of human relations.

GENDER SENSITIZATION

Gender sensitization refers to the modification of behaviour by raising awareness on issues related to gender equality. It helps in understanding the view a person holds about self and the other gender and lets people combine their personal attitudes and beliefs.

Types of Gender Roles

Reproductive Role	Productive Role	Community Managing Role	Community Politics Role
Maintenance of the household and care of family members.	Involves the production of goods and services with an exchange value.	Voluntary unpaid work, undertaken in free time.	Usually 'paid' work, either in cash or indirectly, through status or power.
Includes child bearing and rearing responsibilities and domestic tasks.	Work done both by men and women	Activities essentially performed by women, as extension of their reproductive roles, to maintain stable community relations.	Activities essentially performed by men.
Most often exclusively carried out by girls and women.	Women's productive work is often less valued than men's.	Ensure the provision and maintenance of resources used by the whole community such as water, healthcare and education.	

UNDERSTANDING PATRIARCHY

Patriarchy

Patriarchy is about the societal relationships of power between men and women, women and women, and men and men. It is a system for upholding class, gender, racial, and heterosexual privilege and the status quo of power relying both on crude forms of oppression, like violence; and subtle ones, like laws; to perpetuate inequality. Patriarchal beliefs of male, heterosexual dominance lie at the root of gender-based violence. Patriarchy is a structural force that influences power relations, whether they are abusive or not.

FORMS OF VIOLENCE

Women experience violence differently depending on their caste, religion, age, societal and economic status, sexual orientation and disability. Cultural norms that lead to stereotyping of gender roles, control over women's sexuality, their economic dependence on men, denial of rights over land and

property as well as lack of political and decision making powers are some of the causes of gender based violence. The incidence of VAW gets accentuated manifold when gender intersects with other identities and/or conditions of disadvantage such as low levels of education, lack of legal awareness, disability, poverty and displacement.

The terms 'gender-based violence' and 'violence against women' are frequently used interchangeably; however, the term gender-based violence refers to violence directed against a person because of his or her gender and expectations of his or her role in a society or culture.

Physical Violence

Physical abuse includes spitting, slapping, beating, pinching, arm-twisting, scratching, biting, grabbing, shaking, shoving, restraining, kicking, hitting strangling, burning, stabbing, punching, pushing, choking, deliberate exposure to severe weather murder, pulling hair, throwing objects, or use of weapons etc. and anything that may cause severe injuries.

Psychological Violence

There are different types of psychological assaults such as threats of violence and harm; emotional violence; isolation; use of children; and economic violence. These may be including insulting, yelling, recalling past mistake, constant criticism, expressing negative expectations, humiliation, and denying opportunities.

Sexual Violence

Sexual Violence includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman.

Economical Violence

At work, women may experience receiving unequal remuneration for work done equal in value to the men's, overworked and underpaid etc. At home, women may be barred from working by partners, inheritance etc. Economic violence results in deepening poverty and compromises educational attainment and developmental opportunities for women.

Honour Related Violence

Honour Killing is another manifestation of violence against women, which occur within the family or within the community. An honor killing is the homicide of a member of a family by other members, due to the perpetrators' belief that the victim has brought shame or dishonor upon the family, or has violated the principles of a community or a religion, usually for reasons such as refusing to enter an arranged marriage, being in a relationship that is disapproved by their family, having sex outside marriage, becoming the victim of rape, dressing in ways which are deemed inappropriate.

IMPACT OF VIOLENCE

Impact of violence ranges from immediate to long-term multiple physical, sexual and mental consequences for women and girls. In extreme cases violence can lead to severe disability or even death, but even in less severe cases it impacts on the everyday lives of women and girls. VAW hinders their ability to earn a living, access education, and participate in social and political life thus perpetuating poverty and hindering development.

Women who survive physical or sexual (or both physical and sexual) types of intimate partner violence are more likely to be at risk of contracting an STIs or HIV.

Physical

Chronic pain, bruises, scars, cuts, broken bones, injuries, chronic infection, STDs/HIV, malnourishment, pregnancy, abortion, etc.

Behavioural

Numbness, shock, disoriented, confused, violent, abusive, self-harm, rebellious, sleeplessness, substance abuse, suspiciousness, lying, stealing etc.

Psychological

Anxiety, fear, mistrust of others, inability to concentrate, loneliness, post-traumatic stress disorder, depression, drug use, suicidal thoughts, guilt, shame, low self-esteem, lack of confidence, unworthiness, hopeless, hostile, anger, moody, intrusive memories etc.

Economic and Social Impact

Rejection, ostracism and social stigma at community level, reduced ability to participate in social and economic activities, acute fear of future violence, which extends beyond the individual aggrieved women to other members in community.

Mental

Depression, anxiety, sexual dysfunction and personality disorders.

Role of MPV

- ☞ The MPV should be gender sensitive and work towards creating a conducive environment for women and children in the community.
- ☞ She should be vigilant of any incidence of violence committed against women and children in the community.

Police System In India

Every State Police force has a hierarchical structure, which is more or less uniform in all states. The organisational structure of the State Police is best explained in two parts. One is the field establishment that performs the actual day-to-day policing and the other is the headquarters establishment, which frames policies, issues instructions, liaises with the government and administers the police force.

THE DISTRICT POLICE

The Law authorizes the State Government to declare by notification any area within the State to be a Police District. The police legislation vests the administration of the police throughout such district in the Superintendent of Police to be assisted by as many Additional, Assistant or Deputy Superintendents of Police as deemed necessary.

Branches in the Office of the District Superintendent of Police

The office of the District Superintendent of Police generally has the following branches:

Administration/Establishment Branch
Crime Branch
Special Branch
General Branch
Accounts Branch
Confidential Branch
Complaints/Anti corruption or Vigilance cell
Traffic Police Branch
Police Control Room

District Police Officers

A police district has police officers of following ranks:



Besides these, every police district has requisite ministerial, technical and support staff for its various branches/units.

DUTIES OF THE DISTRICT SUPERINTENDENT OF POLICE

The District Superintendent of Police (SP) is the head of the police force in the district. The SP ensures that the police force in the district provides an efficient and honest police cover to the public to maintain peace, law and order in the district and prevent and investigate crimes speedily and efficiently.

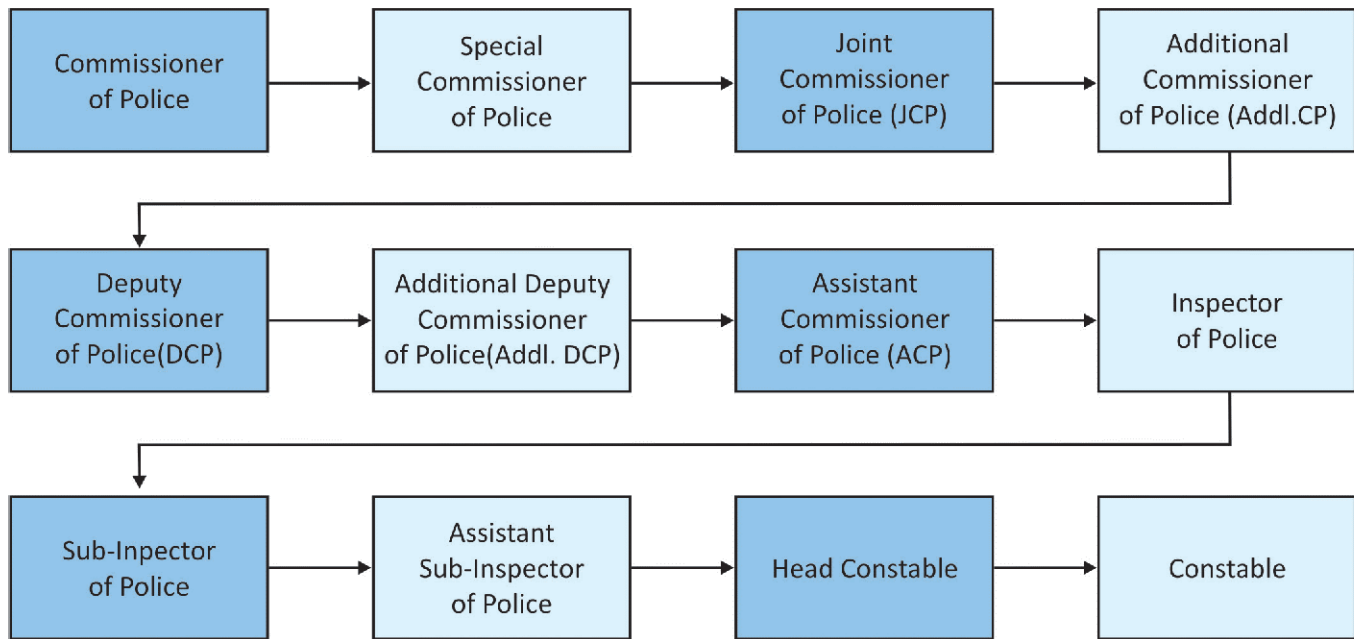
THE POLICE COMMISSIONER SYSTEM

It was realized that the district system prescribed by Section 4 of the Police Act, 1861 would not work efficiently in metropolitan areas, which faced complex policing problems. Therefore, in some metropolitan areas, such as Mumbai, Calcutta and Madras (now Chennai), the government introduced the commissioner system of policing. The officering pattern in these cities is not uniform. In large metropolitan cities such as Delhi and Mumbai, the Commissioner of Police holds the rank of Director General of Police (DGP), while in some cities they hold the rank of additional DGP/IGP/DIG.

There are two main differences between the commissioner and district systems of policing:

- The Commissioner of Police does not work under any functionary other than his/her departmental heads in the organisation and in the government, while the district Superintendent of Police functions under the general control and direction of the district magistrate too. In Kolkata and Mumbai, the commissioners of police function directly under the state governments.
- Unlike the head of the district or state police force, the Commissioner of Police is vested with magisterial powers of regulation, control, licensing, etc., in addition to regular police powers.

The rank structure of police officers in this system differs, though the subordinate police personnel have the same ranks as the district police. The rank structure in the police commissioner system is as follows:



THE POLICE STATION

In the district set-up, the police station occupies a very important position. It is the basic unit of all police work. Under the CrPC, all crimes are to be recorded at a police station and all preventive, investigative and law and order work is carried out from there. It is the most prominent point of contact and interaction between the police and the public in the district.

The Police Acts authorise the state governments to create, in consultation with the Director General of Police and by notification, as many police stations in a district as necessitated by the requirements of population, area, crime and law and order situation and the distance to be traversed to reach the police station.

Women Police Stations in the States/ Union Territories

Some states/cities have also experimented with setting up police stations managed and run exclusively by women police personnel. On 4th September, 2009, the Centre had issued a detailed advisory to all state governments to set up a dedicated desk to deal with crimes against women and children in each police station, special women police cells and all-women police stations.

Police Station- Role & Functions

People go to a police station not merely to report crime or law and order disturbance, but also to seek assistance and relief in distress situations. They go there to lodge complaints and seek redress. The charter of work at the police station, based on law and police manuals is very wide. Some of the important functions performed at the police station are:

Prevention of crime by using effective crime prevention measures
Registration of cognizable offences on information received
Speedy, impartial and efficient investigations
Maintenance of peace and tranquillity in the area
Ensuring safety and security of citizens and protecting their property
Proper handling and dealing of complaints received at the police station
Providing relief to people coming for help and attending to distress situations
Establishing friendly and cordial relations with different segments of society
Collection of intelligence required for efficient and honest police work
Attending to regulatory duties and managing crowd

As SHO

The SHO can be an Inspector or Sub-Inspector of Police. As head of the police station, he is primarily responsible for its effective working and management. It is his/her duty to do all that s/he can to prevent crimes, register complaints, investigate and detect offences, preserve peace, apprehend offenders and bring them to justice. Providing a feeling of safety and security to all living in his jurisdiction is essentially his/her job.

It is his/her duty to administer the staff, supervise their work, keep close watch on their activities and manage the resources efficiently. S/He has to assign duties to the staff under him and see that these are honestly performed. It is his/her responsibility to acquire full knowledge of the area and the problems of the people in his/her jurisdiction. Maintenance of good relations with the public is an important part of his/her charter.

As Circle Inspector

An Inspector of Police in some states also functions as a Circle Inspector. A circle generally consists of two or more police stations, where the Officer-In-Charge is a Sub-Inspector of Police.

The principal duties of the Circle Inspector are to investigate heinous cases, supervise the police work of his Circle in all its branches, maintain discipline among his subordinates, look after their welfare, see to the upkeep of arms, accoutrements and other Government property and to keep the District Superintendent and Sub-Divisional Police Officer (SDPO) informed of the policing problems of the Circle.

Sub-Inspector of Police

A Sub-Inspector of Police working as an Officer-In-Charge of the police station (SHO) performs the same duties that an Inspector of Police in that capacity does. His charter of work as SHO is exactly on the same lines.

Most Sub-Inspectors of Police posted in police stations carry out investigation work. They can also be assigned law and order work when the need arises.

Constable of Police

The main duties of a constable are to:

- Do beat patrol and surveillance work.
- Collect intelligence about crime and criminals and communicate the same to the concerned authorities.
- Assist the Investigating Officer in carrying out arrests, recoveries, searches and seizures.
- Serve processes.
- Guard and escort prisoners.
- Escort the injured to the hospital.
- Help in controlling crowds and providing relief in emergencies.
- Control and regulate traffic when posted on such work.
- Keep track of local disputes and brewing conflicts.
- Do any other work assigned to him.

Role of MPV

- ☞ She should be familiar with the police structure in her own area.
- ☞ She should act as a link officer to facilitate access of community to local police.

Overview of Legal Provisions of Offences Committed Against Women in India (IPC Related)

LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victim of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, the ones which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories viz the crimes identified under the Indian Penal Code (IPC) and the crimes identified under the Special and Local Laws (SLL).

MAIN OFFENCES AGAINST WOMEN

1. Acid Attack
2. Sexual Harassment
3. Disrobing a woman
4. Voyuerism
5. Stalking
6. Kidnapping and Abduction
7. Trafficking
8. Rape
9. Outraging/Insult to the modesty or molestation
10. Marriage Related Offences

Sections under Indian Penal Code, 1860 to combat these crimes are as follows:

1. Acid attack (Section 326A)

Imprisonment for 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).

1.1. Attempt to Acid attack (Section 326B)

Imprisonment is not less than five years but which may extend to seven years, and shall also be liable to fine; the act is also gender neutral.

2. Sexual Harassment (Section 354 A)

Only protects women. Sexual harassment is defined as the following:

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) making sexually coloured remarks; or
- (iv) forcibly showing pornography.

Punishment:

- Rigorous imprisonment up to three years, or with fine, or with both in case of offence described in clauses (i), (ii) or (iii)
- Imprisonment up to one year, or with fine, or with both in other cases.

3. Act with intent to disrobe a woman (Section 354 B)

Only protects women against anyone who “assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked.”

Punishment - imprisonment not less than three years but which may extend to seven years and with fine.

4. Voyeurism (Section 354 C)

Only protects women. Any man 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 is said to have committed the offence of voyeurism.

Punishment:

- 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,
- In case of 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.

5. Stalking (354 D)

Only protects women from being stalked by men. Any man, commits the offence of stalking, who-

- (i) Follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) Monitors the use by a woman of the internet, email or any other form of electronic communication.

Punishment: Imprisonment not less than one year but which may extend 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.

6. Kidnapping and Abduction:

6.1 Kidnapping from lawful guardianship (Section 362)

Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship and shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

“Lawful guardian” means any person lawfully entrusted with the care or custody of such minor or other person.

This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

6.2 Kidnapping, abducting or inducing woman to compel her marriage, etc. (Section 366)

Whoever kidnaps or abducts any woman with intent that she may be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

7. Trafficking of person (370)

(1) Whoever, for the purpose of exploitation (physical or any form of sexual), (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by –*First* – using threats, or *Secondly* – using force, or any other form of coercion, or *Thirdly* – by abduction, or *Fourthly* – by practising fraud, or deception, or *Fifthly* – by abuse of power, or *Sixthly* – by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Punishment:

- Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.
- Where the offence involves the trafficking or **more than one person**, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.
- Where the offence involves the **trafficking of a minor**, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.
- Where the offence involves the trafficking of **more than one minor**, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.
- If a person is convicted of the offence of trafficking of **minor on more than one occasion**, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.
- When a **public servant or a police officer is involved** in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

8. Rape (Sec.375 IPC)

A man is said to commit "rape" if he –

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

Under the circumstances falling under any of the following seven descriptions:-

- First- Against her will.
- Secondly- Without her consent.
- Thirdly- With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.
- Fourthly- With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
- Fifthly- With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.
- Sixthly- With or without her consent, when she is under eighteen years of age.
- Seventhly- When she is unable to communicate consent.

Explanation

Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1 — A medical procedure or intervention shall not constitute rape.

Exception 2 — Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.

Punishment for rape (Section 376).

1. Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.
2. Whoever,—
 - a) being a police officer, commits rape—
 - i) Within the limits of the police station to which such police officer is appointed; or
 - ii) In the premises of any station house; or

- iii) On a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or
- b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or
- c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or
- d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or
- e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or
- f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or
- g) commits rape during communal or sectarian violence; or
- h) commits rape on a woman knowing her to be pregnant; or
- i) commits rape on a woman when she is under sixteen years of age; or
- j) commits rape, on a woman incapable of giving consent; or
- k) being in a position of control or dominance over a woman, commits rape on such woman; or
- l) commits rape on a woman suffering from mental or physical disability; or
- m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or
- n) commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

8.1 Punishment for causing death or resulting in persistent vegetative state of victim (Section 376A)

Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman 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 imprisonment for the remainder of that person's natural life, or with death.

8.2 Sexual intercourse by husband upon his wife during separation (Section 376B)

Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

8.3 Sexual intercourse by person in authority (Section 376C)

Whoever, being—

- a) in a position of authority or in a fiduciary relationship; or
- b) a public servant; or
- c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or
- d) on the management of a hospital or being on the staff of a hospital.

Abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

8.4 Gang rape (Section 376D)

Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

8.5 Punishment for repeat offenders (Section 376E)

Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.'

9. Outraging the modesty or Molestation:

9.1 Obscene Act or Songs (Section 294)

Whoever, to the annoyance of others, (a) Does any obscene act in any public place, or (b) Sings, recites or utters any obscene songs, ballad or words, in or near any public place, Shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

9.2 Assault or criminal force to women with intent to outrage her modesty (Section 354):

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

9.3 Word, gesture or act intended to insult the modesty of a woman (Section 509)

Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

10. Marriage Related Offences:

10.1. Dowry Harassment

As per the Dowry Prohibition Act, 1961, dowry means any property or valuable security given or agreed to be given by :

- The bride to the groom or by the groom to the bride or
- By the parents of either the bride or the groom or by any other person
- At or before or any time after marriage.

As per the Act, giving, Taking, demanding or even advertising for dowry is an offence.

Punishment:

- Presents which are given at the time of marriage to the bride or the groom without any demand are not included in the term dowry, provided that such presents are entered in list maintained as per rules under this Act.
- Penalty for giving or taking dowry is imprisonment for a term not less than 5 years and a fine not less than Rs. 15000/-

Dowry Death

According to Section 304 B, IPC a dowry death is the death of the woman because of burns,

injuries or by any other unnatural reason within seven years of her marriage. Before the death she should have been treated with cruelty in connection with dowry by her husband and his relatives. The provisions of Sections 113 A and 113 B of the Indian Evidence Act, 1872 regarding the presumption as to abetment of suicide by a married woman or dowry death, puts the burden on the husband and in-laws to prove that the death was not attributed to their acts.

According to Section 498 A, IPC if a woman is **subjected to cruelty** by her husband or husband's relatives for dowry or otherwise, then they shall be punished with imprisonment which may extend to three years and shall also be liable to fine.

10.2 Marrying again during lifetime of husband or wife (Section 494)

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception : This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

10.3 Marriage ceremony fraudulently gone through without lawful marriage (Section 496)

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

10.4 Adultery (Section 497)

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

Role of MPV

- ☞ She should be familiar with all the major offences mentioned in IPC to facilitate protection, care and betterment of women and children in her community.

Laws Related to Women & Children

Fundamental Rights

Fundamental Rights are found in Part-3 of the Constitution of India and are mentioned from selected Articles 14 to 35. According to these rights, every citizen has the right to equality, right to freedom of speech and expression, movement, right to education, personal life and liberty, right to freedom of religion and right not to face discrimination based on caste, class, religion, race or gender.

Redressal: A person can directly appeal to High Court or Supreme Court in case of violation of Fundamental Rights.

FUNDAMENTAL RIGHTS	
Right to Equality	Provides equality before law and equal opportunity in matters of employment, prohibits discrimination on grounds of religion, race, gender or place of birth, and abolish the practice of untouchability and conferment of titles.
Right to Freedom	Provide freedom of speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation; right to life and personal liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases.
Right Against Exploitation	Prohibits all forms of forced labour, child labour and trafficking of human beings.
Right to Freedom of Religion	Provides freedom of conscience and free profession, practice, and propagation of religion
Cultural and Educational Rights	Preserves the right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice.
Right to Constitutional Remedies	The right to move the Supreme Court for the enforcement of the fundamental rights.

THE PRE CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994

What is Sex Determination?

Sex determination is the practice of determining the sex of foetus through external/artificial medical means (in an attempt to determine and select the sex of the child.)

The Pre Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

According to this Act, no pre-natal diagnostic techniques shall be conducted except for the purposes of detection of any of the following abnormalities, namely:

- Sex-linked genetic diseases
- Genetic metabolic diseases
- Chromosomal abnormalities
- Congenital anomalies,
- Haemoglobinopathies

Penalties for offences

- Upto three years of imprisonment and a fine of Rs.10,000/- for publishing advertisement related to service provided for sex determination of foetus.
- For medical professionals, on first conviction imprisonment which may extend to three years and a fine which may extend to Rs.10,000/-. Any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees. -
- Upto three years of imprisonment and a fine of Rs. 10,000/- for persons who indulges in sex determination of the foetus or forces a pregnant woman to undergo sex determination test.

Redressal

- A written complaint can be filed before the Appropriate Authority or officer appointed in this regard.
- The complainant can approach (with the receipt of previous complaint) the court not below the court of Metropolitan Magistrate or Judicial Magistrate of First Class if no action is taken within 15 days of filing of complaint.

THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971

What is Medical Termination of Pregnancy?

This is called abortion/termination of foetus in lay man's language. Medical Termination of Pregnancy can occur due to the following three reasons:

- Due to physical reasons or illness, the weakening of foetus or due to physical weakness of the mother for which natural termination of pregnancy happens.
- Often upon the doctor's advice that the mother's life is in danger or if the foetus is not developed completely then medical termination of pregnancy becomes an imperative.
- The third type, which is a punishable crime under law is sex selective abortion/termination.

Who can perform termination of pregnancy?

A registered medical practitioner/Doctor who possess any recognized medical qualification as prescribed by Medical Council of India, whose name has been entered in State Medical Register and who has such experience or training in gynaecology and obstetrics as may be prescribed by rules made under the Act.

Option for termination of pregnancy

- On the advice of a registered medical practitioner where the length of the pregnancy does not exceed twelve weeks,

or;

- On the advice of two registered medical practitioners, formed in good faith, where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks,

that:

- The continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury physical or mental health. For instance, if the pregnancy is caused due to rape, it shall be presumed to constitute a grave injury to the mental health of the pregnant woman. Or,
- If there is a substantial risk that if the child was born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Who Can Give Consent for Termination of Pregnancy?

Consent of pregnant woman is essential. In case she is minor, then consent of her guardian would be required. The consent of the husband of the pregnant woman or of any of her in-laws is not necessary.

Where the pregnancy could be terminated?

In any hospital established or maintained by Government, or in any place approved by Government in this regard.

Punishment

- Whoever terminates any pregnancy in a place other than determined by the government and as mentioned under this Act is a legal offence. For this there is imprisonment for 2 years.
- The termination of pregnancy by a person who is not a registered medical practitioner is a legal offence. For this there is imprisonment for 2 years.

The Juvenile Justice (Care and Protection of Children) Act, 2015

An Act focused towards providing proper care, protection and treatment to children by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment. It provides for two kinds of children:

1. Child in need of Care and Protection

The Act defines the Child in need of Care and Protection as: homeless; orphaned; abandoned; missing and runaway child; mentally or physically challenged or terminally ill children with no caregiver; a child who is found begging, is a street child or a working child; a child whose parents/guardians are incapacitated to exercise control over the child; a child who is being or is likely to be abused for unconscionable gains; children vulnerable to sexual abuse, torture, illegal acts, drug abuse or trafficking or victims of an armed conflict, civil commotion or natural calamity or at an imminent risk of marriage before attaining the age of marriage. That Act provides for such child to be brought before a '**Child Welfare Committee**' for restoration or rehabilitation by -

- any police officer/juvenile police unit officer/or designated police officer
- any public servant
- Childline (1098) or/and any other such recognized voluntary organization
- Any social worker or public spirited citizen authorised by the state government
- The Juvenile Justice Board can refer a child in conflict with law for 'care and protection' or;
- By the child itself

2. Juvenile in conflict with law:

As per the Act "juvenile in conflict with law" means a juvenile who is alleged to have committed an offence. As soon as the Juvenile in conflict with law is apprehended by the police he/she should be produced before the Juvenile Justice Board within 24 hours.

The Act provides that juveniles of 16 years of age or above could be tried as adults for heinous offences like rape, murder or which attracts the imprisonment for seven years or more.

3. Rehabilitation and Social Reintegration

Rehabilitation and social reintegration of children, is given a lot of emphasis in this legislation, both, through **institutional care** (through various kinds of homes based) and **non-institutional** care mechanisms (such as adoption, sponsorship, foster care) and such services are delivered through collaboration between all stakeholders including parents, civil society organizations and other departments.

4. Crimes Against children/juveniles have also been identified under the Act as cognisable offences and punitive measures provided for:

- ✓ **Punishment for cruelty** – imprisonment for a term which may extend from 3-10 years or fine from 1 - 5 lakh rupees, or with both.
- ✓ **Employment for begging** – imprisonment for a term which may extend from 5 -10 years and fine from 1 – 5 lakh rupees.
- ✓ **Penalty for giving intoxicating, liquor, narcotic or psychotropic substance** – imprisonment for a term which may extend up to seven years and fine upto 1 lakh rupees.
- ✓ **Penalty for using a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance** - imprisonment for a term which may extend to seven years and fine upto 1 lakh rupees.
- ✓ **Exploitation of child employees** - imprisonment for a term which may extend to five years and fine upto 1 lakh rupees or with both.

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

The act contains provisions for protection of children from sexual assault, sexual exploitation and pornography and provides for establishment of special court for redressal of such cases.

Punishment

The Act has been formulated for the protection of children below 18 years of age. Under this Act, according to the severity of the offence, there are strong punitive provisions for offenders. The punishment varies from ordinary to rigorous imprisonment as per different period of time. There is also the provision of fine under the Act. Post crime period, the Act ensures child friendly procedures and facilities for collecting evidence, investigation and recording of statements, special courts and reporting.

Hearing of the Case

- The identity of the child is kept confidential. In case of breach of confidentiality, the perpetrator could be punished with imprisonment up to one year.

- Fast track courts are set up for the hearing of the cases to ensure speedy justice.
- It is mandatory to complete the hearing of the case within a year.
- The proceedings of such cases are photographed and/or videographed.
- The special courts can order the accused to financially compensate the child victim.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

This law has been enacted to prevent the marriage of girls and of boys below 18 and 21 years of age respectively. A marriage is considered to be child marriage if the couple is under the prescribed age of marriage. Any marriage where either of the contracting party was a child at the time of the marriage is voidable at the option of the contracting parties if they approach the court within two years of attaining their majority.

The Act declares solemnization of child marriages a cognizable and non-bailable offence and authorizes court to issue injunction prohibiting the occurrence of any such marriage.

- The court can direct the boy/groom (and his family) to pay allowance till the girl gets married at appropriate age.
- If the boy/groom is a minor, then the parents/guardians will have to pay the allowance.
- The children born out of such marriages are considered legal.
- It is mandatory to return the gifts and valuables exchanged during marriage if the marriage is considered as child marriage and annulled/quashed.

Punishments

If a male person above the age of 18 years contracts child marriage he could be punished with imprisonment which may extend to two years or with fine up to Rs. 1 Lakh or with both. In addition, all those who performs, conducts, promotes, permits or abets child marriage including parents, guardians or any other person, association or organization, commits offence and could be penalised with imprisonment which may extend to two years or fine which may extend to Rs. 1 Lakh or both. However, no women shall be punished with imprisonment.

Preventive Authorities

The Act prescribes the appointment of Child Marriage Prohibition Officers (public servants) having responsibility to prevent solemnization of child marriage/s, collect evidence for prosecution of persons violating the Act, counsel, sensitize and create awareness within communities against the practice of child marriage.

The MPV should assist the Child Marriage Prohibition Officer (as per section 16).

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

This legislation was enacted to provide protection and support to women facing violence within the private sphere of home. The law defines domestic violence to include all acts of omission and commission that causes injury to a woman's physical, sexual or mental health and includes specific forms of violence such as physical, sexual, verbal, emotional and economic abuse. This law also extends to children residing in the family and ensures their safety as well. Domestic Violence includes the following offences:

- **Physical Abuse:** Slapping, pinching, hair- pulling, grabbing, shoving and inflicting threats to physical assaults.
- **Sexual Abuse:** forced sex, forcing the partner to view offensive literature, other forms of indecent pictures and pornographic material, to force a woman for non-consensual sex with other people and further threatening a woman for sexual assaults.
- **Verbal, Emotional Abuse:** This includes character assassination or stigma infliction, humiliation related to not bearing male child/ children: Restriction related to School and University education), forcing woman to marry/not to marry a person, and to inflict mental torture.
- **Economic Abuse:** Non-provision of economic support for victimized women or for upbringing of children such as for daily expenses, medical treatment, clothing etc.
- Eviction of victimized women from her household and not allowing the women victim to work or engage in any profession.
- **Domestic Violence related to dowry demands:** Using any form of domestic violence for meeting the demands of dowry – Physical, mental, verbal, emotional and economic abuse.

WHOM DOES THE ACT PROTECT (AGGRIEVED)

The PWDVA recognizes the right of all women to live free from violence within the private sphere of home whether natal or marital. Hence, it protects all women whether living as sister, mother, daughter, wife or women living in live-in relationships, provided that such relationships are in the nature of marriage. Children are also covered as any person can file a complaint on their behalf.

Reliefs Provided

The objective of the law is to prevent violence and provide emergency and immediate relief through following orders:

- **Protection Order:** Right to be protected from the violence suffered/suffering by the woman. Breach of Protection Order is deemed to be an offence punishable with imprisonment for

a term which may extend to one year or with fine which may extend to twenty thousand rupees, or with both

- **Residence Order:** Right to reside in the same household or respondent be directed to make alternate arrangements in this regard.
- **Custody Order:** Right to retain the custody of child
- **Monetary Relief:** To reimburse the aggrieved person's actual expenses incurred due to domestic violence, such as medical expenditure and the loss of earning, as well as maintenance.
- **Compensation Order:** For mental torture and emotional distress caused to the aggrieved person, which may be in addition to orders for monetary relief.

Whom to Complaint

- Protection officer appointed under the Act.
- Registered organization empanelled as Service Providers under this Act.
- The aggrieved can directly approach the court to obtain relief.
- Law enforcement Officers such as Police personnel.
- Police

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

Sexual Harassment

Sexual harassment includes any unwelcome physical contact, sexually determined behaviour in the form of demand or request, favour or advances; sexually coloured remarks, jokes or comments; showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The Act provides protection against sexual harassment of women at workplace and for the prevention of sexual harassment at workplace. As per this Act, sexual harassment at work place is considered as violation of the fundamental rights of a woman.

The law recognizes every woman's right to a safe and secure workplace environment irrespective of employment/work status. Hence, the right of all women working or visiting any workplace whether in the capacity of regular, temporary, ad hoc or daily wages basis is protected under the Act.

Behaviour under the following circumstances also fall under the category of sexual harassment:

- Providing benefits in employment in lieu for succumbing to sexual favours. These benefits can be provided in implicit or explicit mode.

- In case denial of sexual favours:
 - Threat for removal from employment
 - Humiliating a women or misbehavior
 - Creating an intimidating or offensive, fearful, hostile work environment
 - Humiliating treatment of the woman to the extent that may affect the lady employee's health or safety

Legal Provisions

- District Magistrate, Additional District Magistrate, Collector or Deputy Collector will be notified as District Officer in each district.
- All workplaces employing 10 or more than 10 workers are mandated under the Act to constitute an Internal Complaints Committee (ICC).
- Complaints from workplaces employing less than 10 workers or when the complaint is against the employer himself or when the complainant is working in the capacity of domestic worker will be looked into by the Local Complaints Committee (LCC) to be established in every district.
- The affected woman can file a complaint within 3 months of the incident. In case if the complaint committee permits then a complaint can be filed after three months also.
- The Act has a provision for conciliation. However such an option will be exercised only at the request of the aggrieved woman.
- The inquiry must be completed by the Complaints Committee within 90 days.
- The identity of the aggrieved woman (employee), accused and witnesses must be kept confidential.
- It's the responsibility of employer to organise meetings, seminars, workshops and other awareness generation activities to provide information to employees about the ill effects and consequences of sexual harassment at work place

WHOM TO COMPLAIN

- Contact authorities established under the Act i.e. Nodal Officer, Local Complaints Committee members or District Officer.
- **District Officer:** The State will notify a District Magistrate/Additional District Magistrate/Collector/ Deputy Collector as a District Officer in every district who will be responsible for carrying out the powers and functions under the Act at the district levels (including every block, taluka, tehsil, ward, and municipality).

THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

What comes under the Act?

Deals exclusively with sexual exploitation of persons for commercial purposes with the objective to inhibit/abolish trafficking among women and girls for the purpose of prostitution as an organized means of living; offences specified are:

- Procuring, inducing or taking persons for prostitution.
- Detaining a person in premises where prostitution is carried on.
- Prostitution in/or vicinity of public places.
- Seducing or soliciting for prostitution.
- Living on the earnings of Prostitution.
- Seduction of a person in custody.
- Keeping a brothel or allowing premises to be used as a brothel

Equal Remuneration Act, 1976

The Equal Remuneration Act, 1976 aims to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment. According to the Act, 'remuneration' means "the basic wage or salary and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled".

Main Provisions Under the Act

- Equal remuneration to all person employed in an establishment.
- No discrimination against women in any work situation and perks.
- Employer will maintain proper documents.

Nothing in this Act shall apply:

- To cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women; or
- To any special treatment accorded to women in connection with the birth or expected birth of a child, or the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death.

Punishment

- If caught employer shall be punished with fine or with imprisonment or with both.
- If offence is committed by a company, everyone responsible will be held accountable.

THE MATERNITY BENEFIT ACT, 1961

This Act provides for maternity benefits and some other benefits for female workers. Every woman is entitled to the following rights from the employer:

- To avail the benefit of this Act, it is mandatory that the female worker has worked under the same employer for a minimum of 80 days during the last 12 months with respect to her expected due date of delivery. A woman can avail benefit up to a maximum of 84 days or 12 weeks.
- Every woman is rightfully entitled to maternity benefit at the rate of her average daily wage and the employer is liable to pay. The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery.
- An employer cannot knowingly employ a woman in any establishment during the six weeks immediately following the day of her conception or delivery.
- An employer shall pay in advance the amount of maternal benefit for a period preceding the date of her expected delivery.
- In case of miscarriage/medical termination of pregnancy, a woman shall be entitled from the date of her miscarriage/medical termination of pregnancy for leave with wages at the rate of a period of six weeks immediately following the day of her miscarriage/medical termination of pregnancy.
- Apart from this, woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage/medical termination of pregnancy, shall be entitled to an additional one month of leave along with wages at the rate of her average daily wage.
- In case a woman dies during pregnancy or during the period immediately following the date of her delivery and –
 - **If child is left behind in either case-** Maternity Benefit shall be provided for the entire maternity period.
 - **If child also dies-** Maternity Benefit would be provided for the days up to and including the day of death of child.

- An employer should not assign any extreme rigorous work to a pregnant woman that involves long hours of standing, or which in any way is likely to affect the pregnancy or the normal development of the foetus; or is likely to cause miscarriage or otherwise, especially before one month of her expected delivery or immediately preceding the date of delivery.
- A woman is entitled for 2 nursing breaks a day till her child is 15 months old.
- **Medical Bonus:** Every woman who is eligible for Maternity Benefit is entitled to receive medical bonus of Rs. 2500/- from her employer.
- **Crèches:** Every employer has to provide a room facility for women and children in an establishment consisting of more than 50 female workers. During the maternity benefit period, an employer except for gross misconduct, cannot dismiss, remove or demote a woman.

Penalty

An employer is liable to face penalty in case of imprisonment up to 1 year and a fine up to Rs. 5000/- in case of noncompliance to this Act.

Role of MPV

- The MPV should be well versed with the fundamental rights and various Acts for women and children.
- She should act as the eyes and ears of the community and report any crime against the women and children in her community.
- She should contact the link officers designated under Acts in order to assist her community.

Policies and Programmes for women in Distress Highlighting Existing Structures and Mechanisms

Empowerment implies people, taking control over their lives by setting their own agendas, gaining skills (or having their own skills and knowledge recognized), increasing their self-confidence, solving problems and developing self-reliance. It is both a process and an outcome.

Women empowerment implies an expansion in women's ability to make strategic life choices in a context where this ability was previously denied to them.

BETI BACHAO BETI PADHAO

The Prime Minister launched the Beti Bachao Beti Padhao Scheme on 22nd January, 2015 at Panipat in Haryana, as an initiative to address issues that affect women over a life-cycle continuum and to reverse the trend of declining Child Sex Ratio. The specific objectives of the initiative are:

- Prevent gender biased sex selective elimination;
- Ensure survival and protection of the girl child; and
- Ensure education of the girl child.

Primary	Secondary	Tertiary
Young and newly married couples, Pregnant and Lactating mothers, Parent in Laws	Youth, Adolescent (Girls and Boys), Medical Doctors/ Practitioners, Private Hospitals, Nursing Homes and Diagnostic Centres	Officials, PRIs, Frontline Workers, Women, SHGs/Collectives, Religious Leaders, Voluntary Organizations, Media, Medical Associations, Industry Associations

Target Audience

ONE STOP CENTRE

One Stop Centres (OSC) are envisaged as a mechanism to support women affected by violence, occurring both in private and public spaces. The objective of the Centre is to facilitate immediate, emergency and non-emergency access to a range of services including police assistance, medical aid, legal counselling, temporary shelter and psycho-social counselling under one roof to support women

in combating violence committed against them. Women facing any kind of physical, sexual, emotional, psychological and economic abuse, irrespective of age, class, caste, education status, marital status, race and culture are provided with these support and redressal services.

WOMEN HELPLINE SCHEME (181)

The Women Helpline is intended to provide 24 hours immediate and emergency response to women affected by violence through referral (linking with appropriate authority such as police, One Stop Centre, hospital) and information about women related government schemes programs across the country through a single uniform number. Women Helpline will be integrated with One Stop Centre Scheme (OSC). Women affected by violence and in need of redressal services will be referred to OSC through this helpline.

KHOYA PAYA PORTAL

Missing children are a cause of deep concern not only for the Government but also for the child protection institutions, society and above all, for the parents. These children are vulnerable to mental and physical assault which leads to mental trauma for these children. Most of the missing children are trafficked for labour and sexual exploitation. They are abducted or kidnapped and fall prey to crimes against children. They could be runaways from home, or simply be lost. This is the reason that it is not only important to get the information related to these missing children, but it is equally important that the information is exchanged speedily to locate these children.

The Khoya Paya portal is a citizen based website to exchange information related to missing and found children. The Khoya Paya website is an enabling platform, where citizens can report missing children, as well as report sightings of their whereabouts without wasting much time. The 'Found' children can also be reported on this web portal. This reporting can be done through text, photographs, videos and other means of transmitting and uploading information to the Khoya Paya site. Information about missing and sighted children can be uploaded at www.khoyapaya.gov.in

CHILDLINE (1098)

CHILDLINE is India's first 24-hour, free, emergency phone service for children in need of aid and assistance. A concerned adult or a child can dial 1098, the toll-free number to access these services. CHILDLINE not only responds to the emergency needs of children but also links them to services for their long-term care and rehabilitation.

VILLAGE CONVERGENCE & FACILITATION SERVICE (VCFS) UNDER NMEW SCHEME

The Village Convergence and Facilitation Service (VCFS) is the first point of contact for women in Gram Panchayats (GPs). The centers provide information related to government schemes, programmes,

laws meant for women and they function as a platform for addressing women's issues at the GP/village level. The forum gives women an opportunity to discuss the gender dimension of their issues focusing on education, health, nutritional needs, occupational status, skill levels and legal rights.

VCFS is provided at Gram Panchayat level in selected gender critical/high burden districts to generate awareness on issues related to women, regarding various schemes/programmes of the Central/ State Government and mobilize the community to create demand and access/avail such services.

At the GP level, Village Coordinators/Volunteers may be engaged from the local community. The primary role will be to facilitate convergence & coordination on ground and work in close coordination with the Gram Panchayats and other sub-committees.

SHORT STAY HOMES/ SHELTER HOMES & SWADHAR GREH

The **Short Stay Home** and **Swadhar –A Scheme for Women in Difficult Circumstances** is implemented by MWCD to provide a supportive institutional framework for women victims of difficult circumstances. The target group include women namely widows, destitute and deserted women, women ex-prisoners, victims of sexual abuse and crimes, including those **trafficked and rescued from brothels**, migrant or refugee women who have been rendered homeless due to natural calamities like flood, cyclone, so that they could lead their life with dignity and conviction. The scheme aims to rehabilitate such women in difficult circumstance through the provisions of shelter, food, clothing, counseling, training, clinical and legal aid.

FAMILY COUNSELLING CENTRE SCHEME

The concept of family counselling was conceptualized by the Central Social Welfare Board (CSWB) in 1980s when there was a spate of dowry deaths. The Board spearheaded the campaign by setting up Voluntary Action Bureaus, which subsequently took the shape of Family Counselling Centres.

Under the FCC scheme, free of charge counselling, referral and rehabilitative services are provided to women victims, who are in mortal danger within the family or society at large including those affected by disputes, marital discord or maladjustment. The voluntary organizations engaged in work relating to women's issues can avail grants for setting up Family Counselling Centre. Family Counselling Centres (FCCs) have also been set up for special interventions in different set ups. The same are listed below :

FCCs at Police Headquarters and Mahila Jails

Family Counselling Centres are being run in some Police Headquarters premises under the administrative control of the State Social Welfare Boards These FCCs were established with the objective of providing speedy crisis intervention to those women whose cases were registered in Police Stations Such FCCs attempt to arrive at out of court settlement of family discord cases.

Pre-marital Counselling Centres

This new initiative is being implemented in Women Development Centres at various colleges in Delhi. They lay special emphasis on pre-marital counselling and deal with other areas of psycho-social crises management for young women.

Centres for Devdasis/Red Light Areas

These Centres are set up with the objective of providing preventive services through awareness campaigns on STD, AIDS and other health and legal matters and also rehabilitative measures for children of prostitutes.

Role of MPV

- ☛ The MPV should be well aware of all the services provided by the government in the community so that she can assist and cater to the needs of vulnerable women.

Convergence and Coordination

The various Government departments have to work together in order to make the services available to the target audience. Various line ministries should work together and the role of various functionaries is defined as below:

ROLE OF MAHILA SAMANVAYAK

- At village/area level, village level convergence forum called 'Gram Samanvaya Samiti' are set up comprising of grassroots level functionaries, and women's representatives from the community headed by Sarpanch or Pradhan.
- This Samiti with the help of the Poorna Shakti Kendra, is responsible for baseline survey, mapping, profiling of women resident of that village/area; the tehsil/ward level center, and matching them with available schemes and services.
- Intensive involvement of Panchayati Raj Institutions (PRIs)
- Synergizing the linkages between Governments, Community Based Organization (CBOs), PRIs at different levels so that they complement each other.
- Conduct awareness campaigns involving grassroots level for gender equity and convergence and awareness generation which fuels demand by women as rightful entitlement holders for delivery of services under different schemes/programs meant for them.

ROLE OF PANCHAYATS

- Special Gram Sabha meeting to discuss (a) birth rate of boys and girls over the last few years, (b) the impact of having a larger number of men than women, (c) the illegal sex determination of foetus and female foeticide and (d) increase the value of girl child through advocacy.
- Mahila Sabha should be constituted immediately either through executive Instructions or through statutory rules. They should hold regular meetings and review actions listed here. The Panchayat will convene Mahila Sabha meetings consisting of all women voters and explain to them the actions which are being taken.
- The villagers including Panchayat Members and Sarpanch must keep a watch on the clinics engaged in this activity and if any case is detected, the matter should be brought to the notice of police and

District Magistrate.

- Identifying local BBBP champions who will take up advocacy role.
- Display *Guddi – Gudda* boards at Panchayat offices to bring visibility to gender disegregated birth statistics.

ROLE OF FRONTLINE WORKERS (AWW, AWH, ASHA & ANM)

- The health workers should be aware of all the schemes launched by other Ministries so that they can make the community well aware of the benefits of the schemes and help in convergence.
- They should survey the community to make sure that all the beneficiaries in the community are availing the services of the ICDS and Health.
- The AWW should make sure that she refers all special cases to ANM and ASHA for better implementation of schemes.
- Conduct Joint Meetings with the Medical Officers and the other Functionaries.
- She can hold community sessions and invite families to participate in the counselling sessions so that they can all be aware of the benefits of education of girl child.

ROLE OF PROTECTION OFFICER UNDER PWDVA

Protection Officer is an officer (preferably woman) appointed by the State Government in each district under PWDVA to fulfil the following duties:

- To assist Magistrate in the discharge of his functions
- To make a Domestic Incident Report (DIR) to the Magistrate upon receipt of a complaint and forward copies to local police officer and service providers
- To make application, if the aggrieved so desires, claiming relief for issuance of a protection order before Magistrate
- To ensure that the aggrieved is provided legal aid and make available the prescribed form in which a complaint is to be made free of cost
- To maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities.
- To make available a safe shelter home, if the aggrieved person so requires
- To get the aggrieved medically examined and forward a copy of the medical report to the police station and Magistrate under whose jurisdiction the case lies
- To ensure that the order for monetary relief is complied with and executed

ROLE OF LOCAL COMPLAINTS COMMITTEE AND NODAL OFFICER UNDER SH ACT

Local Complaints Committee (LCC) Under SH Act

The District Officer (District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector to be notified by the State Government) will constitute a LCC in every district so as to enable women in the unorganised sector or small establishments to work in an environment free of sexual harassment. The LCC will receive complaints:

- i) From women working in an organisation having less than 10 workers;
- ii) When the complaint is against the employer himself;
- iii) From domestic workers.

Nodal Officer Under SH Act

It is the responsibility of the District Officer to designate a person as the **Nodal Officer** in every block, taluka and tehsil in rural or tribal areas and wards or municipalities in the urban areas, to receive the complaints of workplace sexual harassment from women.

The Nodal Officer will forward all such complaints within seven days of its receipt to the concerned Local Complaints Committee for appropriate action.

Role of MPV

- Identify volunteers in the form of adolescent girls, Mahila Mandals, SHGs and youth groups who can participate in the programme implementation process and mobilise the community
- MPV should coordinate with all the other frontline workers and nodal officer appointed under Special Laws framed to ensure safety and security of women

Community Policing and Role of NGOs in Preventing Crimes Against Women

Providing policing services in partnership with the community in an efficient and transparent manner is an indispensable part of any community policing programme. The Community Policing Resource Centre is basically an institution where the maximum number of policing services can be provided to the community at a single easily accessible point in a public friendly manner. This aims to reduce harassment and wastage of time of the public as well as involves the community who are customers and partners of the police in the provision of these services. Community participation in the identification of the policing services to be provided; involvement in the process of delivery and supervision of the process can be a meaningful part of community policing initiatives. It will also constitute a hub for dovetailing other community policing processes such as existing police community contact programmes. In short, this project on Community Policing Resource Centre aims to harness community participation to achieve policing objectives in delivery of services and partner the community in problem solving.

Background

The original model for the Community Policing Centre was based on adopting the 'Single Window' concept used by various government departments to provide better access and services to the public and was initiated at the district level in Patiala (2000) and Ludhiana (2002) in the State of Punjab. It provided for a Single Window System in a single easily accessible building as a single point of contact for police services. This aimed at reducing harassment and corruption and decreased the 'waiting time' of the public while alongside streamlining and increasing police efficiency in delivery of these services. This project was renamed and expanded by Punjab Police into a program titled 'Community Policing Resource Centre' (CPRC) which aimed to extend the network to the subdivision and police station level. Additional titles are SAANJ in Punjab, Aap Ke Liye in Pune. The salient features of the SAANJH project are placed in **Annexure III**.

The States are free to adopt any title they feel fit in keeping with the local conditions. "Community Policing Resource Centre" is a neutral term that can be applied across the country and can be used for the project if the States do not want to choose an alternate title.

COMMUNITY COUNSELLING CENTRE

To facilitate an integrated approach towards resolution of conflicts affecting the women, children and other vulnerable sections of the society in partnership with other resource persons, voluntary

organizations and private corporate sectors. Convergence between various agencies, stakeholders & police to redress grievances of women, children & vulnerable sections of the society is the objective. The Police works in collaboration with counsellors, social activist, medical personnel, like minded individuals & agencies etc. to achieve this goal.

MAHILA MANDALS

Mahila Mandal is a village level forum for women to discuss their personal, social, political, spiritual and economic concerns. Mahila Mandal is a community based rural women organization. Generally it has more than 20 members. Women have played a crucial role in strengthening these groups. Women have transitioned their energies from themselves to their families and then finally to the development of their very own communities and villages. Many women have been empowered by this process, finding new strength not only to help themselves, but those around them.

Mahila Mandals form the nodal point of convergence and divergence for all our village programmes. They are the fulcrums through which village development committees, Upgramsabhas will become more relevant to people, as they increase their capacity to respond with our facilitation.

SELF-HELP GROUPS

A self-help group is defined as a group consisting of people who have personal experience of a similar issue or life situation, either directly or through their family and friends. Self-help groups are formed voluntarily by the rural and urban poor to save and contribute to a common fund to be lent to its members as per group decision and for working together for social and economic uplift of their families and community.

MAHILA SAMAKHYA

The Mahila Samakhya programme was launched in 1988 to pursue the objectives of the National Policy on Education, 1986. It helps enhance the self-esteem and self-confidence of women and helps enable women to make informed choices in areas like education, employment and health (especially reproductive health). It also helps in enhancing access to legal literacy and information relating to their rights and entitlements in society with a view to enhance their participation on an equal footing in all areas.

COMMUNITY BASED ORGANIZATIONS

Community based organizations (CBO's) are non-profit groups that work at a local level to improve life for residents. The focus is to build equality across society in all streams - health care, environment, quality of education, access to technology, access to spaces and information for the disabled, to name but a few. Besides being connected geographically, the only link between staff members and their interests is often the desire and willingness to help. Occupational skill sets and experience are greatly diverse.

MAHILA AUR SHISHU RAKSHAK DAL

Mahila aur Shishu Rakshak Dal (MASRD) is a socially conscious, highly empowered and motivated group of men and women who volunteer to curb violence against women/girls and children in their community. MASRD is preferably a group of 10-12 members, both men and women who are motivated, proactive and have a say over the community. MASRDs may comprise of local leader, Sarpanch/Ward member/Resident Welfare Association member, Teacher, Social Worker, SHG member, Counsellor, Local Media representative, Frontline Workers (ASHA, AWW)/Community/Youth volunteers to act as Community Watch Groups.

Mahila Police Volunteer (MPV) will have the responsibility to motivate and mobilize individuals to form themselves into MASRDs. The MASRD will work in close coordination with the MPV to support women in distress.

MASRD will function on the principle of Community Partnership and Action and will act as Community Watch Groups to curb violence against women/girls and report any untoward incidence in the community. These groups will also work on the preventive aspects of sensitizing and educating the community about the existing laws, legislations, schemes and programmes for women and children. It will encourage community members to be responsible for creating safe environment for women/girls and children.

Role of MPV

- The MPVs should be actively involved in community policing in the community.
- The MPVs may coordinate with the NGOs working in relevant fields and seek assistance as and when required.
- The MPVs will motivate and mobilize individual to form MASRDs

Cyber Crimes Against Women and Cyber Pornography

Cyber-crimes are a new class of crimes rapidly increasing due to extensive use of Internet and I.T. enabled services. Easy access and anonymity in communication have also made internet and social media vulnerable for misuse by anti-social elements, interested groups and even criminals. Exploitation of internet for unethical, criminal activities and spreading disharmony is not only significant threat to the society but is also becoming a serious concern for the law enforcement agencies.

Social Media networks in India are growing exponentially at an annual rate of fifty percent. A lot of people are hooked to social sites and internet growth is main-streaming communication and connectivity in India. Every third internet user is having a personal profile on Facebook, Twitter, LinkedIn or on email. Increased penetration to smart phones has seen shift towards WhatsApp, Instagram and Tumblr.

Internet has created communities and sub-community user groups which use this unbounded medium to access, share and transmit information openly. This information should be studied by police and law enforcement agencies. The study of information flow on social media has helped police in various countries and analysis of Facebook, Twitter and other social media will provide fundamental advantage to police in understanding the buzz on the internet and can be used as an investigating tool in collecting actionable intelligence and even criminal intelligence. Nevertheless, misuse of internet may aid the law enforcement agencies in identifying behavioural profile, tracking of suspicious alarming communication pattern over internet which has significant connotation on ground.

THE INFORMATION TECHNOLOGY ACT, 2008

The Information Technology (IT) Act, 2000, specifies the acts which are considered as an offence. Since the primary objective of this Act is to create an enabling environment for commercial use of I.T., certain omissions and commissions by criminals while using computers have been included in the amended Act in 2008.

Several offences having bearing on cyber-arena are also registered under the appropriate sections of the IPC with the legal recognition of electronic records and the amendments made in several sections of the IPC vide the IT Act, 2000.

The offences included in the IT Act 2000 are as follows:

Amongst the various cyber crimes committed against individuals and society at large the crimes which can be mentioned as specially targeting women are as follows: –

1. Cyber Stalking or harassment
2. Cyber Impersonation
3. Cyber voyeurism
4. Cyber pornography.

Following provisions of IT Act, 2008 could be invoked to prevent these crimes:

1. **Cyber Stalking or harassment:**

In case, a person sends you offensive messages through social media platform or creates a fake profile on a social networking site which displays a person's address, residential information or contact details and he/she is labelled as 'prostitute' or a person of 'loose character'.

Section 66A - Punishment for sending offensive messages through communication service, etc. Any person who sends, by means of a computer resource or a communication device, a) any information that is grossly offensive or has menacing character; or b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently makes by making use of such computer resource or a communication device, c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages shall be punishable with imprisonment for a term which may extend to two three years and with fine.

2. **Cyber Impersonation**

Samir sets up a fake website in the name of the company where he is working and start doing business without their consent or permission.

66D Punishment for cheating by personation by using computer resource. Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

3. **Cyber Voyuerism:**

In case a person captures the images i.e. photos, MMS etc when you are taking bath or changing clothes or having sexual relation etc violating your privacy and publish or transmit such images without your consent

Section 66E – Punishment for violation of privacy - Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both. It is also punishable under Indian Penal Code.

4. Cyber Pornography

The literal meaning of the term 'Pornography' is "describing or showing sexual acts in order to cause sexual excitement through books, films, etc." This would include pornographic websites; pornographic material produced using computers and use of internet to download and transmit pornographic videos, pictures, photos, writings etc.

Section 67 - Punishment for publishing or transmitting obscene material in electronic form. Whoever publishes or transmits or causes to be published in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to two three years and with fine which may extend to five lakh rupees and in the event of a second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh.

Section 67A – Punishment for publishing or transmitting of material containing sexually explicit act, etc. in electronic form. Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

Section 67B. Punishment for publishing or transmitting of material depicting children in sexually explicit act etc. in electronic form. Whoever, publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner or cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or facilitates abusing children online or records in any electronic form own abuse or that of others pertaining to sexually explicit act with children, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with a fine which may

extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees:

Provided that the provisions of section 67, section 67A and 67B does not extend to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form.

Child Pornography is also an offence under the POCSO Act, 2012 which has been explained earlier on page.

Role of MPV

- ☞ She should spread awareness about cyber-crimes.
- ☞ If any of the women or children in her community has been subjected to cyber-crime, she should report the matter to the concerned authority.

Investigation of Cases: Registration of FIR, Arrest and Search

THE PROCESS OF CRIMINAL JUSTICE

The process of criminal justice is set into motion with the registration of a complaint by the police about the commission of a cognisable offence. In so far as the police is concerned, there are a few major steps in the process:

Step-1

Registration of a complaint about the commission of a cognisable offence by the police, known as the First Information Report (FIR). Information on the commission of a cognisable crime, whether oral or written, that reaches the police first in point of time, is called the First Information. The complainant or the informant is legally entitled to a free copy of the FIR.

FIRST INFORMATION REPORT (FIR)

- An FIR is the first information report which is provided by any person who has knowledge of the commission of a cognisable offence to a police officer under Section 154 of the CrPC. To report an offence, an FIR must be registered.
- In a cognisable offence, the police must register the FIR.
- It can be filed by the victim, a witness to the crime, a police officer, or anyone who has knowledge of the crime.
- Once an FIR is registered, the police is duty bound to start the investigation of the case.
- No police officer can refuse to register an FIR if the offence(s) being reported occurred outside their police station's jurisdiction. S/he is bound to register the FIR (this is called a zero FIR) and forward it to the concerned police station.

Information for Public about Procedure for registering an FIR

- An FIR can be given in writing or given orally to the police officer.
- If you cannot write, the police officer must ask you to narrate the information so s/he can write it in simple language as close as possible in the words narrated to your own words.
- The police must read the information back to you.
- The FIR must be signed by you. Sign it only after you are sure that the information recorded by the police is as per the details you gave.
- An FIR for any of the gender-based sexual offences under Sections 326A, 326B, 354, 354B, 370A, 376, 376A, 376B, 376C, 376D, 376E or 509 of the Indian Penal Code (IPC) must be

recorded by a woman police or woman officer if an aggrieved woman gives information herself. If the victim is mentally or physically disabled (even temporarily), the FIR must be recorded at her residence or location of her choice in the presence of an interpreter/ special educator, and it must be video-graphed.

- A copy of the FIR must be given free of cost to you.
- The date and contents of every FIR should be entered in the police station's General Diary.

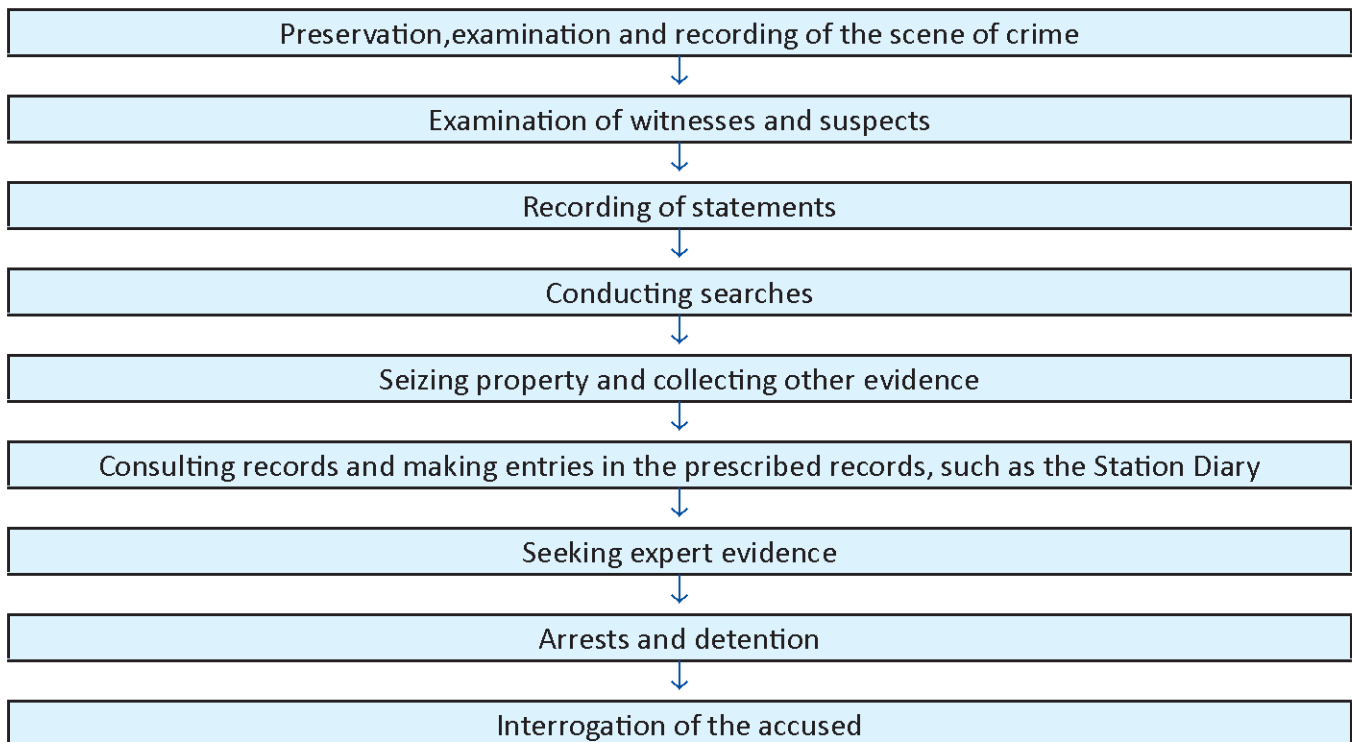
What if the Police refuse to register the FIR?

You can:

- Send information about the crime in writing to the district SP by registered AD post, if the information discloses the commission of a cognizable offence, the SP may investigate the case or order investigation by a junior officer.
- Complain to the Magistrate if the SP does not take action.
- The Magistrate can inquire into the case, or ask for an investigation by the police or any other person s/he thinks fit.
- If you are a female victim of a sexual offence, you can file an FIR against the police officer concerned for refusal to register your complaint under Section 166 A (c) of the IPC.

Step-2

The police officer proceeds to the scene of crime and investigates the facts of the case. The process of investigation includes:



Step-3

After completing the investigation, the Officer-In-Charge of the police station sends a report to the area magistrate. If there is sufficient evidence to prosecute, the report sent by the Investigating Officer is in the form of a charge sheet. If sufficient evidence is not available, the report is called the final report.

Step-4

On receiving the charge sheet, the court takes cognizance and initiates the trial of the case. A distinction is made between bailable and non-bailable offences. In bailable offences, bail is a matter of right and the police are empowered to release arrested persons on bail. In non-bailable offences, granting bail is a matter of judicial discretion.

If the police are unable to complete the investigation within 60 days in respect of some offences and within 90 days in respect of others, the accused has to be released on bail.

CASE DIARY

What is a Case Diary

- It is a record of every step taken in the investigation of each case by the Investigating Officer, in his/her own handwriting.
- It should be maintained on a day-to-day basis throughout the investigation.
- Investigating officers are to ensure that the case diary is in their safe custody at all times.
- It should be sent to supervisory officers on a daily basis. They have a duty to examine it, check the progress of the investigation and give advice if necessary.

ARREST AND INVESTIGATION

Procedure for Arrest

When making an arrest, the police must:

- Immediately tell the arrested person the grounds for his/her arrest.
- Inform the arrested person that s/he can consult and be defended by a lawyer. If the arrested person cannot afford a lawyer, s/he is entitled to free legal aid.
- Take the arrested person before a Magistrate within 24 hours.
- Adhere to the procedures laid down in the Cr.P.C for anyone accused of any offence punishable up to 7years.

- Inform the arrested person that s/he is entitled to bail if arrested for the offence.
- Inform relative or friend of the arrested person of the arrest and record the name and contact details of the person informed in the General Diary.
- Prepare a Memo of Arrest to record the date, time and place of arrest signed by at least one independent witness.
- Send the arrested person for a medical examination by a government medical officer at the time of arrest. A copy of the medical report must be given to the arrested person.
- Record the arrest in the General Diary, Case Diary, and Arrest Register.
- Record the physical condition (major and minor injuries) of the arrested person, if s/he requests, in an "Inspection Memo". A copy must be given to the arrested person.
- Inform the Police Control Room in District/State Headquarters of every arrest made.
- Search of the arrested person must be done in the presence of witnesses. All items taken from the arrested person must be kept in police custody. A receipt for these items must be given to the arrested person.
- Handcuffs can only be used if the police officer has reason to believe that the arrested person will attempt to escape from custody, or injure him/her or others.
- Any weapons found on the arrested person should be seized after recording in the panchnama and handed over to the court.
- No arrest can be made in a place of worship.
- No woman can be arrested between sunset and sunrise, save in exceptional circumstances and only with the prior permission of a Judicial Magistrate.
- A woman arrested can be searched only by a female police officer or by another female with strict regard to decency.

COMPLETE RECORD OF INVESTIGATION

As soon as a crime is reported, the police must:

- Consider the facts of the case.
- Gather panchas and experts whose help will be required during the investigation.
- Go to the scene of the crime.
- Perform the panchnama.

At the crime scene, the police must:

- Gather witnesses who may have information about the offence.
- Take photographs.
- Look out for and collect fingerprints or footprints of the culprits.
- Call in forensic experts.
- Ask for a police dog squad for serious crimes like murder.
- Draw a site map of the crime scene.
- Collect evidence and ensure no evidence is tampered with or lost.
- Seal the crime scene.
- Record all items that have been recovered in a register called the Muddamal Register.
- Provide first-aid to injured persons, and ensure anyone with serious injuries is sent for medical help.
- Send any dead body or bodies for post-mortem examination.
- Maintain details of every step of investigation in the case diary.

COMPLETION OF INVESTIGATION

Once an investigation is completed:

- A charge sheet is filed in court through the public prosecutor.
- The police file a final report.

After hearing the Public Prosecutor and the Defence:

- The court can reject the charge sheet and the accused will be discharged.
- The court can accept the case, frame the charges, and post the case for trial.

THE CHARGE SHEET

The charge sheet is a complete record of the investigation which contains:

- The names of all the parties and witnesses.
- The nature of the case.
- The name of the arresting officer.
- Whether the accused has been released on bond.

- Names and addresses of absconding accused (marked in red ink).
- The articles and items recovered.
- The charge, with the offences and sections of law.
- The determination of whether any offence appears to have been committed, and if so, by whom.

The charge sheet must be accompanied by:

- Copy of the FIR.
- All documents, reports, or relevant extracts upon which the prosecution proposes to rely.
- All statements of witnesses.
- Any weapons or articles as evidentiary value.

FINAL REPORT

A final report is submitted when:

- The police find there is not enough evidence against the accused to send him/her for trial.
- There is no case made out against the accused to send him/her for trial.
- The case may be made out, but the identity of the accused cannot be established.

On receiving a final report, the court can:

- Accept the final report and close the case and release the accused.
- Reject the final report and direct the police to further investigate the case.
- Frame charges and direct the case to be posted for trial.

Role of MPV

- ☞ MPV should get familiarize with the criminal procedures such as lodging of FIR, arrest and search etc.
- ☞ MPV should create awareness amongst the community about the criminal procedures.
- ☞ MPV should facilitate lodging of FIR in instances of Violence against Women and Children.

Medical Examination of the Survivor and the Accused

MEDICAL EXAMINATION

Medical Examination of the Survivor

Section 164-A and 357 C of Code of Criminal Procedure and Sections 166-B of IPC states:

- a) If a woman has been raped or tried to be raped, then a medical examination of her has to be completed within 24 hours of the incident at a nearby government or local hospital. If there is no government/local hospital in the area then this examination can also take place at any other hospital.
- b) A written consent from the women affected by violence is required for this medical examination.
- c) A duty has been cast on all hospitals public, private run by the Central Government or State Government to provide first aid or medical treatment, free of cost to victims of acid attack and rape.
- d) If any person in charge of any public or private hospital fails to provide first aid or medical treatment as mentioned above then criminal proceedings under section 166B could be instituted against him/her.
- e) A copy of the medical report will be provided free of cost to the examinee.

Medical Examination of the Accused

Upon arrest of the accused, examination of the accused by medical practitioner shall be got conducted, without delay, in accordance with the provisions of Section 53 & 54 of the Cr. P.C., 1973, and in case of person accused of rape, as per Section 53-A of the Cr. P.C., 1973.

In case of person accused of rape, examination of accused shall be at the request of a police officer, not below the rank of a Sub-Inspector and the application by the Investigating Officer seeking the report of examination by medical practitioner shall give the following particulars, namely:-

- The name and address of the accused and of the person by whom he was brought, the age of the accused.
- Marks of injury, if any, on the person of the accused.
- The description of material taken from the person of the accused for DNA profiling.
- Other material particulars in reasonable detail.

Role of MPV

☞ The MPV should be well aware of the medical examination procedure.

Media Advocacy, Awareness Generation and Community Engagement

The success of any policy or strategy aimed for the betterment of community depends on the support of the community. Community policing is a trending approach wherein police seeks community partnership in their fight against crime and disorder. Building community partnership is however not easy. It requires developing trust within the community by assessing their needs and problems, seeking their opinion, make them a party in the decision making and keeping them informed at every stage. One of the key strategies to mobilise community to participate and support the activities of the police is advocacy.

Advocacy refers to the efforts of an individual or group to effectively communicate, convey, negotiate or assert the interests, desires, needs and rights of an initiative, policy, programme, or even an individual or a group.

The aims of the advocacy are:

- To build support for an issue or cause for desirable action.
- To ensure necessary resources are provided for programmes and services.
- To inform the general public and opinion leaders about a particular issue or problem and mobilise them to apply pressure to those in the position to take action.
- To create support among community members and generate demand for the implementation of particular programme approaches or services.
- To persuade policy makers/ government officials to urgent issues like the issue of women safety.

Advocacy, Community Mobilization & Awareness Generation

The Home Department at State/District level may widely publicize about the MPV initiative to inform the target group about presence of MPV in a given GP/Ward. All women from her geographical domain need to know that in times of crisis, they can reach out to the MPVs. This may be done through mass awareness efforts such as the following:

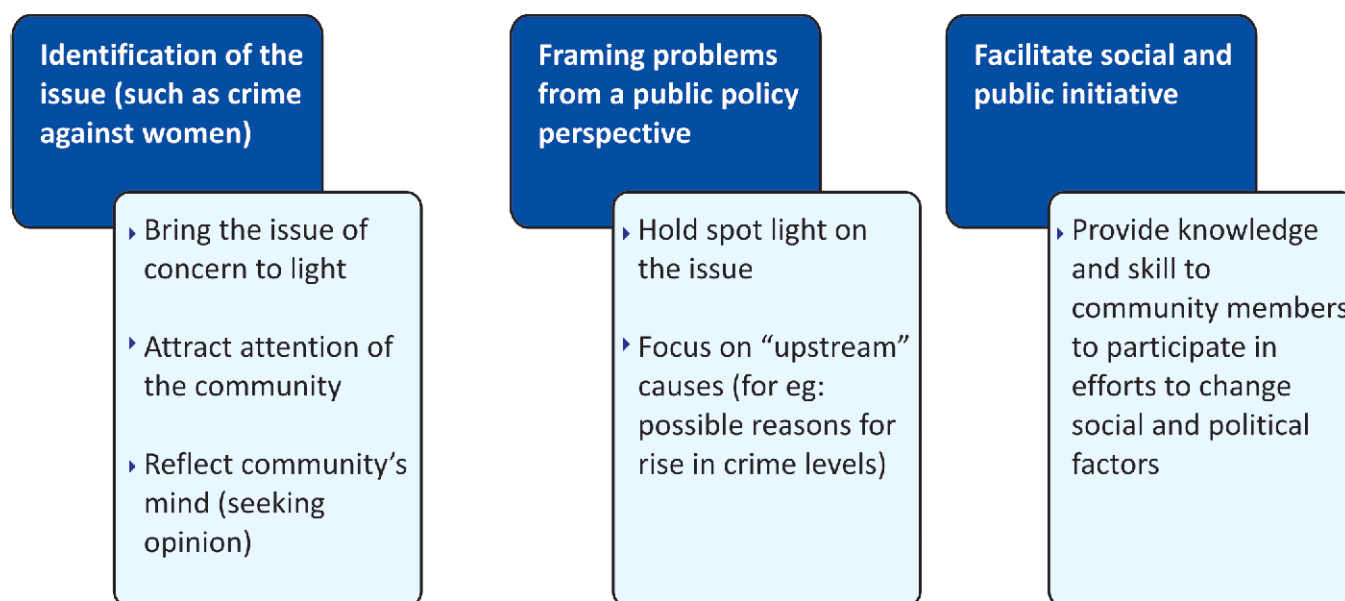
- **Informing women (target group of MPV) about deployment of Mahila Police Volunteers:**
 - Issue of notifications about MPVs with their contact details, phone numbers etc. and displaying the notice prominently in key public places/offices/locations where people congregate for work including local Police Stations, office of the Gram Panchayat/Sarpanch, Anganwadi Centres, Municipal/Ward Offices, Govt. Hospitals, Local Courts, Offices of BDO, DC/DM, SP etc. This notification should to include Names, Phone numbers and GP/ Municipal Ward details of all MPVs within a Sub-Division.
 - Local AWWs and ASHAs may also be shared the list so that while working with local women they can further disseminate the information.
 - Local Community Radio Stations to publicise their names, wherever possible.
 - State Govt. could run a short but high intensity radio campaign to inform the target group of women about the MPV initiative and encourage them to take their help and support in times of need or crisis.
 - The same campaign may be run through Social Media too without any cost.
- **Staying Connected:** In order to make the MPVs effective it is important to keep them connected with each other and to the concerned Police officials.
 - MPVs may stay connected with each other to the local SHO through social networking applications. Through such a group such as WhatsApp, photos, audio, video etc. can be easily shared by the victims.

In case any MPV is faced with a threat/crisis, it may be shared in the group also so that others may become more alert and cautious and avert possible threats.

Advocacy is needed at all levels, national, state, district, local community levels for spreading awareness and proper implementation of a policy. Advocacy activities may be of different types and may include person-to-person interactions, meeting, workshop, media campaigns and public speaking.

ROLE OF MEDIA

- Media are channels, such as newspapers, magazines, radio or television, used to communicate information to people.
- A significant proliferation of media sources and their deep penetration in the lives of common people over the years has made the media one of the most powerful tools for generating awareness among community, their mobilisation and advocacy.



STRENGTHENING ADVOCACY CAMPAIGNS USING MEDIA

- Form a ‘Media Coalition’ for advocating social issues by bringing together TV channels, the print media, audio and video channels and Internet magazines/journals.
- Making the media campaign an integral part of editorial policy, besides sensitising reporters on social issues such as status of women, HIV/AIDS, Drug abuse at regular in-house meetings.
- Create a beat (such as a health and pollution beat) for providing a situational analysis of the problem under study.
- Initiate weekly column in the print media, TV and radio (especially city-based FM radio) for programmes such as ‘Beti Bachao, Beti Padhao’, ‘Bell Bajao’, ‘Jago Grahak Jago’, ‘Pulse Polio’ etc. with updates on the status of demand, awareness, availability, access, quality of service delivery and community participation.
- Handholding with partner organisations for carrying out social development activities and also improving the capacities for the same.
- Using brand ambassadors to highlight the issue for better impact and coverage.

A list of important websites and contact details is placed at **Annexure IV**.

Role of MPV

- ☞ The MPV should inform women in her geographical domain about her presence so that they may reach out to her in situation of crisis.
- ☞ She should make best use of various social media platforms to stay connected with her peer group and local police officials.
- ☞ She should seek assistance of local media in order to propagate any positive stories.

Programme Schedule

Training of Mahila Police Volunteers (MPVs)

Total Duration: 3 Days

DAY 1	
09.00 a.m. to 09.30 a.m.	Registration
09.30 a.m. to 10.00 a.m.	Inauguration & Welcome address
10.00 a.m. to 10.30 a.m.	Introductory Session: About the Mahila Police Volunteer Initiative
10.30 a.m. to 11.30 a.m.	Gender Based Violence, Discrimination and its impact
11.30 a.m. to 11.45 a.m.	Tea Break
11.45 a.m. to 12.30 p.m.	Police System in India
12.30 p.m. to 01.30 p.m.	Overview of Legal Provisions of offences committed against women in India (IPC Related)
01.30 p.m. to 02.15 p.m.	Lunch
02.15 p.m. to 03.15 p.m.	Screening of Films
03.15 p.m. to 03.30 p.m.	Tea Break
03.30p.m. to 04.30 p.m.	Overview of Special laws relating to Crime against women including PC-PNDT, MTP Act, JJ Act, POCSO, PCMA, PWDVA, SH Act, ITPA
04.30 p.m. to 05.00 p.m.	Open Discussion
DAY 2	
09.00 a.m. to 09.30a.m.	Recapitulation
09.30a.m. to 10.30a.m.	Policies and Programmes for Women in Distress highlighting existing structures and mechanisms with special reference to: BBBP, VCFS, Women Help Line (181), OSC Scheme, ChildLine (1098), Khoya Paya Portal, Short Stay Homes/ Swadhar Homes, Family Counselling Centres.

10.30 a.m. to 11.30 a.m.	An Introduction to Front Line Workers of Different Government Departments: Convergence & Coordination <ul style="list-style-type: none"> • Poorna Shakti Kendra – Mahila Samanvayak • Panchayats – Sarpanch and Panchayat Members • Role of Frontline Workers (AWW/AWH/ASHA/ANM) • Protection Officer under PWDVA • LCC Members/Nodal Officer under SH Act.
11.30 a.m. to 11.40 a.m.	Tea Break
11.40 a.m. to 12.30 p.m.	Community Policing and Role of NGO in preventing crime against women
12.30 p.m. to 01.15 p.m.	Lunch
01.15p.m. onwards	Field Visit
DAY 3	
09.00 a.m. to 9.30 a.m.	Recapitulation
09.30 a.m. to 10.30 a.m.	Cyber-crimes against women, Cyber Pornography.
10.30a.m. to 11.30 a.m.	Investigation of cases : Registration of FIR, arrest, search
11.30 a.m. to 11.45 a.m.	Tea Break
11.45 a.m. to 12.45 p.m.	Medical examination of survivor and accused
12.45 p.m. to 01.00 p.m.	Open Discussion
01.00 p.m. to 01.45p.m.	Lunch
01.45 p.m. to 03.00p.m.	Media Advocacy, awareness generation and community engagement
03.00p.m. to 03.15p.m.	Tea Break
03.15p.m. to 04.00 p.m.	Feedback of Participants
04.00p.m. to 05.00 p.m.	Valediction

Guidelines for Mahila Police Volunteers

VISION

MPVs are envisaged as empowered, responsible, socially aware women for fostering leadership in local settings to facilitate police outreach on gender concerns. They will be an interface between society and the police.

OBJECTIVES

An MPV will serve as a public-police interface in order to fight crime against women. The broad mandate of MPVs is to report incidences of violence against women such as domestic violence, child marriage, dowry harassment and violence faced by women in public spaces. She will act as a role model for the community.

An MPV is an honorary position.

COVERAGE

In the first phase, the scheme will be implemented on a pilot basis in all States and UTs. In the first phase, two districts from every state and one district from every UT shall be chosen on the basis of the following criteria:-

- i) Child Sex Ratio (CSR)
- ii) Crime against Women

The final selection of the district/districts would be the responsibility of the concerned State/UT.

ELIGIBILITY CRITERIA

- i) MPV should be a female.
- ii) She should not be less than 21 years of age.
- iii) The incumbent must possess at least 12th pass certificate.
- iv) She should be from the same geographical area and conversant with the local dialects.
- v) She must not have been convicted or imprisoned for the violation of any criminal law.
- vi) No criminal proceedings must have been instituted against her.
- vii) She should not be a member of any political party.

SELECTION PROCESS

An MPV shall be selected by the Superintendent of Police (SP) of the respective districts. At least 1 MPV shall be engaged in each and every Panchayat/ Ward. Bigger villages can have more than 1 MPV depending upon the area/ requirement.

SUGGESTIVE PROCESS OF SELECTION OF MPVS

The process of selection of MPVs at district level should be done by the Senior Superintendent of Police in consultation with the Director General of Police of the State. The suggestive selection process is as follows:

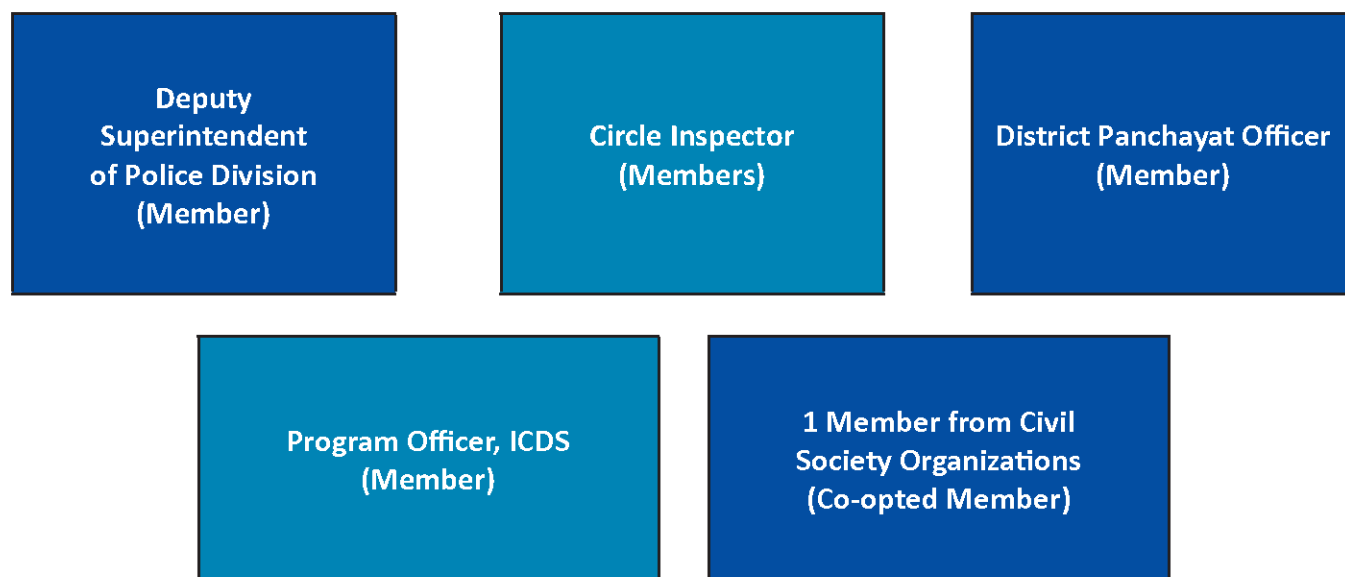
- i) Issue of notice in Local Thana/Police Chowki/Panchayat Office/ Municipal Office, publicity through Tehsildar/ Block Development Officer/ AWWs/ANMs/ASHAs/PS/OP/DySP/SP Office/ DM Office.
- ii) Applications from suitable candidates shall be invited giving time of at least 1 month. A model application form is placed at **Annexure II (i)**.
- iii) Applications shall be received by Superintendent of Police (SP) of the area. An appropriate mechanism shall be worked out at district level with the criteria for selection and rejection of candidates.
- iv) Short-listing of eligible candidates shall be done by a Screening Committee.
- v) After verification of the credentials of the shortlisted candidates, 'Applicants' can be called by the Senior Superintendent of Police heading the committee for interview and selection.
- vi) SP will issue Appointment Orders to the selected candidates.

Members from the existing groups which are working at the grassroots for combating violence against women in different may be encouraged to apply for MPV.

During the course of appointment, selected candidate will submit a "Self-Declaration" that she has no criminal proceeding against her and has no political affiliation.

SCREENING COMMITTEE AND ITS COMPOSITION

The Screening Committee shall be headed by District SP and shall have the following composition:



At least one member should be a woman or a lady officer.

TERM OF THE MPV

The initial term of an MPV will be for two years only and will be reviewed every six months. The termination of an MPV can be done any time based on the review of her performance. The reasons for termination would be duly communicated in writing to the MPV. Termination orders can only be given by the SP. Re-selection of an MPV could be done from the pool of waitlisted candidates drawn at the time of selection by the Committee.

PERFORMANCE EVALUATION

Quarterly report will be submitted by Dy. SP to SP on the performance of an MPV.

TERMINATION

The termination/removal of the MPV may be done by the SP concerned keeping in view the performance and misconduct, if any. The conditions in which the termination can happen:

- i) If the person so appointed is found to have concealed any criminal record either in past or present, or presented any forged or false document, she shall be terminated with immediate effect.
- ii) Conviction by the court of law.

However, MPVs can also tender resignation voluntarily for which at least 1 month notice should be given. No prosecution or legal proceedings will be initiated against MPVs for any bonafide activity undertaken in good faith.

IDENTITY CARDS TO MPV

MPVs will be an honorary position comprising of a trained cadre of women who shall be given an Identity Card to authenticate their identity, engagement with the public and the activities they undertake to ensure their mandate. A sample Identity Card and “Do’s and Don’ts” related to it is placed at **Annexure II (ii)**.

REWARD AND RECOGNITION

The Minutes of the Meeting and contribution of the MPVs is to be maintained and outstanding performers are to be rewarded at annual functions---both at the district as well as at the State level. The three outstanding performers shall be chosen from all the MPVs in the district and would be given a cash reward.

MONTHLY ALLOWANCES, TRAINING, REWARD AND RECOGNITION OF MPV

There will be provision of Monthly Allowance, Training, Reward and Recognition of MPVs and other ancillary expenses.

A lumpsum amount upto Rs. 1000/- per month shall be paid to MPV to cover her “out of pocket expenses” related to mobile phone and local transportation.

A three day training shall be imparted to the MPVs and TA/DA for training @ Rs. 400 per day will be provided to MPVs as one- time expenses.

For Reward and Recognition of MPVs a cash reward of Rs. 10,000/-, Rs. 5,000/- and Rs. 3000/- respectively would be given to the three outstanding performers chosen from all the MPVs in the district in the order of merit.

REPORTING AND MONITORING

- i) A list of all the MPVs engaged in a particular district along with their contact details and verification status shall be maintained with the SP’s Office.
- ii) The list of all the selected MPVs within the district shall be available at the office of District Superintendent of Police/ SDPO/ PS/ OPs, Program Officer (ICDS) and the office of Collector/ SDO/ BDO/ Tehsildar.
- iii) While working as MPVs, they will submit periodical reports on the issues of violence against women/ gender concerns within their local area. A Monitoring and reporting template is placed as **Annexure II (iii)**.
- iv) It will also include summary of all cases reported by them to the local authorities, their outcomes and the challenges faced by them during case intervention.

- v) The Police Stations (SHOs Circle Officers) concerned must convene a monthly meeting which must be attended by these MPVs. If something emergent occurs she must definitely meet the police officers concerned immediately. The minutes of the meeting must be properly maintained.
- vi) No sub-judice matter or those under investigation is to be discussed in the meetings of MPVs.
- vii) In case the MPV is facing any difficulty in performing her duties, the SP should personally intervene to resolve the same.

TRAINING AND CAPACITY BUILDING

- i) A Model Training Module prepared by Bureau of Police Research and Development (BPR&D) with support from Training Division. ADG, BPR&D will coordinate this process by constituting a committee which would include nominees from WCD, TISS and reputed Experts/NGOs.
- ii) A multi-layer model of training would be used to induct, orient and sensitize the MPVs in districts. The Master Trainers (five from each state, two from each UT) would be selected and trained by BPR&D, who will in turn train the MPVs in the districts.
- iii) Training programmes shall be organized by the Superintendent of Police to equip MPVs with adequate knowledge and capabilities to execute the responsibilities assigned to them
- iv) A three day training capsule for MPVs would be developed comprising of classroom training, lectures and practical training on self defence and induction training, women related laws/ legislations, police procedures and field visits to preventive authorities established to combat violence within the district i.e. Local Police Thana/Prison, One Stop Center, Short Stay Homes/ Swadhar Homes, AWC, PHC and other service delivery institutions at the grassroots level.
- v) The Induction training shall focus on making them aware about women related laws, police procedures, preventive authorities established to combat violence within the district i.e. police, Women Helpline, One Stop Center and other related subjects.
 - The State authorities will also organize periodical refresher training for MPVs to keep them in tune with latest development in policies and procedures.



सत्यमेव जयते



नए समाज की ओर
Towards a new dawn

Annexure – II (i)

Application form for Engagement as an MPV

1. Name : _____
2. Date of Birth : DD MM YYYY
3. State/ UT : _____
4. District : _____
5. Residential address : _____

6. Nearest Police Station : _____
7. Mobile No : _____
8. Email Address : _____
9. Aadhaar Card No/Any other Govt. ID Proof: _____
10. Educational Qualification: _____
11. Why do you want to become an MPV (not more than 100 words)?

Photograph
of
the
Applicant

Signature of the Applicant

12. List your previous achievements, if any:

13. Please tell us about any background work or volunteering experience in school/college/community/NGO etc. where you have demonstrated leadership skills relevant to the role you are applying for:

14. Have you ever been arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for the violation of any law?

_____ If yes, give details: _____

15. Are you a member of any political party? _____

16. Any other information: _____

*Please attach valid Identity Proof with this form

I certify that the above particulars are true, complete and correct to the best of my knowledge and belief and no material has been concealed therefrom.

Signature of Applicant

Sample Identity Card

<i>MPV Badge</i>	Name of the State: _____ Address: _____ Telephone : _____ Email : _____	<i>Logo of State Police</i>
MAHILA POLICE VOLUNTEER		
Photograph (Passport size)	S.No. : _____ Name : _____ Date of Birth : _____ Address: _____ _____ Valid from: _____ to _____	
<i>Signature (I-Card holder)</i>		<i>Signature (Issuing Authority)</i>
Identity Card No.: _____/_____/_____		
<ol style="list-style-type: none"> 1. Possession of I-Card is mandatory while on Duty. 2. Identity Card is to be shown only when asked. 3. This I-card is non-transferable. 4. State Police force will not be liable or responsible for misuse of the I-Card. 5. Report loss/theft of card immediately to the Police and lodge an FIR. 6. This card must be returned when directed and surrendered on Termination of tenure. 		
Date of Issue:		Stamp

Reporting Format for MPV

Name of the MPV : _____

Reporting Period : State: _____ District: _____ Local Police Station: _____

1. Number of cases reported:

Age Group (in years)	Nature of crime	Referred to			
		Police	Helpline	OSC	Any other
	Domestic Violence				
	Rape				
	Sexual Offence/ Harassment (such as Rape, Stalking, Voyeurism etc.)				
	Acid attack				
	Child Sexual Abuse				
	Child Marriage				
	Missing/ Kidnapping				
	Dowry				
	Any other crime/ grievance (please specify):				
	Any Counselling done by MPVs – details be given				

2. No. of formation of Mahila aur Shishu Rakshak Dals facilitated:

3. No. of awareness generation/sensitization meetings held:

4. Initiatives taken on Women Empowerment:

5. Any other information:

(Signature of MPV)

Salient features of SAANJH Project (Punjab)

1. SAANJH project is an institutionalized set up of management of Community Police Resource Centres, named as SAANJH Kendras at 27 Police Districts, 114 subdivisions and 359 Police Stations in the State.
2. A Community Affairs Division headed by an IGP at Police Headquarters shall supervise the functioning of the SAANJH Kendras across the State. Zonal IGPs and Range DIGs shall be the intermediary supervisory levels.
3. To give a distinctive identity to the SAANJH Centres, all Centres have a uniformly designed building with standardized furniture, furnishings and layout.
4. All SAANJH Kendras are registered as autonomous Registered Societies under the Registration of Societies Act 1860.
5. Every SAANJH Kendra shall be run by a Police-Public Committee comprising of Police Officers, Representatives of Government Departments such as Health, Education, Women at the district and sub-divisional level and representatives from among Principals of Colleges, Professionals and Civil Society, Non-Governmental Organizations.
6. A State wide IT platform with centralized server at Police Headquarters linked to every SAANJH Kendra shall enable centralized data uploading and access providing citizens with copies of FIRs, untraced reports, no objection certificates, etc., at a click of a button, in a time bound frame. Every SAANJH Kendra shall provide all services to be delivered by the Police Department as enshrined in the Right to Service Act within prescribed time limits to the people from a single window. The citizen from any part of the State shall be able to approach the nearest SAANJH Kendra for obtaining information/services from any Police Station in the state including remote locations.
7. SAANJH Kendras shall be platforms for partnership of the Community with the Police in planning and implementing locally relevant Community Oriented Projects. The community including SAANJH Committee members and co-opted experts such as Lawyers, Psychologists and Counsellors shall be engaged in panels for resolving disputes pertaining to women, children, senior citizens, Non Resident Indians and other domestic and social conflicts such as tenant-landlord dispute, rash driving, underage driving, public nuisance etc., which affect the quality of life in the neighbourhood.
8. SAANJH Centres shall also serve as Information Centres for access to specialized services such as Legal Aid, Victim Relief Centres, Women Shelters and Non-Governmental Organisations working for empowerment of disadvantaged sections of society.

9. Community members involved in public dealing at the SAANJH Kendras as well as Police Officials have been trained regarding concept of Community Policing. Training shall be a continuous process in ensuring that requisite soft skills and management skills are developed in the participants of the SAANJH Project for its successful implementation.
10. SAANJH Kendras at the sub-divisional level and police station level shall enable every citizen to approach these centres for majority of interactions of the citizen with the Police, where trained staff shall interact with the citizen at the front end while the Police Station shall provide services at the back end.

Important Websites and Contact Details

S.No	Organization Name	Web Address	Contact
1	National Human Rights Commission	http://nhrc.nic.in/	01124663211, 01124663212 sgnhrc@nic.in
2	National Commission for Women	http://ncw.nic.in	91-11-23234918, 23222845 ncw@nic.in
3	National Crime Record Bureau	http://ncrb.gov.in	Email- dct@ncrb.nic.in Phone- (91-11) 26172324, 26105353
4	Central Bureau of Investigation	http://cbi.nic.in	EPABX Board No: 011-24302700, 011- 24362755
5	United Nations Office Drugs and Crime	https://www.unodc.org	+91-11-4222 5000, 2410 4970/71/72/73
6	Directorate of Revenue Intelligence	http://dor.gov.in	Email-drihqrs@nic.in Fax No.23370954, Tel : 23378629, 23379871,
7	MHA Stop Human Trafficking	http://www.mha.nic.in	jscpg-mha@nic.in
8	Missing Person	http://missingperson.ap.nic.in	
9	Ministry of Women and Child Development	http://wcd.nic.in	Phone-011-23074052 011-23074053, 011- 23074054 min-wcd@nic.in
10	National Institute of Public Cooperation and Child Development	http://nipccd.nic.in/	26964373, 26515579 drdineshpaul@gmail.com
11	ZIP Net	http://zipnet.in	

S.No	Organization Name	Web Address	Contact
12	ED	http://www.enforcementdirector.gov.in	Phone: 24611989, 24692055 Fax: 24631847 e-mail:ed-del-rev@nic.in
13	NIA	http://www.nia.gov.in	Email:-info.nia@gov.in Phone- 011-23438235
14	New Portal	http://india.gov.in	EMail:indiaportal[at]gov[dot]in
15	Delhi Commission for Women	http://www.delhi.gov.in	Ph. 011# 23378044/ 23378317/23370597 Fax: 01123378325/ 23378936 Email: msdcw.delhi@nic.in

List of Abbreviations

ACP	Assistant Commissioner of Police
AG	Aggrieved Woman
AIDs	Acquired Immunodeficiency Syndrome
ANM	Auxiliary Nurse Midwife
ASHA	Accredited Social Health Activist
AWC	Anganwadi Centres
AWW	Anganwadi Worker
BBBP	Beti Bachao Beti Padhao
BDO	Block Developmental Officer
BPR&D	Bureau of Police Research and Development
CBO	Community Based Organisations
CMA	The Prohibition of Child Marriage Act, 2006
CPRC	Community Policing Resource Centre
Cr. PC	Criminal Procedure Code
CSR	Child Sex Ratio
CSWB	Central Social Welfare Board
DCP	Deputy Commissioner of Police
DGP	Director General of Police
DIETY	Department of Electronics and Information Technology
DIG	Deputy Inspector General of Police
DIR	Domestic Incident Report
DLSA	District Legal Services Authority
DM	District Magistrate
DNA	Deoxyribonucleic Acid

DPO	District Programme Officer
DySP	Deputy Superintendent of Police
FIR	First Information Report
FM	Frequency Modulation
FSL	Forensic Science Laboratory
GPs	Gram Panchayats
HIV	Human Immunodeficiency Virus
I-Card	Identity Card
ICC	Internal Complaints Committee
ICDS	Integrated Child Development Services
IGP	Inspector General of Police
IPC	Indian Penal Code
IT	Information Technology
ITPA	Immoral Traffic (Prevention) Act, 1956
JCP	Joint Commissioner of Police
LCC	Local Complaints Committee
MASRD	Mahila aur Shishu Rakhshak Dal
MHA	Ministry of Home Affairs
MoHFW	Ministry of Health and Family Welfare
MPV	Mahila Police Volunteer
MWCD	Ministry of Women and Child Development
NCC	National Cadet Corps
NCRB	National Crime Records Bureau
NCW	National Commission for Women
NGO	Non-Governmental Organization
NPC	National Police Commission
NSS	National Service Scheme

OP	Observation Post
OSC	One Stop Centre
PCPNDT	Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994
PO	Protection Officer
POCSO	Protection of Children from Sexual Offences
PRI	Panchayati Raj Institutions
PS	Police Station
PWDVA	Protection of Women from Domestic Violence Act, 2005
SCRB	State Crime Record Bureau
SDO	Sub-Divisional Officer
SDPO	Sub-Divisional Police officer
SHG	Self-Help Group
SHO	Station House Officer
SHWP	The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal), Act, 2013
SLL	Special and Local Law
SP	Superintendent of Police
SRCW	State Resource Centre for Women
STDs	Sexually Transmitted Diseases
STIs	Sexually Transmitted Infections
TV	Television
UTs	Union Territories
VAW	Violence against Women
VCFS	Village Convergence & Facilitation Services
VHND	Village Health and Nutrition Day
VHSNC	Village Health Nutrition and Sanitation Committee



Government of India
Ministry of Women and Child Development
in Collaboration with
Ministry of Home Affairs