

REPORT OF THE THIRD WORKSHOP ON “DEVELOPING A DELHI STATE MODEL FOR PWDVA, 2005: NGOs & DELHI POLICE COLLABORATION”.

Date: 6th October 2007

Venue: UN Hall, Lodhi Estate, New Delhi

Organized by: National Secretariat c/o Action India

Partners: Delhi Legal Services Authority & Social Welfare Department

Supported by: UNIFEM & Solutions Exchange

Background

Participants

The workshop was attended by police in the rank of ACP, DCP, SI, ASI and constable from Crime Against Women Cell and Delhi Police, members of Delhi Commission of Women, project officer from Delhi Legal Service Authority, project coordinators of Mahila Panchayat network, case workers and staff members of Action India, members from women's organization and lawyers. For complete list of the participants refer to Annexure 1

Welcome Address

Ms Bonani Dhar from Solutions Exchange welcomed the participants and explained the goals of the gender community and also the objectives of the workshop. She also informed the participants about the e-solution initiated for implementing PWDVA, 2005.

Ms Gouri Choudhury from Action India thanked Bonani for providing the UN hall for the workshop as Action India generally has its workshop on daari. This space provides the opportunity to raise the level of work from community to national advocacy. She began with the history of the DV Law campaign and how all participants were involved and equal stakeholders in the making of this law and now has an equally important role in its proper implementation. The task ahead for implementation of PWDVA was to develop leadership qualities among grassroots women activists because unless we use the law its strengths will not be understood. This came out clearly on the Sammelan held on 13th September 2007 with Mahila Panchayat Network. She explained that the Delhi Model for PWDVA was based on evolving a structure consisting of the National Secretariat, Delhi group and Mahila Panchayat network (refer to Annexure 2). With the objective to build leadership qualities among para-legal and caseworkers of mahila panchayat, zonal committees have been formed to monitor the working of MP in each zones. And this would enable us in developing relationship with protection officers in each zone.

The Mahila Panchayat network consists of 16 NGOs and 38 mahila Panchayat and is supported by Delhi Commission for Women. The success of Mahilla Panchayat Network was acclaimed by Barkha Singh, the chairperson of Delhi Commission of Women in the Sammelan where she promised to lend support to the network for coming three years. In the coming years the network intends to expand to 70 by having 32 more Panchayats. There are around 20/25 women in each panchayat thereby involving more than 1500 women in the network. The panchayat has its meeting every Wednesday and is attended by every women member of the panchayat. It has been solving those cases of violence, dowry and family disputes that have not been solved by the existing legal structures. It acts as a platform to bring women together on one platform to show their strength to the government.

INTEARCTIVE SESSION

Sharing of recent case of domestic violence - A woman living in Balmiki colony was beaten up by her husband, she was not able to find the PO on duty, when she approached the police they refused to file FIR. On the intervention of Mahila Panchayat member the victim was able to file a case in the court and the court granted the date after three days. The important question is that what remedies are available in cases of emergency? How do we take help of the existing structure to get relief under PWDVA, 2005?

Problem: NGOs and Lawyers are considered as interference' by Crime Against Women Cell (CAW)

Response from police: It is not interference in our work but we feel that the victim is not able to speak in her words. We want to know the true story and therefore like to speak to the victim in isolation.

Problem: CAWs does not take immediate action.

Response from police: CAWs does not have the authority to take immediate action. It is not authorized to register a FIR. Therefore the suggestion is that woman victim who needs immediate relieve should approach the nearest thana. In CAWs such cases come where the woman wants to mediation/counselling and return of streedhan.

Problem: What do we do in emergency case?

Response from Police: Call the police on 100 or women helpline 1091

Problem: When we call 100 number the police does not arrive in time.

Response from police: the delay in police coming at the site is because of the process involved whereby when a call is received at the police control room it is forwarded to district police station from where it is forwarded to the concerned thana and on availability of PCR the team is sent to place of incidence.

Problem: The police often refuses to lodge FIR, misbehaves with women and pass comments that woman are responsible for violence and take matter as trivial

Response from police: In cases where the complainant feels that the police is not doing his/her duty or refusing to register a case, one should always lodge a complaint with higher authority.

Problem: The police does not take speedy action.

Response from police: The police take time in listening to both sides. There are situations where the woman is beaten up at home but in the police station the man present himself as very loving husband, we then have to investigate to know the real situation. **Looking at the process and in an effort to save the marriage delays does take place.**

Session On Understanding Gender By Police –Our Experience

The session was moderated by Reena Banerjee who spoke on her experience of working on domestic violence. She began with the article on 'gender equality' in which the Mayor of England wrote that gender equality is a dream in a space where we are living and is possible only in heaven. After decades of struggle Indian women have shown that the dream has come true and gender equality is a reality with 33% seats reserved in parliament and with the new law

on domestic violence. However the mindset on gender equality comes as a hurdle in the implementation of the new law. There is lack of awareness among women on the new law and despite the law the cases of violence are increasing. Around 37% women in our country are still beaten and 425 women suffers some form of violence daily. The biasness with which police work is not matter of individual police but an outcome of the patriarchal system. In this patriarchal society women's reproductive rights are reduced to mere machine for rearing children. Women have always been part of any movement going on in the country and yet when it comes to have their right women have struggle to get the law implemented in its true spirit. The victims of violence needs support to get justice and there comes the role of NGOs who then provides all necessary support. However we cannot work in isolation and if we want to be successful in seeing the law implemented then we have to work as a network.

Presentation by Sunita Thakur -Jagori

Here when we refer to police we do not refer solely to CAWs, they are not representative of Delhi police but a part of it. Not every women know that there is a CAWs cell in their locality but every women knows that there is a police station where they can go in case of emergency.

Delhi police has a particular ideology with which they work and this becomes very problematic.. it is important to mention that the objection is not against individual police personal because our fight is not between men and women but rather it is against the system. There is duality even in the our life- in our world of work we are struggling for gender equality but in personal life we make so many compromises and at this gets reflected in our work. We have to internalise the fact that struggle for gender equality is part of our life and not just part of our work. We have to start from ourselves and our family before we reach out to others in our society.

Delhi Police is an implementing agency whereby it has to perform certain duties. Some of the duties of police are in dealing with public:

- a) Implementation of law
- b) Render public service in a way as to sustain public faith and trust
- c) Work in partnership with public and keep in mind that police is not a force but an agency for public service

She further highlighted some of the hurdles faced by women in dealing with police. These hurdles are:

- Patriarchal mindset of police that is reflected in their behaviour, attitudes and ways of dealing with women
- Working with the assumption that women are responsible for the violence and that women create trouble over trivial matter.
- They mode of functioning further strengthens the patriarchal way of looking at violence against women.
- Treating NGOs and civil society as interfering in their work
- PCR van that comes on calling 100 number are interested in arriving at on-spot compromises which is not their role, often they force victims to accept compromise.

On the basis of experience in working with police Sunita made certain suggestions for improvement in the work of police:

- a) Departmental training of police from a human right perspective
- b) Gender based violence has to be focused in training
- c) Delhi police Act has to crtically analysed from a gender perspective
- d) The Andhra Pradesh police circular can be replicated in Delhi.

Presentation on Andhra Police circular- Leena Prasad

Andhra Pradesh police has circulated a circular to all 157 police stations stating that they are duty bound to inform to every one who comes to the police station and give information on the procedures, relief and orders that can be taken course to. The circular clearly indicates the role of police under PWDVA, 2005. Since Delhi Police is still not aware of the exact role in handling domestic violence cases and often shade their hands clear and say that they do not have any role, it is important that circular be issued to all police stations in Delhi. There is one change required in circular for Delhi, that is, FIR should not be treated as dull

For detail of AP police circular refer to Annexure 3

Comments & Suggestion on Andhra Pradesh police model

Bonani Dhar- It is important to keep in mind the political environment for such action. In Andhra Pradesh the 20/20 vision document was prepared to forecast the state of development by the year 2020. And women empowerment was an integral part of the 20/20 document. The police circular was also part of this vision. To get the circular issued in Delhi requires political will.

Delhi police – The circular should be in Hindi as many of the old delhi police employee cannot understand English. The circular should be sent at thana and chowki level right upto the constable.

Participant- The issue of police circular should not be taken as end of our struggle, rather it would be only the first step towards success, after the circular the workload on NGOs will further increase and we have to be ready for it.

Strategies and Demands to police

On the basis of the discussion in the morning session a list of demands was placed before the police:

- Delhi Police give more recognition to the work of NGOs. NGO members should be allowed to accompany woman to CAWC – as support person and NOT INTERFERENCE
- Women police officers should be on duty even at night hours in police chowkis
- In cases of emergency call 100 or women helpline 1091. Make women help line 1091 more popular through media advertisements
- Approach CAWC only if woman wants counselling, return of stridhan, Go to regular police stations in cases where immediate action is required.
- Training of police from human rights perspectives, with NGO partnership and developing modules and monitoring indicators – training at all levels with focus on gender-based violence.
- Need to look at DV cases with seriousness and not as home matter
- Adopt A.P circular model with minor change - FIR cannot be dull
- Disciplinary measure for police in case of indecency and bad behaviour with women complainant.
- Raising self-confidence among girls and women through physical training in self defence so that in time of violence she can handle the abusers tactfully.
- Identifying corrupt police officers and lodging complaints against them thereby helping to clean up Delhi police. And along with complaints it is also important to give appreciation to police personal who are cooperative and come out of the way to provide support.
- All police station be provided with list of Pos, shelter home, service provider and also Mahila Panchayat
- Mahilla Panchahayat as sustainable mechanism already exists, there is need to strength it with support of Delhi Police

- Build a friendly atmosphere between NGOs and police

Session on zonal representation

Bonani Dhar from Solution Exchange moderated the session where Mahila Panchayat representatives from different zones shared their experience and vision for implementing the PWDVA

1. Deepa Bajaj- Child Survival India

In our meeting with DCP & SHO at the community level, the first response that we got was that police has no role under PWDVA, 2005 and only the magistrate has a role. Based on our experience it is important that different organizations are working on different issues and there is need to build a synergy based on lesson learnt. We stress on coordinated approach between Mahila Panchayat network and Delhi Police in order to get and plan strategies for future role.

2. Nimmi –Adhaar

there is lot of antagonism between NGOs and police. But it is important to realize that both NGOs and GOs are for the service to public, therefore there is need to build partnership between the two.

3. Chitra-Vikasini

Based on our experience of working with cases of domestic violence it is evident that NGOs need the help and support of police. There is also the need to build confidence among the victims of violence themselves so that they are able to take action on their own. Our effort is only to increase confidence and strength of victims so that their voice is heard. There is also the need for gender sensitisation of police in partnership with NGOs. We should also do self defence training with women in the community.

4. Reena –NDS

In order to see whether the Andhra Pradesh police circular can be issued it is important to review the political environment for such circular. Also it is important to keep in mind that Mahila Panchayat Network works with the commitment to end violence in every home. It is worth saying that not even 50 cases out of 200 cases of domestic violence would have been reported without MP. It is a strong mechanism to reach every home in the community. Just having 18 Protection officers for the whole of Delhi does not work in terms of size of population and the crime graph.

Post Lunch Session

The morning discussion helped participants to identify a set of demand to the police. In the afternoon session the chief guest of the workshop, DCP, central Delhi, H.P.S Viik spoke on the role of police in domestic violence cases. He began with the structure of Delhi police. Each district in Delhi has one ACP headed by DCP and supported by office staffs in all ten districts. He said that when a complainant files an application the role of police is to understand the problem after conversation with both parties. Most of the complainants come with small small issue like not going well with each other so there is a fight. Lawyers and NGOs misguide the complainant; they tutor them to put certain allegations so as to get maximum benefit. The police tries to investigate the truth. Our aim is to arrive at reconciliation so that peace and harmony is restored in the family. Women generally come to the police over trivial matters but we see that the family is saved as far as possible. Where we see that the violence is too much then give advice for mutual separation. Most of the complainants coming to us quarrel over items/goods given to the girl at the time of marriage. So my suggestion is that at the time of marriage both sides should make a formal list of items/goods given from the girl side and both sides sign the

document then there is more chance for reconciliation. The main problem is allegation and counter allegation on things given at time of marriages.

There are cases where the woman is not ready for reconciliation so she can register case under different section of IPC, she can file for maintenance under PWDVA. In one case on the death of husband the woman was subject to violence by her in-laws and her children were not given property rights. She filed a case under Sec 498A IPC. In such cases we see that there is fair dealing and the woman gets justice. There are also cases reported where the girl from delhi on marriage shifts to some other state, there is the problem of jurisprudence and we see that the girl who is brought up and educated in Delhi is able to file a case in Delhi itself. Another work of Delhi police is that we are trying to make a format for confidential recording of the complainant's grievances. The information received will be confidential and we would not disclose the information even if RTI is filed. Often we do not disclose the information given to us from the girl's side because some of the information is so sensitive that if the boy's side comes to know about it then no conciliation would be possible.

DCP Viik shared another case where a wife of Chief Air Marshall filed a case of separation on ground of being troubled by her husband. She complaint that she had suffered all these years because of her daughters but now it was intolerable and that at the age of 60 she was not ready for adjustments. Her husband owned property worth 3 to 4 crores and so she demanded that she be provided with a property where she could stay in peace. Mr Viik said that in most cases there is the problem of ego where the husband-wife is not ready for adjustments. He was of opinion that male opinion would prevail in the coming years and that it was a wrong on part of the husband to expect that her husband cooks food for her but now when both husband and wife goes out for work it is also difficult for wife to come home tired and then cook food for the family. The other cause of violence is that parents are unable to socialise their daughter in right manner, they are unable to train their daughters to be ready for marriage and adjust in their in-laws house. A newly married girl is like a new recruit in the army without any training. Therefore socialization of girls from marriage point is very important.

Comments

1. Conciliation perspective with which Delhi Police works will not work if we need to build violence free home
2. Socialization of girls for marriage is outcome of patriarchal mindset and cannot be accepted by women's organization
3. Violence should not be treated as trivial matter but be treated as serious matter relating to rights of women.
4. Police should not be judgemental prior to listening to women's complaint.

Sanjay Sharma- Delhi Legal Service Authority (DLSA)

He started by saying that the DIR should be filed by the head constable as the victims is face to face with them and the DCP is reached out in the extreme case only. He raised objection to the statement made by DCP Viik that gender equality is a far sight dream. Social change is taking place and we have to face the challenges that come our way. There is need to change attitude and mindset and that women's organization are not alone in the struggle, the delhi police and DLSA is with you.

DLSA has been doing activities for implementation of PWDVA,2005. In the Delhi Police week DLSA has conducted two workshop with police on DV Act, there were nine sessions on training with Pos. The PWDVA has changed the role of the police from advisor to service providers- that

is to provide service to consumers- the complainant who come to police are consumers and therefore they should have all information on PWDVA.

DLSA is a legal body with four full time session judge, two high court judge and four magistrates. There is good news for those working in North West district where DLSA has inaugurated mediation and counselling centre to be operative from 1st October 07. the centre can be approached for counselling and conciliation in both cases-before filing a case and in on-going case. There is a panel of five judges to handle the grievances.

DLSA has three important roles:

5. To give legal advise
6. To provide counselling
7. To provide Legal Aid lawyer to file case in court

Under the PWDVA the police has been given an important role. In Rule (9) it is mentioned that the police will provide help to victims and to Pos. They would help in rescue of weapon of violence and help protection officer in taking summons to the accused.

NGOs should arrange for training of it staff in groups of ten at DLSA ooffice. The staffs can observe for the day the functioning of DLSA and learn how conciliations are done, on what ground reconciliation fails, what procedure is followed and what are the requirements? The training should be for every member of NGOs. The capsule of the training would consist of five modules:

- a) Field training
- b) Case study
- c) Court Assignment
- d) Theory- reading of IEC material
- e) Practical-15 minutes observation of all work

Once the NGO members are aware of the procedure then only can they be involved in doing mass awareness.

Roshini Devi- Member DCW

Women's Organization have been involved in long debates over the years and yet we have not granted our rights. In patriarchal society women are responsible for everything that takes place right from giving birth, socialization and maintaining peace in family. Men have had no role and have not understood the role of women in male dominated society. India has been for ages considered as a land of Lordess and yet in this country, women are begging for their own rights. Women are the backbone of the country and therefore should be mentally and physically be supported by men. Women can break and at the same time mend the family but as beggars can do nothing. We need the support of Delhi police to face the obstacles that come from patriarchal mindset. Women can play the lead role in social change with one-third women and half police can together bring change in society. It is not hidden that organization have been struggling to implement but if we play our role more responsibly then women can become 'devis'. We have to understand that woman fight with women just to save their male counterparts. At time of marriage itself if girls are given property right and the right to work lot many domestic violence will not take place.

Soumya Bhowmik-Amnesty International

The role of police has been mentioned at five different places in the PWDVA – under section 5, 9(g), 10 (2b), 12(b), 13 and 19.

The Delhi police Act was made in the British rule and therefore appears out of date. There is need to reform the Act also because it has chapter on cruelty to animals, trafficking rules and on processions but has no mention of violence against women.

As has been discussed earlier for issue of circular, it worthwhile mentioning that according to Section 19 of the Delhi Police Act the commissioner of police can issue a circular.

To review and reform the Delhi Police Act, GOI had formed a committee under chairmanship of solitor general Soli Sorabjee and the committee came out with model police Act 2006. However the committee did not have any women member.

Case Studies

1. My name is Gudiya and I am twenty two years old. I live in A block, Sundernagari. I have been married for past five years. I have a three year daughter and six month old son. I was thrown out of the house after being beaten up by my husband. Then my husband returned the mehar to my father and told that he had given me divorce, he also took my father's thumb impression on an agreement. I then started living with my father. After two years my husband started meeting me and he pleaded that he had changed and would not misbehave with me. I went back to my husband and after I got pregnant again he started beating me and refuses to accept the child as his, my father also refused to provide me shelter and I had to live with my neighbours. With the help of Mahila Panchayat I was able to file my case in the court in February 2007 but nothing has happened. The lawyer assigned in the case also cheated me and takes the side of my husband. I need justice and I do not know what to do?

Response to Guriya's Case

Police- It is no doubt a very sensitive case because anyone and everyone Maya approached for help-from her father to the lawyer- deceived her. She did not come across anyone to support her. So she is a victim of the whole society. Everyone works with a motive and that is why she has not been able to get justice. We have to help her without any motive. She should file a case against both her parental and in-laws, she can also file a case under sec 498A on charges of cruelty.

Roshini – NGOs should write letter on her behalf to the court asking for the cause for delay in the trail. She should demand right in property. We can provide her moral and economic support but then Guriya has to be self-confident and never again go back to her husband.

Madhu- Muslim Women's Protection Act can be used. Further the Talaq is not valid as it was given in her absence.

2. My name is Maya and I am 25 years old. I live in J-block, Jahingirpuri. I had approached Mahila Panchayat two years back. After death of my husband I was not allowed to enter my in-laws house. After having a fight with my husband I had gone to my parental house in Jaipur. In my absence my husband died but nobody in the family informed me about his death, I came to know of from my neighbour and then when I returned to Delhi, my in-laws did not allow me to enter the house. I was abused and thrown out of the house. After the intervention of Mahila Panchayat the in-laws were ready to accept me but after some time my in-laws have started troubling and abusing me. There have been attempts of robbery in my house several times and I have also caught the thief twice but the police refuses to file an FIR. The police rather abuses and scolds me, they give me time in the evening and I have to then spend the night in police station. I face threat to my life.

Response to Maya's case

DLSA – should approach the Secretary of DLSA for getting a stay order at the earliest.

DCP- should file a case with commissioner of police.

OUTCOME of the Workshop

1. DCP asked NGO network to draft the police circular and he gave the assurance that the circular would be issued in every police station.
2. DLSA project officer assured to review the case of Guriya and assign a new lawyer to pursue her case
3. DCP asked Maya to hand over to him the complaint letter so that he could take action and find out from DCP –North district as to why FIR was not being lodged.
4. DCP agreed to include gender sensitisation programmes in the departmental training of police so that they change their attitude and behaviour in dealing with women.