KARNATAKA STATE POLICE - UNICEF


GENDER SENSITISATION PROJECT:
VIOLENCE AGAINST WOMEN AND CHILDREN
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>3</td>
</tr>
<tr>
<td>Foreword</td>
<td>4</td>
</tr>
<tr>
<td>The Police System in India &amp; in Karnataka: the past &amp; present</td>
<td>7</td>
</tr>
<tr>
<td>Brief Overview of Violence against Women &amp; Children: Police roles &amp; responsibilities</td>
<td>11</td>
</tr>
<tr>
<td>Evolution of the Module</td>
<td>16</td>
</tr>
<tr>
<td>Indicators of Gender Sensitivity</td>
<td>19</td>
</tr>
<tr>
<td>Structure of the Training Module</td>
<td>22</td>
</tr>
<tr>
<td>How to Plan Workshops</td>
<td>26</td>
</tr>
<tr>
<td>Design of the Workshop Session</td>
<td></td>
</tr>
<tr>
<td>Day I</td>
<td>32</td>
</tr>
<tr>
<td>Day II</td>
<td>59</td>
</tr>
<tr>
<td>Day III</td>
<td>84</td>
</tr>
<tr>
<td>A checklist for People friendly Police Stations</td>
<td>108</td>
</tr>
<tr>
<td>Appendices</td>
<td>112</td>
</tr>
<tr>
<td>Select References</td>
<td>155</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>157</td>
</tr>
</tbody>
</table>
Cases of violence against women and children is a disturbing trend for any civilised society. The police naturally feel deeply concerned about such issues. The commitment and involvement of both the Government and the people are needed to give voice and justice to those who suffer these crimes. The Karnataka state - and its police force, in particular - has had a long history of government-led community initiatives, including help lines for women, children and elders. However, the attitudes that structure such violence are rampant in our homes, our public spaces, our offices – a lack of respect for women’s lives, a disregard for children’s rights, a marginalisation of the vulnerable and less powerful.

It has been the endeavour of the Karnataka State Police, with the support of UNICEF and NGOs, to create a people-friendly police system that will respond with humaneness and sensitivity to cases of violence against women and children. For the first time in India, a pool of police personnel from police stations across the state, will be trainers and ‘change agents’ for their peers, in issues relating to gender and power relations, particularly children’s and women’s rights. It is hoped that through a sustained series of gender workshops and associated inputs, the commitment of the policemen towards the difficulties of women, children and other vulnerable groups in general become further strengthened. With that the environment in every police station also continue to change for better with an image of people friendly places.

This manual is the first step towards this vision for the Karnataka police: it has been designed with the active participation and suggestions of over 500 police personnel, from the level of the Director General of Police to Police Constables situated in remote parts of the state, over a period of one and a half years (2001 – 2003). It is intended to be a trainer’s guide and resource manual for the initial aspects of gender sensitisation. Further modules and activities will be designed as follow-up and refresher courses. This particular module is specially designed to be appropriate to a police person’s working environment, and will be used with a training kit comprising more detailed information on the status of women and children, including resource material such as posters, films and so on. It includes a checklist for a ‘people-friendly’ police station, and other suggestions that will help the police in their efforts to prevent crime against women and children.

(T. Madiyal)
Director General and
Inspector General of Police
Karnataka State
It is an honour for UNICEF to prepare the foreword of this training manual for police personnel in Karnataka – a manual on issues related to violence against women and children. The contents of the manual have evolved over a period of two years. During this period there has been extensive consultation with police personnel at all levels to ensure that the manual content is useful, relevant, and appropriate. The overall aim of the manual is the sensitisation of police on issues related to women and children, within the framework of the criminal justice system. Ultimately, the manual also seeks to heighten awareness on issues pertaining to gender and equity.

UNICEF is pleased to note that this manual has been incorporated by the Karnataka Police Academy. We look forward to Karnataka being the first state in the country to document the impact of having ‘all-people friendly police stations’. Police have an essential role to play in helping women and children live in a safe and secure environment and can serve as vital reference points when citizens require assistance.

Development of a manual of this nature has necessitated interaction with an array of institutions and individuals that have generously shared their ideas and experiences. Their insights have significantly enriched the content and the training methodology plan.

UNICEF acknowledges with gratitude the support given by the Director General of Police Karnataka, the Additional Director General of Police Training, the core group of resource persons and all the police personnel who have contributed to the drafting process. The dedication shown in ensuring completion of the manual - and in ensuring its integration into the formal police training process - is inspiring. Not least it reinforces UNICEF’s belief that the policing system in Karnataka is actively seeking to promote the welfare of women and children in a systematic and sustained manner.

Issues of child protection and gender are complex and there exists no panacea that can address the diverse challenges confronting the safety, security and protection of children and women. However, if this manual helps ensure that all police officers acquire knowledge - and empathy - with regards to rights of women and children, it will affirm UNICEF’s conviction that police are integral to the well-being of women and children throughout Karnataka.

William B. Thompson
State Representative
Hyderabad Field Office
KARNATAKA STATE POLICE

MISSION STATEMENT

We, the members of Karnataka Police, shall uphold the Law and the Rights of all people for a safe and secure environment, conducive to their internal and external growth and development.

Towards this end, we set for ourselves the following objectives:

OBJECTIVES

• Protect the lives and liberties of the people from criminal and anti-social elements.
• Earn the good will, support and active assistance of the community.
• Co-ordinate with other departments of the Criminal Justice System.
• Equal treatment regardless of caste, religion, social and economic status or political affiliations. Due consideration for women, children, senior citizens and weaker sections.
• Improve professional knowledge, skills and attitudes and adopt modern methods in police work.
• Promote human rights and professional values of integrity, honesty and efficiency.
• Accept and play our role in social transformation and bring about improvement in the quality of life with society.
The Police System in India and in Karnataka: the past and present

Why was this training module created?

A Brief Overview of Violence against Women and Children: Police Roles and Responsibilities

How was this training module created?

The participation and partnership of police personnel in Karnataka with women’s and children’s organisations
Karnataka Police - its past and present

I: A historical perspective of law enforcement and the police, particularly in Karnataka.

Before Independence, there were different kinds of arrangements for maintaining law and order in the princely states and then in the British provinces. The present form of police administration in Karnataka has evolved from these arrangements. Under the Wodeyars, policing duties in villages were conducted by Talavars, Totis, Nirgantis, Kavalgars and others, who were paid in land, grain, or directly from the State. This system continued under Haider Ali and Tipu Sultan.

Purnaiah was the administrator of Mysore during the rule of Krishnaraja Wodeyar III (1799-1811). After the neglect and decline of village police, he created another police system called ‘Kandachar or Taluk Peons’. Their duties included arrest and custody of prisoners, guarding of forts, construction of roads and bridges, and even the conveyance of palanquins and letter bags throughout the districts. In 1834, by a ‘Hukumname’, they were made exclusively Police peons, though employed in rotation in the collection of revenue.

Elsewhere in the country, similar policing arrangements existed. Delhi has a long history of policing through the famed institution of the ‘Kotwal’. Malikul Umara Faqruddin is said to have been the first Kotwal of Delhi. He became the Kotwal at the age of 40 in 1237 A.D. and was also simultaneously appointed as the Naibe-Ghibat (Regent in absence). Because of his integrity and sagacity, he had a very long tenure, holding the post through the reigns of three Sultans - Balban, Kaikobad and Kaikhusrau. On one occasion when some Turkish nobles had approached him to secure the withdrawal of Balban’s order confiscating their estates, the Kotwal is recorded to have said, “My words will carry no weight if I accept any bribe from you”. It is presumed that the Kotwal, or Police Head quarters, was then located at Qila Rai Pithora or today’s Mehrauli.

The institution of Kotwal came to an end with the crushing of the 1857 Mutiny by the British. Interestingly, the last Kotwal of Delhi, appointed just before the eruption of the Mutiny, was Gangadhar Nehru - father of Pandit Motilal Nehru and grandfather of Pandit Jawaharlal Nehru, India’s first Prime Minister!
In Karnataka too, or Mysore as it was then known, the Kandachar system was abolished after the 1857 Mutiny. In order to make the police a more efficient instrument for the prevention and detection of crime, the Governor General of India, Lord Dalhousie, introduced the Indian Penal Code and the Police Act throughout British India in 1861. This was responsible for the official recognition of the Police Force. The Police Act was made applicable to Bangalore Town and including cantonment and Bangalore district by a notification (dated 18 December 1866), which focussed on creating a distinct department of Police. Capt. E.D. Gompertz was nominated as Superintendent of Police for Bangalore Cantonment and also directed to supervise the Police of the entire district.

The rural police (or district police) were re-organised in 1880, with the police duties of the district becoming the responsibility of the District Commissioner. In the taluks, the police were under the Amildar, who had local knowledge and influence.

Further improvements in the police system were made according to the recommendations of the Police Commission of 1902-03. In 1907, a new rank was created, of Deputy Superintendents of Police. This was the starting point of what was known, ten years later, as the ‘Indian Police Service’. In 1932, the police system was designated even more simply, as ‘Indian Police’. After Independence, Sardar Patel emphasised the importance of having a ring of services under a federal Constitution, and the ‘Indian Police Service’ was born as an all India service.

In terms of policing at the local level, there were five different systems of ‘village policing’ at the time of the re-organisation of Indian states, in November 1956. In the Bombay Karnataka area, for instance, the District Magistrate controlled the village police, and could delegate his authority to the Superintendent of Police. There was a Police Patel for every village or a group of small villages, and four ‘Valikars’ assisted the Patel. In the districts of the State of Mysore, the office of the Police Patel was hereditary, and the village ‘Toti’ or ‘Talawar’ assisted him. There were similar systems in other districts in the newly created Mysore (Karnataka) state. With the Karnataka Police Act of 1963, a new uniform system was introduced throughout the State, which consisted of Police Patels and certain village police officers to assist them. In August 1975, however, the Government decided to abolish the hereditary posts of Police Patels and other village officers, and so the control of the village police passed into the hands of the Superintendent of Police and the Inspector-General of the State. Presently, each village or group of villages has a Police Station, responsible for the protection of every citizen under its jurisdiction.
### TABLE 1: SANCTIONED STRENGTH OF THE KARNATAKA POLICE (2002)

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>GAZETTED RANKS</th>
<th>NON-GAZETTED RANKS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DSP TO DGP*</td>
<td>PI*</td>
</tr>
<tr>
<td>CIVIL POLICE MEN</td>
<td>451</td>
<td>877</td>
</tr>
<tr>
<td>(for Police Stations and Investigation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIVIL POLICE WOMEN</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>(for Police Stations and Investigation)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARMED POLICE</td>
<td>52</td>
<td>100</td>
</tr>
<tr>
<td>(not for Police Station work)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DSP - Deputy Superintendent of Police, DGP - Director General of Police, PI - Police Inspector, PSI - Police Sub Inspector, ASI - Assistant Sub Inspector, HC - Head Constable, PC - Police Constable

**IPC** - Indian Penal Code

### TABLE 2: CRIME AGAINST WOMEN AND CHILDREN IN KARNATAKA

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Year</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Crimes Reported</td>
<td>Under IPC**</td>
<td>1,10,533</td>
<td>1,10,559</td>
<td>1,09,410</td>
<td>1,09,098</td>
</tr>
<tr>
<td></td>
<td>Under Special and Local Laws</td>
<td>14,32,016</td>
<td>14,93,309</td>
<td>15,02,403</td>
<td>19,314</td>
</tr>
<tr>
<td>Crime against women</td>
<td>6,169</td>
<td>6,453</td>
<td>6,481</td>
<td>6,521</td>
<td></td>
</tr>
<tr>
<td>Crimes against children</td>
<td>85</td>
<td>117</td>
<td>110</td>
<td>110</td>
<td></td>
</tr>
</tbody>
</table>

IPC - Indian Penal Code
<table>
<thead>
<tr>
<th>Head of Crime</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder (for dowry) 302 IPC</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>32</td>
</tr>
<tr>
<td>Murder(other reasons) 302 IPC</td>
<td>102</td>
<td>75</td>
<td>79</td>
<td>84</td>
<td>77</td>
<td>88</td>
<td>505</td>
</tr>
<tr>
<td>Attempt to commit murder (for dowry) 307 IPC</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Attempt to commit murder (other reasons) 307 IPC</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Dowry Death 304B IPC</td>
<td>46</td>
<td>45</td>
<td>50</td>
<td>55</td>
<td>40</td>
<td>33</td>
<td>269</td>
</tr>
<tr>
<td>Attempt to commit suicide (for dowry) 309 IPC</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Abetment to suicide 306 IPC</td>
<td>55</td>
<td>53</td>
<td>85</td>
<td>80</td>
<td>68</td>
<td>61</td>
<td>402</td>
</tr>
<tr>
<td>Cruelty by husband/relatives of husband 498A IPC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) For dowry</td>
<td>204</td>
<td>233</td>
<td>266</td>
<td>263</td>
<td>263</td>
<td>259</td>
<td>1488</td>
</tr>
<tr>
<td>b) Other reasons</td>
<td>188</td>
<td>207</td>
<td>194</td>
<td>250</td>
<td>229</td>
<td>242</td>
<td>1310</td>
</tr>
<tr>
<td>Rape 376 IPC</td>
<td>42</td>
<td>41</td>
<td>30</td>
<td>27</td>
<td>40</td>
<td>31</td>
<td>211</td>
</tr>
<tr>
<td>Outraging modesty (molestation) 354 IPC</td>
<td>227</td>
<td>171</td>
<td>219</td>
<td>219</td>
<td>223</td>
<td>237</td>
<td>1296</td>
</tr>
<tr>
<td>Insulting modesty 294, 509 IPC</td>
<td>50</td>
<td>58</td>
<td>52</td>
<td>41</td>
<td>51</td>
<td>62</td>
<td>314</td>
</tr>
<tr>
<td>Kidnapping and abduction 366 IPC</td>
<td>86</td>
<td>75</td>
<td>65</td>
<td>50</td>
<td>33</td>
<td>63</td>
<td>372</td>
</tr>
<tr>
<td><strong>Total number of cases filed</strong></td>
<td>797</td>
<td>785</td>
<td>826</td>
<td>850</td>
<td>839</td>
<td>894</td>
<td>4991</td>
</tr>
</tbody>
</table>
Roles and Responsibilities of the Police Stations within Communities

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

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

The difficulties that the police face in protecting citizens cannot be under-estimated; being a police person is challenging physically, mentally and emotionally. However, it sometimes appears as though police roles and responsibilities do not adequately reflect the issues that affect vulnerable people. Women and children alone constitute over 70% of the population, yet violence against them often goes unrecorded! As we said in the last chapter, attitudes of patriarchy and power can govern law enforcers and the criminal justice system, just as much as they do other citizens. All elements of the justice system need to be sensitised to these problems, but the police, in particular, can be positive role models in their attitudes and behaviour.

The need for police reform

It is true that the role of the police all over the world and in India, in particular, is becoming vastly enlarged and complicated. This is because of new laws, additional responsibilities regarding social legislations, the alarming increase in crime, terrorism and so on. The limitations of existing legal provisions to tackle new types of situations, a shortage of manpower and equipment to meet new challenges, the mostly unsupportive media and other related reasons also make the task that much more complicated. In this context, it is but natural that police attitudes to various job-related issues get altered or reinforced.
However, psychologists speak of the need to develop positive attitudes to work and human relations. Unfortunately, it is the negative attitudes of the police personnel that lead to public disapproval. When these negative attitudes affect public interest and the course of justice, they need to be understood and changed. A change in attitude does not mean only a change in behaviour. Offensive and unlawful behaviour ought to be, and generally is, dealt with according to the departmental rules of discipline and the criminal laws. On the other hand, where required, attitudinal changes or corrections can be brought about only through a process of individual and group commitment, and intensive and repeated training, both structured and on the job.

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

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

All over the world, significant achievements are being made in police reform. As the Director of the Council of Europe project - ‘Policing through Human Rights’ puts it “an important achievement in the field includes the mere fact that police are beginning to acknowledge human rights abuse as a problem within their organizations.”
The importance of the Police Station as a community institution

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

1. The basic mission for which the police exist is to prevent crimes and disorder.

2. The ability of the police force to perform its duties is dependent upon the public approval of police existence, actions, behaviour, and the ability of the police to secure and maintain public respect.

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

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

Community policing then is a philosophy essential to the police system. Not only do the police need to understand their commitment to the communities they work with, but the communities including Non Governmental Organisations (NGOs), in turn need to support their local police, as well as be critical of their efforts when needed. In order to optimise the impact of community policing, there have been several initiatives across India, including by the Bangalore City/Karnataka State Police. These demonstrate that the community-police partnerships can be creative, innovative and powerful.
Makkala Sahaya Vani, Vanitha Sahaya Vani and the Senior Citizens’ Helplines in Bangalore city and elsewhere in the State, have been helplines created for children, women and senior citizens in distress. These helplines - as well as mobile police units, accident relief vehicles and neighbourhood watch committees - are examples of police-community collaborative ventures. The most recent people friendly initiative in Bangalore has been the launch of the ‘People friendly Police Station Programme’ which links the police station and the community through the Joint Action Committees consisting of people and police representatives. It provides for a social worker at the help desk in the select police stations where women and children first meet the social workers and with their help, submit their complaints. These initiatives have provided a forum for sharing respective problems, identifying community needs and formulating a multi-pronged approach for better community policing.

One of the police stations in Bangalore has coordinated with the Block Education officer and sought space for non-formal education in a local school for child labourers. An organization working in this area is managing this work with occasional support from the police station. Another police station has with the Food and Civil Supplies, asked the Fair Price Depot to cater to school going children first, before and after school hours, in order to curb school drop outs. Yet another police station, with the local organization, is carrying out an on-going awareness programme with adolescent girls in garment factories, informing them of their rights and to seek the intervention of police in cases of molestation or sexual harassment.

It is only through the collective effort of different departments of the government, NGOs and communities, that there is an acknowledgement of, and action taken on, the various issues affecting women and children. All these community initiatives have made it clear that the Police Station is the essential institution in the community that succeeds in protecting citizens’ rights, and therefore, the police personnel working in these police stations are critical ‘change agents’ for a process of people-friendly, responsive policing.
Evolution of the Training Module

What is unique about this module?

This Karnataka Police-UNICEF training module in gender sensitisation - focussing on violence against women and children - has been created after a long history of commitment to such issues by the Karnataka Police. In fact, the Bangalore City Police was one of the first to administer sensitization programmes for police personnel on issues related to child protection and the Convention on the Rights of Children, since the 1980s. In 1998, this process gained momentum when workshops were introduced for police officers to be sensitive to children caught in difficult circumstances. The impact of this programme is visible in the changes in police officers’ personal interactions with children and the manner in which they respond to the cases of children who are in distress situations.

With this background, an exploratory workshop was held for the Bangalore City Police in April 2001, in order to understand issues related to women and children. During the course of this workshop, it was clear that social conditioning often takes culturally specific forms of gender bias and differential treatment meted out to girls and women. This gender bias is a violation of basic human rights; in addition, it is doubly important for police persons to understand that personal gender biases lead to discrimination in police functioning. It was felt that creative and innovative forms of training would help the police become more ‘people friendly’, as well as personally effective and more professional in their functioning.

In creating this module, we had support and advice from various individuals and institutions across the country, including the Maharashtra Gender Sensitisation Project, run by the Tata Institute of Social Sciences. However, the most critical analysis and advice came from police personnel themselves, who formed part of the Core Resource Group for this project, and were participants in different workshops. It was felt by many that while existing training modules have particular strengths, most of them were created from the ‘outside’ by ‘experts’ - either academics or NGO representatives - with very little police participation in
the development of the module.

The commitment by the Karnataka Police, and the other resource persons involved in the evolution of the project, has therefore been continued and intensive. Police officers have been involved in workshops as participants, as trainers and facilitators, overall advisors in the planning of the sessions of the workshops, and in the field-testing of the draft module. In particular, being ‘trainers’ involves police personnel from the level of the police station, who will be working with their peers and colleagues. This is expected to create a ‘multiplier’ effect, in which each police officer can share his/her experiences and learnings with others. This is felt to be a unique feature of this project.

In addition, five police stations in the five zones in Bangalore City have been identified as “people friendly police stations” and are involved in the programme leading to identifying areas of change within the Police Station, in collaboration with local NGOs. The initiative and involvement of the police in formulating this module for ‘more people friendly approaches and systems’ within the department, is indicative of the dynamic community process that the police have already recognized as pertinent to more efficient functioning.

The commitment to this module includes creating systems of review and monitoring, and continued capacity building and support to the pool of police resource persons, in order to ensure sustainability and ownership.

**How was the module created?**

The process of creating this module began with a documentation of the procedures and interactions of the police, in cases related to women and children. This study was carried out in 10 police stations in Bangalore, for a period of 1 1/2 months. The key findings includes the following.

- Very few cases, related to women and children, are actually registered despite their being reported to the Police Station.
- ‘Counselling’ is often seen as a substitute for registration of cases.
- The prevalent attitude of most officers is to minimise the incidence of violence and thus deny the right of the complainant to
legal justice (this included cases where the complainant insisted on registration, but the police did not support the request)

- While many police personnel are more sympathetic towards children’s issues, their responses to women are traditional and patriarchal
- Violence against women and children is not seen as part of the ‘mainstream’ activities of the local police station, but are most often referred to the women’s police station.
- The limited powers of the women police stations as well as the abdication of responsibility by the system, overall, leads to further injustice to complainants.

These findings were shared with senior police personnel and a core group of support organisations and individuals. Based on these findings and consultations, a draft module was prepared and field-tested in over 10 regional workshops across the state including at the Karnataka Police Academy Mysore, Bijapur, Raichur and Davangere.

The objective was to assess the content, structure and methodology of the draft module, as well as to identify suitable trainers. The feedback from these workshops were continuously incorporated into the module. Workshops at the Karnataka Police Academy concentrated on intensive ‘training for trainers’ and succeeded in creating an initial pool of about 45 police personnel committed to, and enthusiastic about this gender sensitisation project. All these officers see the project as an opportunity not only to change the ways in which cases of violence are handled and investigated, but also as a personal opportunity to upgrade their skills and interests and become more effective police people.

There is thus a long term commitment from the police department as well as individual officers towards a project such as this. We believe that the participatory process of creating the module, along with its interactive and innovative training methods, will help the police in enhancing their system of response and reparation towards all citizens suffering from different forms of violence. The sense of ownership that all those involved in this process feel towards the module, should contribute towards its long term sustainability and effectiveness.
The Training and Resource Manual

Indicators of Gender-Sensitivity

How to plan workshops

The structure and design of the workshop sessions
What are the objectives and outcomes expected from the workshop – what should ‘gender-sensitivity’ mean to you?

As a human being:

- Gender is the term used for the socially assigned/constructed roles given to men and women. ‘Gender Sensitization’ is the process of understanding how this socialization creates inequalities between men and women (and girl and boy children).
- ‘Gender equality’ is the political equality given to men and women, girls and boys by the Constitution of India. However, the lack of social and economic equality means that we have to work towards ‘gender equity’ and ‘gender justice’ in the world around us. This will help in creating a more just and progressive society.
- Violence in any context is not acceptable: no one has the right to abuse another.
- Violence in any form is not acceptable: the universal definition is ‘physical, sexual and psychological violence, occurring in the home, in the community, in the workplace or by the State’ (see the Convention of Elimination of Discrimination Against Women, and the Convention on the Rights of Children, in the training kit).
- Violence occurs when someone tries to gain power at the expense of someone else who is less powerful.
- All over the world, individuals, organizations and governments understand and accept the need to combat violence of any kind, particularly against women and children.
As a police officer:

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

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

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

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

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

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

- Let us remember that most of us have girl children and their rights and future need to be protected and secured.
Excerpts from the Karnataka Police Act, 1963

Duties of Police Officers towards the Public (Section 68)

* “In dealing with women and children, to act with strict regard to decency and with reasonable gentleness…” [Section 68(e)]

* “To afford every assistance within his power to disabled or helpless persons in the streets…” [Section 68(a)]

Note to the Trainers/Resource Persons

+ Do read the Karnataka Police Act, and the Mission Statement of the Karnataka Police.
+ Do remember these objectives and outcomes will be reinforced through every session of the workshop.
  + Do use this overview in your informal conversations with participants or in answering questions about the need for this workshop.
  + If necessary, use this overview in the concluding session of the three-day workshop.
Structure of the Training Module and Design of the Workshop

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

‘Gender Sensitization’ is the process of understanding how this socialization creates inequalities between men and women (and girl and boy children), through different relations of power.

Why is Gender Sensitization important?

A police station’s jurisdiction covers a population of men, women and children of different class, caste, ethnic, religious and language backgrounds. It is essential that all police officers understand the issues related to women and children (especially girls,) who comprise 70% of this population. As professional attitudes are influenced by social or personal values, it is important for all of us to examine our perspectives towards different people, in order to become more people-friendly and sensitive to cases of violence against women and children.

Why is Gender Sensitization particularly important for the police?

In Karnataka, according to the 2001 census, the population is approximately 5.27 crore. With 806 police stations (including 18 railway police stations), each Police Station like yours, therefore, looks after 66,000 people on an average. With around 66,000 police personal, every police officer like you is responsible for over 800 people. With this heavy burden of duty and responsibility, it is essential for every police officer to understand the nature of the people he or she works for, and works with. Would you not then want to understand the issues concerning 70% of the population you work with - women and children?
Why should police officers be trainers and facilitators for a Gender Sensitization workshop?

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

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

What is the structure of the module and the design of the workshop?

Over 500 police personnel from the rank of constable to ADGP participated in workshops held across Karnataka (2001-2003), and helped design this module. It has therefore been designed such that the process of conducting the workshop is as important as the content of each session. Following the structure as closely as possible will help you make the workshop effective and interesting, and fulfil the objectives of understanding and challenging issues of violence.
The workshop is structured in this format, for a period of 3 days:

Day I
Session 1 : Questionnaire on women and children - to be distributed, filled in and collected on the spot --------------------------27
Session 2 : ‘Redefining the Role of the Police’ - an introductory session by a senior police officer -------------------------------29
Session 3 : An introductory ‘icebreaker’ session with all participants ----------------------------------------------------------31
Session 4 : A group exercise emphasizing the role of the police ---------------------------------------------------------------34
Session 5 : A simulation game to refresh the participants ------------------------------------------------------------------40
Session 6 : ‘Gender and Power Relations – an Institutional Analysis of Violence’ ---------------------------------------------42
Session 6a : Group work on gender relations --------------------------------------------------------------------------------44
Session 7 : Administrative and workshop related issues ---------------------------------------------------------------------52
Session 8 : Screening of appropriate films ***************************************************************************************53

Day II
Session 1 : Review by the participants of the previous day’s sessions ---------------------------------------------------------54
Session 2 : ‘Rights of children and responsibilities of the police – legislations and procedures.’ -----------------------------56
Session 2a : Group exercise to understand children’s rights ----------------------------------------------------------------57
Session 3 : Presentation by a children’s collective or an organization working with children. -------------------------------64
Session 4 : A simulation game to refresh the participants -------------------------------------------------------------------67
Session 5 : ‘Violence against women: legislations, procedures, issues before the police’ ---------------------------------------69
Session 6 : Sharing of experiences by a women’s organization ---------------------------------------------------------------75

Please follow the structure of the module closely – this will ensure the most effective outcomes for the workshop.
Session 7 : Counselling skills in police work – a session that looks at skills to help complainants, as well as understanding when specialized support is required

Session 8 : Performance by a local theatre/cultural group on violence against women and children

Day III

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

Session 2 : A game on resource distribution and attitudes

Session 3 : ‘HIV/AIDS and interactions between the police and public’

Session 3a : A simulation exercise to understand gender and sexuality, through power relations

Session 4 : ‘Prevention of Immoral Trafficking Act and issues before the police’

Session 5 : A game to refresh participants

Session 6 : ‘Public Perceptions and Police Behaviour’

Session 7 : Sharing of experiences and feedback session with participants, including a repeat distribution and collection of the questionnaire on women and children

Session 8 : Cultural programme by participants and distribution of certificates
How to prepare for the workshop – what do you need?

IGs of the Ranges shall be the officers in charge of arranging the workshops

Coordinating Team for the Workshop: please keep in the mind the following checklists for a well-conducted workshop.

Checklist for Planning:

- Communication with ADGP (R&T), IG of the range, SPs of the district, training team, relevant NGOs and other resource persons by the Coordinating team.
  - Directive from the ADGP/IGP or appropriate authorities about organizing and coordinating a Gender Sensitization Workshop for police personnel at the divisional level - Communication from ADGP should reach the SP who should finalise all arrangements for the workshop.
  - Inform ADGP and IG of the finalized schedule for the workshop, get participation certificates signed by the IG of the range, and send post-workshop report to them for follow up action.
  - Confirm names and designations of participants with SPs of the range, the schedule of the workshop, and send feedback report from the workshop.
  - Discuss infrastructural requirements with the SP of the district or the IG of the range where the workshop is held (including reimbursements and letters/tokens of appreciation).
  - Shortlist relevant NGOs and other resource persons with the help of the SP and other senior administrative officers, and decide the appropriate sessions of the workshop to which they should be invited, as facilitators or animators.
PLEASE DO NOT FORGET!

The Coordinating/Training team must have a pre-workshop coordination meeting, with invited NGOs/resource persons, to discuss workshop schedules and requirements, including resource materials.

- **Workshop schedule**
  - Participants to be informed that they will be required to stay all 3 days of the training.
  - Fix dates, confirm availability of external resource people and choose appropriate facilitators for each session of the workshop.
  - Prepare background note and resource materials for the participants of the workshop.
  - Confirm final participation of police personnel for the workshop, via the SP and control room, 48 hours before the workshop is scheduled to begin.

- **Venue**
  - Choose an appropriate venue according to the convenience of the participants and the hosting SP, and keeping in mind the requirements of the workshop.

- **Participants**
  - Ensure that participants comprise a range of police personnel from constables to inspectors of police stations. Ensure that at least 1/3 of the participants are women personnel.
  - Ensure that each workshop does not have more than 40 participants, as this is the optimal size for group work.
  - Inform participants of the duration of the workshop, so that they come prepared for an overnight stay.
Resource persons

- Ensure that resource persons have a good working knowledge of Kannada.
- Ensure that resource persons are given the background notes to the workshop.
- Orient the external trainers to the common framework of the workshop, using the concepts of gender-power relations (See Session 5 of the module) and share the checklist of skills, qualities and outcomes required (see below).
- Ensure that all the resource persons provide background material for the participants well in advance; make the necessary number of copies.
- Ensure that time is shared appropriately between the facilitator and the external resource person.
- Arrange reimbursement for travel, and tokens of appreciation/honarariums for external resource persons.

Checklist for Infrastructure

Requirements for venue

- A large hall, with movable chairs, and space for group activities and exercises for 40 participants, either within the hall or just outside.
- Make arrangements for the display of posters and material created by the participants during the course of the workshop.
- Ensure drinking water and toilet facilities (specially for women), as well as food and tea for the participants.
- Arrange accommodation for the participants to stay overnight, as well as for resource persons, if necessary. This is to be done by the IG/SP.
**Resource materials**

- Black board with chalk, or white board with pens
- Overhead projector (slide projector if required)
- TV and VCR
- Files for all participants which include the workshop kit: notepad, pen, background notes, resource material and feedback information
- Photocopy resource material and background notes from the training manual and other sources, including from invited resource persons (in Kannada as much as possible)
- Display posters and other pictorial material from the trainers’ kit as well as local NGOs, at the venue
- Mike system (trainers should use the mike only if necessary)
Checklist for Skills and Qualities – for all trainers/resource persons

- Remember that everyone in the workshop, including the trainers, are participants and are learning from each other.
- Trainers should be prepared for participants of all kinds: those enthusiastic and interested, as well as those who are cynical, uninterested, bored, and rude. The best way to handle negative responses in a workshop, is to approach there participants positively. Stay calm; do not get angry or upset yourself – use those responses in an interesting way that will illustrate the session you are handling. In the course of the various workshops we have learnt that the cynical participants are most productive when interacted with positively. They also are better convinced about ‘why’ someone has to ‘act’ to bring about ‘change’ that will affect a more number of people positively.

- Avoid disrespectful body language and vocabulary with those involved in the workshop – human dignity is the most important foundation for the workshop.
- Do not discriminate between participants on the basis of rank, gender, caste or community – discrimination is what we are trying to understand and avoid.
- Be open to questioning – learning is a two-way process.
- Be confident and speak with conviction – people believe those who believe themselves.
- Be challenging without being aggressive – nobody listens when they are being shouted at.
- Listen, reflect and then respond during sessions and conversations – there is more than one perspective to all issues.
- Ensure that sessions are conducted in a simple language that is understood by all participants – using the local language/dialect helps participants respond better (too much English or literary Kannada, for example, is alienating).
- Be creative and inter-active during sessions – a good trainer is a facilitator, rather than a lecturer.
- Be participatory and ensure group processes – giving respect should be both an individual and collective responsibility.
- Be aware of participants’ responses to the sessions – knowing how they feel is the sign of a sensitive trainer.
Special Do-s and Don’t-s for Trainers/Resource Persons during the Workshop

+ Do use games and simulation exercises between sessions to lighten the mood and to give the participants a break from more conceptual discussions. Do not use them indiscriminately; games/exercises should be used so that they reflect either on the previous session or emphasise an aspect of the session to come. They can also provide insights into the overall aspects of gender and power relations, but must do so with special emphasis on police personnel and their environments.

+ Do remember that the role of the trainer/resource person is always to facilitate an inter-active session rather than give a lecture, even if the subject matter is highly technical. This form of training is most effective and acceptable to all participants. Consciously attempt to ask junior ranked personnel and/or women to respond in these sessions, otherwise higher ranked officers may monopolise the discussions.

+ Do not be authoritarian at any point – maintain a spirit of friendliness and mutual respect at all times, even when certain participants or issues need to be challenged. Acknowledge that police work is difficult, particularly in cases of violence; this will make the participants much more receptive to the process.

+ Do use, and ask all other trainers/resource persons to use, the framework for gender and power relations (Session 5 of Day I of the Module) to emphasise certain aspects of their sessions. They must consciously base their presentations on the practical aspects of police work. This will facilitate reflection and the need to work for change within the police system, throughout the three-day workshop.
Day I

What is needed for today?
- White board with pens or black board with chalk
- Overhead Projector (OHP) and transparencies (if required)
- TV & VCR (for screening of films)
- Films from the training kit for the evening screening
- Charts & sketch pens/crayons for group exercises
- Posters for display (to remain on display throughout the workshop)
- Questionnaires (see appendix)
- Files for participants with note pads, pens, reading material
- Any additional resource material that external resource persons may want to share (these can be added to the kit for future reference and distribution also, if appropriate)
- Registration list
- Mike system, if necessary

Session 1: Questionnaire on women and children

Who?
The co-ordinating team of trainers and resource persons.

How long?
15 – 30 minutes.
Why? (Objectives and outcomes of the session)

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

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

How? (How to conduct the exercise)

Methodology

Prepared questionnaires on violence against women and children, that can be used to assess the attitudes and information levels of all participants. These questionnaires should be given both at the beginning of the workshop and on Day 3, during the ‘Feedback Session’

Questionnaire included as Appendix II. Please photocopy as many copies as required for each workshop.

Process:

Give all participants the questionnaire and ask them to fill it up – without consulting fellow participants. When the questionnaires are returned, tabulate the results at the end of the Day I. Then again give the questionnaire to the participants on Day III during the feedback session. Use the comparison to gauge the change in attitudes through the duration of the workshop. This will also be a measure of how effective the workshop has been.
Session 2: ‘Redefining the Role of the Police’

Who?  (Resource Persons)
Senior Police Officers (for e.g.) ADG, R&T, IG of the range, the Director KPA, SP of a District.

How Long?
40-45 minutes.

Why?  (Objectives and outcomes of the session)

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

- The proactive powers and responsibilities of the police
- The critical role of the police in cases of violence against women and children.
- The commitment of the police towards gender sensitization processes and the objectives of the workshop
How? (How to conduct the session)

Methodology: Presentation, with question and answer session

Key words: proactive, people friendly, learning, attitudes, action, duties, procedures, human rights, citizens’ rights, “public servant”, accountability, Constitution, Karnataka Police Act. woman, children.

Process: The Constitution of India guarantees equality under the law, of gender, religion and community. However, social and economic equality still does not exist in our society, particularly when related to women and children.

The role of police is critical in a society in which citizens’ and human rights are essential to the working of a democracy. Becoming pro-active and people friendly will lead to a greater accountability of the police to the public - we should always remember we are ‘public servants’ first and foremost! The attitudes and actions of police towards women and children, in particular, can be helped by learning and imbibing the following aspects of people-friendly policing:

- Have sensitivity on issues related to women and children
- Understand the need for gender sensitivity in the police department where, like in other departments, the work is male-dominated.
- Respect and obey all laws, particularly those related to women and children
- Have knowledge of Court judgements and Government guidelines on issues affecting woman and children
- Use an approach of sympathetic policing
- Interact positively with NGOs and other community based organisation
- Have a good knowledge of effective investigation procedures
- Create awareness amongst the public on such issues.

Note to Trainers/Resources Persons
Do look at Appendix III for more information
Session 3: Introductory Game for all Participants

Who conducts the session?
The coordinator/s of the workshop.

For how long?
30-45 minutes.

Why? (Objectives of the session)
- To establish a more open atmosphere, which makes people more comfortable, and removes, as much as possible, hierarchical differences between participants
- To initiate sharing amongst participants through listening and communicating other people’s experiences
- To emphasise a code of conduct for everyone involved in the workshop, based on mutual respect and learning
- To create a space in which examples of people’s views can be used during discussions in later sessions

How? (How to conduct the session)

Methodology:
Participatory, involving all participants in an exercise, with instructions from the trainer.

Process:
- Ask the participants to help arrange the chairs in a circle or horseshoe shape, so that no rows are created, and every participant can see the trainer and each other: this process helps to remove visible differences between participants and establishes, as far as possible, an atmosphere of equality.
Change the positions of the participants by using statements like these:

- ‘No inspector should sit next to another inspector, change places’
- ‘All people with ball pens, change places’
- ‘All those with black hair, change places’
- ‘All those wearing watches with metal straps, change places’
- ‘All those with a plait, change places with those who have grey hair’

The seating arrangement that results from this exercise should be maintained throughout the 3 days of the workshop.

Next, ask the participants to form pairs with the person sitting on their left, and ask them to respond to each other, answering the following questions (give them 5 minutes for this process):

- What is your name?
- What is your favourite colour and food?
- Who is the person you admire most?
- The trainers should also be part of the circle, and form partners to answer these questions
- After this exercise, ask each pair to stand up; each person in the pair should introduce the other, giving the answers to the 3 questions (encourage, if possible, the participants to remember the answers rather than to read them out)
- At the end of this exercise, introduce the workshop and its objectives. Make a short presentation on the code of conduct expected from all those involved in the workshop, and emphasise the need to respect each other throughout the workshop.
Code of Conduct

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

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

Trainers can emphasise Article 14 of the Constitution as the foundation for the workshop’s “code”:
Right to Equality and Dignity

Tea Break for 10 minutes
Session 4: Group Exercise on Case Studies of Violence Against Women and Children

Who conducts the session?
The coordinator/s of the workshop.

For how long?
1 – 1 ½ hours.

Why? (Objectives and outcomes of the session)
At the end of the session, the participants should understand the following:

- Group/collective processes of thinking and working together to achieve creative solutions
- How participants work in groups, so that team spirit is developed through the workshop and maintained in future interactions
- The linkages between the different aspects of the criminal justice system and the community; as well as the different forms of power and responsibilities involved
- The complex nature of cases of violence against women and children and the different kinds of responses possible, using the group exercise as a form of role play
- The critical role of the police, in challenging violence - the focus should be on the police station as the first step of the Criminal Justice System
- How to ensure that police investigations are carried out effectively, such that the accused cannot be easily acquitted on the basis of any lacunae
- How to “make a difference” in the system individually and collectively - the workshop is an opportunity for participants to analyse their attitudes and actions
How? (How to conduct the session)

Methodology:
Group work and role play.

Process:
- First, create 4 groups by asking the first person on your left to count 1, the second person to count 2, and so on, till the fourth person counts 4. This process is repeated for all participants, till you can form 4 groups of ‘1s’ ‘2s’ ‘3s’ and ‘4s’. As far as possible the four groups should have an equal number of participants.

- Next, explain that Group 1 forms the ‘Judiciary and Public Prosecutor system’. Group 2 forms the ‘Administration’ (for example, the District Collector, CEO, corporations, hospitals, tahsildars, and other officers of different administrative departments of government). Group 3 is the ‘Police system’ while Group 4 forms the ‘Community and NGOs’.

- Ask the Groups to discuss the case studies based on the Group they belong to: Group 1 (the Judiciary and PP) will discuss aspects of the case that fall within the purview of the Judicial system, Group 2 will discuss what steps the different wings of the administration should take to assist the complainant in cases of violence and what support they can give in addition. Similarly for Group 3 as police officers and Group 4 as people from the community and/or NGOs.

- Ask each group to nominate a person from their group who will act as an “Observer” to another group. One person from Group 1 will go to Group 2, one person from group 2 to 3, one from 3 to 4, and one from 4 to 1. These four Observers must watch silently the process of discussion on the case studies and present his/her comments at the end of the Groups’ presentations. These comments should focus on how the group handles discussions, nominates a presenter and analyses the cases. Ask the Observer to check whether all the group members participated in the discussions and how s/he felt about being an Observer.
Note to the Trainers/Resource Persons

+ Do prepare 4 charts with the names of the 4 groups (Judiciary and PP system, Administration, Police system, Community/NGO) and the names of the members of each group. Do put these charts up on the wall/board; so that all group exercises throughout the 3 day workshop are conducted in these groups and any material created by the groups is displayed on these charts.

Present the two case studies (one on women and the other on children). For additional cases, and other information, see the Appendices.

Case Study 1 (violence against children)
Hasina is a 11 year old girl, forced to work as a domestic maid. Her employers harass her, beat her and brand her. She cannot speak about this to anyone, as she is not allowed to go outside the house or talk to the neighbours. One day, she is able to share her problems with the shopkeeper, when she is sent to buy vegetables. The shopkeeper calls a local NGO, to rescue the girl. Hasina’s mother lives on the streets and is an alcoholic.

Case Study 2 (violence against women)
A poor woman, Gangamma, has been married for one year, and lives with her husband in a slum. He beats and abuses her repeatedly, and then starts a relationship with another woman. Gangamma files a case of dowry harassment against her husband at the police station. But one day, not being able to bear it any longer, Gangamma runs away to her mother’s house. Her mother is a nurse in a local hospital. One evening, when her mother is at work, Gangamma’s husband comes to the house, beats her and tries to kill her by hanging her from the ceiling fan with her sari. Luckily, the stool he uses is close to Gangamma and she is able to stand on it and prevent being strangled. When her mother returns, she brings Gangamma down and runs to the police station to make a complaint.
Give the groups 15 minutes in which to discuss the cases and prepare their analysis. After this, each group’s representative makes a three-minute presentation followed by the Observer’s comments/observations.

Conclude by emphasizing that all the groups have powers and responsibilities that can challenge, punish and prevent cases of violence.

- However, through the case studies, reiterate that the police is crucial to the justice system.
- Use the factual background of the cases to challenge the attitudes of many police officers towards violence against women and children.
- **Police attitudes and procedures make a difference to the conviction or acquittal of a case.** Show that police procedures should be strengthened and cases can be filed in such a way that will lead to higher rates of conviction. This is the duty of every police officer. In many cases however, these procedures have only been followed after pressure from members of the community or NGOs.
- Even the smallest action of a police officer is important, and a positive police officers impact is felt beyond his police station.
- All positive change begins with the Police Station!
Note to the Trainers/Resource Persons:

After all the discussions and presentations by groups and observers, the trainers can share the following insights into these cases:

These are true cases, in which the names have been changed to protect the complainants’ identities.

Hasina’s case

✓ Hasina was rescued by the NGO, with the help of the local police. The trainer should emphasise that NGOs do not have any statutory powers to enter any home/establishment. Only the police have these powers.

✓ She was branded with a knife on her private parts by her employer, and never given medication or first aid. Therefore the first step of the police and the NGO was to file the case, and then take Hasina to a government hospital, for treatment and a medical statement.

✓ The employers, sought and were given anticipatory bail by the Sessions Court. Because the police had filed the case under Sections 323, 324R/W 34 IPC and 41 &42 of Juvenile Justice Act) as a Non Cognisable Offence, rather than ‘assault with a weapon’ and ‘attempt to murder’ (Cognisable offences), the Judge granted bail.

✓ Hasina was working in a tuition teacher’s house. After this incident, the parents in the locality stopped their children from going for classes with this teacher, and the landlord asked them to vacate the house within a month.

The trainer should focus on the role played by the shopkeeper, the landlord and the community to protest against such violence, and who did whatever possible to challenge those who committed the violence.

Because Hasina’s mother was not given custody of the child, Hasina chose to stay with the NGO and is presently undergoing training under the National Child Labour Project. The trainers should inform the participants that only the police (and the natural guardian) have the right to take custody of children and place them in safe custody, with shelter homes, registered with the District Collector. This is so that even if the employers pose as the child’s guardian/foster parent—there is no legal standing for them.
Gangamma’s case

✓ While Gangamma was living with her husband, he and the rest of his family tried to push her into a well. She complained to the Police Station but she was asked to give money to register the case. After that, only a 498A case (harassment) was registered, instead of IPC Section-307 (attempt to murder). The police did not give Gangamma a copy of the FIR after she registered the case.

✓ The harassment to Gangamma from her husband and his family, increased which is why she ran away to her mother.

✓ When Gangamma’s husband tried to kill her, and her mother complained to the police, the SI asked her to take Gangamma to the hospital without a police escort.

✓ The SI wanted to register the case only as a ‘Non-cognisable Offence’ rather than another ‘attempt to murder’ case, saying that there is already a 498A case registered against the husband.

✓ The SI did not visit the scene of the crime, when Gangamma’s mother complained, and tried to imply that her story was not true.

✓ Because of the intervention of an NGO, the police registered a case under Section 307. However, this was only after Gangamma was interrogated and harassed about approaching the NGO by the SI, SHO and the station writer in a closed room, without the presence of a WPC or the NGO representative. The station writer asked Gangamma for money.

LUNCH Break for 45 minutes – 1 hour
Session 5: Refresher Game - Gun-Bear-Man

Who conducts the session?
The co-ordinators team of the workshop.

For how long?
15 minutes.

Why? (Objectives of the game)
- To refresh the participants and make sure they are attentive after lunch!
- To help the participants enjoy group processes as well as understand the importance of good leadership
- To introduce the idea of power in a creative way

How? (How to conduct the session)

Methodology
Participatory, with coordinators giving instructions.

Process:
- Move the chairs back so that a large space is created in the middle for all the participants to stand comfortably (or use a suitable space outside)
- Divide the participants into two groups and ask them to choose a leader each
- Explain the game by showing the three actions for a gun, bear and man. Tell the leaders of each group to decide collectively on a set of three signs (‘secret code’) for each of these – the gun, the bear and the man, which only the group understands.
Explain that you, as the coordinator will ask the groups to ‘Get set, ready, go!’. On saying, ‘Get set’, the leaders should show the ‘secret code’ for whichever action they have chosen. On the shout of ‘Go’ the two groups must show simultaneously – this action.

The points for the groups are won according to the following rules:

- The man is stronger than the gun (M>G)
- The gun is stronger than the bear (G>B)
- The bear is stronger than the man (B>M)

Points are won by the group that shows the stronger action, for example if Group A shows the bear and Group B shows the gun, Group B wins a point.

No points are awarded if all members of the groups show different actions for their group, at different times. For example, in the case above, if some members of Group B show the action of a bear instead of a gun, Group B will not get a point. If the groups show the same action, each group is given a point.

After three rounds of the game is over, ask the participants to sit down and explain the reasons for the rules of the game: a bear is stronger than a man physically, but a gun can kill a bear. Most important, a man is stronger than a gun, because he has the power to use the gun.
Session 6: Gender and Power Relations – the institutional analysis of violence

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

How long?
2 – 2 ½ hours.

Why? (Objectives and outcomes of the session)
At the end of the session, the participants should understand the following

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

Methodology:
Interactive with exercises and role play

Keywords: power, gender, (biological) sex, socialization, freedom, dignity, opportunity, access, resources, control, ownership, decision making, attitudes, discrimination (class, community, caste), violence, institutions, rights, responsibilities, humanness, feminine, masculine

Process:
Session 6a: Group Work

- Ask the participants to form four groups as done in Session 3.
- Ask Group 1 to discuss the qualities that are considered to be a woman’s qualities (‘feminine’), group 2 is to discuss the qualities that are considered to be a man’s qualities (‘masculine’), group 3 is to discuss the work that men do and group 4 to discuss the work that women do
- Give 5-10 minutes for this exercise and ask the participants to present their lists group wise
Note to Trainers/Resource Persons

+ Do give each group charts and pens for this exercise
+ In case the groups are confused about whether to respond as NGO, Police etc., as in Session 3, tell them to respond as individuals, and to the group member whom they choose to make the presentation
+ Make a note of any controversial statements including ‘women are weaker than men’ or ‘women are only good for certain kinds of work’, and use them later in the session as examples

Session 6

Ask the participants the question, ‘What is the one thing that all human beings want, throughout their lives, whether young or old, poor or rich, man or woman?’ Guide them through their responses till they find the answer —‘Human dignity/respect/self confidence’.
Note to Trainers/Resource Persons

+ Do use the gender and power relations diagram as a framework for this session.

Go step-by-step illustrating your points on the board so that, at the end of the session, participants also have a clear understanding of how such social relations are created.

- Go through the other factors that support human dignity and self respect (freedom, power, opportunities/choices, and resources).
- In the next step, show how these factors as well as to access, control and ownership of assets, interests and influence. This then results in decision-making power as well as individual attitudes and perceptions.
- If the majority in a community shares these attitudes, rules/norms/values are created for society in a process called ‘socialisation’. When these attitudes are oppressive against certain individuals or groups, it leads to individual bias or prejudice and collective stereotypes and discrimination.

Note to Trainers/Resource Persons

+ Do emphasise that ‘stereotypes’ work against both men and women, for eg., men must not show sadness, uncertainty, any kind of lack of control, similarly women must not do jobs like driving a truck, doing night shifts, making decisions for themselves. Explain that this limits the individual potential of every human being as well as creates unrealistic expectations for both men and women.

- Discrimination in any society exists in many different forms. What is most visible is the discrimination based on class, gender, community/religion, caste, region, language and ability. Demonstrate that women and children suffer the most hardship, for e.g., a poor dalit woman or child who lives in a village and has polio, has very little access to resources and is also given no respect or care.
Bring the discussion back to the difference between gender and sex. Define sex as the biological difference between men and women, and gender as socially constructed roles for men and women. Emphasise that there are no fixed ‘masculine’ or ‘feminine’ qualities. When ‘masculinity’ is understood as physical strength, do we think of the physical stresses of pregnancy and child rearing, of housework?

Note to Trainers/Resource Persons

+ It is said that labour contractions during childbirth are the maximum level as pain a human body can experience; carrying a child from the time the child is born till s/he is weaned, involves carrying weights of up to 10 kgs throughout the day.

+ Housework involves activities that are extremely physically strenuous like lifting pots/buckets of water, bags of groceries, and other kinds of chores. These activities are done daily, over the lifetime of a woman, not just occasionally.
What we are and what we become depends both on our personality and the opportunities we get. Use the examples of sports women like P.T Usha, Kunjurani Devi and Karnam Malleswari. If people say men are physically stronger and more capable than women (refer back to the group presentations), then ask the participants this question - ‘Can they lift 240 kgs or run 400m in 51 seconds?’ Most participants will reply that ‘these are exceptions’. When you get this response, explain that such women are ‘exceptions’ because must other woman are denied institutional opportunity, support and encouragement.

Follow this with a discussion of the four institutions that are part of our lives and that influence us in everything we feel and do - the household/family, the community, the workplace/the market, and the State/government. Demonstrate the interconnections between all of these aspects of our lives, using an example like P.T Usha.

Emphasise that if there is a lack of support in any one of these ‘institutional’ spaces, then it is difficult for any human being to achieve overall success and confidence in their lives. The differences in human choices therefore come mainly from one’s personality, environment and interests rather than whether one is a man or woman.

Lead this discussion into the aspect of violence by exploring the linkages between institutions in providing safety and security to all women. The family space is particularly important because of the household ‘silence’ which seemingly accepts domestic violence.
Note to Trainers/Resource Persons

+ Do draw the diagram of ‘institutions’ as shown. Use this diagram to explain how P.T.Usha, besides having inherent talent, was supported by her family and her community. The State gave her training and the opportunity of a job in the Railways. Without these four institutions working together to enhance her skills and improve her lifestyle, P.T.Usha would not be the world famous athlete that she is today.

+ Similarly, Kunjurani Devi and Karnam Malleswari, have excelled in a field like weightlifting, which according to ‘gender stereotypes’ is not in the capability of women. They lift over 190 kg frequently during training.

+ You can inform the participants that P.T. Usha was declared the Sportsperson of the Century by the Indian Olympic Association, and she is the Indian (amongst both men and women) with the most international track and field medals (102 international medals, 600 national medals). Her record in the 400m hurdles in the 1984 Olympics was 55.54s, which is unbeaten in Asia. Her record in the 100m sprint is 11.39s.

+ Women in Karnataka have always been well-known for their exceptional courage and physical as well as mental strength. Akka Mahadevi, for instance, whose vachanas are still sung throughout the state, was a poet who fought against societal restrictions on women as early as in the 12th century! Sanchiya Honnamma, who worked as a betel-server in the Mysore palace in the 17th century, was encouraged by the royal family to study and write books. Ashwini Nachappa, the 20th century athlete, participated in the Olympics and won many awards, and then went on to act in films.
Note to Trainers/Resource Persons

- If participants think that the household is a ‘safe’ space for women and children, tell them that there are an estimated 100 unnatural deaths of women (UDRs) in Bangalore City every month.
- Ask them to reflect on how many cases of violence they seen or heard of within their own environment.
- The cases of violence against children both within and outside the household, are estimated at 75 a month.
- Show that without the support of the community and the State, especially the police, women cannot travel in safety between the household and the workplace/market. The ‘mobility’ of human beings is an internationally accepted indicator of freedom and opportunity for all human beings, especially women.

Help the participants understand that ‘violence’ is the need that some human beings have to claim power over others, rather than being co-operative or to share and multiply power. Violence occurs when someone tries to gain power at the expense of someone else who is less powerful. Explain this through the example of ‘displaced aggression’ in which a chain of anger through the routine working of a police station can lead to the abuse of different people and end with violence against women and children. The Inspector is upset with his SI for not investigating a case properly, the SI then shouts at the HC, who yells at the constable, who beats-up a man on the road, who screams at the bus conductor on his way home, the bus conductor goes home and beats his wife, who beats the children and the children then fight with each other. Explain that the power relations in society are very similar to the hierarchy within the police system; if the person who is in a position of power/authority, treats his/her peers and subordinates with respect, then violence is prevented. For instance the Inspector who treats all members of the police station well, runs a police station that is both an efficient and peaceful.

Use the gender and power relations diagram to explain the different kinds of power, including sexual power, and demonstrate how even a women SI may be very powerful in her work but still not able to make decisions on having children, using contraception, and other related matters. This puts restraints on most women and can lead to domestic and other forms of violence, against women.
Women find it difficult to assert themselves in cases of gender based violence because they are rarely supported by family members or observers (for instance harassment in the workplace against women police officers, harassment in public places - 'eve-teasing' - and violence within the home including murder for dowry or 'abetted suicide').

Conclude by asking all participants to remember that in most cases of violence, complainants come to the police station as a last resort, after prolonged suffering and repeated attempts to improve the situation in different ways. Explain that justice therefore can only be achieved through a combination of professional powers, with the legal system and with humanness. Counselling alone cannot help a complainant, particularly in cases of violence.

**Note to Trainers/Resource Persons**

+ An important myth is that ‘women are women’s worst enemies’. Through the gender and power relations’ framework you can point out to participants the violence that sometimes occurs in a mother-in-law and daughter-in-law relationship. If a woman is given respect not for herself, but only because she is a mother and wife, then she feels threatened by another woman’s position in her household; these unequal power relations are also often created by patriarchal values. If all the women in a household feel a sense of dignity as human beings, then the mother-in-law, the sister-in-law and the daughter-in-law can live together in peace and co-operation.

+ If you have time, do use role-play if possible to show gender stereotypes. For instance, the group can form into pairs, which are then sub-divided into three sets. The first set of pairs do a one minute presentation in mime, showing gender roles in the household or the workplace (police station). The next set of pairs does the same using ‘nonsense’ language. The last pairs do the same exercise using Kannada. Help the groups understand how the communication of gender stereotypes/roles occurs through verbal and body language in all aspects of our lives.

*Tea Break for 10 minutes*
Session 7: Administrative and workshop related issues

Who?
The co-ordinating team of trainers and resource persons.

How long?
10 – 15 minutes.

Process
Please discuss any administrative issues like accommodation, signing of travel and attendance permits (passports) and so on, so that all participants are comfortable with the arrangements made, and can express any difficulties they might have. Ask all participants who are not residential, to make sure that they arrive on time each morning for the workshop. Any other administrative issues that the participants may wish to bring up (or may have asked about during the day), should be dealt with in this session.
Session 8: Screening of appropriate films

Who?
The co-ordinating team of trainers and resource persons.

How long?
1 – 1 ½ hours.

Materials required
Audio-visual material (documentaries/slide shows) provided along with the training manual, or obtained from different NGOs and government departments, on the issues of violence against women and children. A screen, a projector and/or TV and a VCR will be required.

Process
Please screen one or two appropriate films, and follow this up with a discussion around their themes if there is time. Otherwise the relevance of the films can be brought into other sessions of the workshop, when there is time. The film screening can be before or after dinner, so that it can lead to a more informal set of discussions on issues of women and children.
## DAY II

### What is needed for today?

- White board with pens or black board with chalk
- OHP, TV & VCR, if required
- Charts & sketch pens/crayons for group exercises
- Registration list (for verification of attendance for that day)
- Mike system, if necessary
- Any resource material that external resource persons may want to share (these can be added to the kit for future reference and for distribution also, if appropriate)
- Transport arrangements if the cultural programme is not being held at the venue of the workshop

### Session 1: Review of the previous day’s sessions by the participants and the collection of questionnaires

**Who?**

The co-ordinating team of the workshop.

**How long?**

10 – 15 minutes.
Why? (Objectives and outcomes of the session)

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

- Expressed their overall impressions of the workshop as it is being conducted
- Reviewed the previous day’s sessions so that any difficult concepts are reiterated and reinforced
- Raised any issues, either in terms of content or administration, that need to be brought to the notice of the co-ordinating team
- Returned all the questionnaires filled in as Day 1’s take-home exercise

How? (How to conduct the session)

Process

- Each person can express their overall impressions in creative ways: possibilities include showing how they felt in three words, pictures, or in mime (pictures could be used for one day and mime on another day)
- Participants can ask questions about the previous day’s sessions or the co-ordinating team can ask them about the key issues identified through the day. These can then be clarified, if possible, or if an appropriate response cannot be given, a promise made to get back to the group with a resource person’s response.
Session 2: Rights of Children and Responsibilities of the Police – legislation and procedures

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

How long?
2-2 1/2 hours

Why (Objectives and outcomes of the session)
At the end of the session the participants should have done the following:

- Defined the term “child rights” and be able to group the rights in the Convention of the Rights of the Child (CRC) into different categories
- Understood what the needs of children are
- Understood the implications of Governments signing the CRC and the commitments made by Govt. towards children.
- Identified the different groups of children caught in difficult situations in the community
- Appreciated the diversity of the difficult situations children find themselves in and understood how to sensitively implement the legislations available to protect them.
- Have information on government programmes/interventions available as also NGO programmes in their jurisdiction.
- Identified the vital role of the police in safeguarding children’s rights, including the protection of children
- Understood the concept of child participation especially in the context of police/community outreach programmes.
How? (How to conduct the session)

Methodology
Interactive with exercises through group work and role-play.

Keywords: children, basic necessities, rights, abuse/violence, health, exploitation, education, participation, adult responsibilities, protection, family, juvenile justice, child labour, child trafficking, Juvenile Justice Act, Convention on the Rights of the Child (CRC).

Session 2a: Group Work

Process

- Divide the participants into four groups. Ask each group to discuss the following question in their groups: what comes to your mind when you hear/read the word ‘child/ren’ (explain that the first word or phrase that comes to their mind needs to be recorded, like, ‘playful’, ‘laughter’, ‘innocence’, ‘naughty’ and so on). They should list at least 15 words.

  - Ask how many of them were able to list such words
  - Many find it difficult to list even 10 words and the trainer should facilitate a discussion for about 5-6 minutes as to why they find this exercise so difficult.
Go on to the groups and

- Ask the first group to discuss and respond to: ‘Do children have rights? If yes, what are the rights? If no, why?’
- The second group’s question is: ‘Are there any legislations related to children? What are the different legislations and what is the role of the police according to these legislations?’
- For the third group: ‘What are the various schemes that the government has setup for the development of children?’
- For the fourth group: ‘What kind of discrimination do girl children face? What laws and schemes are in force to protect the girl child?’

Give the group ten minutes for discussion and about three minutes to each group to make a brief presentation. Record the points on a board or chart. Encourage the other groups to ask questions to the group making the presentation. Do not allow more than two minutes of questions and answers for each group. Follow this exercise with the session as detailed below.
Session 2

Process

Introduce the Convention on the Rights of Children (CRC). Ask the participants to find the word in Kannada that describes “Convention”, then explain that the CRC is an International Treaty to which India became a signatory in 1992. Till date 192 countries around the world are party to this, except Somalia and the USA. By signing the Convention, the Government of India has committed itself to guarantee the rights of every child in our country. A National Plant of Action for children has been formulated by the government of India after the ratification of the Convention. The responsibility for achieving and implementing the CRC lies primarily with “State Parties” (Government) and “duty bearers” (families, schools and all other institutions that affect or govern a child’s life).

Note to Trainers/Resource Persons

Inform participants that a copy of the CRC is included in the material they have been given.

Then go on to explain that there are 52 articles / rights that are further categorised into four major rights of children.
The UN convention on the Rights of Child which India ratified in 1992, lists the following as the rights of the child.

1. **The Right to Survival:**

According to the Convention, the “Right to survival includes the right to life, the attainable standard of health, nutrition and an adequate standard of living. It also includes the right to a name and nationality”. These rights seek to ensure that the children have nutritious food, potable drinking water, a secure home and access to health facilities.

2. **The Right to Protection:**

According to the Convention, this right includes freedom from all forms of exploitation, abuse and inhuman or degrading treatment. This includes the right to special protection in situations of emergency and armed conflict. The aim is simple, to protect vulnerable children from those who would take advantage of them and to safeguard their minds and bodies.

3. **The Right to Development:**

The right includes the right to be educated, to receive support for development and care during early childhood and to social security. It also includes the right to leisure, to recreation and to cultural activities. This right seeks to ensure that children can study and play with whomever they want, practice their own religion and culture and accept their own uniqueness of other cultures and religion.
4. **The Right to Participation:**

According to the Convention, the Right to participation accords the child access to appropriate information and the freedom of thought and expression, conscience and religion. In addition to this, one ought to respect the views of the child. The aim here is to see that the children are able to develop their own set of values and principles and that they have the opportunity to express themselves and their own opinions.

Apart from the Rights of Child laid down by the U.N. Conventions following are some of the rights laid down by different Acts & the Indian Constitution:

No person below eighteen years of age shall be allowed to work in any mine or part thereof (The Mines (Amendment) Act 1983).

No child who has not completed his fourteenth year shall be required or allowed to work in any factory (The Factories Act, 1948).

The Juvenile Justice Act, 1986: The Juvenile Justice Act was enacted to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters related to and desposition of delinquent juveniles.

- Do mention data on child labourers and the kinds of work they do, the number of children on the streets/number of children trafficked within the State and between the states; the plight of such children should be mentioned. Make sure all trainers are equipped with all such relevant information.
- Use examples from the films shown the previous day, for discussions.
Present the salient features of the Juvenile Justice Act (JJA) 2000. Clearly explain the sections related to children in need of care and protection, children in conflict with the law, sections dealing with offenses against children. JJA 2000 is a special law that overcomes all other laws in the country, which means that the ‘onus of proof’ or the burden of proving innocence, is on the accused person (adult). Any exploitation/harassment meted out to the child by any adult can be booked under this Act with appropriate sections from the IPC/CrPC, in order to secure justice for the child.

Use Hasina’s case (from Session 3, Day I of the module) to give examples of the sections the case could be filed under.

Now move on to the instances of child labour, and explain the Act governing this issue. Briefly mention the Child Labour Prohibition and Regulation Act (1986) and the Supreme Court judgement (1996) as well as other judgements related to sericulture, quarrying, and other hazardous industries where children are employed. This will give an overview of the extent of child labour in the country, as well as in Karnataka State.
Present case studies to demonstrate how the various legislations and laws can be positively used to prevent the violation of children’s rights and protect children from violence. For instance, if a father beats his child because the child has done badly in the exams, this is not a ‘family matter’ that can be disregarded; in fact, it has often led to children committing suicide or running away from home. In this case, police officers have the duty to explain to the father that this is a violation of the child’s rights, and is punishable under the law. Violence is not a private affair.

Cases of extreme violence, like, branding or severe beating, as well as forcing the child into labour, homelessness (children living on the streets), the sex trade, drug abuse, begging and so on, can all be booked by the police suo moto. This means that all police personnel have a duty to take action (including filing a case) against all cognizable offences taking place in their presence.

Use Hasina’s case (Session 3, Day I) again, to demonstrate that partnership between the police and NGOs is very important, and ensures that the child is protected and supported in the best possible way (shelter homes/vocational training etc).

Conclude by saying that the role of the police is crucial in preventing children from being abused in any way, particularly in cases of child/adolescent trafficking and child labour. Police need to behave sensitively towards children, this is important for both the protection of children, as well as the image of the police. In fact, there are many experiences of police officers who have been ‘child friendly’ and who have therefore been able to protect children as well as the community from anti-social elements, through the active participation and interventions of children living on the streets/slums.

**Break for 10 minutes**
Session 3: Presentation by a Children’s Collective

Who?
Representatives of a working children’s collective or any other organization working with children (children themselves will be resource persons for this session). The coordinators of the workshop will also facilitate any interventions, if necessary.

How long?
45 min - 1 hour.

Why? (Objectives and outcomes of the session)
At the end of this session, participants should understand the following:

- Children have rights to participation and are capable of understanding their own situations.
- All adults, including police personnel, need to become aware of children’s problems as perceived by children. They should also be aware that children are able to think of ways to help themselves, with the support of adults. Adults need to create the space in which this support is given with sensitivity.
- Having children as resource persons for the workshop emphasizes police commitment to working with children to find solutions for their problems.
How? (How to conduct the session)

Methodology
Creative presentation with a question and answer session

Process
- Introduce the children’s collective as an organization and introduce its representatives, as the resource persons for this session
- Inform the participants that after the presentation by the children, there will be a question-answer session in which questions related to the presentation, can be raised.
- Ask the resource persons to make their presentation. If this involves any group work, help their in this process. Once this is over, request them to answer any questions raised by the participants.

Note to the Coordinators
+ Do remember that as co-ordinator, you also have the responsibility to ensure that no resource person is made to feel intimidated, particularly the children in this session.
+ If questions are asked that are not related to the session, intervene in such a way that the participants understand that these questions can be raised informally at the end of the session, with either you or the adult(s) accompanying the child/ren.
Note to Trainers/Resource Persons

+ Meet the children /representatives of the children’s organisations before the session and brief them about the objectives of this workshop and what is expected of them. Find out what they expect from the police.

+ Read up about national and international happenings in the area of ‘child participation’, the trials and triumphs of what/where children have been able to persuade government bodies and communities to do or not do, in the interests of children.

LUNCH Break for 45 minutes – 1 hour
Session 5: Refresher Game - The Knot

Who conducts the session?
The co-ordinators’ team of the workshop.

For how long?
15 minutes.

Why? (Objectives of the game)

- To refresh the participants and make sure they are attentive after lunch!
- To help the participants enjoy group processes as well as understand the importance of co-operation
- To introduce the concept that self-awareness or awareness of the issues/problems that exist within a community, can be solved sensitively and quickly if individuals and the community themselves take responsibility.
How? (How to conduct the session)

Methodology
Participatory, with coordinators giving instructions.

Process
- Move the chairs back so that a large space is created in the middle of the room for all participants to stand comfortably (Alternatively, use a suitable space outside)

- Ask all the participants to form a large circle and hold hands. Ask one participant (preferably a senior officer), to leave the room and return only when called.

- Ask the participants to create a ‘knot’ by going under somebody’s arms or twisting themselves in and out of different parts of the circle. In a very few minutes, a tangled knot of people would be created.

- Then call in the participant who was waiting outside, and ask him/her to ‘untangle’ the knot. Ask all participants to make sure that they do not let go of their neighbours’ hands, and that they do not help the officer who is trying to untangle them. Keep a note of the time it takes for the ‘untangling’ of the knot.

- Then ask the participants to create the knot again. This time, without the help of the officer, let them untangle themselves. Keep a note of the time it takes for the untangling of the knot.

- You will find that the second time, ‘untangling’ the knot will take much less time.
Session 5: Violence against women - legislations, procedures and issues before the police

Who?
External resource persons or trainers.

How long?
2 – 2 ½ hours.

Why? (Objectives and outcomes of the session)
At the end of the session, the participants should have done the following:

- Understood legislations and the positive role that the police need to play in the interpretation/use of law, in order that complainants get justice
- Analysed the present lacunae in the procedures and the application of law by the police, through case studies and statistics – along with possible improvements.
- Focused on how to strengthen the content of an FIR, in cases of dowry death, harassment, other forms of domestic violence, trafficking and abuse in different contexts – by using sections of the law under the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), Prevention of Immoral Trafficking Act (PITA), the Indian Evidence Act, the Karnataka State Police Act, Dying Declarations.
- Understood the police as a critical part of the criminal justice system, along with the linkages between public prosecutors, the judiciary, forensic and medical experts.
Learned how to create partnerships with members of the communities, especially NGOs and women’s groups, who would be willing to support the police in the course of justice.

**How? (How to conduct the session)**

**Methodology**
Presentation, with a question-answer session.

**Keywords:**
Human rights, women’s rights, the Constitution, fundamental rights, Convention on the Elimination of Discrimination Against Women (CEDAW), citizenship, legal systems, harassment, dowry, domestic violence, guilt, criminal justice system, complaint, FIR, cognizable, non-cognizable (offences), UDRs, KP Act, provisions and procedures (489A, 304B, 302 etc), IPC, CrPC, trafficking, abuse, wrongful confinement.

**Process**

- Start by explaining how Chief Justice V.S. Deshpande, years ago, pointed out that it was the patronising attitude towards women and the inborn partiality of men’s thinking towards themselves that has prevented a truly impartial approach to the study of crimes against women. He went on to say that judicial crimes are weighted against women and most often the benefit of doubt to men is allowed/given, due to this inbuilt prejudice, which works in favour of men and against women.
- Make the participants understand that these biases have continued to influence the way in which cases are handled in the criminal justice system, including by the police.
- Explain that ‘human rights are women’s rights’ and most governments have internationally accepted that violence against women is an issue, that they need to challenge and prevent (for instance, India is a signatory to CEDAW, the international Convention on Elimination of All Forms of Discrimination against Women; in 2003, 174 countries across the world had signed this.).
Note to Trainers/Resource Persons

+ See the Appendices and material given to you for more detailed information on this session, and information on CEDAW.

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

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

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

a. any wilful conduct which is of such a nature as is likely to drive the women to commit suicide or to cause grave injury or danger to the life, limb or health (mental or physical) of the woman.
This shows clearly that 498A does not imply or cover only dowry harassment. 498A recognises that all violence committed on women within the four walls of the house, do not begin and end with or because of dowry. Cases of women reporting violence because of alcoholic husbands, financial stress, because of second marriages, suspecting the wife etc. are other complaints. 498A covers all these cases, and provides women relief from violence arising out of issues not limited to dowry and dowry demands. Any acts of conduct that are wilful and violent often forcing women to suicide or an attempt to suicide, are covered under this section.

* There is no time limit to the invoking of this section.

* If the cruelty complained of is in relation with dowry demands an unfulfilled dowry promises, then in addition to Section 498A, Section 4 of the Dowry Prohibition Act 1961 must also be used.

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

+ Do look at the explanations in the Appendices VI & VII.

Go on to explain the ways in which dowry death occurs. Explain the seriousness of this crime; this most often amounts to ‘murder’ or ‘abatement to suicide’, except that because it is a crime that occurs within the house, police personnel do not often perceive it as ‘murder’.

The main factors that define a dowry death are:
- unnatural death – other than in normal circumstances.
- within 7 years of marriage
- history of cruelty/harassment
- there is a connection with dowry

A dowry death can either be by
- murder
- suicide

What binds the two is the common ground of death due to dowry, and that makes it a dowry death. But in invoking the sections, it is of utmost importance to include section 302 besides 304B, since if it is a case of murder for dowry or incase of a dowry suicide, section 306 will not stand. 498A is a basic ingredient on which 304B stands. 304B and 498A are mutually exclusive. The appropriate sections of the Dowry Prohibition Act (DPA) are also used.
So in cases of a dowry death, the following sections can be used:

- Murder for dowry – Sect.498A, 304B and 302 & 4 DPA
- Suicide because of dowry – 498A, 304B, 306 & 4DPA

Also explain Sections 113 A/B of the Indian Evidence Act
Discuss the elements of a dying declaration that will make it acceptable as evidence (Information is in the Appendix).

Tea Break for 10 minutes
Session 6: Sharing of experiences by a women’s organisation

Who?
Representatives of a local women’s organization. Co-ordinators of the workshop will also facilitate any interventions, if necessary.

How long?
45 min - 1 hour.

Why? (Objectives and outcomes of the session)
At the end of this session, participants should understand the following:

- The issues women face are different from those faced by men and gender-based violence is one of the most critical forms of these issues. It cuts across class, caste, community, and region. The sharing of the experiences of women by women’s organizations helps police understand these issues better, especially in the local context.
- Co-operation and collaboration between the police and the different organizations working on these issues, can prevent violence, and help create a more secure and safe environment for women.
How? (How to conduct the session)

Methodology
Presentation, followed by a question and answer session.

Process
- Introduce the women’s organization – its history and the work it does - and then introduce its representatives, as the resource persons for this session.
- Inform the participants that after the presentation, there will be a question-answer session, in which questions related to the presentation can be raised.
- Ask the resource persons to make their presentation. If this involves any group work, help in this process. Once this is over, request them to answer any questions raised by the participants.

Note to the Co-ordinators/Co-ordinating Team
+ Do remember that as co-ordinators, you also have a responsibility to ensure that no resource person is made to feel intimidated.
+ If questions are asked that are not related to the session, intervene in such a way that participants understand that these questions can be raised informally at the end of the session, with either you or the resource persons present.
Session 7: Counselling skills in police work

Who?
A qualified counselor, or member of an organization specializing in counselling. A member of the co-ordinating team who is qualified may also take this session.

How long?
1 - 1 1/2 hours.

Why? (Objectives and outcomes of the session)

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

- Counselling is a specialized skill and discipline, requiring specific academic and practical qualifications. Therefore in cases where the complainants are in severe distress situations, the support of these specialized counsellors or counselling organizations is required.

- Certain counselling skills can be acquired and used by all police officers, so that they are able to be more sensitive to the complainants' needs and to the situational context, especially in cases of violence against women and children.
How? (How to conduct the session)

Methodology
Presentation by the resource person, followed by a question and answer session (or an interactive session, depending on the resource person’s preferred methodology).

Process
- The key process in a counselling session is the skilful facilitation by the counsellor such that complainants can express their problems comfortably, discuss what they need and want, and then arrive at a satisfactory solution to these issues. In most cases, the police officer does play a similar role in facilitating a safe and secure environment in which complainants can communicate their problems.

- In cases of violence in particular, the counselling skills that the police officers must use are in establishing trust, building a rapport between themselves and the complainants (especially through good listening skills), and then communicating what the police can do to bring the perpetrators to justice. This combination of empathy and action will help all complainants see the police station as a place where justice prevails and where they need not be afraid.

Note to the Co-ordinators/Co-ordinating Team

- Do ask the resource person(s) to emphasise the difference between being a counsellor and using counselling skills, so that all police persons will recognize which cases need specialized support.

- This session can build the foundation of Day 3’s session on ‘Public Perceptions and Police Behaviour – so that there is a revision of the concepts of sensitive communication.

Session 8: Performance by a local theatre/cultural group on gender-related violence

Note to the Coordinators/Co-ordinating Team

- If possible, an informal question and answer session can be arranged with the theatre/cultural group after their presentation.
DAY III

What is needed for today?

White board with pens or black board with chalk
OHP, TV & VCR, if required
Charts & sketch pens/crayons for group exercises
Registration list (for verification of attendance for that day)
Mike system, if necessary
Any resource material that external resource persons may want to share (these can be added to the kit for future reference and distribution also, if appropriate)
Certificates for distribution (please make sure they are signed by the appropriate authorities)

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

Who?
The co-ordinating team of the workshop.

How long?
10 – 15 minutes.
Why? (Objectives and outcomes of the session)

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

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

How? (How to conduct the session)

Process

- Each person can express his/her overall impressions in creative ways: possibilities include showing how they felt in 3 days, through words, pictures, or in mime (depending on what method was used the previous day, a different method can be used for this day’s session).
- Participants can ask questions about the previous day’s sessions or the co-ordinating team can ask them about the key issues identified through the day. These can then be clarified, if possible, or if an appropriate response cannot be given, a promise made to get back to the group with a resource person’s response.
- Participants need to be reminded of any cultural presentation they may be making at the end of the day’s sessions – if any materials are required for this, they should be made available as soon as possible.
Session 2: Refresher Game - The Resource Game

Who?
The co-ordinators of the training workshop.

How long?
15 minutes

Why? (Objectives and outcomes of the session)
At the end of the session, all participants should have done the following:
- Understood the reasons for the unequal distribution of resources in society and the forces that operate to maintain the status quo.
- Provided an opportunity for observing the group’s use of resources that have been unequally distributed and how human behaviour undergoes changes.
- Understood that effective strategies for a change in attitudes and approach can be worked out to diffuse elements of discrimination that cause acts of violence.
- Understood that the police have a capacity and duty to create space and opportunity for the economically and socially marginalized sections of society.

How? (How to conduct the session)
Materials required: Chart paper and about 2-3 boxes of colour pens.

Methodology
Inter-active exercise with the co-ordinators facilitating the participants through this activity.
Process

- Divide the participants into four groups. Let the first group comprise 7-8 persons, the second group about 10-11 persons, the third group about 12-13 persons and the last group with the remaining participants.

- Put up a chart paper on the board and tell the participants that:
  - there is only one chart paper on which all group members draw/sketch something,
  - the participants have been divided into four groups and each group will come forward to the chart on the board when called for by the facilitator.

- Each group will be given colour pencils/pens to draw on the chart. Each participant in the group should draw something within the stipulated time and no extra time will be given to any group/person. Call for the first group and give them the box of crayons and three minutes to draw something, marking out areas for themselves on the chart paper, within the given time.
  a) Call the next group, reduce two colour pens from the box and ask this group to draw for about two minutes
  b) Then call for the third group, reduce two more colour pens from the box and reduce the time to about one minute.
  c) Finally call for the rest of the participants. Reduce the colour pens to about 2-3 in the box and ask each of them to draw on the chart for one minute.

The co-ordinators need to closely observe the behaviour, conversations and attitudes of all the participants. Make notes of this as well as the points made by the participants. Then ask the participants to sit with their respective groups and begin a discussion.
- Does anyone have a question or a point to make?
- How did they feel about the unjust distribution of material and the time?
- What are the instances from their experience, of such an unjust distribution of resources or examples of discrimination faced at the workplace or even within their families/friends?
- Was there a lack of cooperation amongst them and a scramble for the limited resources?
- Was there a leader that all approved of or was there a self appointed leader?
- Was s/he a just leader and were the team members encouraged to participate?
- What do the participants suggest to bring about a more equitable situation within their workplace?

**Note to Co-ordinators/Co-ordinating Team**

The participants need to be a mix rank wise and genderwise in the groups two. This helps to analyse why some persons did not/were not allowed to draw even though there was time and colour pencils were available. After the exercise and with the responses of the participants, analyse the issues that arise from a lack of civic responsibility, and the need to be just, and follow ethics and values that add to the quality of our lives.
Session 3: HIV/AIDS and issues before the Police

Who?
An external resource person working in this area.

How Long?
2 -2 ½ hours

Why? (Objectives and outcomes of the session)
At the end of the session, all participants should understand the following:

- HIV/AIDS (Human Immuno-deficiency Virus/ Acquired Immuno-deficiency Syndrome)is an epidemic that does/will affect every kind of person, including police personnel; it is transmitted mainly through sexual relations, and infected needles (in the taking of drugs and blood transfusions).
- Sexual power is gender-based; women are rarely able to take sexual and reproductive decisions on their own, whatever their background. Men therefore have to be understanding, keep themselves and their partners involved, and take joint decisions with their partners about these issues.
- It is the responsibility of the police to accept HIV positive people without issues of morality, and that the role of the police is to maintain confidentiality and extend protection.
- There is a difference between HIV and AIDS, a person with HIV can continue to live a healthy life for a number of years, especially with appropriate lifestyle changes and regular medical follow-up.
- There is a need to question previously held misconceptions about HIV, AIDS, and (Sexually Transmitted Diseases) STIs, for oneself, one’s colleagues and ones’ family.
- There is a need to discuss modes of transmission, condom use, the prevalence of HIV in their region and also understand how easily HIV can affect them and their families personally.
The correct information on treatment, care and support, and the advocacy issues arising of people affected with HIV/AIDS

Organisations working in this field need to be supported in their struggle against HIV/AIDS, including those who work through peer counsellors amongst sex workers. Police personnel should be able to refer people to Voluntary Testing & Counselling Centres, if required.

Session 3a: Gender, Power and Sexuality Exercise

Materials required
- (6x3) boards of K.G. cardboard, with each board containing a different name/profession:
  - college student (boy)
  - college student (girl)
  - hotel worker
  - building worker
  - party worker (man)
  - professor (woman)
  - nurse
  - coolie
  - farmer
  - police constable (woman)
  - rag picker child
  - sex worker
  - working woman
  - anganwadi teacher
  - lecturer (man)
  - doctor (woman)
  - driver
  - house wife
  - actor
  - district collector (man)
Draw 10 lines on the ground, one foot apart, and number them 1 to 10.

Ask all the participants to stand behind line 1, without showing their cards to anybody else.

Read out the 10 questions, and ask each participant to take a step forward if they can answer the question with a ‘yes’.

The 10 questions for the exercise are as follows:

1. I can choose whom I marry.
2. I can choose what I want to study myself.
3. I can choose my work or profession, myself.
4. I can choose to go on a trip or picnic with my boyfriend/girlfriend without anybody else’s permission.
5. I have a right to decide when and how many children I will have.
6. I have a right to make financial decisions for myself, and my family.
7. I can decide with whom I will have sex.
8. I can choose when I do or don’t want to have sex.
9. I can easily get treatment if I have an STD.
10. My partner will use a condom at my request.
At the end of the process, help them understand how sexual and reproductive decisions are rarely taken by women, however powerful they may be. Power is of different types, but the most gender-based form of power is the power over sexuality. This will help them understand the need to understand that preventing, or living with, HIV/AIDS and other related syndrome needs to be a conscious and sensitive decision made by both men and women. Otherwise, women will always be more oppressed by the consequences of irresponsible or uninformed sexual and reproductive decisions.

Process

Explain the difference between HIV and AIDS: HIV (Human Immuno-deficiency Virus) is a virus that weakens the body’s defence (immune) system until it can no longer fight off illnesses. HIV infects and kills the cells (CD4 or t-cells) in the body that can direct your immune system to fight against infection. Only when the CD4 count is less than 200 (an average CD4 cell count in a healthy immune system is 1,150), is a person considered to have AIDS. There is no cure or vaccine for either HIV or AIDS. But there are drug treatments (Anti Retro-Virals or ARVs) that can help people with HIV stay healthy longer and delay the onset of AIDS; unfortunately these are expensive and are difficult to obtain. Please remember that AIDS implies a breakdown of the immune system, which may mean that death can be caused due to different infections like tuberculosis or pneumonia; these are called...
People friendly Police, Karnataka (2003)

Give the demographics of those infected by HIV in the region:

In India, one in every 100 people is believed to have HIV, which can develop into full-blown AIDS (around 4 million people). International estimates say that by 2015, the number of HIV-positive people in India may be up to 25-28 million (over 25% of our population).

India has the second highest rate of infection in the world, after South Africa.

Karnataka, according to the National Aids Control Organisation (NACO) and the Department of Health and Family Welfare, there were 1575 cases of full-blown AIDS, amongst the highest in the country (December 2002).

Karnataka is grouped with five others in the Group I category of high prevalence States where more than one per cent of antenatal mothers and over five per cent of STD (sexually transmitted disease) patients have tested positive for HIV. In December 2002, it was estimated that Bangalore District had 3,542 HIV positive cases, 230 cases of AIDS with 36 deaths. Bellary District came second with 1,180 HIV positive cases and 50 AIDS cases with no deaths reported. In all, the number of deaths due to AIDS in the State was 143.

Keep in mind that these statistics may not give the true picture of the severity of the epidemic, because of lack of diagnosis, or the cause of death being attributed to an opportunistic infection like tuberculosis.

‘opportunistic infections’.

Emphasise that HIV/AIDS can affect anyone: it does not affect only those in cities, or those who are sex workers; it is rapidly spreading in all parts of India, and amongst people from all communities and localities. Women and children are particularly vulnerable because they do not have power over sexual and reproductive decisions taken in the family. Over 90% of the children contract HIV through parent to child transmission, during birth or through breastfeeding (UNICEF).

Explain the modes of transmission (including main causes / rates of infection in the region and focus on the risks of unsafe [and non-consensual] sex practices: the virus is transmitted through semen, pre-ejaculate fluid, blood, vaginal secretions and breast milk. It is in a majority of cases, a sexually transmitted disease, but can also be transmitted by sharing needles, including those used for injecting drugs, and through blood transfusions.
Note to Trainers/Resource Persons and the Participants

The best way to avoid getting HIV/AIDS is awareness and prevention. This is why it is critical that police personnel understand the issues around HIV/AIDS and take care of their own as well as their family’s well-being. In addition, in their work, they need to support attempts to prevent the spread of HIV/AIDS, especially through condom use, and support people’s access to treatment.

To avoid HIV infection, you can take any or all of the following steps:

- abstain from sex or be faithful to your partner, after making sure both of you are HIV negative (the only way to be 100% certain of HIV status is through testing)
- only have sex using a condom
- stay away from used or dirty needles
- be careful of blood transfusions – make sure any blood used has been tested for HIV

Explain Sexually Transmitted Infections (STIs) – and the signs, symptoms, and link between HIV and STIs In addition, discuss the connections between HIV/AIDS and other diseases like tuberculosis, jaundice and malaria that are so prevalent in India – these can easily be symptoms of the immune system failing because of AIDS.

Discuss condom use in contraception and in the prevention of STI / HIV infection (including demonstration and practice). Discuss where to go for confidential testing/counselling.
Explain STIs – and the signs, symptoms, and link between HIV and STIs. In addition, discuss the connections between HIV/AIDS and other diseases like tuberculosis, jaundice, and malaria that are so prevalent in India – these can easily be symptoms of the immune system failing because of AIDS.

Discuss condom use in contraception and in the prevention of STI/HIV infection (including demonstration and practice).

Discuss where to go for confidential testing/counselling.

Session 4: The Prevention of Immoral Trafficking Act (PITA) and its implications on women and child victims of trafficking

Who?
External resource persons/trainers.

How long?
1 ½ - 2 hours.

Why? (Objectives and outcomes of the session)

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

- The salient features of this legislation and the purview of police enforcement
- Trafficking for commercial sexual exploitation, is banned and is punishable. Sex work is not illegal, though soliciting in public places is a punishable offence.
- The role of the police is to implement the law and not be judges of the morality or character of sex workers.
- The police are responsible for enforcing this Act, as for convicting the perpetrators of trafficking.
Methodology
A lecture, an inter-active session with group work

Keywords
Perceptions, stereotypes, behaviour, communication, attitudes, body language, vocabulary, sensitivity, responsiveness, law enforcer, client, rights of sex worker, brothel, public place

Process
The children and women of indigenous peoples and ethnic minorities are especially vulnerable to trafficking. They often do not share the language, education access or even the right to citizenship of the majority population. They lack economic opportunities, the knowledge and the rights, which could help protect them from traffickers and pimps (ECPAT report on Child Sexual Exploitation).

In India, there has been for a long time, denial of trafficking (the commercial sale of women and children for purposes of sex work), while there have been numerous debates on sex work. In our country, trafficking is illegal whereas sex work is not. The tendency is to overlook this aspect of the exploitation of children and women, in such a degrading and tortuous way. Several surveys conducted in different parts of India have provided evidence that young girls and women are taken away from their families in poor, backward and drought affected districts of the country for purposes of trafficking. The trafficking network is well organized in these areas. Nearly 80% of the women and children are in this profession due to poverty, illiteracy, ignorance,
deception and by force; increasing demands for consumer goods within families, only adds to the problem – women and children’s lives are exchanged for goods.

**Law & Trafficking**

- Explain that there are three approaches in law: Prohibition, Toleration and Regulation. The sections of the legislation used are Sections: 363, 365, 366, and 366-A, 366-B, 367 of the India Penal Code.
- The offences vis-à-vis kidnapping and procuring a minor girl to be used in illicit intercourse: Sections: 368, 370, 371, 372, 373
- The offences vis-à-vis buying & selling minor girls for prostitution or slavery: the following Act was enacted:

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| Prevention of Immoral Traffic Act, 1956 (PITA) |
| Institution | Persons | Rescue & Rehabilitation | Enforcement Machinery |
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- The salient features of the PITA are as follows:
  - In India prostitution is tolerated and regulated
  - This Act intends to criminalize and penalize the institutions/industry, but actually ends up criminalising and penalizing the persons – especially the women.
  - Prostitution per se is not a crime.
  - Prostitution is not abolished/prohibited/banned.
  - Trafficking of persons – male/female - is prohibited, this implies the prevention of sexual exploitation for commercial purposes
- Soliciting and seduction in public places is a crime
- Offences involving children/minor involve stringent punishment
- The Act does not address the health concerns of the persons who have been trafficked.

The Act provides for the following:
- Voluntary rehabilitation (Sec. 19)
- Removal of sex workers/prostitutes from any public place
- An enforcement mechanism (Sec. 13 – 15)
- Mandatory testing for STIs (Sec. 15-A)

Note to Resource Persons/Trainers

+ Additional information on PITA is given in the training kit – please use as material for distribution if required.

LUNCH Break for 45 minutes – 1 hour

Session 5: Refresher game – Chatpat Whisper

Who conducts the session?
The co-ordinator’s team of the workshop.

For how long?
5 minutes.
Why? (Objectives of the game)

- To refresh the participants and make sure they are attentive after lunch!
- To help participants understand the problems of communication
- To introduce the idea of sensitive and empathetic listening, in a creative way

How? (How to conduct the session)

Methodology

Participatory, with co-ordinators giving instructions.

Process

- Ask the participant nearest to you to think of a slightly complicated sentence on violence against women and children (give suggestions if required). Ask him/her to write it down so that they remember this sentence.
- Ask this participant to whisper this sentence into the ear of the participant on the right, and ask them to pass this on. Make sure the sentence is not repeatedly whispered.
- The sentence should be whispered into the ears of all participants one by one. The last participant says it out loud.
- Ask the first participant to write the original sentence on the board, and ask the last participant to write what form of this sentence came to him/her.
- Explain the differences by saying that mis-communication can happen so easily, that therefore it is critical in our work and in our lives to listen sensitively, both to what is being said and why it is being said.
- This exercise is a good introduction for the next session of the workshop, and the resource person can expand on it if required.
Session 6: Public Perceptions and Police Behaviour

Who?
Trainers/external resource person.

How long?
1 ½ - 2 hours.

Why? (Objectives and outcomes of the session)
At the end of the session, all participants should have done the following:

- Understood that public perceptions (including stereotypes) of police behaviour are mostly negative.
- Learnt how these perceptions can be transformed into positive images and role models through a process of applying better communication skills.
- Understood that a change in personal attitudes leads to a change in professional behaviour. This makes a positive difference to police procedures, and leads to a greater achievement of justice in cases of violence.
- Realised that attitudes and behaviour affect inter-personal relations with the public as well as with colleagues.
- Become aware that all citizens – irrespective of class, caste, community, gender – have the right to dignity and fair treatment from the police.
- Understood that ‘fair treatment’ involves positive attitudes and behaviour by the police towards the public, as well as towards the nature of their problems. When complainants approach the police, the officer can, through both verbal and non-verbal
communication, create an atmosphere of support and safety. On the other hand, a negative approach can add to the sense of violence and insecurity, that the complainant is already suffering.

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

**How? (How to conduct the session)**

**Methodology**
Interactive, with group work/role play/demonstration.

**Keywords**
Perceptions, stereotypes, behaviour, communication, attitudes, body language, vocabulary, sensitivity, responsiveness.

**Process**

- Guide the participants through understanding and accepting that public perceptions towards police personnel can only be transformed through a process of systemic and individual attitudinal change.

- Explain that this can only come about if the police examine and work on their own behaviour patterns, and which involves a combination of attitudinal approaches ('mindsets'), body language and vocabulary (verbal and non-verbal communication).
Use the example of a poor woman who has come to complain to the police station about harassment from her employer. How do you treat this woman? Do you treat her with the same respect given to a rich woman from the same village? Do you listen to her complaint and appreciate the suffering she has gone through? Or do you worry that any case brought against the employer (a rich and powerful landlord) will create problems for you? These are all attitudes that will translate themselves into different forms of behaviour – both verbal and non-verbal – by the police.

**Help the participants to understand the following guidelines for better communication**

1. Do not be prejudiced about the complainant even before s/he approaches you. For instance, in the example given above, because the complainant is a poor woman, do not assume that her complaint has no value.
2. Smile… it makes people feel comfortable with you, particularly when the complainant is scared, or in a defensive mood.
3. Understand the social disparities (caste, class, gender, community, region) in society, and especially in the area of your police station. However, do not discriminate between people when they approach you - take a neutral position, while expressing appropriate cultural respect.
4. Remember you are an officer in authority, with a commitment to maintain law and order in the area. Law does not discriminate between people on any basis, whether it is caste, class, gender, community or region.
5. Make the complainant feel comfortable, ask them to sit down. If you are busy, ask them to wait for a while, and offer a glass of water before asking any questions.
6. Apply the ‘LAW principle’ to yourself – this stands for Look, Attitude/action, Word. This should remind you that the way you look (body language, how you are dressed, how you are seated in the Police Station), act and speak both in terms of personal attitude and police procedures will immediately reassure or frighten the person who enters the police station. Therefore it is the responsibility and commitment of all police personnel to ensure that ‘people-friendliness’ is
demonstrated in these three possible ways. These communication skills will also make the police station a more productive and efficient place, for complainants and colleagues.

7. **Encourage the complainant to talk.**

8. **Listen.** Remember that hearing is not listening. Listening involves being sensitive to what is being said and how it is being said. This will give you more information about a person's situation than if you make assumptions; it will also give you an honest perspective since the person is comfortable with you.

9. **Understand that in most cases of violence against women and children, the complainants need the police to listen and understand their situation before initiating action.** Use this time to empathise with the complainant – it will make your procedures on the case also stronger. Do not get impatient – remember that when you have problems, you also need a supportive listener!

10. Remember that your body language can express emotions you are not otherwise intending to express. This itself can make you an ‘insensitive’ officer, rather than ‘people-friendly’. Be comfortable while talking to people – have the attitude ‘I’m OK, You’re OK’ to show self-respect and respect for the other person. Do not, however, be arrogant, so that you act as though, ‘I’m more than OK, you’re not at all OK’!
Note to Trainers/Resource Persons:

+ Give examples from the group work done through the workshop and different experiences during police work, that will explain how the difference in attitudes and behaviour has led to a difference in police procedure.

Divide the participants into four groups. Ask each group to do a five minute presentation in which they first act out a situation in a police station that is not completely ‘people-friendly’ and then act out the same situation in a ‘people-friendly’ police station.

Note to Trainers/Resource Persons

+ Do remember that the participants should be as creative as possible in this role play. They should be encouraged to use different kinds of cases while doing this group work.

+ You should give encouragement to those groups whom you find have particularly worked on ‘good’ and ‘better’ police stations: i.e. those who have acted out situations in which the attitudes and behaviour of the officers have been good, but who have improved in procedures and practices in the second demonstration. For instance, a group could look like they are generally ‘people-friendly’ by listening sensitively to a woman complainant, but in the second role play, this group ‘improves’ the station by asking a women’s organization to support the complainant, besides suggesting legal aid to the complainant and the accused.
Session 7: Sharing of Experiences and Feedback Session

Who?
The co-ordinators/co-ordinating team of the workshop.

How long?
45 minutes – 1 hour.

Why? (Objectives and outcomes of the session)
At the end of the session, all participants should have done the following:

- Been able to share their experiences of the workshop and what they have learnt.
- Created action plans – either individually or for their police station – that they can implement when they return.
- Understood that while it is difficult to change structures and systems, the first step of change is individual. Only when there is a change in attitudes, can there be a change in procedures. And we all have the choice to make a change, in our work and in our lives.

Change begins with you!

How? (How to conduct the session)
Methodology
Interactive, with a game, and the collection of comments (these can be anonymous).
Process

Game of Dots

On the board draw four line-strokes (ⅠⅠⅠⅠ), the strokes need not be of the same lengths. Then draw nine dots in the shape of a square. Now ask the participants to join all the dots with the four strokes. Tell them that:

- all the dots should be joined using the four lines only
- there should be no overwriting or lifting of the fingers while joining the dots
- they have one minute to do this

Ask the participants to come to the board and draw, and to take, the opinion of the group whether they have followed all the instructions. There is a tendency for participants to use more than four lines, to overwrite on the lines to join, leave out dots and to lift the hands. If none of the participants are able to complete the task, then do not give the solution till the end of the feedback session! Use the diagram to explain the solution.

The purpose of the game is to prove to the participants that we need to change the way we think in order to change the way we work. Even when we work within a given framework – the rules of this game, for instance – we have to think creatively in order to resolve certain issues and problems that we face at work. This is especially true in cases of violence against women and children, where we often have to think about the complainant’s situation with sensitivity, and perhaps change our own attitudes to help them as best as possible.

The feedback session should have three main components:

- A quick assessment of the concepts and processes understood – as mentioned before, take five main questions from the questionnaire provided in the (appendix 1) and use them to assess any change in the group’s understanding. This can be done by asking the group collectively, or by asking individuals to reply individually.
People friendly Police, Karnataka (2003)

Session 8: Cultural Programme and Distribution of Certificates

Note to the Co-ordinators/Co-ordinating Team

+ Please ensure that the participants have chosen comperes who are familiar with the details of the programme. Help them with organizing this, if required.

+ All certificates need to be signed by the relevant authorities, and distributed by the Chief Guest, as decided before hand.

Enjoy the grand finale to the workshop!

- Individuals should be asked to write on separate pieces of paper (these can be anonymous) about what they felt were the most important learnings of the workshop, what they liked about it, and what they felt could be improved.

- Finally, an action plan for police personnel when they return to their police stations could be created as a group process. The SPARC framework (given next) – or the People friendly Police Station checklist – should be used here as a guide.

End the session with explaining the solution to the dot game!
How to light a SPARC of change in your police station!

A checklist for People friendly Police Stations
How to light a SPARC of change in your police station!
A checklist for People friendly Police Stations

Structures
- Does your police station look welcoming to visitors? Does it have posters on women, children and other members of the public on their rights and relevant issues? Does it have the citizens’ charter adopted by the Bangalore City Police and the Karnataka State Police, prominently displayed?
- Does it have a helpdesk for women and children? If not, is there any safe area within the police station where women and children can sit without fear and discomfort, and make their complaint?

Procedures
- Do the Crime Boards in your police station include a separate listing of crimes against women (including UDRs) and children as per Order No. 962?
- How do you keep the statistics of crimes against women and children?
- Do these cases and their follow up action - get reviewed periodically?
- In cases of physical injury to a woman or a child (a Cognisable Offence), is a case registered immediately?
- Do you always give a copy of the FIR to a complainant?
- Do you communicate the follow up action to the complainants?
- Has there been any case of abuse of power by a police personnel, especially in relation to women and children, in your police station? If so, what was the action taken?
Attitudes

- Do you enjoy working in your police station? What can you do to make the police station a friendly place, for visitors and for police personnel?
- In your police station, are visitors and complainants treated with courtesy? Are they listened to, with sensitivity and patience? Do complainants who return to your police station, come without anxiety the second time?
- Do enquiries - whether written or verbal (telephone calls) - get prompt response?
- Do all police personnel in your police station believe that violence against women and children cannot be excused? Do they understand that in most cases of violence, a complainant comes to the police station only as a last resort?

Resources

- How many police personnel (specify the number of men and women separately) in your police station have participated in workshops and refresher courses on sensitising police towards violence against women and children? Do these police personnel share their experiences with their colleagues at the police station?
- Is there any material available within the police station on violence against women and children, that can be referred to in case of any doubts? Such material could include the laws relating to women, CEDAW (the Convention on Elimination of All Forms of Discrimination Against Women), CRC (the Convention on the Rights of the Child) and JJA (the Juvenile Justice Act).

Connections

- Is your police station involved in people-friendly/community activities? Do you organise or conduct community meetings with the local neighbourhood watch, mohalla or shanti committees? How often do these meetings take place? How many people attend them?
- Do you know/visit the NGOs that work in your area, and/or specifically on women and children? Do you work with them to prevent violence? What kind of partnership programmes do you conduct together?
Are there any awareness programmes on women and children in which your police station, the community groups and the NGOs work together? What do you feel is their impact?

Do you have a list of local NGOs that can offer shelter, counselling services and/or legal advice? How often do you refer complainants to these groups?

Do you ask for a social worker or local NGO person to be with a child, when the case is of children in conflict with the law? How many such cases have there been in your police station?

Has there been any report in the media of your police station and its work? Was this a positive or a negative report? Please specify.

---

Your police station could be recognised across the state and the country, as a truly People Friendly Police Station!

Light the SPARC today!
APPENDICES
# Table of Appendices

<table>
<thead>
<tr>
<th>Appendix I - Welcome Note (to be given to all participants at the beginning of the workshop)</th>
<th>109</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix II - Questionnaire on Women and Children (to be used for Session 1, Day I and Session 7, Day III)</td>
<td>111</td>
</tr>
<tr>
<td>Appendix III - Issues related to Women and Children: changed roles of police (can be used for Session 2, Day I)</td>
<td>123</td>
</tr>
<tr>
<td>Appendix IV - Case Studies of violence against children (can be used for Session 4, Day I and other aspects of the workshop)</td>
<td>126</td>
</tr>
<tr>
<td>Appendix V - Case Studies of violence against women (can be used for Session 4, Day I and other aspects of the workshop)</td>
<td>129</td>
</tr>
<tr>
<td>Appendix VI - Crime against women (can be used for session 5, Day II and for general information)</td>
<td>133</td>
</tr>
<tr>
<td>Appendix VII - Violence against women: legislations, procedures, issues before the police (can be used for Session 5, Day II)</td>
<td>140</td>
</tr>
<tr>
<td>Appendix VIII - Circular (can be used for the People friendly Police Station Checklist)</td>
<td>149</td>
</tr>
</tbody>
</table>
Appendix 1

WELCOME NOTE

Dear

Welcome! Thank you for participating in this Workshop on the “Role of the Police to combat gender based violence on women and children” – we are very glad to have you with us. We hope that you will enjoy the next few days of your stay here. We know that as Police we have a common commitment to our work and share the need for the qualities and skills required to be sensitive and pro-active police personnel. In turn, we hope to share with you some of the qualities and skills that are helpful to being sensitive and effective facilitators of justice.

The need for a training module on Gender Sensitisation for the Police came out of a joint collaboration between Karnataka Police and UNICEF (Hyderabad) that began in July 2001. This module focuses particularly on violence against women and children, and how police can tackle this issue more effectively and responsibly.

In this past 2 years, over 500 police personnel have undergone this training throughout Karnataka, at exploratory workshops and other programmes, to assess the kind of training module that would be most helpful to police personnel at the Police Station level. We are proud to say that this is the first module in the country with some unique features:

- It has been developed entirely with the co-operation and collaboration of police personnel, keeping in mind specific contexts and constraints of working at the police station level.

- With the police, different non-governmental and women’s organisations have also supported us, along with other interested and committed individuals. A people-friendly or ‘model’ police stations programme has also been initiated in Bangalore, which is a partnership between a police station and a local organisation, working together against violence.

- The training module is being administered across Karnataka with the help of resource people both from the NGO world as well as police personnel specifically trained to take sessions, and coordinate a three-day workshop.
We are proud to say that you will be one of the first batches of trainers to be trained in this module! We hope that you will continue to be part of this process both formally and informally throughout your career in the police. At the end of the workshop, we will be discussing the review and accountability mechanisms through which we can support each other in our endeavour to prevent violence against women and children, and create a people-friendly policing system. We also look forward to suggestions from you towards improving the training module and future workshops.

As the coordinators for this workshop, we are always ready to help you with any questions or difficulties, and look forward to a creative and enjoyable experience for all of us.

Thank you for being here!
### APPENDIX II

**A Questionnaire on Women and Children**

**Karnataka State Police - UNICEF**

<table>
<thead>
<tr>
<th>Question</th>
<th>Strongly agree</th>
<th>Mildly agree</th>
<th>Mildly disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The home is the safest place for a woman</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. Women and men are physically different, therefore discrimination is</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>natural/inevitable/justified.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. A woman is not a complete person unless married</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4. Single women are easily available and lead a free life.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5. Men get provoked easily.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6. The head of the household is the man.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7. Women and men are physically different, therefore discrimination is</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>natural/inevitable/justified.</td>
<td></td>
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</tbody>
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*People friendly Police, Karnataka (2003)*
Woman’s role is to obey, please and serve the husband and home.

8. Workingwomen do not have a good character/reputation.

9. Men are physically strongly but women are mentally stronger.

10. A husband has the right to discipline his wife and not vice versa.

11. Middle class, educated men do not beat their wives.

12. Husbands beat their wives because they love them.

13. Daughters more than sons should be encouraged to pursue higher education.

14. Sons must be subject to the same controls as that of a girl.

15. A housewife is not a workingwoman.

16. A wife has a right to her husband’s earnings/property.

17. Good men look after their families – Bad men gamble drink and do not do their husbandly duties.

18. Sons must be subject to the same controls as that of a girl.
Women workers are entitled to the same pay as men for the same work.

19. Women commit suicide because they have no tolerance and are sensitive.

20. Special provisions like reservations of seats in buses, in employment etc., for women are unnecessary but essential for SC's, ST's, OBC's

21. Provisions like 498A etc. are misused by
   1. The victim
   2. The accused
   3. Victim’s father/brother
   4. Advocates
   5. Police
   6. Women’s organizations

22. According to you, counseling is
   1. Telling the woman to adjust
   2. Advising the woman to “give in” and
People friendly Police, Karnataka (2003)

extend “understanding”

3. 

Taking action according to law

4. 

Any other

23. Domestic violence is,

1. A private matter between husband and wife

2. It is trivial matter

3. It happens in all homes

4. A cognizable offence

24. When a women comes to the station with a complaint of mental harassment, will you as SHO,

1. Disbelieve her – ask for proof

2. Advise her to ‘put up’ / ‘adjust’

3. ‘remain’ atmosphere
Ofer her ‘buddhi’

4. Offer her ‘buddhi’

Send for the husband and listen to his side

5. Send for the husband and listen to his side

Tell her to forgive and forget

6. Tell her to forgive and forget

Patch up the marriage

7. Patch up the marriage

Register a complaint

25. Register a complaint

Why do you think violence takes place in marriage

1. Because he is provoked

2. Because he is possessive of his wife

3. Because of work frustration

4. Because of his superiority

5. Because of his authority

6. His right to dominate
26. अ जिंदगीमध्ये भव्यता राहीला राहावला का?

Which of the following according to you constitutes violence?

1. नैसर्गिक हृदयरोग
   Denial of Food

2. पुरुषादिकी विस्तारकर्ता भेद
   Locking the woman outside the house

3. नैसर्गिक हृदयरोग विस्तारकर्ता भेद
   Denying access to the children causing mental torture

4. वादित शरीर जलवायु भेद
   Repeated physical violence

5. वानकल्पक कार्य विस्तारकर्ता भेद
   Demoralizing and running the women down in the presence of children and others

6. पुरुषादिकी विस्तारकर्ता भेदनिन्याय भेद
   Confining her in the house and not allowing her to lead a normal life

7. महिलादिकी हृदयरोग विस्तारकर्ता भेदनिन्याय भेद
   Denying the paternity of the children with the intention of causing mental torture
8. Threatening to divorce and remarry.  

27. A woman has the right to be free from violence  
   Yes  No

28. In day-to-day affairs, women take on more responsible jobs than men.

29. Female children are a family’s bans/

30. For a woman motherhood is the only goal

31. Men and woman should have equal opportunities.

32. For a newly wed couple, dowry is a must for their economic independence

33. In the national productivity women have at least 50% contribution.

34. For the nation a woman’s contribution is equally important as that of a man’s.

35. From a woman’s emancipation point of view, reservation is a must in all fields.

36. Housework is a woman’s job.
37. Fashion madness of women contributes to the spoiling of young men.

38. To achieve equality there is no need for special laws to protect women.

39. A woman is flippant (fickle, capricious) and is therefore incapable of taking proper decisions in a serious public working environment.

40. In various fields of activity women have shown that they are equally capable when compared with men.

41. It is necessary for girls to learn to stand on their own feet under any emergency.

42. It is a waste of money to spend on a girl’s education since in any case she will belong to another family after marriage.

43. Sex determination of the child is the womb is wrong.

44. For women’s peace of mind, it is useful to have Women’s Police Stations.

45. Women do not have the necessary personality and stature needed for Police duties.

46. To be successful, Policewomen should model themselves on Policemen.
It is necessary that women are made aware of the various rights and solutions to problems legally available for crimes against them and the role of police men in this.

Since the Constitution says that there should be no discrimination based on sex, religion etc. There is no need for special laws.

Owing to natural laws and reasons girls tend to be ‘weak’.

In order to investigate crimes of outrage of modesty of women it is necessary to investigate the earlier sexual history of these women.

It is not right to view with suspicion the arrival of a woman at a police station alone at night for protection.

A woman who drags the husband’s ‘maleness’ to court is indeed a shameless woman.

When investigating crimes against women, it is necessary for the investigating officer to co-opt female investigators also.
When prostitutes bring in complaints of wrongdoing, it is a laughing matter.

Women police should be given only limited responsibilities.

Policewomen are by nature soft spoken and compassionate and hence cannot handle rough criminals who behave like dacoits.

When raiding brothels, the police should scold and disgrace the females who are engaged in prostitution while booking them.

In police stations and other offices, receptionists should be policewomen only.

Female witnesses and the accused must be given a hearing in the police station itself.

Children are innocent, playful, intelligent, courageous and are capable
of having their own opinion and views.

According to the Constitution of India, care and protection of children and their rights is the sole responsibility of the police.

Police have the authority to question adults who harass children and involve them in anti-social activities.

When women and children approach me for help or advice, I am conscious about my behaviour and attitude towards them.

When children and women approach me for help, it is my duty to give them appropriate information.

When women and adolescents are apprehended and brought to the police station, I do not unnecessarily question them or form my own opinion about them.

Adults ill-treat children as they are more powerful than them.
67. காதல் முறைகளை வழங்குவதிலுள்ளவரை வலயமான வருங்காலத்தில் வலயத்தில்காணவேண்டும்.

There should be a difference in the way a girl and a boy child are cared for.

68. காதல் முறைகளை வழங்குவதிலுள்ளவரை வலயமான வருங்காலத்தில் வலயத்தில்காணவேண்டும்

A boy child is free to do what he desires.

69. காதல் முறைகளை வழங்குவதிலுள்ளவரை வலயமான வருங்காலத்தில் வலயத்தில்காணவேண்டும்

Adults have the right to decide what adolescents can and cannot do.

70. காதல் முறைகளை வழங்குவதிலுள்ளவரை வலயமான வருங்காலத்தில் வலயத்தில்காணவேண்டும்

Children of commercial sexual exploitation are victims of sexual exploitation and not commercial sex workers.
APPENDIX III

Issues related to Women and Children: Changed Roles of Police

Police often very mechanically implement the laws regarding women and children. Instead, in the light of changed socio-economic and political systems/situations, the police should understand their role properly and perform their duties and responsibilities. In this regard, the police need to look at the few points that follow:

1. **A good knowledge of the issues of women and children** - First of all, the police need to have good information about the issues related to women and children. Today women are there in every field, from housework to aerospace, and they have their own problems in their respective fields. When these problems come to the knowledge of the police, they have to be dealt with according to the appropriate laws. The police should also have the knowledge of the ulterior motive involved in the trafficking of women and children, the effects of HIV/AIDS, and the situations under which sex workers perform, etc.

2. **Need for sensitivity** Gender sensitivity is a must for the police department because as in all other departments of the government, the police department is also male-dominated. Therefore police should change their attitudes and perceptions about women and cultivate and have an unbiased human attitude towards women and children. A free and open atmosphere has to be created in police stations so that women in distress can approach the police without any fear/hesitation and seek justice as well as protection. The police should respond positively and reasonably in such situations. In addressing the issues regarding physically handicapped children, it is better to use the words ‘physically challenged’ than ‘physically handicapped’, so that such children feel more comfortable and confident.

3. **Respect and obey the laws** - As said earlier, it is not just enough on the part of police to implement laws mechanically. Instead the police should themselves understand the basic objectives of such laws and should perform their duties to the best of their ability and help the women and children in distress to get justice. Police need to know why women and children become the victims of violence, torture, rape, kidnapping etc. The police are expected to equip themselves to punish and curb the worst kind of offences committed against women, like rape, dowry death, murder etc.
4. **Knowledge of court judgements and government guidelines** - With regard to the issues of women and children, the Courts both at the state and the centre, have been passing notable judgements. From time to time, governments also issue guidelines for the police department. Various commissions set up by governments at different levels have also been coming up with recommendations which will be in the interest of women and children, i.e., women’s dignity/modesty, physical violence, rape, treating women prisoners, interrogating children, etc. The police should have full knowledge of these and follow them as well as follow the directives and orders issued by the government.

5. **Sympathetic policing** - While dealing with women and children and to safeguard their interest, sympathetic policing is of course required. Such attitudes should be such that the victims will feel more confident and have the strength to deal with the situation. Sympathy should not imply being insulting/discouraging/pitying, because these do not help the person in distress, but make them deteriorate physically as well as mentally.

6. **Dealing with women and children** - The police should get themselves trained in a way that women and children should not get agitated when they approach them for any help. The police should cultivate a sympathetic, not a challenging attitude in interrogating women/children witnesses, when dealing with women of different organisations, institutions etc. and in controlling the women involved in agitations/rallies for justice.

7. **Developing contacts with women NGOs** - Generally, the police do not like anybody to interfere with them in the performance of their duties for they live under a very false illusion of being the ultimate authority and power. But it is wrong. While dealing with the issues related to women and children, the police do need the help of women’s and children’s organisations. There are a number of such NGOs at regional, state, national levels and even at international levels who are selflessly committed to the cause of women and children. Since these organisations do have a full knowledge of women’s problems and feel their pulse, it is recommended to the police to seek the help of these women’s organisations. It will definitely prove fruitful in delivering justice properly. The activists of such organisations can help in interrogating women, children, to get dying declarations, or even serve as witnesses in *mahajar*. 
8. **Knowledge of effective investigation** - The police should get special training when investigating cases related to women and children.

9. **Create awareness** - The police need to create an awareness among the public about the various social laws. At public relations meetings, and village level meetings, senior police officials should make it a point to be present and take the necessary steps to create an awareness. So that the rate of offences in society drop definitely.

(Courtesy - H.N. Satyanarayana Rao, IPS)

Director, Karnataka Police Academy - Mysore
Case Studies of violence against children

All names have been changed to protect the identities of those involved

Case Study I: Kalavathi aged 11 years old was working as a domestic maid. She worked for two employees of the a government organisation, Bangalore. A neighbour called and informed the MSV that this girl was being tortured by the lady of the house (Dy. GM in KSFC). The helpline staff rescued her and brought her to the MSV office. There were several bite and pinch marks on her body and she stated that the lady of the house did all this.

A case was filed at the local city Police Station under sections 341, 342, 323 R/W, 34 IPC and children, Pledge Labour Act. 1933. The statements of the child and the MSV staff who rescued her were taken by the Police Station and the girl was sent for a medical check-up to Bowring Hospital. The girl was then referred to APSA-an organization working with children. In the meantime, the police were unable to arrest the couple as they were absconding (somewhere in Bellary, their hometown). When they came back to Bangalore they got themselves out on bail. Campaign Against Child Labour, a forum working on issues related to child Labour along with its networking organizations staged a dharna in front of the government office, demanding for the immediate action against the offending employees. The KSFC office then initiated an inquiry into their employees’ activities and suspended the employees till the inquiry was completed.

The inquiry was biased from the start. It stated that “the child was being taken care of by the employees, and that they had another servant and because there was another maid, this girl was not doing any work in the house.” Conveniently, the report did not mention the bite and pinch marks on the child’s body, the medical reports and photographs, that confirmed that the bite marks were made by a human being over a period of two years. There were 42 bite marks on the child’s back, arms and neck. There were several pinch marks on the child’s face, legs and neck. The child categorically said that the lady of the house, an employee of the government organisation, bit and pinched her. Yet the government inquiry officer did not speak to the child or refer to the medical reports-main source for confirming the complaints. The inquiry officer seemed unaware of the Government Order prohibiting government personnel employing children as domestic help. The inquiry was not...
comprehensive of the prevailing social, economic or legal conditions governing children and their rights.

The City Metropolitan Magistrate (CMM) further dismissed the case based on the inquiry report of the government office and some of the arguments put up by the defendant’s lawyers. The accused were acquitted under section 248 (1) Cr. PC of the offences charged (mentioned in the beginning of this case report). The NGO was ordered to hand over the child to the mother against her will.

The child has gone with her mother, who had initially sent her daughter to work in the house of this couple, her employees for a sum of Rs. 3000/- as mentioned by the child.

The inquiry and the CMM’s judgment favoured the accused and gave no thought to the rights of the child and which were being violated by the highest offices designated to be impartial protectors of citizens and their well being.

Case Study II

Sujatha and Hemalatha aged 14 and 13 years, came away from their home in Thiruvunamalai, Tamil Nadu after the final exams. The beat police at the Majestic bus stations found them and brought them to MSV. The girls said that they were orphans and had come away in search of work. They were referred to the NGO for further care and protection. After a couple of months during a counselling session the girls revealed to the counsellor that the school peon had raped the younger girl, on the last day of the final exams in the school library. Both the sisters were threatened by the peon and warned that they must remain silent. They decided to leave the village without informing anyone. A chartered accountant and lawyer promised them domestic work, took them to a hotel and raped them. The girls were then shunted between Kerala/Hyderabad/Bangalore and were repeatedly raped by more than 50 men over a period of three months. The were brought to Bangalore by the charted accountant and his friend. At the Bangalore bus station they were asked to wait, when the police found them.

APSA and MSV then sent a message to the SP of Thiruvunamalai and sought to file a case against the peon and the two men who were pimps in this case. The SP directed the local police to file a case under rape/PITA, trafficking and other sections of the IPC against the peon and the two men as described by the girls. The case is presently with the CBI of Tamil Nadu and the report is being sent to the CM directly for appropriate action. The girls have suffered tremendous mental and physical trauma. Their father has deserted the family and the mother has been left with the responsibility to take care of the children. The younger
girl feels she should do sex work for the sake of the family. The school reports show that the girls are brilliant in academics. The family (mother and girls) is also suffering social ostracism.

Case Study III

Khusboo aged 15 years used to roll agarbathi with her mother. One day a relative asked her to come for domestic work and promised to pay her Rs. 2000/- per month. She readily agreed because between the mother and daughter, they were able to make just about Rs.15/- everyday. The mother was also chronically ill. The girl went one afternoon and did not come home for nearly four months. In the meantime, the mother went searching for her daughter and came to the jurisdiction PS to lodge a missing persons complaint.

After three and half months, during a family argument, one of her relatives taunted the mother about her daughter being sold to a brothel in Mumbai. The shocked mother went to the Police Station to file a kidnap case but was told to go away. Someone sent her to the helpline. After listening to the entire case, MSV sent word for the relative but was unable to get any information about the whereabouts of the child. Along with the mother, the helpline filed a case of kidnap and the persons involved (as known to the mother) were arrested and released on bail. The local Mullah of the mosque was informed of this case and MSV requested him to announce after Friday prayers, about the missing child. The case was also published in the newspapers.

During Ramzan 2002, the Mullah again announced the case and sought information. One of the women, who was involved came to the helpline and informed them that the girl was sold at Mumbai and that she could bring the girl back if she was paid Rs.30,000/-. The lady’s statement was recorded and she was directed to bring the girl back in three days time with the help of the police. But she left on her own and came to the office with the girl in three days time. All the persons involved were arrested and no bail was granted to them the lady, her husband and her two brothers were all relatives of this girl. Family rivalry was supposed to be the reason for selling the girl to a brothel.

The case has not yet come up in court, though the girl and her mother have shifted residence and continue to roll agarbathi.

(Courtesy - Makkala Sahaya Vani)
APPENDIX V

Case Studies of violence against women

All names have been changed to protect the identities of the people involved.

SHANTHA (DOWRY DEATH):

Case details

In 1987, Shantha married Raju. Her husband worked in a company, as a welder. At the engagement, the dowry amount asked for was 1 lakh rupees in cash and 6 sovereign gold. This demand was met, along with silver, silk sarees and household articles. For one year, there was no problem; then looking at others, the husband started getting greedy and asked for more dowry. He would beat Shantha and harass her every day. He also demanded a house site. He then started accusing her of having an affair and of doing various other things. He also stopped sending her to her parents’ house. Because she couldn’t take this kind of violence and harassment, she consumed poison in July, 1990. Shanta’s brother-in-law informed her parents that she was in hospital in a serious condition; by the time the parents reached the hospital, she had died. The post-mortem was done in hospital, and a case registered.

The parents feel that the post-mortem was conducted wrongly; Shantha had wounds on her right hands, on the shoulder, on the right leg and on her head. They feel that the husband beat her and forced into having consuming poison. The inquest was carried out by the tahsildar. Shantha’s baby, then only a year old, is still with the husband and his family. The investigation was carried out by the COD’s Anti Dowry Cell. The husband was arrested and released on bail after a few days. The case was first heard in Bangalore’s Session Court, then appealed in the High Court after the accused was acquitted. It has now been sent for appeal to the Supreme Court. After 14 years, Shantha’s family is still to be given justice.

The case was registered under the following sections: 498A, 204B R/w 3 and 4 DP Act.
KUMUDA (DOWRY DEATH):

Case details

Kumuda had two brothers and one sister. They stayed in Bangalore’s Indiranagar. She was married to Arun, at the age of 17. It was both love and an arranged marriage; the boy was a relative. During the marriage, the boy’s family asked for 21 sovereign gold; a 5 sovereign necklace, a 5 sovereign mangalya chain, 2 sovereign earrings, a 2 sovereign ring, and 1 sovereign earrings. In addition, they asked for a 1 sovereign ring for the husband, and a 5 sovereign gold chain. They also demanded Rs. 10,000 in cash for clothes. The marriage expenses came upto Rs. 50,000. The groom’s family then asked for 1 lakh rupees, and the bride’s family said they would give it after three months. However the groom’s family started demanding the money after three months of the marriage. Every day the mother in law and husband would beat her and scold her – there was both emotional and physical harassment. Her husband would burn Kumuda with his cigarettes. When she told her mother, her mother said there was some monetary problem in the family, but she would give the money as soon as possible, and she sent Kumuda back to her husband’s house. Time went by like this. Kumuda’s parents leased out their house for Rs. 50,000 and used the money to rent a house for their daughter and son in law, on the next road. Two children were born – two girls, Santhoshi and Seema. Then there was trouble again, and Kumuda returned to her parents’ house, with the children, but finally went back to her husband and his family. On the morning of her death, she returned to her parents’ home, and told her mother about her harassment. That evening, she returned to her own house. That night, at 10.30pm, Arun came to Kumuda’s parents’ house and said that Kumuda had chest pain. The parents went there, but Kumuda had died by the time they reached.

Although the parents were shocked, and suspected foul play, all the relatives advised them against registering a case, since it would be bad for the children. So they buried the body. Santhoshi, by this time 5 years old, and Seema, 4 years old, were both with their father. After two months, the two girls came running when up they saw their uncle – Kumuda’s brother – on the road. They then told the family, that their father had strangled their mother with an orange dupatta. The family immediately
made a complaint to the local police station. The police did a post mortem of Kumuda’s body, after exhuming it. The post mortem report was delayed at the hospital, by the police, but after pressure from a local NGO and the family, a case was registered. The case was registered under sections: 498 (A) IPC, 3 and 4, 6 DP Act, r/w 302 IPC.

SIDDAMMA (DOWRY HARASSMENT)

Case details

Siddamma was married to Ashwin, in 1999. His family asked for 10 sovereign gold, and Rs. 10,000 cash. In addition, 1 avvalakki chain, anklets, earring chain, and studs were demanded. For the boy, 1 chain and 1 ring, all of which was given as dowry. The couple then began living in Bangalore dist. After the marriage, when Siddamma went to her husband’s house, her mother in law and the other relatives started harassing her, saying that the food at the wedding was not good. The husband’s brother accused her of having another relationship, and said that Siddamma was not of good character. They said that in any other house they would have burnt her with kerosene, but because they were good, they would let her be. Her in-laws beat her, and abused her, and gave her many problems over this. She became pregnant, and the husband’s family beat her and asked her for Rs. 50,000 for renting a house, and getting a tractor, or keeping a shop. When she went to her family, she asked for the money. They said, they had sold 1 acre, 3 kunte land for her wedding, and that there was no money left. The husband’s family kept abusing everyone and asking for money.

In June 2000, Siddamma went to her mother’s house for the delivery of her child. At the time, the husband and his brother asked for Rs. 25,000 in dowry immediately. Her family said that they would have given it if possible, but they didn’t have the money, and so why were they harassing them like this? A girl child was born, and when the child was 9 months old, the husband’s brother and his mother came and took the girl back. After that, Siddamma’s husband’s grandmother kept abusing her and beating her. They wouldn’t give her enough food and tying the child to a pole near the house, they would send Siddamma off to the fields to work. She would work in the fields from morning to evening; when she returned home, her husband would be drunk and beat her along with the other members of his family. Her husband insisted that only his mother cooked for him, and did everything for him. On June 21st, 2001, she came back home from the fields in the evening, with grass, but gave it to someone who asked for it. When she told her husband this, he and the
rest of his family beat her with a stick, leaving her nearly senseless. Thinking she could not hear him, the husband told his family that when she went to the field the next morning to get grass, he would kill her with a sickle, and bury her in the field. Hearing this, she became terrified, and at 5 in the morning, she ran out of the house with her baby, and jumped into the milk van that was nearby. She then came back to her mother’s house. That day itself, she went to the government hospital nearby to be treated. Then she came to a local NGO with her case. The NGO staff went with her to register a case at the police station. All the members of the family were arrested but were released on bail, within a week. They even agreed to having asked for dowry and having abused her, but said that the girl’s family promised dowry and that the girl deserved to be beaten. They asked for a compromise but this was not accepted. They threatened the girl, and she is now in a hostel, for her own protection.

(Courtesy - Vimochana)
APPENDIX VI
CRIME AGAINST WOMEN

Legal rights

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 victims of any of the crimes such as ‘Murder’, ‘Robbery’, ‘Cheating’ etc, the crimes, which are directed specifically against Women, are enlisted as ‘Crimes Against Women’. These are broadly classified under two categories.

_The Crimes Identified Under the Indian Penal Code (IPC)_

(i) Rape (Sec. 376 IPC)
(ii) Kidnapping & Abduction for different purposes (Sec. 363 – 373 IPC)
(iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304 – B IPC)
(iv) Torture, both mental and physical (Sec. 498 – A IPC)
(v) Molestation (Sec. 509 IPC)
(vi) Importation of girls (up to 21 years of age) (Sec. 366 – B IPC)

_The Crimes identified under the Special Laws (SLL)_

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

(i) The Employees State Insurance Act, 1948
(ii) The Plantation Labour Act, 1951
Incidence of Crimes Against Women – All India (1998 – 2000)

The Crime head-wise incidence of reported crimes during 1998 to 2000 along with percentage variation is presented below. It is observed that Crimes Against Women reported an increase of 4.1 per cent and 3.3 per cent over previous years 1999 and 1998 respectively.
<table>
<thead>
<tr>
<th>S.N.</th>
<th>Crime Head</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>Percentage Variation In 2000 over 1999</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rape</td>
<td>15151</td>
<td>15468</td>
<td>16496</td>
<td>6.6</td>
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<tr>
<td>2</td>
<td>Kidnapping &amp; Abduction</td>
<td>16351</td>
<td>15962</td>
<td>15023</td>
<td>-5.9</td>
</tr>
<tr>
<td>3</td>
<td>Dowry Death</td>
<td>6975</td>
<td>6699</td>
<td>6995</td>
<td>4.4</td>
</tr>
<tr>
<td>4</td>
<td>Torture</td>
<td>41376</td>
<td>43823</td>
<td>45778</td>
<td>4.5</td>
</tr>
<tr>
<td>5</td>
<td>Molestation</td>
<td>30959</td>
<td>32311</td>
<td>32940</td>
<td>1.9</td>
</tr>
<tr>
<td>6</td>
<td>Sexual Harassment</td>
<td>8054</td>
<td>8858</td>
<td>11024</td>
<td>24.5</td>
</tr>
<tr>
<td>7</td>
<td>Importation of Girls</td>
<td>146</td>
<td>1</td>
<td>64</td>
<td>6300.0</td>
</tr>
<tr>
<td>8</td>
<td>Sati Prevention Act</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>9</td>
<td>Immoral Traffic (P) Act</td>
<td>8695</td>
<td>9363</td>
<td>9515</td>
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<tr>
<td>10</td>
<td>Indecent Rep. Of Women (P) Act</td>
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<td>222</td>
<td>662</td>
<td>198.2</td>
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<td>2876</td>
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<td>135771</td>
<td>141373</td>
<td>4.1</td>
</tr>
</tbody>
</table>

The law provides for the intervention of the police whenever the death of a person does not appear to be by natural causes. Although there is no specific definition of an unnatural death, the kinds of deaths, which invite police attention, are listed in section 174 of the Criminal Procedural Code, which is the main section that prescribes the procedure for dealing with unnatural deaths. *Unnatural deaths cover suicide, death at the hands of another person, animal or machinery, accidental death under suspicious circumstances.* The first duty of the police is to investigate all such occurrences and classify them as accidents or offences under the law.
WHEN AN UNNATURAL DEATH IS AN OFFENCE

Murders and suicides of married women are generally the culmination of a long history of harassment and violence at the hands of the husband and in-laws. All the acts of harassment and violence are criminal offences and punishable accordingly. Apart from the most heinous acts of murder and abetment of suicide, these acts could cover cruelty, hurt, criminal confinement, intimidation and offences against the property of the women such as criminal breach of trust, criminal misappropriation and cheating. All the offences must be dealt with under the relevant laws, which are embodied in a variety of substantive and procedural statutes like the Indian Penal Code, The Dowry Prohibition Act, the Criminal Procedure Code and the Indian Evidence Act. For imposing the appropriate punishment on the offenders that which recording the offence mention is made only of those offences which are easier to prove, due to the burden of proof being on the accused but which carry a lower punishment instead of the more serious offences which the culpable act could be booked.

The Indian Penal Code enumerates and defines actions, which constitute crimes in India. The first part of Chapter XVI of the Code (Sections 299 to 311 – offences affecting life) refers to the kinds of unnatural deaths that are offences and are therefore legally punishable. Under section 299, 300, 301, and 304, culpable homicide, murder and death by negligence are defined as crimes.

A person who causes death by doing an act with the intention of causing death or bodily injury leading to death or knowing that the act result in death is guilty of culpable homicide. (Section 299 of the IPC). Section 300 indicates when the offence of culpable homicide can be called murder and when it is not murder. Judges have given innumerable clarifications about whether an act can be considered culpable homicide or murder. Culpable homicide, which does not amount to murder, is punishable with fine as also imprisonment, even life imprisonment, depending upon whether the intention was to cause death (Section 304). Apart from these two penalties, however, if the crime amounts to murder, even the death penalty can be awarded (Section 302).

A new section – 304B – was introduced in 1986 defining a special category of deaths – dowry deaths – as follows: the death of a woman by burns or bodily injury or otherwise that under normal circumstances within seven years of marriage accompanied by evidence of cruelty or harassment by the husband or his relatives for or in connection with a demand for dowry soon before the
death. For this offence, the minimum punishment is 7 years imprisonment and the maximum is life imprisonment. A judge convicting a person for this offence has no option but to award imprisonment for at least 7 years. Under Section 113 B of the Indian Evidence Act, an obligation is cast on the judge to presume that a person who is proved to have caused cruelty under Section 304 B has caused the dowry death.

Other provisions of the law have also been introduced to safeguard the interests of women subjected to violence within the home. Chapter XXA concerns the offence of cruelty of the husband or his relatives. Section 498A in this chapter specifically speaks of cruelty (even mental cruelty) that drives a woman to suicide or grave injury and harassment linked to unlawful demands for property or valuable securities. Punishment for this crime can be both fine and imprisonment up to three years.

If therefore is sufficient proof that the unnatural death was a murder of a married woman within seven years of marriage with proof of harassment by the husband and his relatives related to dowry. The case should e booked under both Sections – 302 and 304B – as well as with Section 498A. Section 113B of the Indian Evidence Act can be involved in such cases when the case comes up for trial. If there is proof of harassment and a demand for dowry and the woman has died within seven years of marriage, the case should be booked under Section 304B and 498A.

Abetment of helping others to commit or conceal crimes is also an offence. This is covered under Chapter V (Sections 107 to 120) of the Penal code. There is an extension of liability to those who assist in murder, through Sections 34 and 35 if they are shown to have shared a common intention. The various degrees and circumstances under which abetment is punishable are indicated in Section 107 to 117 of the IPC. There is another kind of abetment a plot by a group of persons to commit a crime. This is called criminal conspiracy and it is defined in chapter VA (Sections 120 – A and B) of the Penal Code. Abetment of suicide is also punishable under Section 306 of the IPC. If the unnatural death is found to be suicide, a case can still be booked under Section 306 of the IPC of abetment of suicide along with Sections 304B, 498A.

Section 304B covers all kinds of death including murder and suicide. The tendency is therefore to book most cases under section 304B as it is easier to prove since the accused is the person who has to disprove the charge in case the requirements of the section
are not met. But 304B does not lead to capital punishment nor does it cover cases of women who have been married for more than seven years. In the latter case, Section 302 should be used along with Section 498A. But when there is direct evidence of the husband or an in law actually committing the crime, the case should be booked under Section 302 also apart from Sections 304B and 498A of the IPC.

VIOLENT CRIMES, WHICH HAVE NOT RESULTED IN DEATH

Sometimes acts intended to cause death may not actually do so, although they may leave the victim physically and mentally scarred for life. This is the case when married women who have been poisoned or burnt alive survive. Here too the act intended to cause death might have been directly done by the husband or his relatives or they could have driven her to commit suicide. Attempts to commit crimes are also crimes under the Penal Code. Attempts to commit murder, culpable homicide and suicide are treated as punishable offences under Sections 307, 308 and 309. Although suicide cannot be treated as a punishable offence for obvious reasons, attempt to commit suicide is an offence that is punishable.

Several sections deal with the degrees of hurt as below:

319 - hurt defined
320 - grievous hurt defined
321 - voluntarily causing hurt, punishable under Section 323
322 - voluntarily causing hurt be dangerous weapons or means, punishable under Section 326
327 - voluntarily causing hurt to extract property
329 - voluntarily causing grievous hurt to extract property
330 - voluntarily causing hurt... to compel restoration of property
351 - assault, punishable under Section 352

In addition, enquiries may show that in the course of the harassment of the women several other criminal acts have been committed
on her. Though Section 498A is often quoted as comprehensively dealing with such cases, this is not so. Section 498A only speaks of driving a woman to commit a suicidal act or making unlawful demand on her for property, that is demands for dowry. It must be remembered that many offences of harassment with other motives will not come under this definition of cruelty. Therefore, the basic provisions of the IPC must be used to book such cases along with Section 498A. The sections are applicable as:

339 - wrongful restraint, punishable under Section 341
340 - wrongful confinement, punishable as applicable under Section 342, 343, 344, 346, 347 or 348.

OFFENCE AGAINST PROPERTY

Very often, the main cause of violence against the wife is the demand for dowry. Coercion to obtain dowry and its misuse are offences under the laws, which are covered under the Dowry Prohibition Act. This act makes the giving, taking and demanding of dowry illegal. These offences are non-bailable and non-compoundable and thus as serious as offences under the IPC. The act also prescribes a minimum punishment of 5 years of imprisonment for any offence.

Nevertheless, the tried and trusted IPC itself deals with all offences against the married woman’s property. These are:

403 - dishonest misappropriation of property
404 - dishonest misappropriation of property of deceased person at the time of her death
405 - criminal breach of trust, punishable under Section 406
415 - cheating read with Section 417 and 420
423 - dishonest or fraudulent execution of transfer containing false statement of consideration.

Property involved in any of these offences can be sized by the police and restored to the person entitled to the victim or her lawful heirs parents.

Apart from the Dowry Prohibition Act, there, when there is proof of the giving and demanding of dowry or its misuse, the appropriate sections of the IPC given above should be invoked along with the provisions of the IPC, which apply to the case. This will ensure that no offence escapes punishment when the matter is eventually tried in a court of law.
Chief Justice V.S. Deshpande, years ago, pointed out that it was the patronising attitude towards women and the inborn partiality of men’s thinking towards themselves that has prevented a truly impartial approach to the study and crimes against women. He went on to say that judicial crimes are weighed against women and most often the benefit of doubt to men is allowed/ given due to this inbuilt prejudice, which works in favour of men and against women.

Such a thinking continues to hold sway not only over our minds but also informs practice as law enforcers and upholders of law. Therefore if the law especially those relating to women has to meet the ends for which they were formulated i.e. gender justice, then the herculean task of “lifting the weight of patriarchal thought “is urgent and a must.

So, it is in this context that we raise some of the issues before the police that we feel need to be addressed systematically and periodically. Half measures at inculcating gender sensitivity may only end up frustrating the principles of gender equity and the goals of the women’s movement.

The first and foremost issue before the police is the confused or/and the incomplete understanding of the sections of law now available to women in addressing the issue of domestic violence.

Time and again we hear the refrain from all quarters that Section 498A (erroneously referred to as Dowry Case) is grossly misused.

Therefore in order to clean this popular belief it is pertinent, that an explicit understanding of Section 498A and connected sections be understood in clear terms.

The rationale for 498A is in its recognition of private violence as a violation of the human rights of women in the privacy of the home - violations which defied any strict definition and went beyond being considered a private wrong.

In 1983 the IPC was amended to include the new section of 498A with the overriding object of preventing violence on a wife by her spouse and in laws.
And hence 498A states “whosoever, being the husband or the relative of the husband of a women, subjects such women to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

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

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

OR

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

From the above explanation it is adequately clear that 498A does not cover only dowry harassment. 498A recognises that all the violence committed on women within the four walls of the house do not begin and end with dowry. Cases of women reporting violence because of alcoholic husbands, financial stress, of second marriage, suspecting the wife etc. are other complaints. To provide women from violence arising out of issues not limited to dowry and dowry demands 498A penalises acts of conduct that are willful and violent often forcing a women to suicide or attempt to suicide.

In short, any harassment, both physical and/or mental connected to dowry or not comes under the purview of 498A. It is a cognisable offence and non bailable. A complaint can be lodged with the police by the wife, her relatives or a public servant.

The important point to remember is that in invoking 498A there is no time limit. It is the commission of an offence on a married woman by her husband or in-laws.

If the cruelty complained of is in relation with dowry demands or unfulfilled dowry promises, then in addition to Section 498A, Section 4 of the Dowry Prohibition Act 1961 must also be invoked.

To prove cruelty it must be shown that the conduct of the husband and/or in-laws was willful, deliberate and consensual. Some
examples of cruelty are as:
1. Persistant denial of basic needs – food, water
2. Questioning the paternity of the child
3. Denial of conjugal rights
4. Abusing, berating and lowering self image
5. Physical violence – slaps threatens intimidation
6. Mental harassment – taunting, nagging, doubting
7. Dowry harassment
8. Throwing her out of the house
9. Depriving wife custody of the child
10. Perverted sexual behaviour
11. Falsely accusing spouse of adultery, infidelity etc
12. Force spouse to terminate pregnancy etc

What is very worrying however is that in practice it is commonly found that all complaints of harassment of women including mental and physical violence are reduced to 498A. While no doubt 498a is an umbrella section taking into its fold physical and mental violence, other offences of hurt, aggravated hurt, grave injury etc are also committed. But these sections are not invoked. So often complains of threats to murder and even attempts to murder by throttling, strangulating and/or complaints of wrongful confinement and restraint, of criminal intimidation etc. are not used in the registration of a case. Section 498A if used is used mechanically.

Section: 319  - If a spouse beats or threatens to beat, a crime of hurt is Committed. It attracts a one-year – not cognisable.vgf
Section: 324  - If a weapon is used in beating, aggravated form of offence is Committed Punishment can extend upto 3 years.
Section 320 – 323 - Constitutes grievous hurt. Egs. Of which are:
   Permanent loss of eye, loss of hearing.
- Fracture – dislocation of bines/teeth causes pain for more than 20 days or is disabled.
- The hurt endangers life.
- It is a cognisable offence and up to 7 years imprisonment.

Section 326 - Causing grievous hurt with a dangerous weapon is an aggravated form of offence.
- Life imprisonment

If offences under the above sections have also been committed, they must be evoked separately and read along with 498A.

Besides these wrongs women often complain of restrictions being imposed on their freedom of movement, speech and normal social intercourse – letters written by family not handed over, telephone calls not allowed to be made or received, confined to one room denied the right to visit parental home etc. In such cases Section 431 – 348 IPC must be invoked.

The offences are cognisable and a mandatory prison sentence for 10 days and for more. Additional punishment may also be given depending on the purpose for which one is confined.

Section – 347- e.g. for extortion or for doing an illegal act such as forcing wife to bring dowry.

**Dowry Crimes:**

Under the DPA of 1961 and amended in 1984 dowry is:

“Any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or b) by the parents of either party to a marriage by another person in connection with the marriage.” This does not include maher in the cases of persons to whom the Muslim Personal Law applies.

Dowry offences are not bailable and non-compoundable.

**Dowry Deaths:**

A happy marriage is the dream of every young person…But today this very marriage is turning out to be nightmare especially for
People friendly Police, Karnataka (2003)

young brides who are harassed, beaten up and murdered or are forced to commit suicide because of this. Because of the alarming rise in deaths of young brides especially related to dowry Violence. The Indian Parliament introduced a new section i.e. 304 B in the IPC of 1860 and has also amended the Indian Evidence Act 1872.

And so, since 1986, if the death of a woman is caused by burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of her marriage and it is shown that “soon before her death she was subjected to cruelty in harassment by her husband or any relative of her husband for or in connection with any demand for “dowry death” and such husband or relative shall be deemed to have caused her death.

The main ingredients of a dowry death are:

a. Unnatural death – other than in normal circumstances.

b. Within 7 years of marriage

c. History of cruelty/harassment

d. In connection with dowry

A dowry death can be either by

a. Murder

b. Suicide

What binds the two is the common ground of death due to dowry and that makes it a dowry death. But in, invoking the sections it is of utmost importance to include Section 302 besides 304B in case it is a case of murder for Dowry or in case of a dowry suicide add section 306 will not stand. 498A is a basic ingredient on which 304B stands. 304B and 498A are mutually inclusive.

So in cases of Dowry death if it is a case of

Murder for Dowry – Sect.498A, 304B and 302 & 4 DPA

Suicide because of Dowry – 498A, 304B, 306 & 4DPA

It is absolutely essential to establish that the death was due to the cruelty and harassment meted out to the married women on account of her failure to meet the demands of dowry.
The rationale for also invoking Section 302 besides 304B in a case of dowry murder or 306 in case of a dowry suicide is because in the event of the prosecution’s failure to prove the link of dowry but establishes murder or suicide because of harassment/cruelty, then the accused can be convicted under 302 or abetment to suicide under 306. In the absence of their not being invoked in the charge sheet and/or in the failure of the prosecution to prove the dowry charges, the accused will be enabled to go scott free and vice versa. If murder cannot be proved but suicide because of dowry is proved then conviction under 304B can be upheld.

In the State of Madhya Pradesh v Manmohan, the accused was tried under Sections 498A and 304B of the IPC as well as under Section 4 of the DPA. The facts of the case were that the deceased died within 3 years of her marriage. Her husband used to harass her and treat her with cruelty for not bringing in dowry including cash. On 9.2.92 he thrashed her and sent her out to bring the money. On the same day he locked his wife in a room and set her ablaze. She gave a dying declaration where she reported the acts of her husband. The trial Court convicted the husband under section 302 and sentenced him to death. He was further convicted under section 304B of the IPC and sentenced to life imprisonment. He was also convicted under section 4 of the DPA and sentenced him for 2 years R.I and a fine of Rs.10,000/- On appeal the High Court confirmed all the above punishments.

Presumption of Dowry Death

In cases of Dowry Death and related to offences, direct evidence is hardly available and such cases also usually proved by circumstantial evidence. That is why the Indian Evidence Act was amended to include a rule of presumption of death occurred within 7 years of marriage in suspicious circumstances and was caused by burns or other bodily injuries. The Amended act 113B provides that the court shall presume the death to be a dowry death if it is shown that the married women died an unnatural death on account of cruelty/harassment because of dowry demands and within 7 years.

Section 306 IPC: Abetment of suicide by a married woman.

Section 498a defines cruelty as the willful conduct of the husband or/and his relatives is of such a nature that it is likely to drive the woman to commit suicide or cause grave injury or danger to life, limb or health. This constitutes an offence. So too abetment to commit suicide is an offence under 306.
It must again be recalled that under section 498A cruelty is not limited to dowry harassment only. Cruelty also includes physical violence and mental torture for reasons beyond dowry violence. Any conduct or acts that are willful and deliberate and are likely to drive a married woman to the brink of suicide. In such a case if the suicide is complete and a history of harassment by the husbands and relatives has been made out then an offence under Section 306 has been committed – the offence of abetment to suicide.

In such cases, Section 306 of the IPC is attracted by it must be read with 498A and 107 which deals with cruelty and with abetment to suicide. Abetment includes instigating, aiding intentionally of doing a thing, provocation, encouragement, insinuation etc.

Amendment to the Indian Evidence Act: 113 A.

The IEA was amended in 1983 in which a Section 113A was inserted. 113A raises presumption as to abetment of suicide by a married woman. 113A holds that if the prosecution shows that the suicide of a married woman was committed within a period of 7 years of marriage because she was subjected to cruelty by her husband or any relative of her husband, then the court may presume (taking into account all other circumstances of the case) that such a suicide had been abetted by her husband or by such relative of her husband.

**Dying Declaration:**

A dying declaration is a statement made by a person just before her/his death as to the cause and circumstances of death, and is based on the principle that a person on his/her death bed and is about to meet his/her maker, is unlikely to utter a falsehood – Hence the dying declaration is an exception to the general rule of evidence where hear say is not admissible unless it stands the test of cross-examination. Therefore a dying declaration must be such that it inspires confidence in the Court that the statement is voluntary, truthful, reliable, free from material inconsistencies and was made when the declarant was in a fit mental condition. The Court must be satisfied that the statement is not the result of tutoring, prompting or a product of imagination because it is not made under oath nor is the presence of the accused. Since the maker of the statement dies, the Court has no opportunity of testing the veracity of the statement by cross-examination. That is why the Court insists that the declaration be –
1. Voluntary
2. Reliable
3. Made in a fit mental condition.

Recording of the Dying Declaration:

It can be
1) Non Verbal – on the basis of nods and gestures
2) Written: a) As far as possible the DD should be recorded in the language of the deceased preferable in question and answer form. This adds strength to the test of reliability.
   b) While recording the dying declaration it is always proper to record the mental fitness of the declarant by a doctor.
   c) Though it is not the requirement of law the creditworthiness of the statement is increased when recorded by or in the presence of a doctor or a magistrate. A greater reliability is placed on the Statement.
   d) Though no hard and fast rules can be laid on the recording of the dying declaration as each case depends upon the facts and circumstances of each case, the Courts have held that the practice of the investigating officer himself recording the dying declaration during the course of investigation ought not to be encouraged (Dilip Singh Vs State of Punjab). This however does not mean that the one recorded by the police officer cannot be relied upon if it is proved that there was no time or facility available to the prosecution for using a better method.

Plurality of Dying Declarations:

a) If there are more than one statement, then the one made first in point of time is preferred.
b) If there is more than one statement, they should be consistent throughout.
c) If inconsistencies are found between one and the other statement then the Court has to
   i) examine the nature of the inconsistencies (whether material or not)
ii) examine closely the contents of the various dying declarations in the context of facts and circumstances.

The Courts cannot choose any one and reject the others. Therefore the Allahabad High Court in the case of Radhey Shyam Vs State of U.P. laid down that

a) when there are more than one dying declaration of the same person, -
   1) they have to be read as one for proper appreciation of the value.
   2) if they differ from each other on material aspects, the effort should be made to see if they can be reconciled.

b) for this reconciliation, the court can make certain reasonable assumptions. If no such assumptions can explain the difference the statement becomes unworthy of credit.

Source: Dayal's Law Relating to Dowry.
(Courtesy - Vimochana)
APPENDIX VIII

GOVERNMENT OF KARNATAKA
POLICE DEPARTMENT

Office of the Director General and
Inspector General of Police,
Karnataka State, Bangalore - 01.

Date : 30/11/2002.

No.CRM/56/Misc(2)/2002 .

CIRCULAR

Sub: Order No. 962 of Karnataka Police Manual: Additional
Information to be included in the Crime Board.

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1. Attention is drawn to the Order No. 962 of Karnataka Police Manual Volume
No. II, which prescribes maintenance of Crime Board in Police Stations in the
given proforma.

2. Henceforth, in class VIII the unnatural death cases should be shown under two
categories as follows -
   UD cases:
   a) male
   b) female.

3. Class IX should be added which will be “Crime Against Women” under the
following sub heads,
   Class IX - Crime Against Women -
   a) Dowry death,
   b) Dowry harassment,
   c) Rape,
   d) Other offences.

To

1. All Director Generals of Police.
2. All Addl. Director Generals of Police.
3. All Commissioners of Police.
4. All Inspectors General of Police.
5. All Deputy Inspectors General of Police.
6. Superintendents of Police of all Districts.
7. Director, KPA, Mysore.
8. Principals of Police Training Schools, Chennapatna, Khanapart,
   Gottaguppe and Yelahanka.
10. All D.Ss.PCFPs/SHOs.

Sd/- (T. Madhav, IPS)
Director General and Inspector General of Police.

For Director General and
Inspector General of Police.

People friendly Police, Karnataka (2003)
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Case Studies and interventions, Vimochana, Forum for Women’s Rights, Bangalore

Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

Immoral Traffic (Prevention) Act, 1956

Dowry Prohibition Act, 1961

www.karnatakastatepolice.org
www.bangalorecitypolice.org
www.unaids.org
www.unicef.org
www.unifem.org
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