

F. No. 15011/126/2020- SC/ST-W
Government of India
Ministry of Home Affairs
(Women Safety Division)

New Delhi, dated 30 June 2021

To,
Chief Secretary
(all States, UT of Delhi and Puducherry)
Administrators
(Union Territories)

References:

- (i) MHA advisory No. 25019/05/2021- PM-II dated 22 June 2021
- (ii) MHA advisory No. 15011/126/2020- SC/ST-W dated 19 May 2021
- (iii) DO No. 23011/111/2020-BPR&D (pt) dated 4 Feb 2021 from Union Home Secretary
- (iv) MHA Advisory No. 24013/4/2020-ATC dated 6 July 2020
- (v) MHA Advisory No. 15011/115/2020- SC/ST-W dated 13 July 2020
- (vi) MHA Advisory No. 15011/126/2020-SC/ST-W dated 29 July 2020
- (vii) MHA Advisory No. 15011/190/2020-SC/ST-W dated 9 Oct 2020
- (viii) MHA Advisory No. 15011/46/2020-ATC dated 1 Dec 2020

Subject: Protection of vulnerable sections of society including women, children, senior citizens and scheduled caste/ scheduled tribe, etc-reg.

Sir/ Madam

I am directed to request your attention to the references on the above-mentioned subject. The Government is giving high priority to safety and security of vulnerable sections of society, including women, children, senior citizens, scheduled caste and scheduled tribes. Considering that 'Police' and 'Public order' are State subjects under the Seventh Schedule to the Constitution of India, the Ministry of Home Affairs has been requesting States/ Union Territories to strengthen or set-up mechanisms for providing adequate assistance and timely support to such persons.

2. The Ministry has been facilitating the States/ Union Territories in this aspect through national level programmatic assistance, where needed, in consultation with the BPR&D and the NCRB. These organizations have issued Standard Operating Procedures, Guidelines, and IT modules for law enforcement officers in the States/

Union Territories to be able to increase the efficacy of delivery of services to these vulnerable groups.

3. In a recent review on the subject of Atrocities and Crimes against Women and Children, the Department related Parliamentary Standing Committee for Home Affairs in its 230th Report, while appreciating the efforts taken so far, has advised further focused intervention by the States/ Union Territories. Advised areas of such intervention are enclosed.

4. In view of the above, it is requested to kindly take a review with your line departments, in coordination with agencies / organizations concerned and civil society organizations, on the advised areas of intervention for further enhancing measures to prevent and combat crimes against vulnerable sections of the society.

Encl: as above


30/6/2021
(Anil Subramaniam)
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Tel: 23094483

Copy to:

1. **ACS/ Principal Secretary/ Secretary
Home Department (All States/ UTs)**
2. **DGP (All States)**
3. **Commissioner of Police, Delhi Police**

Certain areas of intervention for enhancing measures to prevent and combat crimes against vulnerable sections of the society, basis the report by the Department related Parliamentary Standing Committee

1. To ensure no delay and denial of justice to the victim and family in cases of crimes against women and children, States may take steps to promote online registration of FIRs and device mechanisms to check whether FIRs, including Zero FIRs where crime is reported outside the jurisdiction of the police station, are being registered in time.
2. Adequate mechanism to be put in place to regularly review and ensure that appropriate penal action is taken by fixing accountability of the Police personnel who fail to register FIRs. Action needs to be also taken against the Police personnel and individuals who register false cases in abuse of the provisions of law. District level mechanism to be strengthened in this regard.
3. Adequate capacity for scientific and timely investigation and charge-sheeting, especially using forensic sciences, needs to be built up in the State/ Union Territories. Coordination and support in investigation, especially cyber-crimes, to be provided by every State/ Union Territory to Investigation Officers. Specific projects/ modules by MHA may be used for strengthening the investigation/ prosecution/ forensic facilities. States/ Union Territories may also utilise the assistance by Union Ministry of Law & Justice in setting up Fast Track Special Courts.
4. To ensure adequacy in accessibility to Police, Medical and Fire services in emergencies, all States/Union Territories to integrate their helpline numbers with 112 for creating a three-digit common Pan-India helpline number, and popularise the 112 India App, which is available nationally for any emergency response.
5. States/ Union Territories may conduct a comparative study on having all-women Police Stations vis-a-vis traditional Police Stations. In this exercise, States/ Union Territories may refer to the "Performance audit of Women Police Stations"-survey undertaken by the BPR&D (copy of Executive summary is at Annexure). States/Union Territories may also conduct a study on the effectiveness of laws on preventing crimes against women and children.

6. As a measure towards greater community participation, States may like to encourage NGOs, Resident Welfare Associations (RWAs) and private individuals to install CCTV cameras in their vicinity to aid policing.

7. States/ Union Territories may consider building public and private partnerships by involving NGOs and other organizations in developing community awareness and behavioural changes in prevention of crimes against vulnerable sections of society, especially in rural and tribal areas. Steps may be taken towards sensitizing concerned public authorities (including local leaders) and people at large through regular training and sensitization programmes.

8. Considering the increased reach of internet and mobile services, States/ Union Territories may raise awareness through print and electronic media including social media in local languages, about the mechanisms available to citizens for reporting cyber crimes against women and children, particularly for sexual abuse as well as the distribution of pornographic material, and legal awareness on prevention of domestic violence.

9. States/ Union Territories may establish synergy and coordination amongst various departments/ agencies concerned with the safety and security of women and children, especially in setting up/ strengthening of a single-window system to help women victims of violence.

10. States/Union Territories may consider identification and mapping of crime hot spots in State/ UT, especially Metropolitan cities under their jurisdiction to streamline the resource deployment for optimum results.

11. Capacity building of the law enforcement personnel, in handling cases of crimes against women and children with sensitivity and use of technological advancements in forensic sciences, may be conducted in assistance with the BPR&D, Rashtriya Raksha University and the National Forensic Sciences University.

12. Modernisation of police station, increasing accessibility to lodge complaints and installation of CCTV in police stations to be undertaken within a time frame.

13. In cases of sexual offences and violence against women from Scheduled Castes and Scheduled Tribes, police personnel may be directed to also invoke clauses of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, where applicable, in registration of cases along with sections of IPC.



EXECUTIVE SUMMARY

Findings & Recommendations

Women in India have been facing difficulties, traditionally in seeking police assistance in cases of atrocities committed upon them. This coupled with their agonizing experience with the male dominated police stations has resulted in the evolution of the concept of Women Police Stations (WPS). Additionally, there have been attempts to establish similar institutions such as Women Cells etc. in different States and UTs. In all models however, the underlying principle was to help the women - victims of atrocities. The first WPS was established in the year 1973 at Kozhikode, Kerala. After four decades, the number of WPS in India stands at 553 (as on January 2016). Seemingly, there are large variations in the number of WPSs in different States/ UTs. This could be perused from the following:

1. Tamil Nadu has maximum 199 WPS across 32 districts i.e. about 7 WPS per district.
2. Ten States namely Andhra Pradesh, Bihar, Gujarat, Haryana, Jharkhand, Manipur, Rajasthan, Telangana, Uttar Pradesh and West Bengal have one WPS in every district.
3. Fourteen States namely Arunachal Pradesh, Assam, Chhattisgarh, Goa, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Meghalaya, Odisha, Punjab, Tripura and Uttarakhand have WPSs only in some of the districts.

Even in major States with 30 or more districts the number of WPSs varies from 9 in Madhya Pradesh to 199 in Tamil Nadu. Policing being a State subject, the setting up of WPSs depends on many factors such as political will, aspirations of the people, volume and profile of crime and finally persons at the helm of affairs.

With the passage of time, regional variations and increased complexity of crimes against women, the concept of addressing crimes against women has undergone modifications and different models of women policing have been evolved. The important among these are:

- i. All Women Police Stations (AWPS)
- ii. Women Police Stations (WPS)
- iii. Crime Against Women Cell (CAW Cell)
- iv. Women Desk (WD)
- v. Women Cell (WC)

A study on evaluation of Performance of the existing WPSs has been steered by National Police Mission of BPR&D on the direction Parliament Committee on empowerment of women. After elaborate discussions with the NPM, BPR&D a set of TORs have been evolved to assess and audit the functioning of WPS. This study has covered 22 police stations across 13 states from all the above four policing models. In addition to these Common models which are prevalent in majority of the States, the study has also covered Women Desks functioning only in Maharashtra. The study evaluates the performance of the Women Police Stations and attempts a comparison with other models. To streamline the response mechanism to CAW victims the study has attempted to come out with recommendations to improve the functioning of the existing systems of redressal.

The study has very meticulously adhered to the TORs and findings specific to each TOR are discussed as under:

Jurisdiction

TOR: What is the area of Jurisdiction?

The Jurisdiction of WPSs varies across States. Of the 22 WPS studied, whereas 10 WPS have the whole district in their jurisdiction, 5 have city and 7 operate in subdivision or commissionerate level. It is entire district for Agra, Bharatpur, Indore, Kannur, Kasganj, Ludhiana (revenue district), Patna, Saharsa, Satna and Sivakasi. It is the city boundary in case of Delhi, Guwahati, Kochi, Rajkot and Vadodara. However, it is part of the city in Coimbatore, Howrah, Jaipur West, Srinivaspuri, Sonapat, Siliguri and Shillong.

Importantly WPSs at urban districts of Agra, Indore, Ludhiana and Patna cater to a large population (of 40 lakhs or more) and are spread over large distances within a State. WPS in rural districts covers on an average a population of 20 lakhs. WPS in cities such as Coimbatore and Jaipur cover smaller populations and lesser geographical spread as there are more than one WPS in such districts/ cities.

A. Mandate of WPS

TOR: whether all crimes related to women (sectionwise) are being investigated by WPS only

There have been divergent views amongst States with regard to the mandates of their Women Police Stations in dealing with Crime against Women. Out of 22 WPS spread across 13 states, 18 WPS deal with all crimes against women, while in 2 CAW cells (one each in Nanakpura and Ludhiana) only cases related to 498A are dealt with. In 2 Women Cells no FIRs are registered and only petitions are received. At the time of distress, the complainant has the freedom of choice to approach either WPS or a Local Police Station to register her case. Thus, CAW matters are also attended and investigated by local police stations.

It is important to mention that in all models discussed above undertake Counseling of Petitioners as a precursor to registration of FIR.

B. Provision of Essential Facilities

TOR: Standard structural design of the building with provision of:

- a. ladies rest room,
- b. Crèche or children Room,
- c. Privacy area for off-duty rest,
- d. Waiting area for victims and witnesses,
- e. Counseling and Consultation Room and Comfort area for victims

The four basic facilities namely Ladies toilets, Counseling/ Consultation rooms, Privacy Area for Off-duty rest and Waiting area for victims were available only in 8 WPSs out of 22. The Ladies Toilets (Rest Room) were available at 16 WPSs. Privacy Area for Off duty rest were available at 8 WPSs. Further Counseling and Consultation Room were available at 13 places and Waiting Area for Victims & Witnesses in 14 places. Crèche Facility was not available in any of the WPS.

TOR: Whether infrastructure provided is functionally ideal for the staff, victims and other visitors

The condition of the building was not good everywhere. Some of the WPS are operating from one room, most of WPS have one or the other critical facilities absent. The absence of the basic facilities is one of the gravest limiting factors for women working in the women police stations.

C. Staff

TOR: What is the Staff Profile of the Police Stations? Is the entire Staff Female or a mix?

WPSs in urban districts, catering to a large population have higher sanctioned strength as compared to WPSs located at rural districts. For rural districts the variation in sanctioned strength is not much (Saharsa-16, Bharatpur-22, Satna-21, Sivakasi-24, Sonapat-27, Kasganj-28). However, the sanctioned strength for urban districts has large variations e.g. Patna -25, Agra-78 and Vadodara-63 etc. All these WPS cater to approximately same size of population. In this study it has emerged that the WPSs do not have gender fixation/ earmarking in sanctioned strength.

Out of the 22 WPSs studied 6 were All Women Police Stations with all women staff and in the remaining 15, about two thirds of the staff was female and one third as males. The representation of female at the level of Inspector is relatively higher at about 75%. As to the vacancy position about one-fourth of sanctioned posts are vacant. The proportion of posts vacant is relatively low at the level of Inspector (13.6%) and ASI (8.5). However, for other posts such as SI, HC and constables about 30% posts are vacant.

In many women police stations such as Howrah, Siliguri, Vadodara, Rajkot, Srinivaspuri and Guwahati more than 20 positions are vacant. Other police stations having more than 10 vacant positions are Kochi, Kannur, Sonapat, and Saharsa. Notably, In Patna the number of staff (in particular ladies' constables) in-position is more than sanctioned strength. As against this in Saharsa large number of posts remains vacant.

TOR: What would be an ideal strength of the Police Stations and the basis on which it has been determined?

The ideal strength of a Women Police station has been devised by studying staffing norms of BPR&D (contained in their recent reports), and through triangulation of information collected from studied WPSs. The ideal staff strength would vary from 33 to 42 personnel. Indicatively, this should comprise of 1 Inspector, 3 SI, 6 ASI, 10 HC, and 20 Constables.

REFERENCE¹⁴: Manpower Norms for Urban Policing - Chandigarh

The Women and Child Support Unit has been set up in Chandigarh Urban relating to complaints of dowry, Act of Domestic Violence, female foeticide, Mediation and counseling. This unit of Chandigarh Police has been awarded ISO Certification because of standardization of its procedures and professional handling of the complaints. This unit has brought a lot of goodwill for Chandigarh Police. BPR&D recommends a staff of:

- 1 Dy. SP, 2 Inspectors, 8 SI/ASI, 12 HC, 18 Constables.
- And further that 50% of this staff shall be women
- Dy.S.P. must necessarily be a lady officer.

REFERENCE^{2&3} : Puducherry District - North & South Region

All Women Police Station of North and South Region of Puducherry was inaugurated in the year 1996 and 2005 respectively. The North Region Police Station has jurisdiction over the area coming under the entire North Police Subdivision of Puducherry Region. The South region of Puducherry district has jurisdiction South & Rural areas of Union Territory of Puducherry.

The following are the prime functions of the all women police station:

- (i) Registration and investigation of all dowry related cases
- (ii) Providing of family counseling in domestic disputes and guidance to women and children prone to exploitation, family discord and maladjustment
- (iii) Enquire into all petitions preferred by or on behalf of women
- (iv) Registration and investigation of complaints of crime against women
- (v) Conduction of special drives against eve-teasing
- (vi) Registration and investigation of cases involving women either as accused or complainants which are referred to the All Women Police Station by the Police Officials.

The strength of these all women police station is as under:

Ranks	Population	Inspector	WSI	WHC's	WPC's	PC's
Sanctioned Strength North	4,25,459	-	1	3	15	-
Sanctioned Strength South	70,694	-	1	2	5	-

REFERENCE¹² : Deployment at Haryana Women police Stations

Women Police Stations were set up at each of the 21 districts of Haryana in August 2015. The police officers would investigate cases related to stalking, dowry death, foeticide, molestation, sexual harassment, disrobing, voyeurism, eve-teasing, abduction, elopement, kidnapping, rape and dowry. Based on the discussion with senior police officers of the state, the staffing composition broadly follows the norm of at least 38 police personnel besides a support staff of 8-10 male police officials to conduct raids, apprehend the accused and other related duties. The WPSs at Faridabad and Gurugram districts station had one Inspector, three Sub-Inspectors, five Assistant Sub-Inspectors, six Head Constable and twenty constables.

The strength could be rationalized (increased or decreased) based on the population to be covered, typology of crimes, urbanization and importance of the city etc. Also 50% of the constables should be men to ensure a gender mix.

D. Duties

TOR: Whether the staff is doing the investigation and enquiries only or it is being deputed in law & order and other duties as well. How is it impacting the working of the Police Stations?

The usual duties of women staff at WPSs are interacting with women victims / petitioners, counseling as well as enquiry and investigation in cases of crime against women. In addition to the usual police duties assigned to the staff, they are also asked to attend to other duties relating to VIP duties, Bandobust, duties at local events and at women colleges/ schools and handling women protests and

agitations. The perception of police staff deputed in WPS is that they are treated as additional force needed for performing such tasks. However, these additional duties if performed for longer durations hamper their routine work at WPS and delays the investigations. Their urge to the higher authorities was to treat the WPS seriously in the context of crime investigations and dispute resolutions.

Other important findings relating to work are presented as under:

E-1. Satisfaction with job and career prospects: In the study, information was collected on the satisfaction level of Police staff with career. Over 95% of police staff was satisfied with type of work assigned to them. As to the career growth 77% of the senior staff reported as satisfied but amongst constables the satisfaction level was low at 44%. As to the workload 74% among senior staff and 67% amongst constables reported as satisfied.

E-2. Work stress & Work-Family Balance: About 42% of IOs and 45% of Constables reported stress of one type or the other. For IOs relatively higher level of stress (about 49%) was reported due to volume of work and balancing of work- family responsibilities. Amongst Constables relatively higher stress was reported due to long working hours. Trying conditions such as long working hours in a day and absence of weekly offs add to the work stress of the police staff. Significant proportion of female staff reported work stress due to the above factors.

REFERENCE: Weekly day off and duty roster system

Police staff remains on duty for 24 hours a day, seven days a week and as a result many officers felt overworked and burnt out.

An intervention comprising of weekly off and duty roster system was piloted in Rajasthan. The Police staff in pilot police stations (except SHO) was given one day off every week on rotation basis. In smaller police stations, where the shortage of manpower was more acute, the SHO had the option of giving off on any day in a period up to 15 days. Also, the duties to the police staff were allocated according to a duty roster.

The implementation of the weekly off program received desired acceptance as 84% of police stations reported executing of rotating day off. The size of the police station mattered little for the rotation period of the weekly off. The implementation of the duty roster was close to complete, with 91% of police stations able to prepare a duty roster and 58% of police stations even posted the duty roster on the wall as stipulated by the implementation guidelines. Constables in police stations with duty rotation did have a significantly higher probability of reporting that they knew what their next duty would be.

Thus weekly off on rotation basis and duties according to roster system could be adopted.

TOR: Whether counseling and reconciliation is an integral part of duty of staff or done by professionals.

It has emerged from the discussion with the police officers as well as feedback from complainants that the counseling is an integral part of the duty of the police staff. WPS also provides the counseling services through a systematic collaboration of district police officers, counselling officers and volunteers from the society. Usually the counseling panel consists of legal advisor, psychologist, social activists, senior citizens, and educationists. In some WPS, NGOs have contractual affiliation with the police stations. The counseling panel in addition to resolving disputes without compromising on the rights of the victim also tests the veracity of allegations leveled by the complainant and helps them in recovering from their traumatic experiences.

Apart from the foremost objective of resolution of marital disputes, other services offered include crisis intervention, trauma de-briefing, grief counseling, etc. The counselors serve as the front line professionals as far as justice to victims is concerned. The counselors guide the victims about the system, including extra-judicial processes (out-of-court measures) and the court process; court preparation and support, information about possible financial benefits and remedies that may be available for victims of crime; assistance in preparing other documents, information on sentencing outcome, etc.

E. Training & Capacity Building

TOR: Skill Gap: Whether the staff is adequately trained in various aspects of investigation including the knowledge of forensic science

The police staff interviewed reported that they have undergone the basic induction training at the time of joining the police force. However, they reported to have not received any specialized training while joining the WPS. It has been reported that the police staff counsel the victims and petitioners based on their past experience of handling cases. They have not received any formal training on counseling skills which is a highly specialized area. It is suggested that if police staff is to do the counseling as integral part of their duty they should receive formal training on the same else such counseling services should be mandated to be done at Family Counseling Centres only through a panel of legal advisor, psychologist, social activists, senior citizens, and educationist. The use of alternate dispute resolution techniques by police should be taught and encouraged. Possibility of organizing online training should also be explored.

On discussion with senior police officers across the study states, it emerged that the quality of investigation suffers due to lack of skilled IOs. Thus, there is a dire need to train police to undertake skillful and sensitive investigation. In view of this, specialized training relating to all aspects of crime investigation (including forensics, collection and storage of evidence etc.) is needed.

F. Effectiveness of WPS

TOR: How effective have all WPS been in reducing crime against women?

A WPS receives an average of about 70 complaints in a month. For WPSs, in important cities this number is about 130 per month. Majority of these complaints relate to marital disputes and domestic violence. Importantly, the police staff at WPS tries to mediate and resolve the issue by calling both the parties. Professional counselors are also engaged for the same. All efforts are made to save the marriage. In large majority of cases reconciliation is achieved. As a result, the proportion of cases where FIR is lodged is less than 15% of the complaints.

The average number of FIRs lodged annually is around 100 per WPS. Of the total FIR lodged, about 73% of cases relate to Sec. 498A. The share of other IPCs is 5% cases in Sec. 376, 1% in Sec. 304B, 1% in Sec. 363/366, 8% in Sec. 354 and 10% in case of other CAW (Sec. 377, ITP Act, Sec. 506, Sec. 509 etc.)

- a. **Trend in FIRs:** The reporting of cases of crimes against women has witnessed an increase in the recent past. For the year 2010 and 2011 the average number of FIRs lodged per police station was 100 which increased to 135 in 2014. This could be attributed to the increase in the awareness level with regard to gender crimes and their possible resolutions as well as the availability of the Women

Police Stations. Thus the establishment of Women Police Stations has certainly led to higher incidence of reporting of such cases.

Women now feel free and are more forthcoming in reporting CAW in WPS. This is evidenced from the fact that for the WPS opened in the year 2012, the number of FIRs lodged has increased by 60% in comparison to period before. Also the number of FIRs in WPS is five times higher than that of a general police station. (24 for general police station and 134 for WPS). The number of FIRs to be investigated by an IO on an average is around 2 per month and the number of cases at hand at any given time for an IO is about 9.

The other parameters of effectiveness are discussed under separate TORs

G. Chargesheet filing

TOR: What is the average period of cases in which charge sheet is filed in court

The overall charge sheet filing rate in CAW cases is about 75%. The chargesheet filing rate varies across different sections of IPC. The rate is highest for Section 306 (85.6%) and lowest for Section 363/366 (22.1%). Further there are large variations in the chargesheet filed across WPS, the rate is high (>95%) in 8 WPSs and low (<50%) in the other 6 WPSs. Two typical situation have been noted which greatly impact chargesheet filing rate. In Coimbatore there were 148, 43, 31 cases of Immoral Trafficking Prevention Act (ITP Act) for the years 2005, 2006 and 2007 respectively. In these cases, chargesheet filing and even conviction rate is 100%. In WPSs such as Bharatpur and Jaipur in Rajasthan, majority of FIRs are lodged under the court directives and in most of such cases end up as FRs i.e. false report and hence low chargesheet filing rate.

In more than half of WPS the average time taken in chargesheet filing was within 90 days from the date of FIR. However in 3 WPS namely Agra, Guwahati and Shillong, it was more than 300 days.

H. Conviction Rate:

TOR: The Rate of Conviction in charge-sheet put up by these Police Stations over the last 10 years

For 12 WPS, specific information on disposals by court in terms of acquittals and convictions was available. Based on this, the Conviction rate is 38%. For 6 WPS the convictions were zero viz Jaipur, Kasganj, Howrah, Siliguri, Vadodara and Shillong. For Coimbatore and Kochi, the conviction rate is high (over 80%). The high rate of conviction is due to Immoral Trafficking Prevention Act. The WPSs where conviction rate is low majority of these were opened in 2012 so most cases were still under trial. Broadly where conviction was low the chargesheet filing rate was also low and the time taken in filing the chargesheet was considerably high. Thus the action taken at the stage of chargesheet filing is critical to increasing the conviction rate.

I. Feedback from Prosecutors:

TOR: Feedback from prosecutors, magistrates wherever possible and peruse some of the court verdicts on the same

Interactive discussions were held with PPs and APPs in Delhi and Bharatpur. The gist of the discussion is summarized below:

IPC 498A

As per the Hon'ble Supreme Court's directive in 2013, in 498A cases, police cannot arrest the persons named in the FIR without the prior approval of SP/ DCP.

Social structure is an impediment in cases related to matrimonial disputes. So the aim is in resolution of disputes. Extent of criminality is negligible in such cases. Domestic Incidence Report is lodged in 498A cases which are consulted during counseling and mediation. Failure of reconciliation leads to registration of FIR. Complainant or the Victim due the longtime of trial loses the sense of enmity and reconciles. Litigation expenses also play a deterrent. Involvement of kids is a major aspect in compromise. In such cases, interest of kids becomes paramount and compromise is pressed. Thus the negotiation and compromise happens. Underlying thought is to emphasize on correction and give them chance for improvement. Thus penal provisions are not introduced.

After three decades of the introduction of 498A in IPC, based on people experiences it is now perceived as the "*Law of Harassment & score settling*". This is because over a period of time the laws enforcing agencies and courts have come across significant number of 498A complaints plagued with false allegations and wrong intentions. These are found to be with the intent to harass the opposite party and/ or to settle scores with them. Thus this IPC section has created terror and problems particularly for the husbands and his relatives.

In case of divorce, the other party creates trouble by prolonging the case and even not signing the divorce papers. Husbands also seek punishment (max 4 years) because if they get punished they are free from paying compensation. In cases where wife is not getting divorce, that situation converts into IPC406 (breach of trust). Since it is compoundable, both parties want their case to be disposed.

In the 498A if witness is not giving statement in court due to any reason, the accused can give application or notice to the Magistrate for dismissing the case. Though it all depends on the Magistrate to dismiss the case or not. In IPC 498A trial takes place even at the Tehsil level courts. Conviction is low in Trial court. In cases relating to 498A evidence is practically non-existent or is dented. For the accused the feeling of being convicted is disturbing that they go to any length for mediation.

IPC 376

In IPC 376 only District judge /ADJ are responsible for hearing. In IPC Sec.376 POCOSO, for hearing of these cases special courts are created. IPC Sec. 376 is misused, because Rajasthan Govt. provides support of Rs.7 lakhs for the rehabilitation of rape victims. The part of the payment released after medical examination, then chargesheet was filed by the police.

Court directed FIRs

Majority of the FIRs in Bharatpur and Jaipur WPS are lodged after the intervention of the court. The complainants approach courts and the court directs the WPS to lodge FIR. This is because police on the firsthand do not register the case in their police Station. When Women Police Station get court directed cases they do not help the victims, do not investigate properly, and declares those cases as False Report (FR).

Lack of Investigation skills

The poor level of legal and forensic knowledge of investigation is the major reason for the loopholes in the investigation and this benefits the accused. PPs are also responsible for in-depth study of evidences collected by IOs submitted in the charge sheet because if the case lacks evidence or the evidences are not strong, the accused takes benefits and gets bail. Lack of evidence or collection of evidence is late. Even the Visit by Police on the spot is too late. In some cases, senior Police officer does not visit the crime scene or the victim during investigation and instead they depute junior level staff for investigation.

J. Feedback from Complainants (Victims & Petitioners)

TOR: The satisfaction level of victim with the Police Stations

Of all victims and petitioners more than one fourth visited Local Police Station before reaching WPS. This was because Local Police Station was nearby, and also in many cases they did not know about WPS. Of those who went direct to WPS about half were aware of WPS and in the remaining cases they came to know about it through relatives family and friends. In significant proportion of cases they had to travel more than 15 kms.

About One seventh of the complainants reached WPS alone for lodging their complaints. One third of the complainants reported the incidents on the same day. About two-third of complainants at WPS were attended within 15 minutes. The enquiry was done by either team of all female staff or by a mixed team of female and male staff.

In majority of cases the behavior of police was reported to be sensitive and humane and they reported to have received adequate attention. Written petitions were submitted in large majority of cases, however, in some cases the complainants narrated the incident to police staff based on which the complaints were registered. In 75% of the cases the complainants were reported to have received acknowledgement of their complaint. In a large majority of cases the acknowledgement was received without asking for it.

The counseling was done for reconciliation between concerned parties by the police staff. In half of the cases the reconciliation materialized, and in the rest, process of reconciliation was underway.

In majority of cases complainants had to visit WPS more than once for enquiring about the progress of their cases. The direction of the Hon'ble Court regarding arrests was followed and the arrest of accused was found necessary only in one-third of the cases. In 30% of cases in WPS, complainants reported to have been medically examined.

In 64% of cases complainants reported as satisfied with the working of WPS. Amount the dissatisfaction (36%), the major reason for their dissatisfaction was attributed to no action or delayed action. Other reasons reported by a few include bribe, misbehavior and favoring other party.

In the end of the survey the complainants were asked whether they would prefer a similar arrangement (in the form of women desk) at all local police stations as against only one WPS. Over three-fourth of the complainants reported to prefer women desk at every Police Station, instead of a WPS in a district. This suggestion however should be viewed with caution since the respondents had no prior exposure or experience of a women desk.

Similar feedback was also elicited from SHOs of WPSs/ Women Cells of the studied states. Of the 22 SHOs 11 were of the view that the existing system should continue, only 5 were of the view that Women Desk were a better alternative to WPSs and the rest 6 suggested combination of both.

K. Suggestions to improve the functioning of WPS

TOR: Recommend the steps for making the WPS effective

1. **Jurisdiction:** It would be appropriate if the jurisdiction of a WPS could be rationalized taking into account the factors such as population, geographical spread/ terrain, crime profile, profile of the city (tourist inflow, industrialization, urbanization), etc.
2. **Provision of basic facilities:** Following essential facilities necessary for women staff and victims should be available in all WPS:
 - (i) Ladies toilet
 - (ii) Restrooms,
 - (iii) Privacy area for off-duty rest,
 - (iv) Separate waiting area and
 - (v) Counseling room

Bureau of Police Research and Development (BPR&D) has prepared structural design of model Police Stations to be constructed in the States (*Guidelines/Norms for Modern Police Station Building 2016 - BPR&D*). The drawings of the model police station prepared by the BPR&D have included a separate rest room and toilet facility for the women police officers in the station. The advisory on the same has been sent to all states by BPR&D

3. **Police Staff:**
 - (i) In the sanctioned strength for WPSs, there should be gender fixation or earmarking.
 - (ii) Vacant post of IOs should be filled.
 - (iii) Weekly day off on rotation basis and duty roster system should be adopted.
 - (iv) The IOs should be exempted from the Bandobust duties.
4. **Training on counseling:** As counseling is an integral part of duty of the police staff at WPS, they should receive structured specialized training on investigation methods including forensics and soft skills of mediation and counseling.
5. **Monitor court actions regularly and publicize outcomes of cases:** While there has been increased coverage of dowry deaths and burnings in the newspapers, the public rarely learns about the outcome of prosecutions. Though crimes against women get some media coverage, the usually unsuccessful outcomes of prosecution do not get reported. Publicizing domestic violence court cases will help to increase public awareness about the issue. Publicizing cases is a way not only to educate the public, but also to increase the recognition of the challenges that women face in the judicial system.

6. **Suggestions of prosecutors:**

- (i) IOs should record statements through videography before submitting the charge sheet. This should be directed by High Court Strictly because in some cases victims turn hostile in court. Also police should record statements under 164. Further Police should video record statements under section 161 of the victims, family members and witness's so that they do not deny later.
- (ii) Collection of evidence is too late. Police should reach in time at the place of crime and collect evidence tactfully and technically
- (iii) All Women Police Stations should have a working CCTV Cameras. It will improve Police functioning efficiency.

7. **Adoption of Best Practices**

In the additional survey of Pune district, some best practices have been noted which have potential for adoption:

Trial Monitoring Cell: The trial monitoring cell in Pune runs mock trials of the court proceedings that help the victims to rehearse before actually facing the prosecution in the court. This primarily consists of preparing the victims to answer the questions asked during prosecution and withstand the further cross questioning. In this exercise the victim is counseled about the rigors of Court Trials. This effort by the Pune police in the past has strengthened the victims for court trials and as a result has helped in convicting the accused, thereby increasing the conviction rate. Such trial monitoring cells could be established everywhere.

Hash Value: In Pune the police officers record the statement of the victim/ complainant and store the audio visual files with the help of Hash Tag application. Any change of data or tampering with the file will render the Hash value to change indicating unfair practices. This exercise has helped the police to successfully record the statements of the victims/ complainants by eliminating the option of any further tampering with the statements. It is recommended that such technologies could be adopted by all WPS.

CCTV Surveillance: Pune Police has installed CCTVs in every corridor and rooms of the police station so that every part of a police station is under surveillance. The central server is seated at the commissioner office for all police stations under commissionerate, and at SP office for Pune Rural. The CCTV surveillance of the police stations from a centralized location ensures closer monitoring of the functioning of the police stations and speedy dispensation of service delivery.

Pratisadh App: Maharashtra Police has introduced a "Social Emergency" application to alert the nearby police of any emergencies such as terrorist attack, accident, robbery, Women safety, or any other kind of human rights violation or unlawful activity. This free application backed by Maharashtra Police assures 24 x 7 support for working of the application and intends to do so for long time. The Maharashtra Police has launched this mobile application with various useful features to help citizens connect better with Police department. This aims to create a tight bond between citizens and Police to reduce crime and offences.

Handbook of police circulars/ Operational manual for Police: Maharashtra Police have compiled a handbook containing all circulars, office orders, memorandums, directives and responsibilities issued by the Maharashtra police department, Ministry of Home affairs and other concerned stakeholder ministries. These office orders and standard operating procedures serve the purpose of an operating

manual/ handbook which are referred by the officers in the execution of their duties. Such a handbook/ operational manual should be prepared and should be available at each WPS.

L. WPS Vs Women Desk

TOR: Whether a Women Desk in all General Police Stations would be a better solution

During the mid-course review by BPR&D it was noted that the Parliamentary Committee had specifically mentioned about the existence of Women Desks in every police station of Maharashtra as an alternate model to Women Police Stations. In view of this an additional survey was undertaken in Pune district of Maharashtra to understand and evaluate the functioning of Women Desks as an alternative model.

The government of Maharashtra has adopted a different policing model dealing with CAW namely Women desk at every police station. The performance of this Women Desk in Maharashtra has been compared as to the performance of WPS in Tamil Nadu. This is because Tamil Nadu is the only state which comes closer to the Women Desk facility by virtue of 6-7 WPSs per district, as against a Women Desk at each Police station in Maharashtra. Further the percentage of women police staff is relatively high in these two States, it being 14% for Tamil Nadu and 12% for Maharashtra (national average-6%). The States are comparable in terms female literacy rate, number of districts, etc. A comparison of Tamil Nadu & Maharashtra has been presented on selected parameters.

Table (i): Comparison between Tamil Nadu WPS & Maharashtra WD		
	TAMIL NADU	MAHARASHTRA
Female Literacy Rate (%)	73.9	75.5
Sex Ratio	996	929
Women Police Staff (%)	12.63	10.96
Population	7,78,00,000	11,00,00,000
Firs In 2014	5538	26432
FIR Per Lakh of Population	7.11	24.02
Districts	32	36
Chargesheet Filing Rate (%)	40	43.2
Conviction Rate (%)	22.4	8.4

It is evident from the above table that the CAW crime rate per population is 3.3 times higher for Maharashtra in comparison to Tamil Nadu. Further, though the chargesheet filing rate is similar, the conviction rate is much higher for Tamil Nadu (22.4%) as compared to Maharashtra. Thus, these are indicators of their performance having bearing on the quality of investigation. Importantly Maharashtra could implement the model women desk at every police station since they have around 11% of women in police staff. For many States the representation of women among police staff is abysmally low. And hence having a women desk at every police station in all states is not feasible.

Both the models are comparable and have their own advantages and limitations. The important factor to decide which model would be appropriate for a State include the existing percentage of Women Police, literacy rate among women, resourcefulness of the state, CAW profile and importantly the effectiveness of the infrastructure existing in a state. It is worth mentioning here that majority of states do not have sufficient strength of women police and for such states the Women Desk model is not feasible. Similarly, in a state like Tamil Nadu that already have 6-7 WPS in each district, working

satisfactorily; there is no need to change over to any other system. Further for states which do not have even a single WPS in most of their districts it will be beneficial for them if they could have atleast 1 WPS in each district.

WPS AS A SPECIALIZED INSTITUTION TO RESOLVE MARITAL DISPUTES

FACTS & TREND

This study involved visiting 22 WPS spanning across 13 States, interactions were held with over 500 police staff and over 8000 women complainants. It has been observed that women now feel free and are more forthcoming in reporting CAW. This is evidenced from the following:

- i. *The average number of FIRs in WPS in a year has increased from 110 in 2011 to 135 in 2014*
- ii. *For the WPS opened in the year 2012, the number of FIRs lodged has tremendously increased (over 60%) after setting up of WPS.*
- iii. *Over 20% of all CAW in a district are being registered in WPS of that district*

It is noteworthy to mention that in the recent years after 2012, the setting up of Women Police Stations has gained further momentum (499 in 2012 to 553 in 2016). Very recently in August 2015, the State of Haryana has set up WPSs at each of their 21 districts as against only 1 in the entire state before 2015. These developments are post the Parliamentary Committee Review of 2012-2013, deliberating on the justification for establishing AWPSs.

SIGNIFICANCE

The significance of a WPS in marital dispute resolution can be gauged by studying the sheer numbers. It has emerged from our study that the average annual number of complaints received in a WPS in a year is around 830, on the other hand the average number of FIRs was 126. Thus 85 % of the complaints registered at WPS were resolved amicably and successfully. The numbers are more satisfying in police stations of bigger and important cities. In cities like Delhi, Indore, Patna, on an average around 1400 complaints are received in a year. However, the average number of FIRs lodged in these police stations is around 60. A staggering 95% of complainants received each year are resolved by counseling and mediation.

With a different perspective while discussing about women complainants, some are freshly bruised, others have been starved for days and some fear that their husbands or in-laws will burn or strangle them to death, a tragically common end to a dowry dispute. The dowry death cases reported in a year has been on a declining trend. Presumably this has happened because with the increased momentum of setting up of WPSs a paradigm shift is witnessed. The Police staff at WPS is not just viewed as law enforcers but also marriage savers. The prime focus of the staff at WPS is saving the marriage. Counseling of the women complaints is an integral part of duty of the women police staff. The police staff at WPS uses counseling skills of empathy and active listening for dispute resolution and investigation.

Women who turn to branches of the women's commission for redressal of their complaints often see it as a middle ground between reporting a domestic violence complaint at the local police station—which can put women at odds with their families—and seeking the help of an women activist group that does not have the government's backing. In a WPS, the women are provided a comfortable environment and at first the psychological need of the complainant is attended. Counseling sessions (minimum of three) are spaced between days and both parties are called during mediation. These sessions are reported to have a beneficial effect on them. They are able to communicate with a clear mind and without the fury/ heat which they have harnessed in their marital relationship. Besides, the implications of a criminal case force the husband's side to compromise and listen to his wife's point of view.

PROPOSED MODEL

After studying all the existing models for redressal of CAW, across the country, and drawing from the experiences of all studied models, the conclusion of the study indicates towards establishing a WPS in each district of the country. This would provide a robust institution to redress the victim of CAW in an amicable, comfortable and courageous manner, following the due legal process.

Since one WPS in a district would not be able to provide the services for immediate redressal and benefit to the women victims in the entire geographical area of the district, it is suggested that a women assistance cell comprising of a nucleus of women police officers should be provided at each police station of the district. These together can deliver efficiently and meet the aspirations of the society.

The details are discussed as under:

WPS in each district

One WPS should be established in each district of a State. The Incharge of WPS should report to SP of the district. The WPS can be entrusted with the following functions within its jurisdiction:

1. Receiving complaints
2. Conducting inquiry on those complaints
3. Counseling of the petitioners involved.
4. Registration of FIR
5. Investigation and chargesheeting of cases.
6. Guide and Supervise the activities of WACs under its jurisdiction the

Counseling cum Mediation Cell

As per the directive of the High Court all possible efforts of reconciliation should be made before registration of a FIR. With this the WPS is mandated to fulfill the objective of providing fair and impartial counseling to women complainants. In view of this it is proposed that a '*separate counseling cum mediation cell*' in each WPS complex responsible for counseling and mediation should be established. This centre should have one SI, two HCs and two constables designated for this. This police staff will be responsible to ascertain the veracity of the complaints prior to initiating the counseling activities. This counseling and mediation activities will be run by a NGO sourced from Department of Women & Child Development under the overall supervision of the SHO of WPS. The *counseling cum mediation cell* must have a panel of experts sourced from different disciplines such as lawyers, doctors, educationists, sociologists, psychologist and retired policemen.

From the study it emerges that the average number of FIRs lodged annually in a WPS is around 130, which is likely to go up to around 200 in near future. The study also reveals that on an average one IO can investigate 30 FIRs in a year. With this norm the following is suggested:

- (i) The total number of IOs required in a WPS for 200 FIRs will be 6. The six IOs can be direct SIs and at best half of them can be ASIs.
- (ii) Each IO should be assisted by one HC and two constables
- (iii) Additionally, 5 HCs are needed, one each to be duty officer (total 3 by rotation), Record-keeper and in-charge Maalkhana/ store.
- (iv) The SHO should have 1 Head constable and 2 constables to his/ her disposal and 5 constables should be available at the police station all the time.

The staffing norms for Women & Child Support Unit of a Chandigarh Urban PS, and Puducherry North and South region, and Haryana WPS are also presented in the table for cross reference. The total strength works out as 36 with breakup indicated in col.3 of table below.

Table (ii) : Rank wise model strength from various States/ UTs

Sl. No	Ranks	Proposed Staff*	Chandigarh Urban PS ²	Puducherry North	Puducherry South	Haryana WPS
1	Dy. SP		1			
2	Inspector	1	2			1
3	SI	2	8	1	1	2
4	ASI	4				4
5	Head Constable	12	12	3	2	6
6	Constable	19	18	15	5	20
	Total	38	41	19	8	33

* All staff in WPS should be female except HC & constables where 50% staff should be male.

Women Assistance Cell (WAC)/ Mahila Sahayata Kendra

There should be a Mahila Sahayata Kendra at every general police station of a district. Every general police station should have the provision for this Women Cell to take care of women related issues. This centre should comprise of 1 SI or ASI, one HC, and two Lady Constables.

This cell should have all investigative powers of enquiry in cases relating to CAW. The cases which require intervention of WPS will be decided by this cell and thus it should have co-ordination with the Women police station for matters relating to counselling.

Duties of staff at WAC

- To provide immediate relief to CAW victims
- To arrange for medical examination of the victims, if necessary
- To attend to the complainants and receive their complaints and
- To ascertain the veracity of the complaints through enquiry and investigation.
- Refer the complainants for counseling at WPS.
- Facilitate the registration of FIRs at the general police station in cases of CAW, wherever necessary.
- Undertake CAW prevention activities such as visiting schools and colleges, community sensitization e.t.c.
- Send periodic reports of its activities to WPS.

