

# **Crime Against Women in Domestic Setting and Police and Community participation to Promote safety of Women**

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# Sec 354 A IPC – Sexual Harassment and punishment for sexual harassment

- Description

1. A man committing any of the following acts—

- i. physical contact and advances involving unwelcome and explicit sexual overtures;  
or

- ii. a demand or request for sexual favours;  
or
- iii. showing pornography against the will of a woman; or
- iv. making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

Any man who commits the offence specified  
in clause

(i) or clause (ii) or clause (iii) of sub-section  
(1) shall be punished with rigorous  
imprisonment for a term which may extend  
to three years, or with fine, or with both

- Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished
- with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

# Offence & Punishment

Sexual harassment of the nature of unwelcome physical contact and advances or a demand or request for sexual favours or showing pornography – Upto 3 years or Fine or both

Sexual harassment of the nature of making sexually coloured remark – Upto 1 year or Fine or both

It is Cognizable, Bailable and Triable by any Magistrate

# Vishaka and Others vs. State of Rajasthan and Others

(1997) 6 SCC.241 dt :13-08-1997 of Supreme Court. Presently in Sec.354 A IPC all the factors are incorporated as punishable offence.

- **Highlights :**
- Acknowledged sexual harassment at workplace as a violation of a right.
- Defined sexual harassment at the workplace
- Established a set of guidelines for ensuring a safe work environment for women
- Made it mandatory for the employer to take responsibility in cases of sexual harassment



# Learning Objectives

- To explain offences of Crimes against women in Domestic Setting ..  
Knowledge / Skills / Attitudes
- To ensure practice of positive attitude / procedural aspects by Police
- To integrate community participation to promote safety of women.

# Knowledge.. Educate subordinate officers

## Knowledge :

- ✓ of law – Audio / Video evidence.
- ✓ of procedure-victim friendly, child-centric.
- ✓ Court Craft
- ✓ of investigation abroad
- ✓ of application of law / procedure
- ✓ of appeals / revisions
- ✓ of various stake holders

**Skills** : How to gather ocular / documentary / electronic evidence.

- ✓ How to examine a child / adult / Aged person
- ✓ How to handle a Child in conflict with law (CICL)
- ✓ Child in need of care & protection (CNCP)
- ✓ How to conduct Medical Exam of accused, Victim / Inquest / PME Examination.
- ✓ How to coordinate with other stake – holders.( prosecutors, judiciary, WCD, Revenue, NGOs etc)

# ATTITUDINAL / BEHAVIOURAL

## Attitudes :

- ✓ Victim-centric
- ✓ Child- Centric
- ✓ Witness – Victim support services (Protection / Compensation) etc.,
- ✓ Quick Return of Property to owners (Victim satisfaction quotient)
- ✓ Bringing offenders to Justice.. walking extra mile.
- ✓ Takes a long time.. Lot of patience and perseverance.

# Attitudes/ behaviour

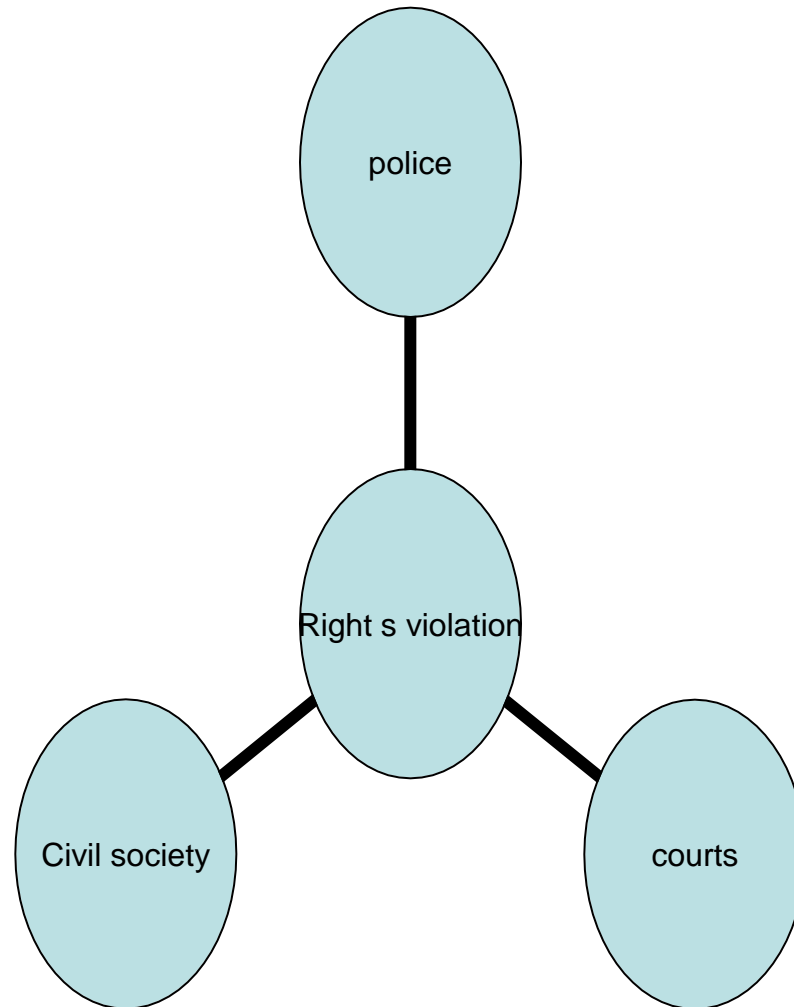
- ✓ Sympathy / empathy / Compassion.
- ✓ I am a public-servant. Duty bound to serve people
- ✓ Working with various stake-holders
- ✓ I am also going to retire one day. If, systems are not in place I and my family, neighbours will be safe
- ✓ I have the mandate and authority.. Why not I improve system.
- ✓ Shedding Ego

# Knowledge of Law

- **Protection of women from Domestic Violence Act, 2006 (called DV act)**
- **Protection of Children from Sexual Offences Act, 2012.**
- **Harassment / Dowry harassment / Abetment to commit suicides, dowry issues**
- **Marital rape Sec. 376 B IPC**
- **Bonded Labour System(abolition) 197 6Act.**
- **Child labour ( Prohibition and regulation) Act1986.**
- **The prohibition of Child Marriage Act 2006.**

# Stake-Holders for implementation of laws

- Protection Officers for setting law into motion by initiating issuance of Domestic Incident Report (D.I.R.) as D.V. case in Courts.
- Protection Order u/s. 18 of D.V. Act.
- Residence Order u/s. 19 of D.V. Act.
- Monitory relief Order u/s. 20 of DV Act
- Custody Order of Child u/s 21 of DV Act
- Compensation Order u/s 22 of DV Act





# Role of Police

- Guide the 'aggrieved person' to the Protection Officer.
- Send her to hospital in case of injuries.
- Visit the house in case of persistent threat from members of 'common house-hold'.
- Inform local community group..Maitri etc
- Help P.O. in implementation of Court Order o u/s. 32 of DV Act and take action as per CrPC procedure

# How the offences under D.V. Act are triable?

- **Summarily at the initial stage.**
- **Regular trial in case of violation of protection Orders of Court.**
- **Sec. 498 A IPC ( harassment / cruelty by husband or relative / is dealt separately in criminal court.**

# Judgments under P.W.D.V. Act

- **S.R. Batra Vs. Smt. Tarun Batra (Civil Appeal in 5837 of 2006. dt.15/12/2006)**
- **Ms. Tarun Batra filed a criminal case u/s. 406, 498A, 506 r/w. 34 IPC in Delhi (Ashok Vihar). Police arrested all the accused, Husband, Father-in-Law, mother-in-law and Sister-in-Law.**
- **She filed for residence order under D.V. and got it.**

**Contd..**

- **She forcibly moves into her matrimonial residence, though husband is not living there.**
- **She obtains temporary injunction to stay on.**
- **Senior Civil Judge dismissed the injunction.**
- **Delhi High Court held that Smt. Tarun Batra was entitled to continue to reside in the Ashok Nagar as that is her matrimonial house.**

# Supreme Courts Verdict

- **In our country there is no Matrimonial Homes Act as in U.K.**
- **Smt. Tarun Batra has no right to live in the said house as it is in the name of her mother-in-law, and not a 'shared house hold', under Sec. 2 (s) of DV Act.**

## **Indra Sarma vs. VKV Sarma (Crl. Appeal No.2009 of 2013 dt. 26.11.2013)**

- **Live-in or marriage-like relationship is neither a crime nor a sin though socially unacceptable in our country.**
- **The decision to marry or not to marry or to have hetero sexual relationship is intersely personal.**

# Question

- Whether a 'Live-in relationship' would amount to a relationship in the nature of marriage falling within the definition of "domestic relationship u/s. 2 (f) of the P.W. D.V. Act?
- This case is a 14 year live-in relationship.

- **Indra Sharma (Petitioner) asked for protection order, residence order, monetary relief order, compensation order.**
- **Magistrate ordered V.K.V.Sharma for payment of Rs.18,000/- p.m. towards maintenance.**
- **Sessions Court confirmed the order stating that 14 years live-in relationship entitles the appellant for maintenance and confirmed the order.**



- **High Court taking into account D. Velusamy Vs. D. Patchiammal (2010) 10 SCC 469 held that relationship between parties would not fall within the ambit of “relationship in the nature of marriage” and tests laid down in Velusamy case have not been satisfied and set aside the order of Session Court.**

# Supreme Court

- **Appellants status was that of a mistress, who is in distress, a survivor of a live-in-relationship.**
- **The Supreme Court is conscious if any direction is given to the respondents to pay maintenance of monetary consideration to the appellant (Mrs. Indra Sarma) that would be at the cost of legally wedded wife and children of the respondent (Mr. VVK Sarma) especially when they opposed relationship.**
- **SC sustained Karnataka High Court Order and dismissed the appeal**

## **Other Crimes against Women:**

- **Sec. 354 IPC Assault or use of criminal force to woman with intent to outrage her modesty.**
- **Sec. 304 (B) IPC – Dowry death**
- **Sec. 306 PC: Abetting the Commission of suicide.**
- **Child Sexual Abuse ( male/ female). Liability under POCSO Act 2012 for PSA, APSA, etc**
- **Employment of girls or boys below 14 yrs as domestic servants.**

- Penetrative sexual assault (PSA) Sec. 3 r/w. 4 POCSO Act or APSA u/s 5 r/w 6..
- **Dowry Prohibition Act (Sec. 3, 4 & 6)**
- Trafficking of persons.
- 366 A IPC Kidnapping minor for prostitution
- 370 IPC Trafficking in persons
- 372 IPC selling minor for prostitution
- 373 IPC Buying minor for prostitution
- 376 (D) IPC Gang rape.

# Stake-Holders

- **Victim / Witness**
- **Forensic / FSL / FPB / Experts evidence**
- **WCD, Social Welfare Department – Compensation**
- **Prosecution**
- **Special courts under POCSO Act and JJ (CPC) Act**
- **DCPU- District Child Protection Units and SJPU in JJ (CPC) Act 2015**
- **Protection Officers under DV Act.**
- **Judiciary / Legal Services Authority**

# **Role of Community with police**

- **Identifying and watching crime hot-spots**
- **Monitoring Police Service delivery**
- **Visiting Schools / Colleges to speak to learners & teachers.**
- **Running education and awareness campaign on community role to fight crime.**
- **Mobilizing Civil Society Organizations to become active members of the community Police forums.**

# Ways & means to achieve community participation. proactive role

- **Maithri / Moholla Committee Meetings.**
- **Focused Group Discussions (FGD)**
- **Mass media campaigns**
- **Community outreach and mobilization**
- **Entertainment – Education/Street Plays**
- **Participating in school days / college functions community programmes etc.,**
- **Encourage PSIs, PIs, Circle officers/ SDPOs to be active partners**

# Investing your time..

- When people come to you or you go to them
- During your Visits, Inspections, while collecting daily situation reports
- Weekly programs
- Inviting Judicial officers for your in-service training programs.
- Involving High Court judges in legal literacy/



# Campaigns & other methods

- **3 Rs – Recognize / Resist / Report**
- **Whistle – Blower**
- **SMSs to concerned**
- **P.I.Ls**
- **Coordination Meetings**
- **Electronic Surveillance (CCTV) of public places & colonies**
- **Safety City (example of German Police)**
- **“SHE” teams in Hyderabad / Cyberabad.**

## **Key to implementation**

- **Bring about behavioral and attitudinal change (Hyderabad City Police example)**
- **MMC (Missing Persons Monitoring cell of DGP Office).**

# Response / Reaction Mechanisms

1. Police control room Dial 100
2. Child line Help line Dial 1098
3. NGOS Help Line (Ex: Bhumika, Hyderabad)
4. Khoya paya. com ( 011-23382747)
5. Beti bachao- Beti padao
6. Reacting to SMSs / Mails.

# Key Success Factors

- Educate
- Empower
- Supervise
- Review
- Re-engineer
- “Small wins” theory

# *TRANSFORMATIONAL LEADERS*

*“Transformational leaders will be judged not merely by the style their speeches but more by the substance their action”*

**THANK YOU**