

PAVING NEW PATHWAYS

The Special Cell for Women and Children in Haryana (2008-14)

Resource Centre for Interventions on Violence Against Women

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Introduction

The Special Cell for Women and Children seeks to provide socio-legal services to women and children and facilitate their access to the criminal justice system through its location in police stations. Its goal is to ensure coordinated, multi-agency response to violence against women, at a systemic as well as individual level. The location of the Special Cell, within the police station, enables harnessing police authority to address VAW. The police is also one of the first locations survivors of violence turn to when they seek justice, and the Cell seeks to link the CJS to other stakeholders and resources in order to enhance the effectiveness of responses to violence. The approach of the Special Cell draws from the pro-woman perspective, and feminist social casework praxis. This document is an account of the process of institutionalisation of the Special Cells in Haryana, each of the stakeholders' roles, and the impacts and achievements of the programme.

Scaling up the Special Cells

The first Special Cell was set up in 1984 as a strategic collaboration between the Mumbai police and Tata Institute of Social Sciences. Special Cells have been sanctioned for 144 locations in Maharashtra as of 2016. TISS has also helped demonstrate the Special Cells model in the states of Madhya Pradesh, Delhi, Odisha, Andhra Pradesh, Rajasthan, Haryana and Gujarat. In some states (Haryana, Delhi and Rajasthan) the Cells were institutionalised with the support of the respective State governments. TISS' role has thus evolved into a technical support and coordination agency.

The Special Cell Model in Haryana

Haryana remains amongst the five states with the poorest sex ratio in the country, with an asymmetric distribution of literacy between men and women. It is known to have powerful caste panchayat structures built on patriarchal value systems, and hardly any civil society organisations addressing VAW and allied social issues. Thus there was a felt need for institutionalising state-based responses to violence against women.

Role of UNDP

Under Strengthened Access to Justice in India (SAJI-I), a joint project of the United Nations Development Programme (UNDP) and the Government of India, Tata Institute of Social Sciences (TISS) was invited to demonstrate pilots of the Special Cell model in Haryana. UNDP's primary objective through the SAJI-I process was to enable the states to take ownership of programmes such as Special Cells and integrate them into their justice delivery mechanisms.

Role of TISS

Ambala and Jind were selected by TISS for the pilots as one was the headquarters of a highly urbanised district, and the other of a highly rural one (both with a high rate of crime against women). Following this, the Resource Centre for Interventions on Violence Against Women, provided the following functions:

Implementation of the Special Cells pilot in Haryana; coordination between stakeholders; recruitment, documentation, research and reporting; monitoring and supervision; systems-setting for project sustainability; and capacity building of stakeholders.

Role of DWCD, Haryana, and Haryana Police

At the end of the pilot phase when TISS submitted its report on the progress of the Cells, the Haryana Police, were extremely supportive and proactive in recommending to the DWCD, the institutionalisation and expansion of the programme in the State, and outlining the infrastructural support they would commit

to supporting the Special Cells. The DWCD accepted the proposal and in 2008-09 and invited the RCI-VAW/TISS to provide consultancy services for the scale-up of the Special Cells for Women and Children in Haryana, and for strengthening and institutionalising them for an initial period of two years, later extended to a third year.

Role of PPOs

Because the time of institutionalisation coincided with the introduction of the Protection of Women from Domestic Violence Act 2006 (PWDVA), the Haryana Government chose to adapt the Special Cell model to appoint the social workers of the Cell as Protection-cum-Prohibition Officers —Protection Officers under the PWDVA, and Prohibition Officers under the Prohibition of Child Marriage Act (2006). This model addressed a felt need, due to the high prevalence of child marriage in Haryana as well as a dearth of civil society organisations addressing gender-based violence. The appointment of PPOs, as mandated by PWDVA and PCMA, their location, recruitment of support staff that included a multipurpose worker/counsellor and DEO is, in themselves, the most distinctive features of the Haryana's programme. The State Government's recognition of the link between gender-based violence against women and girl children to child marriage, and appointing PPOs and investing in appropriate holistic training and structural support was also a path-breaking step.

Impacts and Achievements

Violence Against Women

The core activity of the Special Cell is addressing VAW and applying the provisions of the law to deal with cases of VAW. This is done through various intervention activities at different levels.

The maximum number of cases is registered on referrals by the police. This may point to increasing awareness of Special Cells at the systemic-level and less so among other stakeholders in the community. Awareness and mobilisation of support/referrals at community as well as the level of the judicial system have not shown much improvement nor gathered momentum after the initial stages of the Special Cells.

	Nov. 2008 - March 2010	April 2010 - March 2011	April 2011- March 2012	April 2012 - March 2013	April – Sept 2013	Total Nov. 2008 to September 2013
New complaints registered in intake register	3,504	4,758	5199	7306	4147	24914

Work done by PPOs under the PWDVA 2005

A key function of the PPO is to file Domestic Incidence Reports (DIRs). PPOs are empowered and required¹ to file Domestic Incident Reports (DIR) under the PWDVA to ensure effective linkage with the CJS if and as desired by the complainants—especially the Courts—to procure necessary orders (including redressed) in favour of the victims to protect them from continued domestic violence.

PPOs also conduct home visits, enforce return of *streedhan*/other assets and conduct other court-

based enquiries. Other aspects of the Cells' intervention processes, which may not fall within the PWDVA, include complaints handling and mediation processes, and joint meetings with clients and perpetrators, referrals, outreach activities, and liasoning with other stakeholders.

	Nov.'08 to March '10	April '10 to March '11	April '11 to March '12	April' 12 to March '13	April – Sept 2013	Total Nov '08 to Sept. '13
Total DIRs filed:	1668	1758	1730	2280	1245	8681
by PPO-self	714	623	528	736	447	3048
by PPO on court orders	954	1135	1202	1544	934	5769

Child Marriage

The PPO also has the responsibility, as Child Marriage Prohibition Officer under PCMA 2006, to prevent child marriages, ensure protection of the victims as well as prosecution of the offenders (the solemnisation of child marriage being a cognisable and non-bailable offence). The PPOs at the Special Cells are approached directly by potential or past child brides/grooms, their family members/ friends to prevent the marriage or redress the wrong. Many complaints/information about child marriages are received only by telephone or by word of mouth, as it is a sensitive issue and the whistle-blowers are at risk of physical violence at the hands of the community. Additionally, complaints are referred by the Police and other stakeholders like ICDS and NRHM workers, teachers, NGOs and CBOs, local activists etc. The PPOs handled a total of 1074 new complaints of child marriage between November 2008 and September 2013.

As an overall scorecard, PPOs have been successful in preventing child marriages in 81.93% of all valid (not found to be false) complaints. Dataset I revealed that women also face indirect pressures to close the case: the influence of their natal family (7.7%), an awareness of the other parties’ wishes (10.3%), and thoughts about the future of their children (7.7%), amongst others.

Child marriages prevented:	Nov '08 – March '10	April '10 – March '11	April '11 – March '12	April '12- March '13	April-Sept 2013	Total
With injunction orders	18	35	107	58	53	271
Through counselling	47	121	96	145	55	464
Grand Total	65	156	203	203	108	735

Recommendations:

- Thorough review of functioning of the Special Cells with the primary objective of strengthening them by standardizing processes and improving the quality. In particular, the quality of socio-legal services provided to the survivors is in need of immediate attention. Capacity-building and selection criteria of PPOs requires attention, as does resourcing and facilities provided at the Special Cell (including non-availability of support staff, inadequate infrastructure, assignment of police personnel to other tasks, etc.
- The current duties undertaken by the PPOs are too much for a single PPO. The Special Cells need 2 PPOs each, of which one could be a lawyer and the other, a trained social worker.

- As many PPOs have reported, the courts do not even recognise the DIRs filed by the PPOs as valid grounds for issuing summons or registering legal cases. This situation has had adverse consequences for obtaining the necessary court orders.
- RCI-VAW strongly recommends collaborative drafting of a State-sponsored scheme of 'Special Cell for Women and Children', which will prepare the ground for institutionalisation of the programme that will be implemented through a State Special Cells Society. This would involve the registration of a Special Cell Society in the State into which the existing Cells may be integrated and through which expansion into new areas may continue in a sustainable manner.
- In the interim, a Monitoring/Steering Committee must be constituted by the State Government in order to enable better systems setting and multi-agency coordinated response.



¹ *Ending Domestic Violence Through Non-Violence: A Manual for PWDVA Protection Officers (Protection of Women from Domestic Violence Act 2005) – Lawyers Collective Women's Rights Initiative, (Chapter 6: How to Record a Domestic Incident Report), 2009, pp. 66-94*