CHAPTER–V

SCENARIO OF DOMESTIC VIOLENCE IN DELHI:

CHALLENGES AND ACHIEVEMENTS

“There is something to be said for the view that justice should not only be seen to be done to the individual but also it should be done to the community as a whole”\textsuperscript{216}

5.1 Introduction:

It is a matter of great pride for all of us to live in a country which is the world’s largest democracy, a sovereign socialist republic with comprehensive charter of right written into the constitution, a signatory to vast treaties for struggle against colonialism, imperialism and racism. However, rarely do many of us realize that underneath this impressive veneer and national pride about of three thousand years old civilization lies a history of systematic violation of basic civil, democratic, and human rights of large sections of our population such as women.

Women constitute half of our population and play specific and crucial role either visible or invisible, in society and history. A woman creates, nurture, guard and strengthen a human life. In their task as a mother they play a vital role in the development of the nation. But women’s status has been generally held to be lower than their male counterparts.

In ancient India women was enjoying good position in the society. Women were respected and were participating equally in all the affairs of the society as well as home. But with passage of time the status of women has degenerated. India is a developing country. Unequal treatment to women is detrimental to the growth of any country and therefore from time to time various steps have been taken by our government to improve women position in the society. But today also the position of women is miserable.

Women have always been subjected to various forms of crimes. Around the world at least one woman in every three has been beaten, coerced into sex, or otherwise abused in her lifetime. Every year, violence in the home and the community devastates the lives of millions of women. Gender-based violence kills and disables as many women between the ages of 15 and 44 as cancer, and its toll on women's health surpasses that of traffic accidents and malaria combined. Violence against women is

rooted in a global culture of discrimination which denies women equal rights with men and which legitimizes the appropriation of women’s bodies for individual gratification or political ends.

One of such crime is matrimonial cruelty and domestic violence. When violence is committed by a family member within the four walls of the house then such violence is termed as domestic violence. Statistics reveal that number of incidences of domestic violence is as high as other crimes against women. This evades the myth that homes are safe heaven. Women are vulnerable at public place as well as at home. The situation is quiet scary as a human being looks upon his or her family members for safety. But with a woman those family members only become a threat to life and well being. A safe and dignified life is basic human right to which every individual is entitled. However, the rise in cases of domestic violence is a clear breach of this basic human right. Thus cruelty against women can be seen as violation of human rights and both state and the society have to take steps to combat it.

Delhi is the capital of our country and hence is expected to be role model for other states. However, position of women is not less pitiable in Delhi. In fact latest data has termed Delhi as crime capital of the country in light of increasing crime against women. Data will reveal that actual number of cases of crime against women is much higher than the reported ones. Delhi has been time and again rated as the most unsafe city for women. According to the National Crime Records Bureau (NCRB), Delhi accounts for over 47% of rapes and abduction of women in urban India. Only 10% rapes get reported according to available data. However, a detailed study will show that though other crimes are high but Delhi has been successful to some extent in putting a check of domestic violence. In the capital at least women can feel safe at her home. In this chapter an attempt has been made to justify above mentioned hypothesis on the basis of statistics collected from the report of National Crime Record Bureau. Thereafter, some of the positive initiatives of Delhi Government in fighting the problem of domestic violence are discussed.

5.2 Statistics of all Forms of Crime Committed against Women

A total of 3,09,546 cases of crime against women were reported in the country during the year 2013 as compared to 2,44,270 in the year 2012, thus showing an increase of 26.7% during the year 2013. These crimes have continuously increased in reporting during 2009 - 2013 with 2,03,804 cases in 2009; 2,13,585 cases in 2010; 2,28,649 cases in 2011; 2,44,270 cases in 2012 and 3,09,546 cases in 2013. Andhra Pradesh with 7.3% share of country’s women population has reported nearly 10.6% of total crimes committed against women at All India level, by reporting 32,809 cases, and
Uttar Pradesh accounting for nearly 16.7% of the country’s women population, has accounted for 10.5% of total cases of crimes against women in the country by reporting 32,546 cases during the year 2013.\(^{217}\) An year-wise comparison of different crimes committed against women from 2009 till 2013 is given in the following table:\(^{218}\)

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Crime Head</th>
<th>Year</th>
<th>Percentage variation in 2013 over</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td>1.</td>
<td>Rape (Sec. 376 IPC)</td>
<td>21397</td>
<td>22172</td>
</tr>
<tr>
<td>2.</td>
<td>Kidnapping &amp; abduction (Sec. 363 to 373 IPC)</td>
<td>25741</td>
<td>29795</td>
</tr>
<tr>
<td>3.</td>
<td>Dowry death (Sec. 302/304 IPC)</td>
<td>8383</td>
<td>8391</td>
</tr>
<tr>
<td>4.</td>
<td>Cruelty by husband or his relatives (Sec.498-A IPC)</td>
<td>89546</td>
<td>94041</td>
</tr>
<tr>
<td>5.</td>
<td>Assault on women with intent to outrage her modesty (Sec.354 IPC)</td>
<td>38711</td>
<td>40613</td>
</tr>
<tr>
<td>6.</td>
<td>Insult to the modesty of women (Sec.509 IPC)</td>
<td>11009</td>
<td>9961</td>
</tr>
<tr>
<td>7.</td>
<td>Importation of girl from foreign country IPC)</td>
<td>48</td>
<td>36</td>
</tr>
<tr>
<td>A.</td>
<td>Total IPC Crime against women</td>
<td>194832</td>
<td>205009</td>
</tr>
<tr>
<td>8.</td>
<td>Commission of Sati Prevention Act, 1987</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9.</td>
<td>Immoral Traffic (Prevention) Act, 1956</td>
<td>2474</td>
<td>2499</td>
</tr>
<tr>
<td>10.</td>
<td>Indecent Representation of Women (P) Act</td>
<td>845</td>
<td>895</td>
</tr>
</tbody>
</table>

\(^{217}\) Statistics taken from the National Crime Record Bureau report Crime in India-2013

\(^{218}\) National Crime Record Bureau report Crime in India-2013
Statistics further reveals that the rate of crime committed against women nationwide was 52.2 in 2013. However, our capital city Delhi has reported the highest rate of crime against women at 146.8 during the year 2013 as compared to 52.2 at the national level. ‘Crime rate’ for crimes committed against women has been calculated using only female population based on RGI’s projected mid-year female population for the year 2013.²¹⁹

5.3 Statistics of Crime of Domestic Violence Committed against Women

Though statistics of all the crimes committed against women has been given in the report²²⁰ but as this paper is dealing with the issues of matrimonial cruelty and domestic violence committed against women, therefore, the data relating to these crimes only have been discussed at length herein as under.

5.3.1 Dowry Deaths (Sec. 302, 304B IPC)

(Incidence- 8,083 Rate- 1.4)

The cases of dowry deaths have decreased by 1.8% during the year 2013 over the previous year (8,233 cases). 28.9% of the total such cases reported in the country were reported from Uttar Pradesh (2,335 cases) alone followed by Bihar (1,182 cases) (14.6%). The highest rate of crime of Dowry Death (2.43%) was reported from Bihar followed by Uttar Pradesh (2.36%) as compared to the national average of 1.4%.²²¹

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²¹⁹ Statistics taken from the National Crime Record Bureau report Crime in India-2013
²²⁰ Report on Crime in India-2013 by National Crime Record Bureau
²²¹ Statistics taken from the National Crime Record Bureau report Crime in India-2013
5.3.2 Torture (cruelty by husband or his relatives) (Sec. 498-A IPC)

(Incidence-1,18,866 Rate-20.1)

The cases of ‘Torture’ committed on women in the country have increased by 11.6% during 2013 over the previous year (1,06,527 cases). Most of these cases (40.8%) were reported from West Bengal (18,116 cases) followed by Rajasthan 12.7% (15,094 cases) and Andhra Pradesh 12.7% (15,084). The highest crime rate of cruelty by husband or his relatives was reported from Assam which was 56.4% as compared to the national rate at 20.1%. 222

5.3.3 Dowry Prohibition Act (Incidence-10,709 Rate-1.8)

The incidents of cases registered under this Act have increased by 17.9% during the year 2013 as compared to the previous year (9,038 cases). 18.8% of such cases were reported from Odisha (2,014 cases) followed by Bihar (1,893 cases) accounting for 17.7% of total cases at the national level. The highest crime rate of 9.8% was reported from Odisha as compared to 1.8% at the national level. 223

5.4 Crime against Women in Cities (All India- 3,09,546 Cities- 53,464)

53 cities, each having population over 10 lakhs and more have been identified as mega cities. 224 A total of 53,464 cases of crimes against women were reported from these 53 cities during the year 2013 as compared to 36,622 cases in the year 2012. The rate of crime in cities at 69.7% was comparatively higher as compared to the national rate of 52.2%. Among 53 cities, Delhi (11,449 cases) has accounted for 21.4% followed by Mumbai (5.5%) (2,946 cases), Bengaluru (4.9%) (2,608 cases), Ahmedabad (4.6%) (2,449 cases) and Kolkata (4.5%) (2,399 cases). Whereas the crime rate was significantly higher in Vijayawada, Kota, Gwalior, Delhi city and Jaipur at 279.70, 183.43, 165.23, 151.13 and 139.81 respectively as compared to 52.2% at the national level.

Among 53 mega cities, Delhi city has accounted for 29.4% of total rape cases (1,441 out of 4,900), 35.1% of total kidnapping & abduction cases (3,093 out of 8,809), 13.8% of total cruelty by husband or his relatives cases (2,879 out

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222 ibid
223 Statistics taken from the National Crime Record Bureau report Crime in India-2013
224 The Population Census 2011
of 20,795), 15.8% of total dowry deaths cases (125 out of 793), 25.8% of total
assault on women with intent to outrage her modesty cases (3,069 out of 11,913)
and 23.9% of total insult to the modesty of women cases (807 out of 3,375).\textsuperscript{225}

The above statistics and the following pie chart\textsuperscript{226} will show that out of
the total crimes committed against women all over the nation maximum percent
of crime committed is cruelty committed by husband or his relatives.

![Pie Chart](image)

The above chart shows that out of the total crime committed against
women 38.40% is the cruelty by husband and his relatives which is the highest
as compared to other crimes against women. However, above statistics have also
revealed that our capital Delhi though have recorded highest crime rate against
women in the last year but has not recorded highest crime rate of cruelty against
women by husband and his relatives despite the fact that nationwide the
percentage of such crime is highest. A study was done to know the reason for
the same. Study shows that though the crime of rape and outraging modesty are
on rise in Delhi, the incidents of domestic violence though high are not

\textsuperscript{225} Statistics taken from the National Crime Record Bureau report  Crime in India-2013
\textsuperscript{226} ibid
increasing at the same rate. The credit for this goes to the state which has taken certain special initiatives to deal with menace of domestic violence. These initiatives although have not been able to eradicate the sin of domestic violence but has been able to bring it down to some extent. These measures are discussed at length in this chapter.

5.5 Measures for Women’s Safety against Domestic Violence in Delhi

In Delhi attempts have been made to establish specialized agencies to deal with offence of matrimonial cruelty against women and domestic violence at all the levels of law enforcing machinery. At the grass root level one organization namely Delhi State Commission for Women (DCW) has been set up on the line of National Commission for Women, then special cell called as crime against women cell has been set up by Delhi Police to deal with the complaints of matrimonial cruelty and even in the District Courts some courts have been earmarked to deal with such cases.

5.5.1 The Delhi State Commission for Women (DCW)

This commission was set up under the Delhi Commission for Women Act, 1994 and it started functioning from June 1996. The Commission is an autonomous institution set up under the said Act. The Commission's mandate includes investigation and examination of all matters relating to the safeguards provided for women under the Constitution and other laws. The Commission is enjoined to make recommendations for effective implementation of safeguards, which are necessary for improving the conditions of women in the capital. The Commission takes up cases of violation of provisions for women as conferred in the Constitution and looks into complaints and takes suo-moto notice of matters relating thereto.

The Delhi Commission for Women Act, 1994 is on the lines of Central Act of 1990 under which the National Commission for Women was constituted. The geographical area of operation assigned to the State Commission is the National Capital Territory of Delhi which has a population of over 13 million. The main objectives of the Commission are to ensure security, development and well-being of women in every sphere of life. The Commission is also to ensure that adequate provisions for women's advancement are included in all state
policies, plans and programs. The Commission is expected to review state laws and suggest new legislations and amendments to existing laws to meet the objectives of gender equity and advancement of women. As per the Act the Government of Delhi shall set up a body by notification in official gazette consisting of one chairperson, one member secretary and five members.  

As it was constituted under The Delhi Commission for Women Act, 1994, it was named as Delhi Commission for Women. The commission has been empowered to constitute various committees and to evolve and regulate procedure to be followed by the commission and the committees set up in order to discharge its function.

As per the provisions of the Act the Commission shall perform all or any of the following functions, namely

a) Investigate and examine all matters relating to the safeguards provided for women under the constitution and other laws;

b) Present to the Government annually and at such other times as the Commission may deem fit, reports upon the working of these safeguards;

c) Make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women in the Capital;

d) Review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

e) Take up the cases of violation of the provision of the Constitution and of other-laws relating to women with appropriate authorities;

f) Look into complaints and take suo-moto notice of matters relating to:-

i) deprivation of women’s rights;

ii) non-implementation of laws enacted to provide protection to women and also achieve the objective of equality and development;

\[227\] Chapter II, The Delhi Commission for Women Act, 1994
\[228\] ibid
iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities.

g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

i) participate and advise on the planning process of socio-economic development of women;

j) evaluate the progress of the development of women in the Capital;

k) inspect or cause to be inspected a jail, remand home, women’s institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action if found necessary;

l) fund litigation involving issues affecting a large body of women;

m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;

n) any other matter which may be referred to it by the Government

Delhi Commission for Women has launched various security programs. Security Programmes undertaken by Delhi Commission for Women DCW believed that security of women in the Capital must be ensured which includes physical security, domestic harmony and legal protection. The chief requirements laid down for the same were as follow:

(i) Full co-operation and assistance from the police.

(ii) Networking with NGOs and the community neighbourhood groups.

229 Chapter III, The Delhi Commission for Women Act, 1994
(iii) Legal assistance from the Commission through a consultant well-versed with the problems of women in Delhi and through legal-aid centers.

Besides these security programs several projects were initiated in 2000 such as Self Help Groups (SHGs), Mahila Panchayats (MPs), Short-Stay Homes, Crisis Intervention Centres (CICs), Helpline and Sahyogini. Some of these like SHGs, MPs and Short-Stay Home are no longer in operation; while Sahyogini, Helpline and CICs are still under way. The Commission’s role is that of a nodal agency for coordination with the police, NGOs etc.\textsuperscript{230} A brief overview of the projects initiated by DCW is given herein as under:

(i) Short-Stay Homes: Women suffering from domestic violence and/or evicted from their homes and thus rendered shelter-less are proposed to be looked after in half-way homes/ short-stay-homes under project 'Sahelee' to be experimentally setup within the community and run and supervised by Mahila Panchayats. However, Delhi Commission for Women had delayed the implementation of setting up of 'Sahelee' as it awaited formation and firm setting up of Mahila Panchayats prior to establishing Short Stay Homes.

(ii) Self-Help Groups: Since the reconstitution of the Commission in January 2000, the Commission started projects with the aim of making women economically empowered. The Commission tied up with various NGOs working in different parts of Delhi for formation of Self-Help Groups. Its objectives were to sensitize women in the target area for the need of SHGs and its relevance to their process of empowerment, to create a group feeling, to enhance the confidence and capabilities of women, to develop collective decision-making, to encourage habit of saving among women, to facilitate the accumulation of their own capital resource base, and to motivate women taking up social responsibilities particularly related to women development. More than 16,000 women have been involved with SHGs since their formation.\textsuperscript{231} The following table\textsuperscript{232} will give an overview of the performance of Self Help Groups constituted under DCW.

\textsuperscript{230} dcw.delhigovt.nic.in/Projects.htm  
\textsuperscript{231} http://dcw.delhigovt.nic.in/SHGs  
\textsuperscript{232} ibid
<table>
<thead>
<tr>
<th>Total No. of Groups</th>
<th>716</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Members (approx.)</td>
<td>16000</td>
</tr>
<tr>
<td>In Rs.</td>
<td></td>
</tr>
<tr>
<td>Total Saving</td>
<td>40,63,926.00</td>
</tr>
<tr>
<td>Loan given</td>
<td>26,48,375.00</td>
</tr>
<tr>
<td>Total recovery</td>
<td>10,01,844.00</td>
</tr>
<tr>
<td>Interest received</td>
<td>82,848.00</td>
</tr>
<tr>
<td>Default</td>
<td>11</td>
</tr>
<tr>
<td>Bank Account opened</td>
<td>282</td>
</tr>
</tbody>
</table>

(iii) Sahyogini: Delhi Commission for Women is running a family counselling unit called ‘Sahyogini’. This is a continuing facet of services to women given by the Commission. A panel of Members and Legal Advisers hold ‘Sahyogini Sessions’ where counselling is done for disputing parties. Many hearings are conducted before the Commission reaches a final solution for the affected women. It exercises the powers of a Civil Court to ensure compliance of its summons for witnesses and for evidence. Often disputes are settled and families are reconciled. Follow-up is also done periodically for the cases handled by the Commission. As per provisions of the Act the Commission shall while investigating any matter referred to in the Act, have all the powers of a Civil Court trying suit and in particular, in respect of the following matters, namely: summoning and enforcing the attendance of any person from any part of India and examine him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing Commissions for the examination of witnesses and documents; and any other matter which may be prescribed. This family counselling unit called ‘Sahyogini’ has been established from the time of inception of DCW in 1997. Sahyogini has a panel of Members, usually 5 in number, each of them are assisted by a lawyer who guides them in laws related to women. Through ‘Sahyogini’ the Commission has created a friendly space where sensitive family issues can be discussed,
counselling taken and reconciliation attempted at the pre litigation stage.
Cases attended in ‘Sahyogini’ pertain to the following areas.233

1. Harassment by Husband/In-laws/others,
2. Harassment of old woman by relatives,
3. Dowry related issues,
4. Domestic violence,
5. Harassment by neighbours,
6. Extra marital relationships,

If the matter requires relief from local police the same is sent to
the concerned police station or Deputy Commissioner of Police or if it
requires the relief through the court of law it is referred to DLSA (Delhi
Legal Services Authority) for providing free legal-aid to the complainant
for filling an appropriate court case. For filing a complaint a written
complaint has to be given to the Commission. There is no fixed time to
file a complaint after the incident but should be filed preferably as soon
as the incident has taken place. The complaint can be lodged
immediately after the incident or even in case of threat of the incident.
The Commission after receipt of a complaint gets it registered, feeds it in
the computer and a file is opened immediately. A receipt is given to the
complainant and her file is marked to a Member. The complainant has to
disclose her identity so that action can be taken on the complaint. The
complainant has to give in writing her grievance so that the other party
can be summoned and proper investigation can be done. Immediate
action is taken on the complaint.

(iv) Telephonic Helpline: DCW was formed to study ground-level realities of
women, their difficulties and provide recommendation to the government
for amendment of the law. However now it has started providing
counseling and resolution for issues face by women. For this purpose
Delhi Commission for Women (DCW) started the phone ‘Helpline’ in
March 2000. The phone number is advertised and the women in distress
are encouraged to seek counseling through telephone between 9.30am to
6.00 pm from Monday to Friday. Trained Counselors listen to the

233 www.delhi.gov.in
problems narrated on phone and counsel the complainant to solve her problem as far as possible. Problems which require counseling of the other party against whom complaint has been made, are advised to be registered in the Commission personally from Monday to Friday between 9.30am to 6.00pm. These are attended by DCW Members in the family Counseling Unit cell ‘Sahyogini’. The ‘Helpline’ attends to 20-25 calls per day. The areas in which counseling is provided and cases have been registered include:

- Matrimonial discord
- Family adjustment problems
- Physical and mental harassment by in-laws
- Harassment by neighbours or others
- Child custody
- Maintenance, divorce and desertion
- Rape
- Physical abuse
- Emotional distress
- Harassment at workplace
- Legal advice and implications
- Other miscellaneous problems of women
- Harassment related to police
- Non-co-operation from police
- Sexual harassment at workplace
- Property dispute
- Missing / kidnapping

(v) Mahila Panchayat (MP): Delhi Commission for Women has promoted the setting up of Mahila Panchayats. Mahila Panchayat is an innovative collective approach for community participation in dispute redressal. It is an initiative taken up by the Commission for legal empowerment of women and for distress redressal at the community level. Mahila Panchayat (MP) was launched in 2001. Groups of community women, identified by NGOs, form a panchayat in their area, take up local

[234 ibid]
disputes, counsel the two parties and assist in reducing violence in their locality. After need assessment and motivation community leaders are identified and these women are then motivated to volunteer as Mahila Panchayat Members. There are two paralegal workers in a panchayat. These women are selected from the community, are trained in the different laws pertaining to women and guided in the process of handling a case and counseling women in distress. The MP members are trained in legal issues, dispute redressal mechanism and laws relevant to crimes against women, and are given exposure to the existing legal position regarding property, maintenance, marriage, custody etc. They are also given training in counseling, FIR writing, pursuing with the police stations and in proceeding for legal recourse. The Mahila Panchayats itself act as a ‘watch dog’ and its members, after orientation and training, can handle delicate family disputes. They find solutions at the local level through the workers in the field itself. They link up with lawyers, and issues which cannot be resolved at the Mahila Panchayat level are either resolved by the lawyers or alternative course of action is determined in consultation with a lead NGO, lawyer and Delhi Commission for Women.

In 2004 the Mahila Panchayats were revised and 36 MPs became active in the field under the supervision of 16 NGOs. The cases taken up by them pertained to domestic violence, alcoholism and other issues. They were able to resolve most of the cases at their level, seeking help of the Commission only when required.  

In 2010 there has been a third revision of Mahila Panchayats. At present there are 58 NGOs which are managing two panchayats each in different areas of Delhi. Awareness camps are organized at the community level to create awareness in the women and men of the community about their legal rights, social, family and health issues. 

(vi) **Pre-marital Counseling:** The pre-marital counseling centre was started in July 2008. A growing number of failed marriages in and around Delhi necessitated the need for opening such a centre in the Commission,
where Counselors can counsel the pre-nuptial couples on various issues related to marriage, such as, having realistic expectations with each other, perceiving each other as equal players in home making, being sensitive to each other’s feelings etc. The parents of both sides are also counseled to provide physical and emotional support to the new couple and positively guide them to adjust to the changed life-situations.

Cases of young adults going to get married as well as young couples recently married are regularly received at the centre. Some of the problems foreseen are adjustment in a joint family when the girl comes from a nuclear family, unwillingness to do household chores etc. The problems between married couples include intolerance of each other’s habits, ways of functioning and over dependence on parents etc. Sometimes counseling is also given on phone, when the client is seeking some advice regarding marriage.\textsuperscript{237}

Besides the above discussed projects various other projects such as Crisis Intervention Centers (CICs) etc. have also been initiated for providing support and care to rape victims and victims of crimes other than matrimonial cruelty. Thus we see that Delhi Government has set up this body to help women who are subjected to various kinds of offences within the family as well as outside the family. Legal machinery comes into play only when it is approached by a victim. However, at times a victim faces difficulty in approaching the police or court and in such a situation this commission helps them to choose the future course of action and implement the same.

5.5.2 Crime Against Women (CAW)

Crime against women has always been on rise. A woman from cradle to grave faces discrimination and violence both in public as well as private life. Increasing number of crimes against women and decreasing sex ration has alarmed the law enforcing agency of our capital city to give special attention to these cases. Hence, The Crimes Against Women Cell was set up in 1983 at a central level in the Delhi Police. It was the first police response meant

\textsuperscript{237} www.delhi.gov.in
specifically for women in India. The need for a gender-specific police response had been felt for some time earlier due to the following reasons:\(^\text{238}\)

(i) The status of women was low and there was little inclination among them to take their problems to police stations staffed largely by male police officers.

(ii) There were specific problems that women faced due to their low social status which could not receive adequate attention from a largely overworked and understaffed police force.

(iii) It was being recognized that a more sympathetic response was needed in this area than it was receiving.

(iv) Sensitiveness of an average police officer when dealing with a harassed and frightened woman left much to be desired.

The Cell itself was re-christened as the “Crimes against Women Cell” to reflect the enhanced field of its activities. In 1986 separate cells on similar lines were set up in each of the nine districts of Delhi. Most importantly, the central Crimes against Women Cell was provided with enhanced manpower, infrastructure and responsibilities. Counseling of families became an essential part of the functioning of these cells. Although this was informal at first, and resented by many as not a police role, it is now a sanctioned activity with staff being trained for the purpose and receiving support from social workers and recognized non-governmental agencies.

5.5.2.1 Overview of Activities

1. Counseling as a Police Role

Counseling is the first response of the Crimes against Women Cells in domestic matters. Many families in India still continue to live as joint families and counselling often involves other members of the family besides the immediate protagonists. The aim of counseling continues to be to remove irritants in the marriage, to prevent abuse or to ensure that there is no further abuse, and to secure the position of woman in the marriage. There has been

\(^\text{238}\) Crimes Against Women Cells - The Delhi Police Experience, By Ms.KanwaljitDeol
criticism of this approach from several quarters. Some women’s groups in particular were opposed to the police taking on the role of counselors on the following grounds:

(i) That the police are not trained for the job and have no experience of counseling.

(ii) That there is a traditional patriarchal mind set displayed in trying to keep the marriage intact even when the woman is patently unhappy in it.

(iii) That there is no guarantee that the woman will not be harassed even after the Crime against Women Cell has closed the case. In fact intervention by police may be ham-handed and result in increased abuse.

Over the years the police have responded to this criticism by ensuring better training, posting more women officers in the cells and involving social workers and NGO’s to assist in counseling and follow-up. In any case, the police resort to counseling in several routine and on-street situations, and, therefore, cannot be said to be new to the experience. The same argument applies to criticism from within police circles that the cells may be overstepping the role of the police. The early fear that it would be difficult to stabilize a marriage once a complainant has brought her husband and his family before the police has also been seen to be largely unfounded. Credit for this must go to the officers of the cell for handling matters before them with sensitiveness and restraint. Out of the 8310 complaints brought before the central Crime Against Women Cell in 2004 almost 2000 have ended in settlements or compromise. A secondary object of counseling is to ensure that, if a marriage has to be terminated, it does not end to the detriment of the woman’s rights. Usually being in a weaker economic position than her husband the woman is likely to end up deprived or inadequately compensated in a civil divorce action. If the couple is unable to conclude the matter in the ways mentioned above over a period of three months or so, the position is assessed as per the law and a criminal case is registered under the relevant sections for harassment, violence, misappropriation, etc. with a charge sheet being filed after investigation. Crime Against Women Cells are not notified as police stations and the cases are registered by the concerned police stations of jurisdiction. Usually these police stations carry out further investigations, although some important cases may be
investigated by small investigative units attached to the cells themselves. Needless to state, in matters where prima facie criminal cases are made out or overt violence is evident, the above process is short-circuited and a criminal case registered at the outset. The wishes of the victim may not be respected in such cases, although it is usual to first make intensive efforts to secure her consent for prosecution. Although no systematic evaluation is available, the process of dealing with domestic discord outlined above has stood the test of time and overcome most of the criticism directed against it. It has been upheld by several courts and has been widely duplicated all over the country. In the conditions prevailing in India, it can be said to be the most suitable way of dealing with domestic discord. It ensures, for instance, that husbands and family members will appear when they are summoned by the police cells, which they may not do if called by counseling services or other social service groups. It facilitates a conclusion in the woman’s favour without resort to lengthy court procedures that, due to the time involved if nothing else, are always against the interests of the woman. Most importantly, it strikes a balance between unnecessarily criminalizing the domestic arena on the one hand, and totally screening it from intervention on the other.

2. Other Activities of the Cell

Although a large part of their time is taken up with domestic cases, the cells also act on complaints of sexual harassment, sexual abuse, molestation, rape, and other gender related crimes. Investigation of selected cases is taken up by the officers of the Cell, while the progress of other cases registered by them is monitored in the police stations where they are under investigation. The central Cell monitors the functioning of the district cells through periodic evaluations and meetings although these cells are operationally under the control of the supervisors of the districts where they are located. Women complainants have a choice of approaching either the central Cell or one nearer to their homes at the district centers. The Crimes Against Women Cell has also developed as a hub for providing non-police services to women complainant. Through liaison with psychological and legal counseling services they are in a position to provide counseling and free legal advice to needy complainants with the help of reputed NGOs. The Cell also forwards appropriate cases to Rescue shelters and Short Stay Homes run by the Government and by non-governmental agencies.
3. Round the Clock Helpline

A significant service started by the Crimes against Women Cell is a 24 hour helpline that responds to callers in distress. The helpline number, 1091, is managed by the Police Control Room which receives and manages all calls for police help. A caller may directly access the helpline or be diverted from one of the general 100 services. A Women Police mobile team is available round the clock at the Crimes against Women Cell to attend to distress calls received through the helpline or directly in the Cell. The staff receives continuous training in dealing with distress calls and is equipped with both to initiate criminal action and to provide counseling and other assistance. The team also provides links to emergency support services such as shelters and short stay homes, besides offering on the spot counseling and legal advice in needy cases. On an average the helpline receives 11 calls per day, with 4193 calls having been received in 2004. Reaching out to women is not always easy. Even when women are aware of the services available, they may be reluctant to seek help or approach the police. Some may not even have access to a phone. In such cases the Cell provides an alternative through a post box number where women can send mail asking for assistance. The letters are analysed to identify the kind of assistance that is being sought. Action may then be initiated or the letters are forwarded by the Cell to other concerned agencies.

4. Self-Defence Training

One of the most acclaimed projects of the Cell has been the Self Defence Training Camps launched in a major way in 2002. While the focus of such training has been school and college girls, working women and housewives have also volunteered in significant numbers for these camps. The objective of the training is to instill confidence in women and to make them think positive and act quickly in a vulnerable situation. The curriculum includes simple concepts of unarmed combat coupled with the knowledge of using common items that the woman may have on her person such as articles of clothing, bags, books, keys, etc. as defensive weapons. Each module stretches over a period of ten working days with two hours of training per day. After the training accredited non-governmental organizations are invited to interact with the trainees to inform them about their rights and make them legally aware. The programme has
trained about 17,000 women so far and is continuing to perform an invaluable service in building police-community relations, and in making women more comfortable and confident in approaching the police with their problems.

However, time and again the High Court of Delhi has limited the scope of CAW cell only till reconciliation. In numerous judgments it has been held that CAW cell can only facilitate reconciliation between the parties but cannot investigate the crime like police officials posted in the police station.

The Hon’ble Delhi High Court on 13/8/2007 has held that this petition has been filed by the petitioner with a prayer that the conversation recorded by the petitioner between his father and the father of the respondent should be heard by the CAW Cell and should be made part of the investigation. The Hon’ble Court has held that it considers that CAW Cell has no power to investigate the crime. It was observed as follow:

“It is not a police station where First Information Reports get registered. Investigation in any crime can be done only after registration of FIR. CAW Cell only makes reconciliatory efforts between the parties that also up to the stage of pre-registration of FIR.”

In another judgment it was held that CAW Cell has no authority to secure the presence of any person either by coercion or by threat. CAW Cell is only a conciliatory body where efforts are made for conciliation with the free will of the parties. If any person is not willing to go to CAW Cell, he cannot be compelled. It is also directed that CAW Cell, in future, instead of issuing summons to the parties shall send request letters asking them to appear for the purpose of conciliation and not for the purpose of investigation. The petitioner is at liberty not to appear before CAW Cell. No threat or coercive steps shall be taken by the CAW Cell.

Justice Shiv Narain Dhingra observed as follow in one of the judgments:

“CAW Cell is an agency created to make efforts for reconciliation between the families before initiation of criminal proceedings on the complaint of the wife. The petitioner is at liberty not to appear before the CAW Cell.

240 W.P. (Crl.) No.1032/2007 and Crl.M.A.No. 8989/07
coercive action can be taken by the CAW Cell, compelling an unwilling person to put in appearance before it. CAW Cell can conduct proceedings only where both the parties are ready and willing to join the proceedings voluntarily.

I consider that there is no reason for the Court to pass any order in respect of the proceedings before the CAW Cell as these proceedings are not judicial or quasi-judicial nor proceedings in the investigation of the crime. They are only reconciliatory proceedings. The petitioner is at liberty not to join the proceedings before CAW Cell”. 241

So from above discussion it is clear that the power of CAW cell is only to assist the parties for compromise. However, setting up of CAW cell has helped the victims of domestic violence in numerous ways. Sometimes minor misunderstandings results in marital discord which if culminates into litigation causes irreparable loss. In such cases CAW cell plays a positive role by assisting the parties in reconciliation. This in turn has reduced the burden of our courts because such petty matters are resolved at the threshold without adding to the docket of the court.

5.5.3 Mahila Courts

This is a unique step taken in Delhi at the level of District Judiciary. Matters involving matrimonial discords are more time consuming. In these matters both the parties are emotionally charged and at times a judge has to handle the emotions of the parties besides adjudicating the case. Seeing this and in order to expedite trial special courts have been set up in all the districts of Delhi. These courts are mandatorily presided over by a lady judicial officer. Mahila Court deals with the matters relating to matrimonial cruelty such as offences under section 498A of Indian Penal Code, petitions under Domestic Violence Act and matters pertaining to the offence of outraging modesty only. Number of such courts in each district varies depending on the number of cases pending and filed in a particular district. However, each district has atleast one Mahila Court to deal with the offences relating to domestic violence and outraging modesty.

241 W.P. (Crl.) No.849/2007
Mahila courts are specialized courts set up to dispense justice to women. They speedily deal with and dispose off cases pertaining to women fighting legal battles following matrimonial discord. Mahila or women courts have been established as forums in which women, with or without their small children, seek quick relief in disputes for shelter and for financial assistance. Mahila courts are headed by experienced women judges and magistrates and the staff employed in such courts is also predominantly female. These courts serve the purpose, with great sensitivity, of rendering justice in criminal matters pertaining to women victims. The procedure followed in these courts is informal and comforting for women. They can shed their inhibitions and depose freely in the presence of women judges, who are more sensitized towards females and their inherent nature. These courts also provide a platform to women wherein they can negotiate their claims. Mahila courts ordinarily hold criminal trials but at times conciliation proceedings are also organized in order to preserve the family fabric.

Setting up of Mahila Courts is a unique feature adopted in Delhi district judiciary. It is not there in other states. In other states offences relating to matrimonial cruelty, domestic violence and outraging modesty of a woman are dealt by the regular magisterial court along with other offences. These courts help in expediting the trial. Officer is not over burdened and can devote personal attention to each and every case pending before the court. These special courts have a deterrent effect on the mind of the perpetrators of crime of cruelty against women. They are aware that they cannot escape criminal liability by taking advantage of evidence getting eloped due to delay in trial. This is the reason why Delhi has been able to control the crime of matrimonial cruelty and domestic violence to some extent as evident from the above discussed statistics in this chapter.

5.6 Epilogue

Above discussion makes it clear that crime against women is increasing alarmingly, so as the cases of matrimonial cruelty and domestic violence. Data further reveals that though Delhi has the highest crime rate but the cases of domestic violence and matrimonial cruelty are not highest. This is despite the fact that nationwide the statistics of cases of domestic violence and matrimonial
cruelty is much higher than other crimes committed against women. So the measured taken by the Delhi Government has been successful to some extent. But still there is a long way to go. Steps have been taken to improve the trial of cases of domestic violence and matrimonial cruelty. But the problem lies in the fact that these facilities can be availed only if victim reports the crime but in many cases crime is not reported only. Hence, it is high time the government got an institutional mechanism in place to take care of the rehabilitation of women. There is no institutionalised system for their rehabilitation. This prohibits women, in the first place, from approaching the state for help when they become victims of such crimes because, for one, they are not sure of the response they will get, and secondly, they fear the aftermath with an uncertain future ahead of them and no support whatsoever coming their way. Over 70% of the victims become ‘untraceable’ after they take the first step of getting a First Information Report (FIR) registered. This leads to a belief amongst the culprits that no action will take place against them and so they continue to harass women. Another problem is that amongst those who witness such incidences there is a reluctance to rescue the victim or become involved in any way. This attitude of turning a blind eye to any problem one doesn’t consider one’s own, further compounds the victim’s dilemma about speaking up as she can never be sure if anyone will come to her aid or she’ll be left alone to tackle with the unpleasant, and perhaps even dangerous culprit.

Hence, in order to make the home safe for women the outlook of the society has to be changed. Women have been granted equal status to men under the Constitution but being treated equal to their male counterparts still seems to be a distant dream for them. Kofi Annan remarked that gender equality is critical to the development and peace of every nation. After the independence, a number of legislations have been passed to improve the status of women in the country, despite that it has not been of much avail. The patriarchal societal set-up is largely responsible for the deplorable condition of women in the country. Domestic violence is the worst form of crime against women because here the perpetrators are the ones to whom the custody of women has been entrusted and the place of occurrence is where a woman is supposed to feel secure and protected. Domestic Violence need not be necessarily committed by the in-laws or in the matrimonial houses; many a times it is committed in the natal house.
itself. Thus, the problem of violence against women is gender specific and can be solved only by changing the mind-set of the people.\textsuperscript{242}

\textsuperscript{242} Understanding Domestic Violence Law by Dr.Jyoti Dogra Sood.