



CRIMINAL INVESTIGATION DEPARTMENT

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From the Editor

This issue dwells on the subject of Crime Against Women

The Subject of Crime Against women becomes relevant and gains importance because the **“WOMAN”** is the mother of the **“MAN”** and what affects **her today**, will have its repercussion on **mankind tomorrow!**

The mental well being and sound physical health of a woman is a sine qua non of a healthy society, as the woman still has the responsibility of **delivering** and **nourishing** the young ones of the human race.

The society, which relies upon a woman for **procreation** and **propagation** of human race, ironically, in the name of tradition and culture as well as lop sided value systems, **ignores** the Violation of fundamental rights of a woman, **tolerates** injustice done to her, **silences** her by Violence and **perpetrates** inequality

When **might** becomes **right**, when the **weak** and **Vulnerable** are dominated, abused and **exploited continuously** by the **strong** and **mighty**, law alone can provide a remedy.....

In the article **“ Women and Domestic Violence”** the ingredients of the new social legislation **“The Prevention of Women from Domestic Violence Act 2005”**, which aims to protect the basic rights of women are discussed by the editor.

The Crime Clock picturizes the intensity of the Crime against woman in India.

The worst damage to human race is due to AIDS in the present society – In the article **“Human Trafficking, Prevention, Prosecution, Rehabilitation – Role of Police”**, **Tr. Anoop Jaiswal, IPS** analyses the link between Trafficking of Women, Prostitution and spread of **AIDS** and details measures to effectively deal with the situation by treating it as a **“National Security Issue”**.

Has modern Technology created more problems than it has solved?

In an article on **“ Cyber Stalking “ DSP Tr. Shanmugam**, describes the new type of harassment that Victimizes mainly women.

“Woman in Call centers” From the Internet

How vulnerable to Crime are women working here ? What is challenge to police? On overview for further thought by Tr. K. Radhakrishnan, IPS.,

In India, Child is seen is a reflection of the divine – How vulnerable is this child to abuse?

Articles on **child abuse** and **child sexual abuse** downloaded from the internet are incorporated to **create awareness** about the lurking dangers.

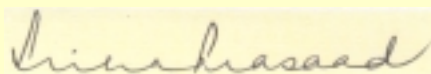
Smt. Sudha Ramaligam, Advocate in her article **“Prevention of Child Abuse – Legal aspects”** summarizes the domestic, international laws and conventions in this regard

Can the police take pride in effectively **implementing** laws and ensuring **punishment to the guilty** besides **providing relief** to the Victims of Crime?

Two Inspectors of Police – **Tr. Malaichamy** and **Tmt. Flora Jayanthi**, share their experiences with pride, in their articles.

Inspector **Tmt. Saraswathi** in her article **“Dowry Harassment cases and analysis”** dwells on factors which play an important role in successful prosecution of cases of Crime Against Women.

Women look upto the society for treating them with Concern and Care, besides providing them Protection and Support – If the fence feeds on the Crop – what is the solution? It is time not only to reflectbut also to ACT



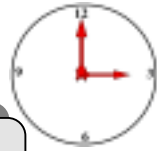
SRILAKSHMI PRASAAD, IPS,

Instructions for Authors

1. Articles submitted to the Review should be original and should be in English.
2. The length of the article should not usually exceed 5000 words.
3. Articles should preferably be sent in MS-word format in double space with wide margins. If possible, a soft copy on a floppy may also be supplied. For articles sent by email, a hard copy will be requested after the article has been accepted for publication.



1 CRIME COMMITTED
AGAINST WOMEN EVERY 3
MINUTES



1 CASE OF CRUELTY BY
HUSBAND AND HIS RELATIVES
EVERY 9 MINUTES



1 MOLESTATION CASE
EVERY 15 MINUTES



1 SEXUAL HARASSMENT CASE
EVERY 53 MINUTES

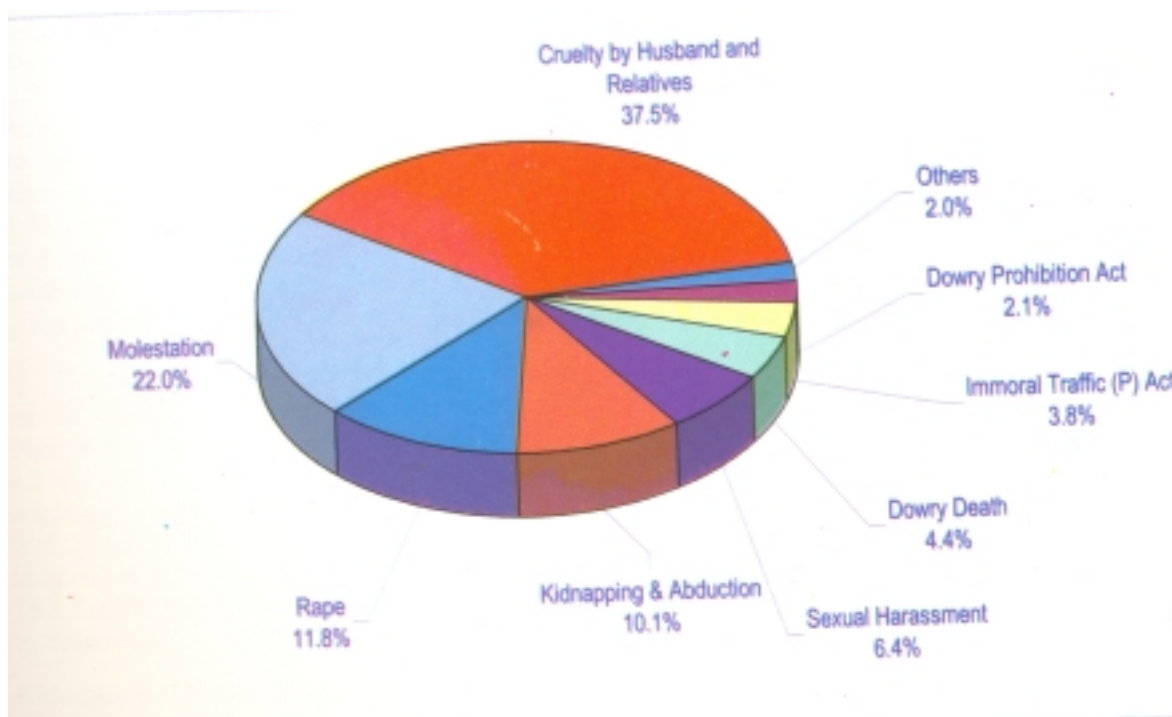
1 RAPE CASE EVERY 29
MINUTES



1 DOWRY DEATH CASE
EVERY 77 MINUTES



Data Source : Crime in India 2005



Data Source : Crime in India 2005



Smt. SRILAKSHMI PRASAAD, IPS.,
Inspector General of Police /
Director, SCRB, Chennai-28.

WOMEN AND DOMESTIC VIOLENCE

The type of social legislation that is prevalent in any State reflects the conditions of the society in that State/ Country at that point of time. It reflects not only the existing value system of the people but also indicates the concern of the Government towards the welfare of the citizens of the country.

2) India has been striving to bring about transformation of the society by rooting out social evils through social legislations, for decades.

3) One such recent legislation aimed at providing more effective protection of the rights of women, who are Victims of Violence of any kind occurring within the family and for matters connected therewith or incidental thereto, is “**THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT-2005**”.

II). What is Domestic Violence?

Domestic Violence is defined in the Act as **actual abuse or threat of**

abuse that is Physical, Sexual, Verbal/Emotional or Economic.

(a) **Physical :-** any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(b) **Sexual :-** includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of women;

(c) **Verbal and Emotional: -** includes insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(d) **Economic :-** includes deprivation of all or any financial resources to which the aggrieved person is entitled to under any law or custom whether payable under an order of a Court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children.

III) What is the scope of this ACT?

1) It is a Central Act extending to the whole of India except to the State of Jammu & Kashmir. It came into force on 26th October 2006. The offences under this Act are Cognizable and Non – Bailable

2) The Act covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household and are related by consanguinity, marriage or through a relationship in the nature of marriage or adoption. In addition, relationships with family members living together as joint family are also included. Even those women who are sisters, widows, mothers, single women or living with the abuser are **entitled to legal protection** under this Act.

IV) What are the special features of this ACT?

1) It provides for appointment of protection officers and

service providers for providing assistance to the aggrieved person with respect to her **medical examination**, obtaining **legal aid, safe shelter** etc.,

2) The Act stipulates that the **Magistrate** shall endeavor to **dispose off** the application **within 60 days** from the first date of hearing. **The first date of hearing** shall not be ordinarily **beyond 3 days** from date of receipt of application by Court.

3) It provides for rights of women to secure housing & to reside in her matrimonial house or shared household whether or not she has a title/share, by the order of a Magistrate

V) Who can complain and to whom?

1) The Act provides that any person who has reason to believe that an act of domestic violence has been or is being or is likely to be committed may give information to concerned **protection officer**.

VI) Where are these Officers available ?

The Protection Officers, will be appointed by the State Government in due course for each district.

VII) What are the duties and responsibilities of

1. Protection Officers

2. Service Providers

3. Magistrate

4. Police Officers

5. Government under this Act ?

1) Protection Officer:

The protection officer appointed by the State Government by official Gazette notification has to work under the control of Magistrate &

a) assist the Magistrate in discharge of his functions under this Act.

b) On receipt of information, approach the aggrieved and enlighten her about relief available to her under this Act.

c) Report the incident to Magistrate, police officers and service provider.

d) Apply to the Magistrate for issue of protection order if the aggrieved person so desires.

e) Make arrangements for legal aid.

f) Make arrangements for lodging the aggrieved in a shelter home and reporting the same to the Magistrate and police.

g) Get the aggrieved medically examined and report result to police and magistrate.

h) Ensure that the monetary relief order U/s 20 is complied with in accordance

with procedure prescribed under Cr. PC 1973.

2) Service Provider:-

Any registered NGO / forum / Company interested in protecting the rights of women and willing to provide legal aid, medical, financial or other assistance shall register itself with state government as service provider.

- It should report any incident of domestic Violence to the Magistrate as well as to the Protection Officer.

- Get aggrieved medically examined and forward report to Protection Officer and police station.

- Provide shelter to the aggrieved and inform the Police Station.

3) Police Officer:

On knowledge or on receipt of information, proceed as per law with regard to the occurrence of a cognizable offence.

4) Government

1) To give wide publicity to the provisions of the legislation.

2) To give sensitisation and awareness training on the issues addressed by the legislation to Government Officers including Police Officers and members of judicial service.

3) To ensure effective coordination between Ministries and Department

dealing with law, home affairs, law and order, health and human resources in the services provided by them on the issues of domestic violence.

VIII) what is the immediate relief available to the aggrieved person?

The Magistrate may, after giving the aggrieved person and the respondent an opportunity of being heard and on being prima facie satisfied that domestic violence **has** taken place or is likely to take place, may pass a **Protection order, Residence order, Monetary order, Custody order or Compensation order** in favour of the aggrieved person.

A protection order **may contain an order** prohibiting the respondent from

- a) committing any act of domestic violence or aiding or abetting therein.
- b) entering the place of employment of the aggrieved person or if the person aggrieved is a child, its school, or any other place frequented by the aggrieved person or attempting to communicate in any form whatsoever with the aggrieved person, without the leave of the Magistrate.
- c) alienating any assets, operating bank lockers or

bank accounts belonging to both the parties jointly or to the respondent singly, including her stridhan or any other property held jointly or separately by them.

- d) causing violence to the dependents, other relatives or any person giving the aggrieved person assistance from domestic violence or **committing any other act as specified in the protection order.**

(ii) Residence Orders:

The Magistrate may on being satisfied that domestic violence has taken place pass **a residence order,**

- a) restraining the respondent from dispossessing or disturbing the possession of the aggrieved person from the shared household.
- b) directing the respondent to remove himself from the shared household.
- c) restraining the respondent or his relatives from entering the shared household.
- d) restraining the respondent from alienating or disposing off or encumbering the shared household.
- e) restraining the respondent from renouncing his rights in the shared household except

with the leave of the Magistrate or.

- f) directing the respondent to secure alternate accommodation for the aggrieved person of the same level as enjoyed by her in the shared household or to pay rent for the same.

(iii) Monetary Orders:

The Magistrate may **pass orders for grant of monetary relief** to the aggrieved person from the respondent, to meet the expenses incurred and losses suffered including loss of earning, medical expenses, loss to property and maintenance of the aggrieved person and her children including maintenance under, or in addition, to section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force. Sub-Clause (2) provides that the **monetary relief shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.**

(iv) Custody Orders:

The Magistrate may, at any stage of hearing of the application for grant of any relief, grant temporary custody of any child to the aggrieved person or to the person making an application on her behalf and specify the arrangements for visit of such child by the respondent. However, the Magistrate may refuse to allow such

visits if in his opinion such visits may be harmful to the interests of the child.

(v) Compensation Orders:

The Magistrate may, on an application by the aggrieved person, pass an order directing **the respondent to pay compensation or damages** or both to the aggrieved person for the injuries including for the mental torture and emotional distress caused to her by domestic violence by the respondent.

IX) What is the penalty for the abuser?

A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this act and shall be **punishable with imprisonment** of either description for a term which may extend to one year, or with fine which may extend to **twenty thousand rupees, or with both.**

The Magistrate may also **frame charges** under section **498-A** of the Indian Penal Code (45 of 1860) or any other provision of that Code or **Dowry Prohibition Act, (28 of 1961)**, as the case may be, if the facts disclose the commission of an offence under those provisions .

X) Conclusion :

The existence of such a law which promises immediate relief to the victim of domestic violence is the need of the hour.

While the Government has fulfilled its obligation to the society by enactment of such a comprehensive law, it should be the endeavor of all concerned to understand the letter of spirit of the law, understand its importance & impact and ensure successful implementation of this legislation in the interest of the better health of the Indian society.

It is indeed a matter of grave concern that today **we need a law** to ensure that women are not **ill treated** in their own homes !! **That we need law** to ensure that women are treated with due dignity respect and above all, with concern and care in every home!!

Though the enactment of this law is an answer to the wailing Victim of Domestic Violence, it is a matter of shame that we have allowed deterioration of moral values and ethics to such a deplorable extent that **we need a law** to enter the privacy of our homes and set things right !

It is an alarm call for every one to come to senses and not allow further downfall of moral and ethical standards in our homes and society !.

Almost a generation of children have now grown up in broken homes and have suffered psychological trauma. Childhood peace and pleasures of scores of children is already lost. A lot of these children have already grown up to become unhealthy personalities who are unable to contribute anything positive to the society or the nation. Suicide tendencies are on the rise. **Do we care?**

It is the bounden duty of each one of us to be **committed, responsible** and **virtuous** besides cultivating love and understanding. We need to respect our laws and more important is to respect values, morals and ethics both in personal and professional lives and **conduct ourselves in a responsible manner**. It is important that each person transforms himself into a better person, learning from bitter past experience, so that we do not add to the further downfall of our society.



“ I am only one
I cannot do everything
But still I can do something
And because I cannot do everything
I will not refuse to do something I can”



Thiru. ANOOP JAISWAL, IPS.,
Addl. Director General of Police
CBCID, Chennai – 2.

HUMAN TRAFFICKING – PREVENTION, PROSECUTION, REHABILITATION - ROLE OF POLICE

In its dictionary meaning, the concept of trafficking denotes a trade in something that should not be traded in. Thus, we have terms like drug trafficking, arms trafficking and human trafficking. The concept of trafficking in people refers to the criminal practice of exploitation of human beings where they are treated as commodities for profit and after being trafficked, are subjected to long term exploitation.

While human trafficking has been taking place for various ends and reasons, its grossest manifestation today is in the form of *trafficking of woman and children for prostitution and other forms of sexual exploitation and abuse*. And here lies the problem. Prostitution has long been referred to not only as the oldest profession in the world but also often overlooked as a necessary evil. This attitude has clear overtones of derision and inevitability which unfortunately tend to get attached to victims of sexual exploitation and trafficking. However, of late there is

a growing realisation world wide that a democratic polity guaranteeing certain basic human rights and dignity can no longer afford to look askance at this menace. Like many other age old social aberration such as slavery, or untouchability, Prostitution is highly demeaning and calls for urgent action for its abolition. There is nothing inevitable about it as many have so far believed. Given proper laws, strict enforcement accompanied with viable socio-economic programmes for the empowered of the vulnerable and the victims, trafficking of woman and children in this direction can be effectively checked. The other pressing reason for an urgent and concerted action in this direction is due to its close association with the spread of HIV/AIDS, which has already devastated many regions in the world and there is growing evidence that it is spreading at an alarming proportion in India.

While on the one hand the situation is disquieting and disturbing, on the other hand, the response by agencies concerned is equally disturbing for want of sensitivity, responsiveness, resources and commitment. In the given scenario, the gap is so wide, that it is the trafficked victim who gets further victimised, violated and

more often that not re trafficked. Moreover, very often, trafficking is equated with prostitution and this is one of the prime reasons why the human rights violation inherent in trafficking is not correctly understood and the traffickers who are the actual “Criminals” get away scot-free. Therefore, there is a strong need for the demystification of the term and understanding the trends and dimensions form a human rights paradigm.

In this regard it would be interesting to look at the working definition of human trafficking which was adopted in the U.N. protocol to Prevent, Suppress and Punish Trafficking in Persons,. Especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, 2000, to which India is a signatory. It defines human trafficking as: the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power *of a position of vulnerability* or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a

minimum, the exploitation for prostitution or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs.

Consent is deemed to be irrelevant in the case of children and if any of the means stated above are used, consent becomes irrelevant in the case of adults also.

The other alarming aspect of human trafficking particularly of women and children is its huge and wide dimension both in terms of numbers and its geographical extent cutting across not only state boundaries but also national boundaries. While there are no authentic data in this regard, the most quoted figures in India to depict the magnitude of prostitution are from Central Social Welfare Board (CSWB) survey of 6 Metropolitan cities in 1990. According to the study there were nearly one lakh sex workers in these cities. Other estimates on an all India basis in 1992 put the figure to about 6 to 8 million women and children involved are from socially and economically backward categories. Though there is nothing concrete to authenticate or deny these numbers, it does speak about the enormity of the problem. Further, it would not be difficult to see that in the last one and half decade, the quickening pace of urbanisation and the associated mobility and migration would have increased these numbers substantially. Given these alarming proportions of

numbers of persons involved in the prostitution and its direct impact on the spread of AIDS then the country is staring at an epidemic which may have chilling consequences for the country. This alone is sufficient to make the problem a **National Security Issue** and has to be tackled on a war footing by integrating the efforts of various agencies at the state and the central level.

An extract from a report from the International Crisis Group (Washington) on the situation in Botswana would highlight the danger which any country would face if it does not take timely measures to combat trafficking in woman and children and the concomitant fall out.

An Ugly War

The war in Botswana rages unabated. While the origins of the conflict remain murky, the appalling devastation is painfully clear. Estimates vary, but more than 100,000 have died as a result of the fighting, and that figure continues to escalate by the day. One in three adults in Botswana have been wounded, and if fighting continues at this pace, it is estimated that life expectancy could fall to an almost medieval age 29. At Gaborone's main hospital, up to 80 per cent of the beds in the male ward are filled with wounded who are not expected to survive, and more than a third of those in the

children's ward are also victims of the conflict. Grimly, Botswana's morgues complain that they have no space for the incoming bodies and private funeral homes are turning bodies away.

At independence, Botswana was one of the least developed countries in Africa. Thanks to a flourishing diamond industry and a stable, forward-looking government, it grew into one of the continent's wealthies. The war has changed all that. For sixteen years Botswana had a budget surplus; in 2001, the once economically successful country will record its second deficit in a row. The government finds that it must devote more and more of its budget to hospitals, medicines and other costs associated with the war.....

Indeed, 50 per cent of the students at the University of Botswana—the only university in the country — have already been wounded or killed. Agriculture has also been hard hit, with more than one in seven farm workers killed. Botswana President Festus Mogae declared to Reuters that his country faces a fundamental national crisis. “We are threatened with extinction. People are dying in chillingly high numbers”

But there is no war in Botswana, simply a disease. The war raging in Botswana is AIDS. All the statistics are true, but not a single shot has been fired. However, AIDS

is taking a toll as profound as any military confrontation around the globe, and it is a security to countries it assaults as well as their neighbours, partners and allies.

It calls for an integrated approach with a nodal agency a counter human trafficking by integrating the anti-trafficking activities of the states and the center and also involving various departments relating to social justice, woman and child, labour, health, and intelligence and agencies like IB and CBI.

Anti-trafficking and the human rights issues involved in the process should find a place in the agenda of the top bodies dealing with security. The annual Conference of the Chiefs of Police in India organised by the MHA should have an exclusive slot for presentation and discussion of this subject. The same should be the case with the annual meetings held at the state police headquarters and the monthly meetings held by the District Police Chiefs.

The Police have to adopt a proactive approach to deal with this problem. Traditional investigation in Police moves from the crime to the criminal. In a proactive approach an additional dimension is added by moving from criminals to the crime. Intelligence machinery is geared to identify the criminals, mount surveillance on their activities, penetrate their organisation and nab them at an opportune

moment, as done to check arms, explosives and drug trafficking.

Governments should bring out State Policies, including guidelines on the minimum standards of care, attention and service to be extended to the victims and survivors by all the service providers, including enforcement officials, judicial officers, prosecutors, medical professionals, psycho-social professionals, counselors, people manning after care homes, etc., The state policy should bring to focus the linkages between HIV/AIDS and trafficking.

The most important issue in prevention is to address the vulnerabilities of women and children. Economic and social empowerment is the cornerstone for prevention of trafficking. The different policies, programmes and projects of the government with respect to the various departments need to be dovetailed in such a way that they necessarily have an anti-trafficking component, which would be integrated into the larger plan of action by the concerned government department. Studies should be undertaken by intelligence agencies as well as social organisations to do a vulnerability mapping of source areas.

Several initiatives have been taken by many police officers across the country towards community policing. These efforts may also be

directed towards combating human trafficking.

This calls for substantial augmenting of human and infrastructural resources in the Police. Since the Police Station is the first rung to deal with this problem, it is essential the Police Station should be adequately equipped to deal with the situation.

The media has a large role to play in mobilising public support and involvement for preventing and combating trafficking. Due to its reach and its ability to mould public opinion, it is a powerful tool of social change. Therefore, is a need for involving the media in a sustained manner. Investigate journalism on trafficking needs to be promoted. However, media publicity should take into consideration the rights-approach and ensure that there is no intrusion in to the privacy and there is no violation of the rights of the victims.

The prosecution system should be sensitised and oriented to take up the cases in the best interest of the victim ensuring victim friendly procedures and moving the courts for appropriate relief and compensation.

Notwithstanding the various handicaps mentioned above, the Tamil Nadu government has taken number of steps to combat trafficking. The foremost among them being a realisation that majority of the woman and children involved in the "trade" are to be treated as victims and not as accused. With this the focus of

police action has undergone a sea change. There has been a steep decline in number of cases booked under Section 8 of the ITP Act and more emphasis on taking action against traffickers, pimps and brothel keepers. In the last 4 years over 98 traffickers have been detained under Goondas Act (Act XIV of 1982) which has a telling effect. Besides the following steps have been taken to combat the situation.

1. Formations of
 - (i) State level co-ordination committee headed by Chief Secretary to Government of Tamil Nadu.
 - (ii) District level Advisory Committee under the chairmanship of District collector.
 - (iii) Village level Watch Dog Committee under the chairmanship of village Panchayat President, to combat Trafficking, Commercial Sexual Exploitation of Women and Children.
2. Creation of Anti Trafficking Cell in CBCID.
3. Formation of Women Help Lines (1091) in 148 All Women Police Stations and also Child Line (1098) in 102 All Women Police Stations, setting up of "Help Booths" in vulnerable areas.
4. Organising sensitisation programmes for public officers.
5. Holding workshops for NGOs and Government functionaries on Juvenile Justice and Trafficking.
6. Functioning of Protective Homes/ Vigilance Homes and After-Care Organisations in Chennai, Salem, Coimbatore, Trichy, Madurai and Vellore to provide shelter, counseling and Vocational Training to victims.
7. Maintenance by Tamil Nadu Social Welfare Board of 30 Short Stay Homes through NGOs in different part of the State for girls and women in the age group of 15 to 45, who are in moral danger or abandoned by their families and functioning of 37 counseling centers throughout Tamil Nadu through NGOs.
8. Providing better infrastructure to schools to prevent school drop outs, especially girls, who are quite prone to trafficking and steps taken for 100% retention in schools.
9. Formation of Self Helps Group amongst Commercial Sex Workers and trafficked women. 177 such groups have been formed with a membership of about 1336 women.

While these are few welcomes steps in the right direction, there still remains a large ground to cover. Any undue delay or hesitation would wipe out the advantages gained as the ground itself is ever expanding. Realising the urgency, the High Court of Madras has recently issued an order giving detailed guide lines to all concerned, including the judiciary face the issue in the right earnestness.



*Every Crime is a Human Drama of
success and failures*

- The Anatomy of Crime



R. Shanmugam,
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INTRODUCTION

Crime against women is one of the oldest social problems. In the written history of the human race, every generation of women has felt itself threatened by increasing crime and violence against them. However, no country has yet developed completely reliable methods for measuring the type and volume of crime against the women. As each day passes by, women are subjected to newer types of crime. Thus it seems, the development of science and technology also creates avenues for sophisticated types of crime against the weaker section. As women determine to pose a formidable fight against women specific crime, the growth of technology also empowers the deviants to equip with new weapons to mount attacks against them. Like, the states have to be cautious with the mode of war they have to wage at the invention of nuclear weapons; women have to be cautious in denying

CYBER STALKING – A CYBER CRIME AGAINST WOMEN

opportunity to the Argus eyed deviant men who could exploit the new technology in their reach to commit crime against women.

Cyber stalking is one such crime against women largely felicitated by the growth of Internet. There is no universally accepted definition of cyber stalking. Cyber stalking represents a new form of abnormal behaviour where technology is used to harass a number of women.

Bocij (2002) offers the following definition: - “A group of behaviour in which an individual, group of individual or organization uses information and communication technology to harass another individual, group of individuals, or organization. Such behaviour may include, but are not limited to, the transmission of threats and false accusations, damage to data or equipment, identity theft, data theft, computer monitoring, the solicitation of minors for sexual purposes and any form of aggression”.

Stalking or being followed generally involves harassing or threatening behaviour that an individual engages in repeatedly using Internet, e-mail, mobile phone or other electronic communication devices. Cyber

stalking usually occurs with women, who are mostly stalked by men or children who are stalked by adult predators or paedophiles. A cyber stalker, neither needs to move around on a two-wheeler sporting James bond type T-shirt to spot or harass his target nor has to fear any physical violence, since he is not physically reachable in the cyberspace. One can stalk a person from next door or from other side of the globe, a familiar one or not of either sex, all at the ease of click of a mouse.

Categories of Cyber Stalkers:-

Cyber Stalkers can be categorized into three types. They are,

1. The common obsessional cyber stalker
2. The delusional cyber stalker and
3. The vengeful cyber stalker.

1) The Common Obsessional Cyber Stalker:-

The common obsessional stalker refuses to believe that their relationship is over. A few years back there was a web page posted on a particular cite, in which the photo and bio-data of a young girl was found with her mobile number offering herself for dating. When it was traced

as to who had posted it, the erstwhile college mate was behind it, which mistook the friendly gesture of a classmate to be in love with him.

2) The Delusional Cyber Stalker:-

This type of stalker may be suffering from some mental illness like Schizophrenia and have a false belief that keeps them tied to their victims. They assume that the victim loves them even though they have never met. A delusional stalker is usually a lover and most often chooses victims who are married women, a celebrity or doctors, teachers etc. Those in the noble and helping professions like doctors, teachers etc. are often at risk for attracting a delusional stalker. Delusional stalkers are very difficult to shake off.

3. The Vengeful Cyber Stalker:-

These cyber stalkers are angry with their victim due to some minor reason – either real or imagined. Typical examples are disgruntled employees. These stalkers may be stalking to get even and take revenge and believe that “they” have been victimized. Estranged spouses can turn in to this type of stalker.

Type of Cyber Stalking:-

1. Continues stalking/ harassment in the

cyberspace using Internet.

2. Online harassment/ stalking followed by offline too.
3. Lascivious messages/ Obscene pictures on mobile phone through SMS.

Motivating factors of cyber stalkers.

1. Infatuation:- Women fall victims to the innate tendency of men's infatuation, especially when the targeted women do not fall in line with the stalker.

2. Messages from Tinsel World:- Impact of strong love messages of Silver Screen on the adolescent mind.

3. Adventures:- Ill conceived adventures of the deviant youths.

4. Obsession for Love:- This could begin from an online romance like taking part in activities like posting to news groups and chat rooms. At the end of the day the rejected lover cannot accept the end of the relationship. It could also be an online romance, which is carried forward to real life, only to break-up once they meet in person. One of the problem with obsession stalking is that since it often starts as real romance, much personal

information is shared between persons involved.

5. Revenge and Hate:- Revenge vendettas are often the result of something you may have said or done online which may have offended some one. Sometimes, hate cyber stalking is for no reason at all. Neither you will know why you have been targeted nor what you have done, and you may not even know whom it is who is doing this to you. In fact you have not been individually targeted at all. Perhaps you have been chosen as a random target by some one who does not know you. This stalker may be using the net to let out his frustration online.

6. Ego and Power Trips:- These are harassers or stalkers online, to demonstrate the prowess of their computer skills to themselves and their friends. They may not have any grudge but do it for the sake of fun and you are unlucky enough to have been chosen. Bocij and Mc Forlame (2003) have argued that a number of factors may encourage an otherwise peaceful and law-abiding individual to take part in deviant or criminal acts via the Internet. One such factor is the modern technology, which enables participation without fear of sanctions. Technology provides both the mechanism through which the individual can act and the protection from immediate identification.

People aged 30 or older tend to have more opportunities to come into contact with cyber stalker than young people. This might suggest that taking part in certain activities such as posting to news groups, increase the risk of becoming a cyber staking victim. Expert computer users might also feel less threatened than novice users because they understand what is not possible in terms of “attacks” perpetrated by computer. In addition, expert users may feel a little more secure because they stand better chance of being able to trace the source of their harassment and take appropriate measures. Expert users use their technical skills in order to identify and locate their harassers. The most common group of victims is ex-intimates.

Cyber stalkers concentrate on four main activities:-

- Issuing threats
- Harming the victim's reputation
- Causing damage to data or equipment

Attempting to access confidential information and computer monitoring. Most of the cyber stalking victims report that false information had been posted about them to bulletin boards and chat rooms. Bocij (2002) points out that the harm caused by “Cyber-Smearing” is often for more serious than any equivalent offline acts, such

as writing poison pen letters. This is because information posted to the Internet is available to a huge audience and can easily accessible for a great deal of time.

Stalking by proxy also seems a relatively common behaviour that can be associated with cyber stalking. Stalking by proxy occurs when a stalker enlists the aid of other people in order to pursue a victim. Often, those helping the stalker do so unwillingly, for example it has been known for a stalker to hire a private investigator to locate the victim.

Cyber Stalking – What to do and What not to do:-

Cyber stalking is prevalent among the computer/ mobile phone users and will become more and more common as the use of computers and Internet, increases. Indian law on Cyber Crime may have to undergo a sea change to come to terms with real world stalking.

Tips for prevention of Cyber Stalking:-

1. Don't leave any clue regarding your personal life, private life, Mobile number or life away from the net.
2. Don't save personal information in public spaces anywhere online, not give it to strangers, including in e-mail name or chat rooms.

3. Do not use your real name or nick name as your screen name or User id.
4. Do not post personal information as part of any user profiles.
5. Be extremely cautious about meeting online acquaintances in person. If you choose to meet, do so in a public place and take along a friend.
6. Make sure that your ISP and Internet Relay Chat (IRC) network have an acceptable user policy that prohibits cyber stalking. And if your network fails to respond to your complaints, consider switching to a provider that is more responsive to user complaints.
7. If a situation in online becomes hostile, log off or surf elsewhere. If a situation places you in fear, contact local Cyber Crime cell.
8. Consider browsing the Web by going through an anonymous browsing service. This will make it impossible for your web surfing to be logged by Websites (which is currently done), so no one will be able to pick up any information on you.
9. Learn your technology. Cyber stalkers prefer to target beginners for

harassment, because beginners are less likely to know what to do, and know how to fight back. Never let anyone in a chat room, or e-mail, or posting in a UseNet site, know that you might possibly be a beginner.

What to do if you are still being Cyber stalked:-

1. If you are receiving unwanted contact, make

clear to that person that you would like him or her not to contact you again.

2. Save all communications for evidence. Do not edit or alter them in any way. Also, keep a record of your contacts with Internet system administrators or local cyber cell officials.

3. You may want to consider blocking or filtering messages from the harasser. Many e-mail programs and Microsoft Outlook have a filter feature, and software can be easily obtained that will automatically delete e-mails from a particular e-mail address or that contain offensive words.
4. Chat room contact can be blocked. Contact the local cyber cell and inform them of the situation in as much detail as possible.



By
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WOMEN IN CALL CENTRES

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The literature on status of women shows references to sex role stereotyping as a constraint to entry of women in non-traditional jobs

This study looks at aspects of employment of women in call centres in India, based on a survey of 100 women employees. It examines the recent phenomenon of women working in night shifts, as well as the impact of call centre employment on women's health, family life and decision-making powers. The study finds a direct and adverse effect of night shift employment on the health of women. But there is also a greater acceptance of such 'non-traditional' jobs by families across a larger segment of society.

The telecommunications industry has created numerous opportunities of employment in India. One such source of employment has been the emergence of 'call centres', which today form a vital link between a company and its customers. The growth of call centres and the number of people employed there has been phenomenal and has been estimated at an annual rate of 15-20 per cent.

This growth will continue as corporate organisations all over the world recognise the strategic value of call centres in an e-commerce world. A call centre acts as a focal point for web-based customer transactions, e-mail management and traditional phone calls.

In developing countries, such new business is considered a good source of employment and looked at only in terms of how well-paid it is. India has been selected as a base for call centres because it lies in a time zone that makes it the preferred area for the US, UK, south-east Asia and Australia. Low salaries for services rendered have made call centres in India extremely cost-effective. The advantage of the time factor has provided employment but is also the source of most of women's family problems. It is expected that such employment would have an effect on her physical and mental health as well. This study deals with the problems occurring due to the unusual hours of work. It looks into the changes in the urban outlook, where it was once taboo for girls to travel alone out of the house after dark, and where now they are

encouraged to work and do night shifts at call centres. In the present transitional developmental state of the economy, such changes are expected to have a profound influence upon different dimensions of the family system.

Women working in shifts at odd hours is a relatively new phenomenon in the socio-economic scenario in India. The psychological and sociological barriers for working people needs to be well understood. In addition, such work has an impact on the safety, physical and mental health of employees as the time required for sleep and rest is converted into the work hours. Thus, when energy levels are low, people are working and when the body system has high energy they are required to sleep. This adjustment process is not acceptable and the physical balance and well-being of workers is thrown out of gear.

Call centres are concerned with e-business, which is expected to grow further and bring in more employment opportunities. Do graduates continue to work in call centres as a career option, or do they use it to gain a foothold in the job arena? What would be the future benefits? Will the

monetary rewards compensate for the adjustment in the socialisation process of women working at odd hours in this non-traditional industry? These are some queries that need to be answered. This paper is an attempt to explore the value of women at work and home. It analyses their perceptions and constraints and how they balance their family life with their work.

Study Background

The Eighth Five-Year Plan (1992-1997) highlighted the biases regarding the value of women's work, changes in society's attitudes, and perceptions in regard to the role of women that are mentioned as essential for empowerment. The Tenth Plan's approach towards the empowerment of women is very distinct from that of the earlier plans, as it now stands as a strong platform for action with definite goals, targets and a time frame. It ensures provision of training, employment and income generation activities with both forward and backward linkages to make women economically independent and self-reliant.

Women as an independent target group account for 495.74 mn, or 48.3 per cent of the country's total population, as per the 2001 Census. Empowering women as a process demands a life cycle approach.

Therefore, every stage of their life counts as a priority in the planning process.

This study has in a small measure conducted an analysis of women from middle class families in their new area of employment. Indian women have more than 18 days at a time. If the casual leave is not availed in a month, extra points are added to the employee's performance and incentives are given. In addition, if an employee works on a public holiday positive points are added to her performance and incentives are given. If the performance of an employee is rated as A++ in a month he/she can earn up to Rs 3,000 extra. The call centres follow a carrot-and-stick approach to motivate their employees. They penalise employees for taking leave without prior permission. The permission has to be taken in advance before the duty shift begins, via email.

Call centres are increasingly interested in keeping their employees fit, relaxed and less stressed, by providing gyms and yoga classes. The company canteen provides tea, coffee, refreshments and meals. Recreation facilities such as 'carrom boards' and table tennis are available in large call centres which have many employees. The environment is a positive aspect of the job in a call

centre, a view which was supported by the employees. One of the questions in our interviews questionnaires was: 'What do you like about your job?' Seventy-five per cent of the respondents answered 'Good Environment'.

With this background of the working environment of a call centre, we now discuss aspects of our respondents at work.

Women and Work:

This section looks at the career graph of women, their qualifications, age, marital status, position in the organisation, the positive and negative aspects of the organisation, risks associated with working in call centres, and the effect on health of the respondents.

Age of Respondents:

In our study of 100 women, our findings showed that the women were generally in the age group of 18- 25 years. This industry is relatively new and it has encouraged people to join at a young age. As Table 1 shows, there were 14 women below the age of 20, and 67 respondents were in the 20- 25 group. Could this also have some relevance to the qualifications and attrition rate? Our inquiries with the call centres showed that they did not require any major degrees for the jobs. A graduate with good communication skills was acceptable.

Undergraduates and housewives were also attracted to such jobs. As our sample shows, three women were in the age group 40-45 and one was above 45.

Table 1 also shows that the number of women in the 30-40 age group do not take up these jobs because women's careers do not fit into the same framework as men. "A wife's career is considered secondary to that of her husband. If someone must stay with a sick child or if one person must relocate due to job demands the husband's career nearly always takes precedence and the wife must accommodate her schedule and employment. These expectations tend to result in interruptions in the career of women who may take years away from employment to care for children or to support a husband's career before rejoining the workforce". Since call centre jobs have night duties and long hours of work, few women in the reproductive age are employed here.

Marital Status:

Table 1 showed that out of 100 respondents, 86 fall in the age group of 18-30 years. Table 2 shows that 92 per cent of the respondents are unmarried. This clearly shows that most working women prefer to remain unmarried for a longer time as they want to be economically

independent before marriage. The tables show that women in the age group of 30-40 are not found in call centres, indicating that married women with small children find it inconvenient to pursue a career in such places.

Table 2 shows that four respondents who were above 40 years of age, and were housewives decided to take up employment in a call centre because it did not interfere any more with household duties. We found one sample where due to the family's financial needs the woman had to continue with her job even though she found it very inconvenient because of odd and long working hours. In India, married working women find it difficult to continue with their careers because they attach primacy to their domestic roles, except those working women who come from financially weaker families.

Level of Education:

Table 3 shows that 22 respondents are only educated up to the school level. Also a number of graduates and postgraduates are working in the call centres as process associates/customer care executives at the lowest level.

Job Level:

Table 4 shows that there are 89 women in lower level management,

consisting of senior and junior customer care executives process associates. Only 11 women work in the upper level management as team leaders/assistant managers and managers.

This shows that there is no discrimination in male or female jobs at the lower levels. Female executives say that being a woman is their major career obstacle because they have multiple roles to play. Women occupy mid-level positions and men tend to move into higher positions. This inhibited rise of women in the corporate ladder in call centres is largely due to the fact that they move out of the employment structure due to the demands of marriage, children and household responsibilities. There are a large number of process associates, but as the level goes up fewer women get promotions.

Salary:

Table 5 shows that 73 respondents have a salary of less than Rs 10,000 per month, 23 earn Rs 10,000-20,000 per month. Only four have a monthly salary above Rs 20,000. This clearly shows that women are represented more in the lower paid jobs. There is apparently no discrimination in jobs at the entry level. It appears that it is a self-imposed decision of women not to continue with their jobs due to their

dualistic role of work at home and at the workplace. Moreover this industry employs both people in the morning and evening shifts, which acts as a barrier for women to continue in employment.

Positive and Negative Aspects of Call Centres:

We now turn to the positive and negative aspects of jobs in call centres. The positive aspect may be related to the number of years of experience, age and qualifications of the respondent with that of her salary. There appears to be no other area of employment in India which gives its employees an attractive pay package at such a young age and with minimum qualifications.

There are also some negative aspects about this job, which includes risks such as the difficulty of travelling at night, health hazards and social stigma. But the major problem is the health hazard from doing night duty. Some respondents felt they were like security guards who stayed awake all night to attend to their duties and slept the whole day through, and in doing so they suffer from problems like sleep disorder and indigestion. In order to keep awake against the body clock, they start smoking and drink innumerable cups of tea and coffee. This gets them addicted to tea, coffee and cigarettes, which subsequently

becomes the cause of their bad health.

Table 6 shows the types of health problems that employee suffers, including backache, spondylitis, eyestrain, headache and pressure because of the headsets and constant calls.

Our study had 43 responses from people with backaches, 40 with eyestrain and headache, and 50 with indigestion. The respondents also had earache and leg cramps and many of them complained of weight gain. Twenty-five respondents had either mild or no complaints.

Family Status:

Table 7 shows that out of the 100 respondents 87 women were from nuclear families and only 13 were from joint families. This tallies with our finding that in the changing socio-economic scenario a large number of families have started accepting the idea of women working in non-traditional spheres like call centres. In the nuclear family system many of our respondents were young girls of the 18-25 age group. Their families did not consider it objectionable to allow women into such professions. However, in lower income families, such jobs were actually required for sustenance and families were very supportive of girls in such jobs even if it meant doing night duties.

Family Background:

Table

8 shows that 65 respondents come from a service background, which was expected in the changing economic scenario in India. There are also 30 respondents from business families. This was unexpected because business families.

Eye strain and headache 40 in India are more conservative and generally don't allow girls to work, especially where night duties are involved.

Family Income:

Our findings show that 47 respondents were in the income group Rs 20,000-50,000 per month. This was expected because in this sample group people require to upgrade their standard of living and the female contribution was considered important for running the family finances. These respondents said that family requirements brought them into this job. Twenty respondents had a family income of below Rs 20,000 per month. Such families were totally dependent on the respondent's income from the call centre. There were 17 women whose family income was more than Rs 1,00,000 per month. These women were working in call centres as a pastime. These aspects of family life of the respondents shows that there has been some acceptability of women working in non-traditional areas.

Balancing Work and Family Life:

We found from our study that 90 per cent of the respondents did not balance work and family life. The respondents had no social life or interaction with people in the family. This job restricted their social life. Most respondents left major household chores to their parents if they were unmarried. Their main hobby was to sleep for as long as they were at home because the fatigue level was very high with night duties. Parents took care of all the domestic work giving time for rest and relaxation to their working daughters. Among married women, some were stressed because husbands did not alter their domestic roles. Other married women who shared the provider's role negotiated for a greater share in family power and authority. Such women were able to alter their families attitudes and the men did an equal amount of work at home to allow them to continue working in call centres. This is shown in Table 10 through the decision-making powers of employed women, both married and unmarried. Even in India's patriarchal society certain changes are evident. In balancing work and family life, 11 respondents stated that they took decisions on their work and home themselves. Although 43

respondents said their father or husband were responsible for taking major decisions, 41 also said that one person did not take the decisions but that they were made mutually on matters regarding the family and by themselves, at work.

Conclusions:

Call centres are one of the most sought after workplaces for young graduates and undergraduates as it provides them with a good environment to work in, decent emoluments and financial incentives, transportation both during day and night, and meals and refreshments. No other job allows the entry of employees with minimum education (school pass) at such attractive perks.

Our research shows that there is a change in the acceptability of women working in call centres having night duties, both in nuclear and joint families. Moreover, in the lower income groups, the woman's salary is very important and the families look up to their daughter's work in improving their economic status. Such jobs are also acceptable in higher income groups, where women are working in the call centres as a pastime.

Call centres follow strict rules in granting leave to their employees.

The nature of the work is such that the process breaks if the customer care executive/process associate is not present. Hence call centres penalise their workers by deducting salary and reducing leave period if the employees do not apply for leave before the scheduled shift through email to their superiors.

Women in call centres are generally in process jobs and not in technical jobs. They work at the lowest level of process associates/customer care executive. Their salary is below Rs 10,000 but even so they play a meaningful role in their family structures by contributing to the family income.

Women working in call centres are generally in the age group 18-30, indicating that it is mostly unmarried women who take up these jobs. Though in India the age of marriage of a girl is generally the early 20s, we found that women working in call centres delay marriage to their late 20s and early 30s, as they want to be economically independent. This is because they cannot balance their family lives with their jobs in the call centre.

There was no discrimination against women at the entry level. But very few women attain managerial positions, as they dropped out of their jobs to get married and bear children.

Call centre jobs have a direct influence on health, because the women work against the biological clock while on night duty. Women in call centres suffer from stomach-related problems, eye and head

strain, backache and spondylitis; they also get addicted to smoking and having endless cups of tea and coffee to keep awake at night. Seventy-five per cent of the women respondents reported that call centre job is a health

hazard. There is no balancing at all between work and family life. The families are accepting the work role of the woman as a priority and the people at home make adjustments. Also the decision making power of such women is enhanced.



Table – 1 Age Group of Women Working in Call Centres

Age	No of Women
Below 20	14
21-25	67
36-30	15
31-35	Nil
36-40	Nil
41-45	3
Above 45	1
Total	100

Table – 2 Marital Status of Women Employees

Status	Number
Married	8
Unmarried	92
Total	100

Table – 3 Level of Education of Respondents

Level	Number
School pass	22
Bachelors degree	60
Master degree	18
Total	100

Table – 4 Job Level of Respondents

Job Level	Number
Customer care executives	79
Senior executives	10
Team leader	8
Assistant manager	1
Manager	2
Total	100

Table – 5 Salary Earned by Respondents

Salary(Rs.)	Number
Below 10,000	73
10,000-15,000	16
15,000-20,000	7
Above 20,000	4
Total	100

Table – 6 Health Hazards

Problems	Number
Backache	43
Earache	12
Leg cramps	11
Spondylitis	31
Sleep disorder	5
Indigestion	50
Eye Strain and headache	40

Table – 7 Family Status

Status	Number
Joint family	13
Nuclear family	87
Total	100

Table – 8 Family Background of Respondents

Background	Number
Business	30
Service	65
Professional	5
Total	100

Table – 9 Respondent's Family Income

Income	Number
Below 20,000	20
20,000 - 50,000	47
50,000 - 80,000	13
80,000 - 1,00,000	3
Above 1,00,000	17
Total	100

Table – 10 Decision –maker in the Family

Decision Maker	Number
Self	11
Father/husband	43
Mutual	41
Mother	5
Total	100



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In the last decade, the **Information Technology (IT)** and **Business Process Outsourcing (BPO)** industries have seen substantial growth. India has been a leading offshore destination during this period, and now accounts for 65 per cent of the global industry in offshore IT and 46 per cent of the global BPO industry. The global outsourcing market continues to grow rapidly, as the proven benefits of outsourcing (also termed global sourcing or global delivery) induce more and more companies to adopt these practices and providers develop the capabilities to serve even more sophisticated customers.

This global market for “outsourcing” white-collar employment has also brought about a change in the traditional roles of women in Indian society. There have been changes in the urban outlook, it was once taboo for girls to travel

WHITE COLLAR WOMEN EMPLOYEES' SAFETY – A CHALLENGE TO THE POLICE

alone out of the house after dark, but now they are encouraged to work and do night shifts at call centers and IT companies.

Young men and women who have been recruited into these new jobs are experiencing long hours, late-night shifts and westernized work habits. With more and more women entering into this workforce, the issue of safety and security has become a major concern for the Police. The rape and murder of a 24 year old woman employee of a multinational company in Bangalore was a ghastly act that started to expose the security impact of this global trend. It raised several questions, why the company involved and the industry at large do not provide security to women employees, who are required to work round the clock? **The National Association of Software and Service Companies (Nasscom)** had given the assurance that the industry would work “**with the police to ensure that such incidents are not repeated,**” and admitted that it was for the industry to provide security.

Ironically, the Central Government recently amended the Factories Act, 1948 to enable women to work night

shifts in special economic zones, textiles and IT sectors (especially call centers). While the Act provides equal employment opportunities to women, it also demands that their security be looked after by their employers. The government has made it clear that the onus of ensuring the safety of the employee was on the employer.

Safety and security issues:

Safety of women, has been the primary concern of the police. The present influx of women into such jobs and the sudden spurt in crimes has become a challenge for the proactive police.

Called the ‘**sunshine sector**’, though almost all its work is carried out in the nights, the BPO industry is hinged on the real time servicing of markets in East and West Coast USA, Europe and the UK. Indian BPOs are engaged in a frenzy of answering scores of calls from across the globe every night. Women having to leave office at late nights or early mornings face threats of physical and sexual abuse and even verbal abuse that has left many a women quit their jobs or face mental agony for months. The threat of abuse is both at the workplace and on travel back home.

Though many companies have their own transport facilities or hire travel agents, the issue of safety is still a question. After the Bangalore incident many BPO firms in Chennai have revamped their safety systems. Interactive meetings between the public, BPO employees and the police, has brought about decisions like henceforth women employees would not be picked up first or dropped last, that all cab drivers must carry identity cards, that there have to be longer contracts with travel agents who have permanent drivers. Close interactions with colleagues, and young men and women working together late at night has also led to crimes like cheating, sexual harassment, unwanted pregnancies, intimidation, cyber staking and blackmailing. Stories have been emerging for some time of promiscuity in the 24-hour centers. Large pay packets and the need for a "let out", shows the way to bars and disco floors, increasing the risk of drunken driving and sexual abuse. After working on overnight shift, many shift workers face a serious risk of falling asleep at the wheel, increasing the risk of accidents and deaths. Additionally, the stress due to the impairment of conventional social and family life could also result in increased substance abuse and the breakdown of marital and other relationships.

There have been incidents of road rage involving call centre drivers and security guards taking place in the city. The pressure of getting them to office on time has been the major cause. Further there are no screening procedures for drivers or security guards. The employer ensures that there is a security guard with a woman employee if she is alone in the car, but there is no way to screen them. They are private guards.

This transitional development has also brought about profound influence upon different dimensions of the family system. In a survey conducted on 100 women BPO employees, the authors found that 90% of respondents said that they had no interaction with their families, due to their work schedule. There have been incidents of missing women, where the parents or guardians have no clue on what happened or where on earth she exists.

Role of the Police:

What the industry needs from the police are two things – one short term, for addressing the problem at hand and the other, long term solutions so that we create a self-sustaining system. In the short term, one of the things would be to use the women police force to conduct regular checks at call centers and have complaint boxes installed. The 1091 can be geared up to handle such calls

and offer immediate assistance. Mobile police units can extend to call centers in the area and women police could also address the young women employees on ways to protect themselves and the availability of the women's helpline.

Employers could integrate their private security with the police, in order to bring about a deterrent effect on 'suspicious employees' as well as the private security guards. Police can conduct random checks to see that call centers abide by the security rules and policies for safety.

Transport providers to call centers could go through verification by the police and get a license based on periodical checks. The police can give an assurance to BPOs and IT companies for round the clock alert checks for cab numbers. And all travel and security staff should be recruited only after proper police verification.

The companies can install a phone number that could be directly connected to the police control room to enhance employee security. The police could also make regular checks to test the functioning of the system. Meetings on a regular basis can be scheduled with the management and security guards with the police.

A combination of these measures would increase security on a long

term. Security policies have to be set and the police need to check their enforcement. In-service training for the police should include an awareness on the kind of harassment and security threats faced by women

working in this industry. Women employees in particular and workers in general have the right to a conducive environment in which they feel safe to live and work and the police should make that possible with

their efforts and get the community to cooperate with them. The BPOs have to liaise with the police to safe guard their employees and vice versa to curb the sudden surge of crimes against women in this sector.



*The mind is a ice berg. It floats with only one –
seventh of its bulk above water*

- Sigmand Freud



CHILD ABUSE

What Is Child Abuse?

“Child abuse” can be defined as causing or permitting any harmful or offensive contact on a child’s body; and, any communication or transaction of any kind which humiliates, shames, or frightens the child. Some child development experts go a bit further, and define child abuse as any act or omission, which fails to nurture or in the upbringing of the children.

The Child Abuse Prevention and Treatment Act defines child abuse and neglect as: “at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm.”

A child of any age, sex, race, religion, and socioeconomic background can fall victim to child abuse and neglect.

There are many factors that may contribute to the occurrence of child abuse and neglect. Parents may be

more likely to maltreat their children if they abuse drugs or alcohol. Some parents may not be able to cope with the stress resulting from the changes and may experience difficulty in caring for their children.

Major types of child abuse are : Physical Abuse, Emotional Abuse, & Sexual child Abuse, Neglect. (Physical neglect, educational neglect, emotional neglect)

Emotional Abuse: (also known as: verbal abuse, mental abuse, and psychological maltreatment) Includes acts or the failures to act by parents or caretakers that have caused or could cause, serious behavioral, cognitive, emotional, or mental disorders. This can include parents/caretakers using extreme and/or bizarre forms of punishment, such as confinement in a closet or dark room or being tied to a chair for long periods of time or threatening or terrorizing a child. Less severe acts, but no less damaging are belittling or rejecting treatment, using derogatory terms to describe the child, habitual scapegoating or blaming.

Neglect: The failure to provide for the child’s basic needs. Neglect can be physical,

educational, or emotional. Physical neglect can include not providing adequate food or clothing, appropriate medical care, supervision, or proper weather protection (heat or coats). It may include abandonment. Educational neglect includes failure to provide appropriate schooling or special educational needs, allowing excessive truancies.

Psychological neglect includes the lack of any emotional support and love, never attending to the child, spousal abuse, drug and alcohol abuse including allowing the child to participate in drug and alcohol use.

Physical Abuse: The inflicting of physical injury upon a child. This may include, burning, hitting, punching, shaking, kicking, beating, or otherwise harming a child. The parent or caretaker may not have intended to hurt the child, the injury is not an accident. It may, however, been the result of over-discipline or physical punishment that is inappropriate to the child’s age.

Sexual Abuse: The inappropriate sexual behavior with a child. It includes fondling a child’s genitals, making the child fondle the adult’s

genitals, intercourse, incest, rape, sodomy, exhibitionism and sexual exploitation. To be considered child abuse these acts have to be committed by a person responsible for the care of a child (for example a baby-sitter, a parent, or a daycare provider) or related to the child. If a stranger commits these acts, it would be considered sexual assault and handled solely by the police and criminal courts.

Commercial or other exploitation of a child refers to use of the child in work or other activities for the benefit of others. This includes, but is not limited to, child labour and child

prostitution. These activities are to the detriment of the child's physical or mental health, education, or spiritual, moral or social-emotional development.

Child abuse can have the following consequences :

1. It will encourage your child to lie, resent, fear, and retaliate, instead of loving, trusting, and listening
2. It will alienate your child from you and the rest of your family & make him a recluse.
3. It will lower your child's self esteem, and affect your

child's psychological development and ability to behave normally outside his home.

4. When your child grows up, your child could probably carry on the family tradition, and abuse your grandchildren.
5. Your child may exclude you from his adult life. For example, you might not be invited to your child's wedding, or not be allowed any contact or relationship with your grandchildren.



Tulir, Chennai
www.tulirephcsa.org/

CHILD SEXUAL ABUSE

What is Child Sexual Abuse?

Child Sexual Abuse is the use of a child for sexual gratification by an older or more powerful person. The offender is usually an adult, but could also be a more powerful child. Both girls and boys are vulnerable. Besides being a public health concern, it is a crime punishable by law.

Types of Child Sexual Abuse

Child Sexual Abuse includes the following Touching and Non-Touching Behaviors (but need not be limited only to these acts)

Touching behaviors include

- ✦ Fondling a child's body for sexual pleasure.
- ✦ Kissing a child with sexual undertones/ inclinations.
- ✦ Rubbing genitals against a child's body.
- ✦ Sexually touching a child's body, and specifically private parts (breasts and genitals). Includes encouraging or forcing a child to do likewise.

- ✦ Making a child touch someone else's genitals, or playing sexual ("pants-down") games.
- ✦ Encouraging or forcing a child to masturbate, with the child as either a participant or observer.
- ✦ Encouraging or forcing a child to perform oral sex. (mouth-to-genital contact on or by the child)
- ✦ Inserting objects or body parts (like fingers, tongue or penis) inside the vagina, mouth, or anus of a child; includes attempts of these acts.

Non-touching behaviors include

- ✦ Encouraging a child to watch or hear sexual acts either in person or lowering the bars of privacy.
- ✦ Looking at a child sexually.
- ✦ Exposing one's private body parts to a child. (exhibitionism)
- ✦ Watching a child in a state of nudity, such as while undressing, using the bathroom, with or without the child's knowledge. (voyeurism)
- ✦ An adult making suggestive comments to the child that are sexual in nature. Commenting on the sexual development of a child.
- ✦ Encouraging or forcing a child to read/watch pornography, giving pornographic material or using the child in pornography.

Most people imagine abusers to be shadowy and frightening strangers. In fact, most often these abusers can range from family members to acquaintances and someone the victim trusts explicitly. Rarely are abusers complete strangers.

Contrary also to what people may think, a person who abuses a child is usually not someone with a usually indistinguishable from anyone else. In fact, often an abuser is a "regular" person who

leads a “routine” life and is known to the victim, but has no inhibition or qualms for having sex with children.

Furthermore, child sexual abusers do not share any specific common characteristics:-

- ❖ Though most abusers are men, women can also be abusers.
- ❖ They do not belong to any particular socio-economic class.
- ❖ Education, or the lack of it, does not define an abuser.
- ❖ The abuser need not have any psychological/emotional problems.
- ❖ Abuser can be married and have children of their own.
- ❖ The abuser may or may not have history of abuse in his/her childhood.

When abusers plans on targeting a child, they keep in mind the following factors:

- * Picking someone who can be safely victimized.
- * Spending time observing and then tricking the child into performing sexual acts so that the victim

appears to be willing partner.

- * Manipulates an apparently “willing victim” through encouragement, coercion, surveillance, constraint and bribery.

Grooming children for Sexual Abuse

You’re a thief-a fraud. You recently met an elderly widow with a good-sized bank account and sizable property. In sharp contrast, your own financial situation is nearing bankruptcy. You rationalize that she has enough and more and you decide to help yourself to some of her money.

So you befriend the lady. You run small errands for her. You buy her gifts. You listen to her stories and you comfort her when she feels lonely. You put your arm around her and tell her you understand her problems. You spend time with her each day. You tell her she’s special. You gain her trust. Her natural suspicion disappears.

Only then does the conversation shift to money. You tell her about a tremendous investment opportunity. You offer her a chance to share in this special event. If she’s curious, you play on that curiosity. You answer her questions and downplay her fears. And your work pays off. She trusts you. She signs the check.

Three minutes after her bank opens, you leave town, cash in hand and ready to target your next victim.

But what if you’re a child molester-a predator? What if the object of your desire isn’t the widow’s bank account, but her six-year-old grandson? What steps will you take to get what you want?

Not much will change. An abuser will identify and engage his/her victim. S/he’ll gain the child’s trust, break down his/her defenses, and manipulate him into performing or permitting sexual acts. If necessary, the abuser will gain access to the child by employing the same techniques with the child’s parent or adult caregiver.

The process is called Grooming. It allows for an abuser’s increased access to his/her victim. It provides for a relationship of camouflaged abuse and decreases the likelihood of discovery.

“The establishment (and eventual betrayal) of affection and trust occupies a central role in the child molester’s interactions with children....The grooming process often seems similar from offender to offender, largely because it takes little to discover that emotional seduction is the most effective way to manipulate children.” (Anna C. Salter)

In the words of convicted child molesters,

“Parents are so naive-they’re worried about strangers and should be worried about their brother-in-law. They just don’t realize how devious we can be. I used to abuse children in the same room with their parents and they couldn’t see it or didn’t seem to know it was happening.”

“I was disabled and spent months grooming the parents, so they would tell their children to take me out and help me. No one thought that disabled people could be abusers.”

“Parents are partly to blame if they don’t tell their children about [sexual matters]-I used it to my advantage by teaching the child myself.”

“Parents shouldn’t be embarrassed to talk about things like this-it’s harder to abuse or trick a child who knows what you’re up to.”

Grooming is a Process...

Grooming is a systematic and methodical process. *It begins when the abuser chooses a target.* They work at or visit places where they can have easy access to children: schools, playgrounds, parks, children’s homes, community and family gatherings. Other abusers strike up relationships with parents and adult caregivers of children.

There is no proto-typical victim of child sexual abuse. Any child may be victimized. However, abusers often target children with obvious vulnerabilities. A child who feels unloved and unpopular will soak up adult attention like a sponge. Children with family problems, who spend time alone and unsupervised, who lack confidence and self-esteem, and who are isolated from their peers are all likely targets.

Abusers engage or “recruit” their victims in different ways. Many use a combination of charm and “bonding”. They may offer to play games, give rides, or buy treats and gifts as tokens of friendship. They may offer drugs or alcohol to older children or teenagers. And they almost always offer a sympathetic, understanding ear. “Your parents don’t understand or respect you? I do”. “Other kids make fun of you?”. “I know what that’s like-it was the same way for me when I was your age”. “They don’t trust you at home? I know what that’s like-your parents never really want you to grow up. But I trust you. I respect you. I care for you more than anybody else. And I love you. I’m here for you”.

Successful abusers find and fill voids in a child’s life.

The forging of an emotional bond through grooming leads to physical contact. Predators use the grooming process to break down a child’s defenses and increase the child’s acceptance of touch. The first physical contact between predator and victim is often nonsexual touching designed to identify limits: an “accidental” touch, an arm around the shoulder, a brushing of hair. Nonsexual touching desensitizes the child. It breaks down inhibitions and leads to more overt sexual touching-the predator’s ultimate goal.

A predator will usually introduce secrecy at some point during the grooming process. Initially, secrecy binds the victim to the predator: “Here’s some sweets. But don’t tell your friends because they’ll be jealous, and don’t tell your mother because she won’t like you eating between meals.” Later on, secrecy joins hands with threats: “If you tell your mother what happened, she’ll hate you. It’ll upset her. Or I’ll kill her. Or I’ll kill you.”

The best way to recognize grooming behavior is to pay attention to your child and the people in your child’s life. Children require the protection of adults, usually from adults. Their

intuition not yet developed with enough information and experience to keep them from harm. There are many demands placed upon our time, but nothing-nothing-is more important than the well-being of our children. When we blindly surrender responsibility for them to others without question, we invite trouble. Parents should know their child's teachers, coaches, relatives, employees, child's peers and other significant adults in their lives. Ask questions. Stay involved.

And please-talk to your children. Teach them to recognize grooming behavior. Teach them to be wary of any physical contact initiated by an adult. And teach them to trust you with their problems and their pain. The safest child is the child who knows she/he can bring his/her problems and concerns to parents and adult caregivers.

As a way of understanding and trying to come to terms with the ambivalence (which is a key characteristic of CSA) and to accept the sexual contact, the child rationalizes the relationship and interaction with the abuser. This entails the changing of fundamental values and perceptions by the child to suit the situation, leading to what is known as the "accommodation"

syndrome, and is the basis of the shame and guilt which impacts (usually insidiously) the child victim/adult survivor with enormous psycho-social effects Sexual abuse is more likely to be identified through behavioral indicators, rather than by physical indicators.

PHYSICAL INDICATORS

- ① Difficulty in walking or sitting.
- ① Anxiety related illnesses, such as anorexia or bulimia.
- ① Discomfort in urinating or defecating.
- ① Recurrent urinary infections.
- ① Evidence of physical trauma, to the oral, genital or anal areas, manifested as bleeding, discharge, soreness and/or itching.
- ① Bruising and other injury to breasts, buttocks and thighs and other parts of the body.
- ① Sexually transmitted disease in a child of any age.
- ① Unexplained pregnancy.

BEHAVIOURAL INDICATORS

Behavioral indicators in and of themselves do not constitute abuse. Together with other indicators they may warrant a referral.

- ☞ Learning problems, inexplicable fall in academic grades, poor memory and concentration.
- ☞ Reluctance to participate in physical or recreational activities.
- ☞ Regression to younger behaviour, such as thumb-sucking, acting like a baby, bedwetting and/or speech difficulties.
- ☞ Tendency to cling or need constant reassurance.
- ☞ Sudden accumulation of money or gifts.
- ☞ Complaining of headaches, stomach pains or nausea without a physiological basis.
- ☞ Fatigue and sleeping difficulties.
- ☞ Poor self-care/personal hygiene.
- ☞ Depression.
- ☞ Social withdrawal (such as poor or deteriorating relationships with adults and peers).
- ☞ Developing fears, phobias and anxieties (A fear of a specific place related to abuse, a particular adult, refusing to change into sports/swimming clothes).

- ☞ Wearing of provocative clothing, or layers of clothes to hide injuries and/or to appear unattractive.
- ☞ Sexual knowledge, behavior, or use of language not appropriate to age level.
- ☞ Sexual inference in children's recreational activities such as drawing, playing, singing etc.
- ☞ Sexually abusive behavior towards other children, particularly younger or more vulnerable than themselves.
- ☞ Age inappropriate sexual behavior.
- ☞ Child running away from home/school.
- ☞ Self-injurious behavior, like alcohol or drug abuse, body-mutilation, getting in trouble with law, suicide attempts.

Effects of Child Sexual Abuse

The effects of child sexual abuse vary from child to child with each child developing his/her own coping mechanism. The effects are dependent on a host of factors, the primary ones being age of the child, sex of the child, the relationship with the abusers, frequency of abuse and availability

of support systems etc. But some of the more common effects of child sexual abuse recorded are:

- * Distrust of others and themselves.
- * Terror and anxiety.
- * Shame, guilt, and self-hatred.
- * Alienation from their bodies.
- * Isolation and withdrawal from people and activities.
- * Powerlessness, depression, and extreme passivity.
- * Anger.
- * Obsession with sex or complete aversion to it.
- * Questioning their sexuality and gender.
- * Drug and alcohol use, abuse and addiction.
- * Eating disorders.
- * Perfectionism and workaholism.
- * Mental illness and suicide.
- * Sexual offending.

PERSONAL SAFETY EDUCATION

The concept of Personal Safety Education works to allow every child the right to feel safe all the time, using a methodology that promotes the safety of self

against abuse. The program is an extension of the safety rules we teach our children, that is, don't play with fire, look both sides before and while crossing the road etc. Besides empowering children to take part in their own protection, it strengthens the ability of those morally, socially and professionally responsible for the protection of children, that is, the State, parents, educators, and the larger community.

WHAT IS PERSONAL SAFETY?

Personal Safety is curriculum designed to protect children from abuse, specifically sexual abuse.

Personal Safety empowers children to take part in their own protection by giving them age-appropriate information, skills, and self-esteem.

Personal Safety teaches children that their body belongs only to them and nobody has the right to touch them in a way they don't like or understand.

Personal Safety teaches children to understand their emotions to help keep them safe, using fear and anger in positive ways.

Personal Safety teaches assertiveness skills, helping children to stand up for their won rights without violating the rights of others.

Personal Safety builds the support system of each child, including the

family, school, community, and friends.

Personal Safety builds the self-esteem of each child to empower them to practice assertiveness skills for their own protection.

Personal Safety builds empathy for one another.

Personal Safety teaches children that only the offender is to blame for any inappropriate sexual touch.

It's important to understand sexual abuse need not always involve touching the child. It includes other non-contact acts as well.

TEACH YOUR CHILDREN THE FOLLOWING RULES

It is **NOT OK** to touch someone else's private body parts.

It is **NOT OK** for someone to show you photos or videos of people without their clothes on.

TALK TO CHILDREN DIFFERENT KINDS OF TOUCHING. TEACH THEM THAT THERE ARE THREE KINDS OF TOUCHES.

SAFE TOUCH are those touches that are experienced by the receiver (child) as warm, caring, nurturing, and supportive. They do not diminish the receiver and do not take from the receiver. All persons need to receive this kind of touch.

UNSAFE TOUCH are those that hurt the receiver, that make the receiver feel bad, that inflict pain or

confusion and conflicting feelings about the touch and/or about the person who does the touching. The intent of the adult may be unclear, the touch may be unfamiliar. There are times when this kind of attention "feels good" but is also frightening, such as a touch that is sexually stimulating, being asked keep the experience a secret or being given undue intimate attention in front of others. Thus, the attention or touch that "feels good" is not always good or safe.

Safe Touch Confusing Touch Unsafe Touch.

What determines the nature of the touch?

Whether the touch or attention is "safe" or "unsafe" or "confusing" is determined by how the

experiences it, NOT of the person giving doing the touching.

intend the touch/ convey a certain kind of

message (support, affection, etc.) but the message is entirely dependent upon how the receiver perceives the touch/attention, and the adults have no control over this. **The adult's intentions are irrelevant.**

To conquer fear is the beginning of wisdom in the pursuit of Truth

- Bertrand Russell

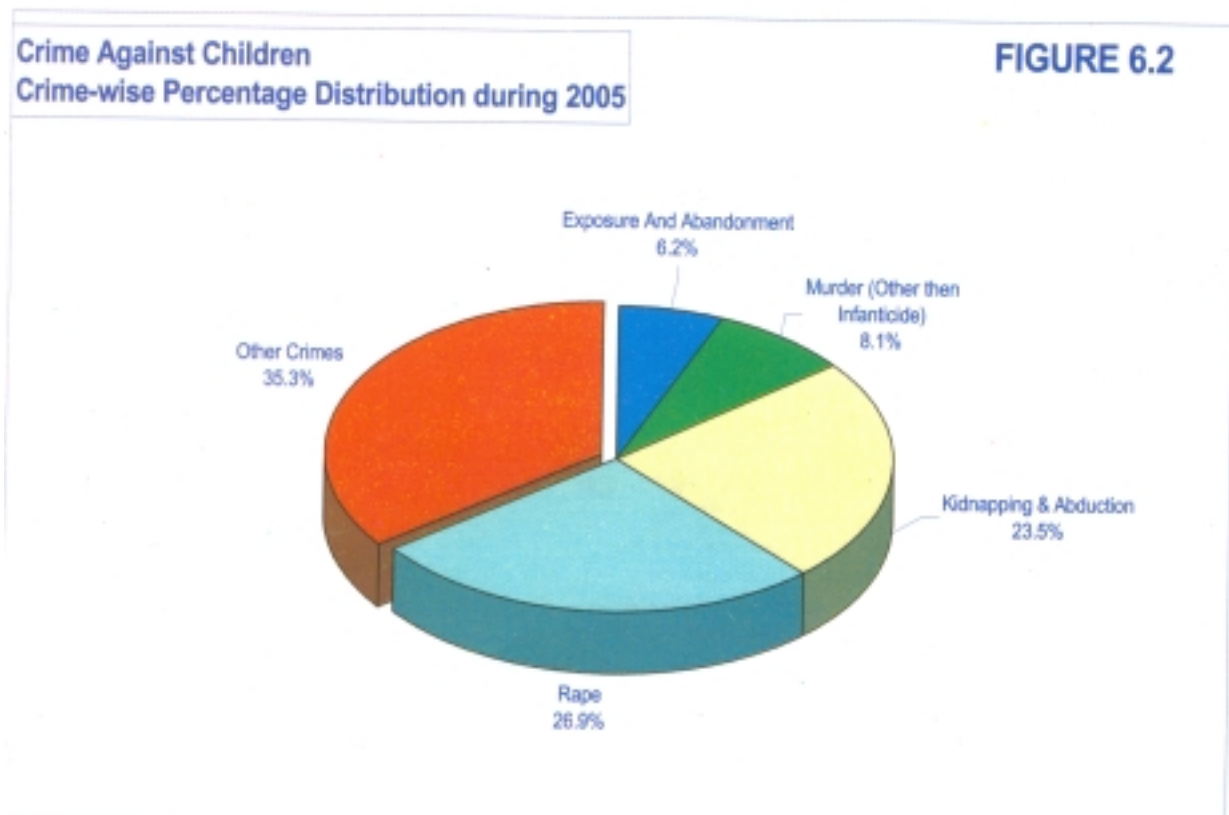
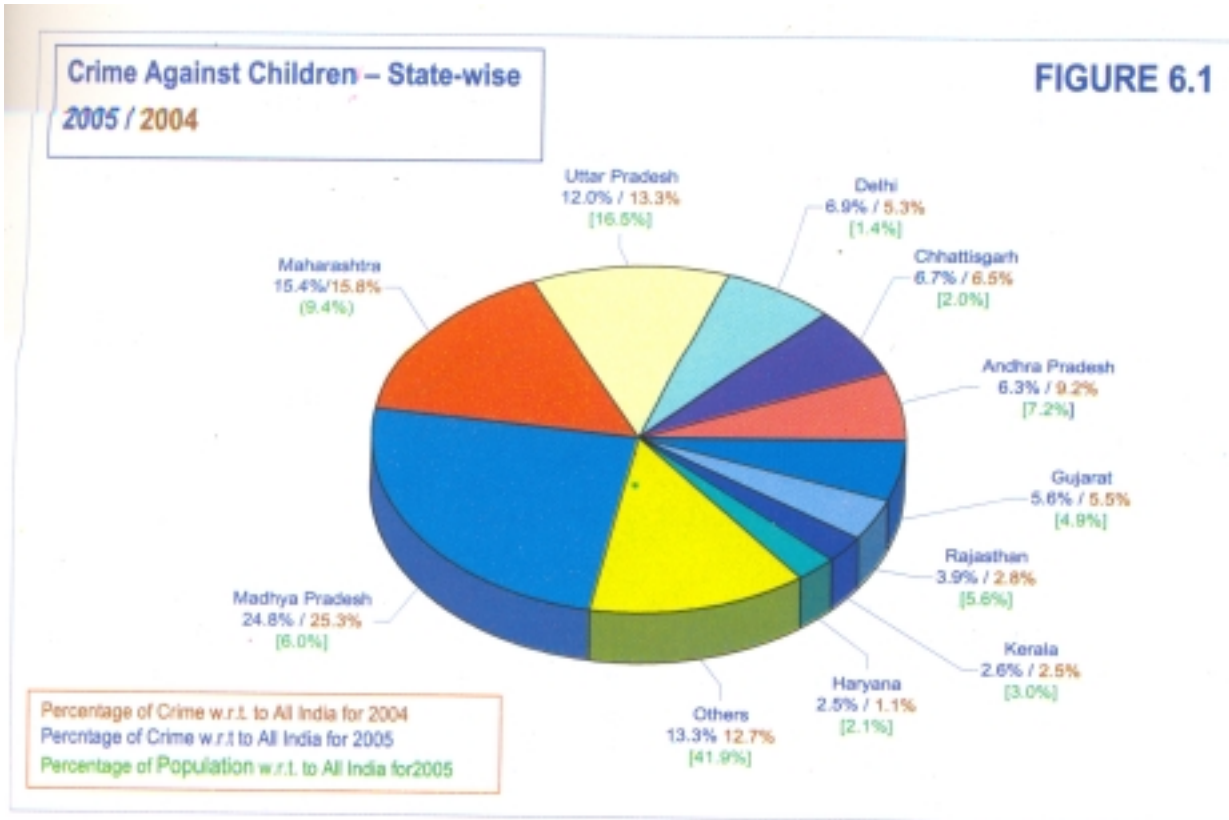
you to touch his or her private body parts.

It is **NOT OK** for someone to take photos or videos of you with your clothes off.

abusive, and frightening.

CONFUSING TOUCH are those which make the receiver feel uncomfortable, uneasy, confused, or unsure. The receiver experiences





Source : Crime in India



Tmt. Sudha Ramalingam,
Advocate, Chennai.

PREVENTION OF CHILD ABUSE – LEGAL ASPECTS

November 19 is observed as 'The International Day for the Prevention of Child Abuse'. It is a sad state of affairs that despite the domestic and international laws and covenants providing for preventive, punitive and educative aspects of child abuse it has not abated.

Ms. Pinki Viurani, author of *Bitter Chocolate - Child Sexual Abuse in India*, says "it is not possible to reduce a child to a statistic". However to give some idea of the bare bones of the situation she says that as per government statistics 20% of India's population aged under 15 years (approximately 6,44,00,000 children) are susceptible to child sexual abuse (CSA). Of these 50% are cases that occur at home.

Responding to a PIL filed by NGO Sakshi, Supreme Court had in 2004 said: "Cases of child abuse and rape are increasing at alarming speed and appropriate legislation in this regard, is therefore, urgently required." "We

hope Parliament will give serious attention to this aspect and make appropriate legislation with all the promptness which it deserves". Pursuant to the above the Ministry of Women and Child Development has drafted a law to be called the Offences against Children Act, 2006 that defends children from any form of abuse, a slap or any sexual abuse. According to the draft bill, parents and teachers can be jailed for up to five years for physically abusing children.

Indian Constitution provides safeguards for children. The most fundamental right conferred on all persons in India is equality before law and equal protection of law in Art. 14. As a corollary to this, Article 15 speaks of Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. Hence the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Yet as children and women are vulnerable sub-clause (3) of provides for making special provision for women and children. Article 24 provides for Prohibition of employment of children in factories, etc

India being a member of the United Nations Organization is a signatory to the Universal Declaration of Human Rights, which has proclaimed that childhood is entitled to special care and assistance. Bearing in mind the need to extend particular care to the child the Geneva Declaration of the Rights of the Child of 1924, was adopted by the General Assembly on 20 November 1959. The International Covenant on Civil and Political Rights (in particular in articles 23 and 24), the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, the Declaration of the Rights of the Child, came to be adopted.

The Convention on the Right of the Child (CRC) emphasizes that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". CRC is a universally accepted UN Convention ratified by all the Countries except U.S. The Convention prescribes a set

of standards to be adhered to by all State parties in securing the best interest of child. It lays down four sets of rights namely, Right to Development, Right to Protection, Right to Survival and Right to Participation. The General Assembly of United Nations adopted the Convention on 20th November 1989 and the Government of India ratified it on 11th December 1992.

Keeping in mind the obligations under our Constitution and the CRC, Juvenile Justice (Care and Protection of Children Act, 2000 (JJ ACT in short) has been enacted to deal with children in a humane fashion. JJ Act is the primary law for care & protection of children in India. The Act intends to consolidate and amend the law relating to juveniles in conflict with law and children in need of care & protection, by providing for proper care, protection and treatment by catering to their developmental needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of the child.

The JJ act distinguishes and deals with children in two contexts. One as child in conflict with law and the other as child in need of care and protection. This act also for the first time provides the law for adoption of children irrespective of the religion to which the parties belong. Before this

Act only Hindus could adopt while the others had to take refuge in being declared as a guardian under the Guardians and Wards Act.

JJ Act defines a “child as a person who has not completed eighteenth year of age”. The term ‘Child Protection’ addresses every child’s right not to be subjected to harm. It complements other rights that, inter alia, ensure that children receive what they need in order to survive, develop and thrive.

A successful protection action increases a child’s chances to grow up healthy, confident and self-respecting both physically and mentally and therefore less likely to abuse or exploit others, including his or her own children.

The term ‘Juvenile’ has been used in the Act in the context of Juvenile in Conflict with Law. Child alleged to have committed an offence is a Juvenile in Conflict with Law.

Children in need of care & protection means

- a) a child who is found without any home or settled place or abode and without any ostensible means of subsistence;
- b) resides with a person (whether a guardian of the child or not) and such person has threatened to kill or injure the child and there

is a reasonable likelihood of the threat being carried out, or has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person;

- (c) is mentally or physically challenged or ill or suffering from terminal diseases or incurable diseases having no one to support or look after;
- (d) has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child;
- (e) does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable inquiry;
- (f) is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts;
- (g) is found vulnerable and is likely to be inducted into drug abuse or trafficking;
- (h) is being or is likely to be abused for unconscionable gains;
- (i) is victim of any armed conflict, civil commotion or natural calamity.

The JJ Act provides for establishment of Juvenile Justice Boards (JJBs) by the State Government to deal with matters relating to juveniles in conflict with law. The JJB consists of a panel of Metropolitan Magistrate or Judicial Magistrate of the first class and two social workers of whom at least one shall be a woman.

The JJ Act also empowers the State Government to establish Child Welfare Committees (CWCs) in every district or a group of districts to deal with children in need of care & protection. CWC has the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care & protection and to provide for their basic needs.

other members, one of whom shall be a woman & another expert on matters concerning children.

The JJ Act also provides for a Special Juvenile Police Unit (SJPU) of which all police officers designated as juvenile/child welfare officers are members to be setup in every district

and city to coordinate and upgrade the police treatment of the juveniles and the children. The Act provides for at least one police officer in every police station with aptitude and appropriate training and orientation to be designated as Juvenile/Child Welfare Officer to handle juvenile/child in coordination with the police.

JJ Act also provides for adoption, foster care and child sponsorship. Adoption makes the child part of the family with a legal status like that of a natural child of his parents. While foster care provides for family-based care to children. Child sponsorship is a way of raising long-term support for children whilst providing a rich and rewarding experience to donors, child sponsorship establishes a

development while allowing donors to see how their money is making a difference to the life of an individual child, family and their community. Sponsorship helps provide necessities such as access to education, health care, nutrition and other needs

By approaching the needs of children from a rights perspective, all action on behalf of children is based on their rights as a matter of law, not simply on the fact that they need a certain type of response. National Initiative for Child Protection (NICP) is a campaign initiated by the Ministry of Social Justice & Empowerment through National Institute of Social Defense (NISD) and Child line India Foundation. "To every child a childhood" is the vision of NICP. It hopes to achieve this by facilitating a clear understanding of Child Rights and Juvenile Justice (Care & Protection of Children) Act 2000 among the members of allied systems, NGOs and others. NISD carries out intensive training and capacity building of different levels of functionaries working under juvenile justice system in the country. Childlines dedicated to serve children with no delay are also set up all over the country.

Despite the laws, initiatives from the State and non-State actors, there is a lot to be done to do away with child abuse; we have to sensitize people, educate, and make adults economically self-sufficient to eradicate child abuse

There is a big difference between what you have a right to do and what is right to do
-Justice Stewart





P. MALAI CHAMY,
Inspector of Police,
Video piracy cell, Vellore.

When I was Inspector of Police in Sathuvacheri Police Station, on 09.03.2005 one Gnanasekaran came to Police Station and lodged a complaint that his daughter Smyrna, aged 13 years, School going girl was missing since 09.03.05 from 6 AM. He has also stated that his previous car driver sathya might have kidnapped his daughter. I received the Complaint, registered a case and took up investigation.

Preliminary Investigation revealed that the father of the missing girl was running a Medical shop and her Mother working as a Principal in Nursing Collage at Trisoor, in Kerala State. On the instructions of the superior officers a special team was formed under me.

A recent photo of the missing girl was obtained from her parents and the residential address of the suspected Sathya was also traced. A bank passbook with his photo and his mobile phone number were seized from his house.

TRACING OF A KIDNAPPED MINOR GIRL THROUGH MOBILE TECHNOLOGY

After this, routine formalities such as circulation of Pamphlets along with the Photograph of the missing girl to all Police Stations in district through District Crime Records Bureau and near by bordering districts was done. Subsequently, a friend of the accused was secured and enquiries with him revealed that the accused was last seen with the girl at Besant Nagar, Chennai. I asked him to contact Sathya through his mobile phone and found that the accused had switched off his phone. I asked him to continue to contact him and inform me, as and when he spoke to the accused. Immediately a team rushed to Besant Nagar to locate them. Meanwhile, another team was dispatched to Pondicherry to locate them. The efforts of both the teams proved futile.

On 10.03.2005 with the help of the BSNL personnel we ascertained the place from where the accused received the call from his friend. The BSNL authorities told us that the accused received the call from his friend not in Chennai, but from the BSNL Tower at Lawrence Road, Cuddalore. Immediately, a party lead

by an Inspector of Police rushed to Cuddalore. They conducted search in all the lodges in Cuddalore Town, but there was no fruitful results. Enquiries made by me with the relatives of the accused at Vellore also proved futile.

In order to locate the whereabouts of the accused the mother of the kidnapped girl was asked to contact the accused. On 15.03.05 Afternoon, she established contact but the accused did not respond to the call and also switched off the cell phone. Immediately on my request the BSNL authorities informed me that the accused received the call in Gingee area, Villupuram.

Immediately, along with my party rushed to Gingee and conducted search in all the lodeging houses in the Gingee area. Finally we found that the accused along with the kidnapped girl is staying at a lodge at Room No. 204. The manager of the lodge informed us that they had gone to witness a film in a local theatre.

Immediately, I split the team into three units. Two units occupied the adjacent rooms of room no. 204 in civil dress while another unit was laying in wait in the ground floor. I had also

instructed all the team members not to move till the accused entered the room with the girl . At about 22.00 hrs, when the accused who has been eluding the police dragnet for a long time along with the kidnapped girl entered the room, we secured them and brought them to Vellore later they were produced before the Judicial

Magistrate, Vellore. Both were subjected for Medical examination and after the receipt of reports the case was charged on 16.09.05 U/s 363, 366 and 376 (i) IPC against the accused. After due trial the accused Sathya was convicted and sentenced to under go RI for 7 years and pay a fine of Rs. 1000/- in default RI for 6

months by the Vellore Assist. Sessions Judge Court in SC. No. 425/2005 on 14.12.2005.

It is only due to continuous search and sustained efforts with very good co-ordination between police teams and the BSLN authorities that the accused was located and arrested within 3 days. At least the girl was saved before it was too late....



“If you do not believe in Co-operating with others, look what happens to a wagon that loses a wheel”



Tmt. C. FLORA JAYANTHI,
Inspector of Police
AWPS, Ashok Nagar,
Chennai - 83

On 06.05.2004 when I was the SHO of W-26 AWPS, Ashok Nagar, Chennai – 83. On 06.05.04, One Sekar, Male, Age 40, working as a driver in a private firm and residing at No. 15, Nagathamman colony, West Mambalam, preferred a report stating that one Mohan, Male, Age 27, S/o Subramanian, painter by profession and a son of Retd. SI came to his house asking for marriage of his daughter, Age 16 yrs to him. When he refused on account of his daughter's age and financial constraints, the parents of Mohan continuously exerted pressure on him and ultimately he agreed to their demand with the condition that the marriage would be conducted only after two years, to which they agreed. Using this understanding, Mohan forced Abirami to have intercourse **with him** since they were engaged to be married in due course. She succumbed to his desire as otherwise he would not marry her. He threatened her not to disclose this

CRIME AGAINST WOMEN – CONVICTION THROUGH DNA ANALYSIS

to her parents. On noting abnormal growth of her abdomen Abhirami was taken to hospital and it was found that she was pregnant. She told them that Mohan was responsible and that she did not inform her parents as Mohan had threatened her not to disclose the relationship. After that efforts were taken by the father to conduct the marriage, but proved futile as Mohan refused to marry Abhirami and his parents stated that only after the delivery of the child and only if the medical test proved that the child was born to their son they would conduct the marriage. Meanwhile, Abirami gave birth to a female child during January 2004.

A case in Ashok Nagar, AWPS, Cr. No. 9/2004, U/s 376 IPC was registered on the complaint of Sekar. Investigation revealed that the complaint is true and also disclosed in a Panchayat held on 22.09.03, that the both sides entered into a Machalika stating that subsequent to the birth of the child if it is proved in a medical test that it was born to Sekar, they would conduct the marriage. Even after the birth of the child the counter petitioner continued

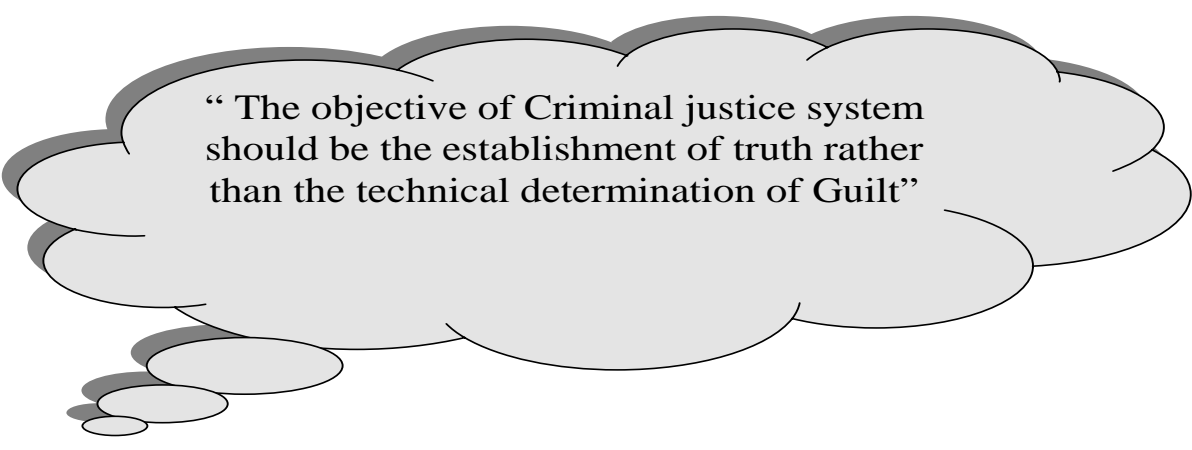
to dodge the girl's parents, on marriage.

During the course of investigation documentary evidence to prove the age of the victim was collected. The Panchayat Machalika, the undertaking given by accused before police on 7.4.04, the Ultra Sonogram report the birth certificates of the victim and her daughter Gayathri were marked as exhibits. The victim, her 4 month old daughter Gayathri and accused Mohan were subjected to undergo DNA test. From the DNA typing it was found that the accused Mohan was the biological father of the child. After completing the investigation final report against accused Mohan u/s 376 c1(i) IPC was laid on 08.07.05. The case was then committed to Mahila court, Chennai on 20.01.06 in Sc.No.464105 for trial. Even while the case was under trial and the court has come to a conclusion that the act of the accused amount to an offence under sec. 375 (6) IPC, the learned defence counsel contended that as per the **direction and wishes of the Court the accused would take the victim in marriage during the month of Jan'06** in a temple. But with regard to this contention when the victim was examined in the court,

the victim deposed that the accused already has taken one Dhanalakshmi as his wife. As such the accused had not revealed to the Court that he was already married to another lady. When the Court questioned the accused Mohan u/s 313 Cr.P.C he admitted the same as true. The Court brushed aside the prayer of the defence counsel that the accused would take the victim Abirami in marriage as assured by him and as such his case is to be viewed leniently in order to protect the marital life of the accused and the victim Abirami and the accused is to be acquitted. **The court came to the conclusion that the prosecution successfully proved the guilt of the accused for the offence u/s. 376 (1) Cr.P.C**

beyond all reasonable doubt and accordingly the accused was found guilty of the offence under sections 376 (1) IPC. The court viewed seriously that the accused has not informed to the court about the previous marriage with Dhanalakshmi and wanted to take the victim in marriage in order to safe guard himself or to come out of the clutches of law. The Judgment was pronounced on 26.06.2006 by Thiru.R.Mohandoss, B.Sc.B.L, DCFSC, Sessions Judge, Mahila Court. The Court found the accused guilty of the offence u/s. 376 (1) IPC. **He was convicted and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rest.25,000/- in default of which to undergo**

rigorous imprisonment for two years. Out of the fine amount of Rs. 25,000/- imposed against the accused a sum of Rs. 10,000/- was ordered to be given as a compensation to the victim Abirami as per the provision of section 357(1) Cr.P.C. and the remaining amount of Rs. 15,000/- was ordered to be deposited in fixed deposit in any one of the Nationalised bank in the name of child Gayathri born to the victim Abirami and accused Mohan till the child attaining majority after which both the approved interest and the amount of Rs. 15000/- was to be given to the child Gayathri. The victim Abirami was awarded rest Rs. 5000/- as Victim Assistant Fund.



“ The objective of Criminal justice system should be the establishment of truth rather than the technical determination of Guilt”



Tmt.S.SARASWATHY,
Inspector of Police,
AWPS, T. Nagar,
Chennai - 17

Social crimes such as dowry harassment are more difficult to deal with as the aggrieved women require police action to reconcile her differences and sufferings with in-laws without breaking the marriage. This requires the women Police Personnel serving in AWPSs to proceed with such cases with great care and abundant caution. Generally, the personnel encounter two types of situations while dealing with public, (1) the victim who is in mere need of police intervention and (2) the woman who is prepared to fight out a case. Therefore they have to exercise utmost discretion and tact of highest order in dealing with such situations, especially the situation of “mere intervention” so that the “required purpose of preventing dowry but allowing the marriage to succeed” is achieved. To achieve this, a police officer has to be intelligent with thorough understanding of the situation to handle these two contradictory situations. Towards this end, they

PROSECUTION OF DOWRY HARASSMENT CASES - AN ANALYSIS

have to adopt counseling approach in handling such marital disputes. The aggrieved woman should be apprised of various options open to her and allow her to choose her option. The officer should not have an idea that effecting reunion alone is a successful solution. It is not so. Facilitating the aggrieved women to choose a fitting solution to her problem- either it may be a reunion, separation, etc., which would result in a win-win situation. When win-win situation is arrived at between the partners most of the complaints are treated as closed. If a few cases where the complainants are prepared to fight out, the officers must intervene effectively by collecting relevant evidences to ensure exemplary punishment for wrong doers in a court of law. Even after a case has been reported, the police on their part find it difficult to draw a line where marriage can be taken to have completely broken down. The responsibility of the police is the highest in dealing with such cases, the handicaps in their way also several times more that in other cases for the reasons that:

- a) these type of crimes are mostly individual crimes committed in isolation or within the confines of a house.
 - b) the police intervention perse may result in spoiling already strained relationships.
- The successful prosecution of such offences mainly depends on the following factors:
- a) the reporting of such crimes to the police is not only invariably delayed but is always distorted.
 - b) there is obviously no direct evidence in favour of the victim because the eyewitnesses are always themselves the accused.
 - c) the witnesses who come forward to support the victim’s case are also all her relations and friends and therefore basically considered to be interested witnesses.
 - d) personally the victim is vulnerable to seething attack from the defense lawyers that the trial becomes a mental agony for the victim and her witnesses. This also deters her from pursuing the case vigorously.

e) the complainants hardly ever peruse these cases after the initial complaint.

f) they are satisfied with the arrest of the accused.

g) the judicial courts also apply the same exacting standards of evidence to these cases as they would apply to normal offences like murder and theft.

If the officers who investigate such cases takes adequate care of above factors, they may ensure conviction of the accused in a court of law.



THE BEAUTY OF A WOMAN

*The beauty of a woman
Is not in the clothes she wears,
The figure that she carries,
Or the way she combs her hair.*

*The beauty of a woman
Must be seen from her eyes,
Because that is the doorway to her heart,
the place where love resides.*

*The beauty of a woman
Is not in a facial mole,
But true beauty in a woman
Is reflected in her soul.*

*It is the caring that she lovingly gives,
The passion that she shows,
And the beauty of a woman
With passing years – only grows!*

*You do not stop laughing because you grow old;
You grow old because you stop laughing*

*Let us bestow her with all our care
and all her concerns willingly share*

YOUR FEED BACK

Which article(s) in this issue impressed you most and why?

What issues/topics do you suggest to be included in the Review?

General Suggestions (If Any)

Send your feed back to : SRILAKSHMI PRASAAD, IPS,
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Director, SCRB, Chennai-28.
E-mail : cidreview_tn@yahoo.co.in

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