WALKING THE LEGAL TALK

An Evaluation of MAJLIS
(Rahat and Mohim initiatives)

PROJECT
Sexual and Domestic Violence: Policy Protocols
Supported by IDRC

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We are grateful to the leadership and teams of Majlis, both RAHAT and MOHIM, for sharing with us their journey and engaging with our concerns. Our thanks also go to IDRC for enabling this evaluation and giving us a chance to see its partnership with Majlis unfold on the ground. To the many partners we spoke with — thank you for being generous with your time and your honesty. We express our deep respect and gratitude to the survivors we met, who have walked through such terrible fires in their young lives, and emerged stronger. This evaluation report is written in the spirit of a shared struggle against all forms of violence against women.

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Sept 20, 2015
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1. EXECUTIVE SUMMARY

Project Objectives
Having debated and undertaken law reform to combat violence against women, India now needs to walk the legal talk and make the law work on the ground. It is against this backdrop that this action-research project – ‘Sexual and Domestic Violence: Policy Protocols’ – unfolded. Its core objective was - Identify and seek to fill the gaps in the legal mechanisms, processes and justice system, which are meant to support and give justice to victims of sexual and domestic violence in Maharashtra, India. The objectives and design of the project were extremely relevant to the problem.

Project Strategy
The basic strategy was applying a (feminist) microscope, and working through the minute details of the legal justice system, from the perspective of the victim, literally step-by-step - from incident (crime) to justice, either in the form of a positive court order or conviction of the accused.

The project sought to improve the state response to violence against women by forming formal collaborations between Majlis and the Department of Women and Child Development (DWCD) in the form of Memorandums of Understanding (MoU). These MoUs formed the basis for two separate initiatives – MOHIM (for domestic violence issues) and RAHAT (for sexual violence against women and children).

The project collaborated closely with the Mumbai Police Department, and is informed by the Mumbai Police Control Room of all cases of sexual violence that are reported. RAHAT follows up with these cases, and provides social support and litigation as needed.

Collaborations with the State system have materialized through access to officials in positions of authority, thus enabling the outputs of the project to be filtered down the system without resistance.

The project has combined work on sexual and domestic violence and blurred traditional separations (civil law versus criminal law, and women versus children) thus establishing that needs of survivors (of both domestic and sexual violence, and both women and girls) are the same - social and legal support and a helping hand on the journey to justice. This has also pushed the system to understand that domestic and sexual violence are part of the same continuum.

Project Achievements
Domestic violence (MOHIM):
The project examined whether the remedies offered under the Protection of Women from Domestic Violence Act, 2005 [PWDVA] are helping women by engaging with victim-survivors, and designated stakeholders under the Act.

It then identified gaps, lacunae and weak links in the chain of services available under the Act in Maharashtra.
It responded to these by designing comprehensive support – through guidelines, protocols and reporting formats binding on each stakeholder designated under the Act (Protection Officers, Service Providers, Police, Medical Officers, Shelter Homes, Legal Aid lawyers and members of the Judiciary), and then doing handholding and training with key stakeholders as follow up, as well as litigation for clients.

A key written project output was the Maharashtra State Domestic Violence Handbook, formally titled – The Protection of Women from Domestic Violence Act, 2005: Maharashtra State Handbook on Protocols, Best Practices and Reporting Formats. Published by the Maharashtra government, the Handbook was released on 21st August 2014.

**Sexual Violence (RAHAT):**

The project analyzed what transpires during investigation and trial by following cases of rape and other sexual crimes recorded under relevant sections of the Indian Penal Code, amended by the Criminal Law Amendment Act, 2013 [CLAA], and those falling under the Protection of Children from Sexual Offences Act 2012 [POCSO] and observed the system from close quarters.

It thus, located critical gaps through an interactive research methodology, engaging with police officers, the public prosecutor and the trial judge.

The project then tried to make the criminal justice system more responsive to the needs of victim-survivors of sexual crimes by evolving protocols for each stage of the justice process, for each segment of the state machinery.

Team members continue to work closely with all stakeholders on the ground (Police, NGOs, CSOs, Shelter Homes, Courts, Hospitals and Service Providers) for handholding and follow up as well as provide legal support through court procedures.

Key written project outputs were: 1) Manodhaiya – A scheme for financial support and rehabilitation’, drafted by Majlis in partnership with DWCD, and launched by the State government on 2nd October 2013. It provides for an amount of two lakhs, extended to three lakhs in cases of aggravated assault. A survivor can access 50% on filing an FIR and the balance on filing of the charge sheet. The outcome of the criminal trial is irrelevant as an eligibility criterion. 2) Booklet on ‘Standard Operating Procedures (SOP) for the Mumbai Police to be followed in cases of Sexual Offences against Women and Children.’ 3) A pledge taken by the Mumbai Police “To treat all Women with Respect and Dignity” on the occasion of Women’s Day on 8th March 2014, a poster of which is placed at the entrance of all Police Stations in Mumbai. The pledge contains a list of binding police protocols at the time a woman needs to file a complaint.

**Did Majlis achieve its objectives?**

While the original project design was framed in the language of ‘creating policy protocols and guidelines’, the programme on the ground achieved far more than that.

It has demonstrated the efficacy of a comprehensive, yet conceptually simple, series of interventions that can help address violence against women and
children, using extant laws, within the framework of the legal justice system in India.

The interventions have been relevant and undertaken with compassion, energy and commitment.

An enormous amount of detailed work has been done, catalyzing a critical conversation towards legal justice for women and children within the state system in Maharashtra.

A positive impact was visible on the ground among stakeholders.

**Recommendations**

The fieldwork component of the present project should be continued and consolidated, and the current field roles being performed by RAHAT and MOHIM teams in Mumbai should be strengthened.

The gains of the present project should be analyzed, through well-designed pilot studies using control groups, to really provide incontrovertible evidence of what has worked and why.

The RAHAT project in Mumbai City and Suburbs provides a workable model which can provide learnings to other districts. While helping the State system upscale the learning from this project, the Majlis team should take care to not dilute its current level of human resource commitment in terms of both expertize and number of people on the ground, in the present project sites in Mumbai, as well in subsequent pilot sites which it selects for direct intervention in the future.

Similarly, the MOHIM hand-holding project with Protection Officers has shown very positive results; it can be gradually extended to other districts in Maharashtra, through well thought out strategies of transferring skills, forming district level partnerships, and disseminating the hand-holding model. The focus in the next phase should be on incrementally achieving scale and maintaining quality control, through indirect inputs and concurrent review and evaluation, rather than only through direct hand-holding intervention.

Towards meeting the demand of scaling up, so as not to lose the openings currently available in the State system, Majlis should explore collaborative models using experts and consultants, and also augment its team through new recruitment. Majlis should also invite other like-minded women’s rights and child rights NGOs to become a *formal* part of the RAHAT and MOHIM projects with the State.

The training component of both RAHAT and MOHIM, with a range of stakeholders including the Police, Protection Officers, Judiciary, Medical Officers, legal aid lawyers, etcetera has been a valuable project component, whose modules can be developed and shared within the State system. Majlis should consider working with other organizations in a master trainer capacity, so that it may transfer training skills and content expertize, in order to achieve results on scale, rather than seek to do all training themselves.

Sensitive, feminist lawyering is in short supply and in order to expand the possibility of justice for women, Majlis should focus part of its energies in expanding this skill set, through partnering with other NGOs that have some
legal experience, mentoring, as well as giving concerted inputs to the legal aid services authority.

To ensure that while Majlis partners with the State system, it also sharpens its ability to seek accountability from the same system, it should design a formal accountability project in the next phase.

Majlis’s original organizational mandate – direct intervention with survivors through social support and litigation - should not be diluted in quality or volume.

Greater energy should be put in seeking buy-in and collaborations with women’s groups towards spreading the learning, dissemination and building wider pressure on the system from the outside to deliver according to mandate.

The data and insights gathered in this project must find their way into intellectual products such as research papers or working papers that may not necessarily conclude with actionable roadmaps, but that deepen our understanding.

2. AIM AND METHODOLOGY OF THE EVALUATION

The Project “Sexual and Domestic Violence: Policy Protocols” was a three year project of the Majlis Legal Centre, supported by International Development Research Centre (IDRC). The project, based in Maharashtra (and headquartered in Mumbai), started in July 2012 and concluded in July 2015.

A two-member external evaluation team, consisting of Farah Naqvi, Writer and Feminist Activist and former member of the National Advisory Council, GOI (Delhi) and Nilima Mehta, Visiting Professor of Social Work, Nirmala Niketan and former Chairperson, Child Welfare Committee (Mumbai), was appointed in March 2015 to undertake the review.

According to the Terms of Reference for the evaluation - “The evaluation is intended to be a review of the work done by Majlis Legal Centre as part of the project. The other objective is to provide expert feedback and comments on the model as well as on the scaling up potential of the project.”

In order to achieve this, the evaluation team interacted with the Majlis Legal Centre team and a range of key partners in three rounds of visits.

- The first was a one-day interaction on March 30th, 2015 in Mumbai, during which the evaluators met the Majlis team and leadership. Majlis gave the evaluators a detailed briefing on the project, answered queries and worked out the broad contours of the proposed evaluation.

- This was followed by a three-day field visit in Mumbai from June 18-20, 2015, which was spent braving the Mumbai monsoon at its peak, yet managing to meet
key members of the State administration and the Police department, visit a shelter home, meet with Protection Officers (POs), and interact with a Muslim women’s rights NGO. During the June visit the evaluation team also had detailed discussions with three Majlis Units: 1) The RAHAT Unit; 2) the MOHIM Unit (A partnership between Department of Women and Child Development and Majlis Legal Centre); 3) the Learning Centre, whose research, analysis and documentation straddles and encompasses the work of both RAHAT and MOHIM.

- The third visit was for two days from July 16-17, 2015, during which we visited a POCSO Special Court and had discussions with both the Judge and public prosecutor. We also met with members of the medical fraternity both public and private, and had an opportunity to meet with some survivors who have been helped by the Majlis Legal Centre. Also during this visit we met with one of the Majlis Trustees, and had detailed discussion with key senior members of the Majlis litigation team.

- A full list of people and institutions the team visited and interviewed for the evaluation are given in Annex 1.

- During these visits the team was given access to internal documents, progress reports, presentations and written outputs from the projects. The team was not given research outputs in the form of working papers or research papers.

3. BACKGROUND

3.1 India: The spectre of violence against women

Violence against women, a global phenomenon, is pervasive in India as well. The violence occurs in many sites - domestic violence (at the hands of a husband or in-laws), sexual violence including rape and other forms of sexual assault, sexual harassment (in the workplace, in public spaces and transport), custodial violence against women (in prisons) and what is called ‘femicide’ (the gender-based murder of women) which still remains unrecognized and unacknowledged because it is hidden in the volume of general homicide statistics. The most ubiquitous in India is domestic violence i.e. violence in the private domain of the home, within the presumed ‘safety’ of family relationships. Rape, according to statistics, is also widespread, and very importantly, is increasingly in the public eye. The December 16, 2012 gang-rape case in the capital Delhi changed, perhaps forever, the way India – its people, the media, and state institutions - look at this egregious crime. There are both greater eyeballs on the issue, and pressure on governments, both at Centre and State, to respond, and to do so visibly.
India’s primary response to violence against women has been to legislate. Each time a landmark case hit the media, women’s groups have acted, public pressure has built, and increasingly the media has provided a platform to push this agenda. For the law is indeed one tool, among many, that can address this horrific reality. Even though the deterrent effect of law remains ambiguous, the law has and can help survivors seek relief and freedom from a situation of violence, as well as some measure of justice. The law remains a powerful tool, for its very existence sets a normative bar for Indian society as a whole. Despite the power of patriarchy, deep-seated hypocrisy and the yawning gap between what parliaments enact into law and what we accept at familial and individual levels, the law remains a vital pillar upholding the ‘idea’ of the greater good. It tells us what should be acceptable and what not. It tells us that all forms of violence against women are a crime.

Yet, the law often does not work as it should. It intimidates instead of assuring. It remains in hardbound tomes and legalese, out of reach, instead of on our doorstep. The road map to legal justice is long and unnecessarily complicated. The speed of response – sluggish. So, the law remains the uncertain stranger, rarely becoming the dependable friend to women in distress. This is one reason that there is under-reporting of violence against women – whether domestic violence or rape. Fear overrides many women’s decision to exit a violent relationship or seek help when they are violated. At times it is fear of the consequences of terminating a relationship with a violent partner. At other times there is fear of destitution because of economic dependence on the partner. Sometimes it is concern for custody and well being of children and, very often, an internalized sense of shame and stigma. In the face of so much fear - why report to the legal system, when the outcome of help is so uncertain, and the backlash a real possibility?

This then is the challenge – having endlessly talked, debated, and undertaken law reform, we now need to walk the legal talk; make the law work on the ground. It is against this backdrop that this project – Sexual and Domestic Violence: Policy Protocols - unfolds. And this is precisely the challenge that it takes on.

3.2. Objectives of the IDRC Project - Sexual and Domestic Violence: Policy Protocols [for the State of Maharashtra]

This was an action-research project with one core objective:

Identify and seek to fill the gaps in the legal mechanisms, processes and justice system, which are meant to support and give justice to victims of sexual and domestic violence in Maharashtra, India.
3.2.1. Domestic Violence: Specific Objectives

- To examine whether the remedies offered under the Protection of Women from Domestic Violence Act, 2005 [PWDVA] are helping women to combat domestic violence and providing them with protection, by engaging closely with victim-survivors, and all designated stakeholders under the Act.

- To identify gaps, lacunae and weak links in the chain of services available under the Act.

- To respond to these gaps by creating a ‘model’ of comprehensive support – through guidelines, protocols and reporting formats that are binding on each stakeholder designated under the Act (POs, Service Providers, Police, Medical Officers, Shelter Homes, Legal Aid lawyers and members of the Judiciary).

- The overall goal is to improve implementation of the PWDV Act so that it actually helps women confront domestic violence and seek a modicum of dignity and justice in their lives.

3.2.2. Rape and Sexual Crimes: Specific Objectives

- Analyze what transpires during investigation and trial by following cases of rape and other sexual crimes recorded under relevant sections of the Indian Penal Code, amended by the Criminal Law Amendment Act, 2013 [CLAA], and those falling under the Protection of Children from Sexual Offences Act 2012 [POCSO] in four districts in Maharashtra; observe the system from close quarters, adopting a sympathetic approach towards the victim, and keeping the research lens always focused on her needs.

- Thus, locate critical gaps in the criminal justice system, through an interactive research methodology, which includes engagement with the police officers, who are the investigative agency, the public prosecutor entrusted with representing the victim before the court, and the trial judge whose duty it is to ensure fairness in judicial processes.

- Help to make the criminal justice system more responsive to the needs of victims/survivors of sexual crimes by evolving protocols for each stage of the justice process, for each segment of the state machinery.
3.2.3. The Project Implementing Agency: MAJLIS

The Majlis Legal Centre, founded by Senior Adv. Flavia Agnes, has been working since 1991 to make the law accessible to ordinary, sometimes extremely poor women, and oftentimes with extraordinary success. Working largely in family and magistrate courts, and occasionally in the High Court, the Majlis Legal Centre has over the years used the many extant provisions of civil and matrimonial law to get positive and enforceable court injunctions in favour of women in matters of separation, divorce, shelter, custody, maintenance and domestic violence. In nearly 25 years of litigation, Majlis reports handling close to 50,000 cases.

Shortly after the enactment of the PWDVA in 2005 - which created comprehensive remedies for women facing domestic violence and a single window system to access them - Majlis set up a dedicated unit to begin working on implementing the provisions of the Act. From 2006 till 2012 the organization worked directly with victim-survivors of domestic violence, litigating on their behalf in court.

The present project allowed Majlis to build on its experience in seeking civil remedies for women facing domestic violence (both before and after the PWDVA) and expand its work on domestic violence through the MOHIM initiative. Through the present project Majlis also, for the first time, entered the domain of criminal law, starting another initiative called RAHAT, to help implement the provisions of the CLAA 2013 and POCSO to achieve objectives outlined in section 3.2.1 above, and work towards justice for victims of rape and sexual assault.

4. RELEVANCE & EFFECTIVENESS: FROM PROJECT OBJECTIVES TO A PROGRAMME ON THE GROUND

4.1. HOW MOHIM & RAHAT SOUGHT TO MAKE THE LAW WORK

The objectives and design of this action-research project were extremely direct, essentially simple, laudable and relevant to the problem. There is no doubt that applying a (feminist) microscope, and working through the minute details of the legal justice system, literally step-by-step from incident (crime) to justice (either in the form of a positive court order or conviction) from the perspective of the victim is not only needed, but critical if India is to make its myriad laws work. The goals of the project were ambitious – accessing data on crimes against women, analyzing it, identifying the gaps, reaching a wide net of stakeholders (both State and non-State),
working with them to craft protocols/guidelines that responded to their needs, making them accept these protocols/guidelines to guide their professional actions, and simultaneously walking the slow journey to justice with individual victim-survivors, keeping track of their cases and ensuring the best possible outcomes for them.

We find that while the original project design was framed in the somewhat bureaucratic language of ‘creating policy protocols and guidelines’, the programme on the ground achieved something far more stirring than that. The line between action and research is always difficult, particularly when it involves egregious crimes like domestic and sexual violence. How does an implementing agency prioritize ‘research’ when there is a real human being, a woman or girl in distress, who needs immediate comfort, support and redress? Conversely, in a project of this nature, mere ‘action’ without documentation and extrapolation of learning can lead only to a direct intervention programme, rather than to outputs that can be replicated and up-scaled. In this project, both objectives (action-research) have been respected, although we feel that the wealth of material and data gathered during this project may be mined further, towards more analytical written outputs.

In this section we describe just some of the work done by MOHIM and RAHAT - the logical, sequential unfolding of their interventions, as it were - both as reported to us in the form of Majlis’s documents, as well as by what we heard and saw in the field in our conversations with a range of their partners. For, we found that there was indeed a method in the seeming madness of multiple responses to multiple issues with many partners.

4.2. MOHIM

4.2.1. Background

MOHIM is both an acronym and a word. As acronym it stands for ‘Monitoring of Hinsa (PWDV) Act in Maharashtra’ and as a word in Urdu (Mohim or Muhim) it simply means mission or a campaign. Both usages are imminently suitable for the vision outlined in this project.

A new ‘mohim’ begins: Several years into the enactment of PWDVA, many concerns were being raised about its efficacy and ground level implementation, both nationally and in Maharashtra. The Act was being called a failure and State governments were under enormous pressure to make it work. It was in this context that the Maharashtra Government invited Majlis to partner with it to help make the PWDVA work in the State. This partnership took the organizational form of the MOHIM Cell, a formal collaboration between Department of Women and Child Development (DWCD) and Majlis Legal Centre, with the tagline: *To ensure effective implementation of PWDV Act, 2005*. The cell located in the WCD Commissionerate at
Pune was officially inaugurated in May 2, 2012. This was the crucial groundwork for the domestic violence related component of the IDRC project, which formally began two months later in July 2012. All the work done by Majlis under the MOHIM banner was subsequently supported by the IDRC project up to July 2015.

The Memorandum of Understanding (MoU) between DWCD and Majlis Legal Centre laid out terms of the partnership. As consultants within the MOHIM cell, with a permanent Majlis representative located in the cell, Majlis’ specific role was to do the following: Undertake research on implementation of the Act, identify areas for intervention, guide stakeholders, create protocols, reporting formats, standard curriculum, conduct training of trainers, evaluate reports and monitor the implementation of the Act in light of these inputs with a view to constantly improve and fill gaps.

MOHIM, in turn (with Majlis as a constitutive partner), was empowered to make recommendations to the stakeholders and they, in turn, were to send regular compliance reports to the MOHIM cell for evaluation. All stakeholders appointed or designated under the PWDVA had to report to the MOHIM cell on a monthly basis in a prescribed format. This included 900 POs and their teams, registered service providers, and all other departments such as the police, public hospitals, etc.

Thus, the role of Majlis (as MOHIM) was three-fold - to identify gaps, give corrective inputs and concurrently monitor, changing inputs and interventions where deemed necessary. The task has been enormous. A few key highlights are given below.

4.2.2. Strategic Collaboration: Memorandum of Understanding with DWCD

The formal collaboration between Majlis and DWCD to form MOHIM has been critical in enabling much of what is described below. It has allowed mutual needs of the DWCD and Majlis to merge towards shared goals. For government it has crucially meant shared credit as well, because at the time it was also confronting a perception battle, with crimes against women on the rise, and a public mood that was volubly critical of government inaction. Because of the formal stamp of approval to the MOHIM intervention, secured at the highest levels in the administration, there has naturally been less resistance from within the system to accepting changes in the ways it does its job. The former Principal Secretary to the Maharashtra DWCD, who was instrumental in forging the DWCD’s MoUs with both RAHAT and MOHIM, felt that this was the way to make systemic change. Also, according to him, governments by their very nature bring to the table resources, platforms and paper policies, but do not have that vital fuel called ‘commitment’ especially on issues like violence against women. Smart governments, he said, need to recognize this and partner with NGOs who do bring commitment to the task.
4.2.3. Action-research: What is happening on the ground?
The initial stage of work, spread over nearly two years involved detailed examination of the ground reality at state and district level, and in both rural and urban settings. This included:

- Interacting with victim-survivors and understanding their frustrations and needs from the system.
- Meeting with DWCD at both State level (dealing with policy matters) and Commissionerate level (dealing with implementation of PWDVA) to glean their understanding of PWDVA as both a policy and an implementation challenge.
- Meeting each of the seven stakeholder agencies designated under the Act – Courts, Legal Aid, Service Providers, POs, State Hospitals, Police Stations, and Shelter Homes. Each of these is placed under different government departments.
- Meeting State and district level monitoring committees to understand the monitoring mechanisms
- Accessing and analyzing monitoring and evaluation reports produced over the last six years by various agencies; reporting formats requested by the Central Government, other monitoring committees of parliament as well as the judiciary; GRs, Circulars, recommendations made to various stakeholders under the Act; mapping the entire structure of stakeholders involved in implementing the Act from different government sectors and departments.
- Participating in training of various stakeholders to assess the strengths and limitations of existing training curriculum and methodology.
- Some of the interactions listed here consisted of Majlis members participating in meetings and trainings organized by the State administration; for others, Majlis organized the logistics of the meetings under the present project.

4.2.4. Main research finding: No one knows quite what to do
The main finding of this research was that virtually none of the stakeholders designated under the Act were fully apprised of their roles and responsibilities. This even included the Police, which assumed that since PWDVA was a civil law, they had no role to play. The other key stakeholders under the Act – the POs – were equally lost and unclear about the critical job that the Act entrusted to them. More importantly they lacked the confidence and capacity to perform the task; they were fearful of courts, and did not know how to prepare a legal strategy on behalf of a woman, how to guide her, support her, or help her collect the evidence that might end in a positive order from the court. Also, the convergence between various stakeholders, which the Act envisaged, simply did not exist. For individual women seeking redress under the Act, this was, simply put, an unworkable web of disconnected services, with no single point of contact or access.

4.2.5. Effective parallel strategy: Micro action meets Macro research
Even as this volume of research under the aegis of MOHIM was underway, lawyers in the Majlis Legal Centre were simultaneously and independently continuing what they had done for years – using the PWDV law to litigate on behalf of women who
came to them for help. Cases came to Majlis from NGOs like Awaz-e-Niswaan, Stree Mukti Sangathan, and others, as well as from the Special Cell of the Police Stations. From 2009 to 2013 the organization reports that it has filed over 1000 cases under this Act, with mixed results, both positive and negative. In many cases the organization succeeded in getting speedy orders for women. Awaz-e-Niswaan discussed with the evaluation team the high level of success achieved through Majlis lawyers, compared to the poor results achieved through private lawyers.

So, two streams of work were unfolding simultaneously – on the one hand was direct intervention by Majlis using PWDVA on behalf of individual women. And on the other hand was the larger research (as MOHIM) into the system in which the PWDVA was embedded. Both micro and macro perspectives were coalescing. The challenge was cross-feeding the learning from one arena of work into the other. The evaluation team felt that this merging of experiences from two different and equally important levels was key to the outcome of the project. This was, in effect, ‘action’ meeting ‘research’.

4.2.6. Key written project output: A Handbook, to guide
Using its (Majlis') experience with PWDVA and taking on board the (Majlis-MOHIM) research findings, MOHIM then set about creating protocols, guidelines and so on for various arms of the larger system responsible for implementing the law. The single most effective written output of this merging of micro and macro perspectives under the present project has been the Maharashtra State Domestic Violence Handbook, formally titled – *The Protection of Women from Domestic Violence Act, 2005: Maharashtra State Handbook on Protocols, Best Practices and Reporting Formats*. Published by the Maharashtra government, the Handbook was released on 21st August 2014 by the Minister of Women and Child Development and contains prototypes and formats to be followed by all stakeholders including the POs, police, public health functionaries, shelter homes, service providers, legal aid and the judiciary. It also outlines a model for convergence and monitoring.

The production of the PWDVA handbook has been followed by training, field support and handholding – so that the protocols and guidelines can be absorbed, internalized and duplicated by the State machinery across the state. We only discuss one such 'handholding' pilot below, while noting that similar training and support has been provided by MOHIM to a wide range of stakeholders under the Act.

4.2.7. From Paper to Practice: Working with Protection Officers
It is accepted wisdom that paper-based bureaucracies do not necessarily act on the reams of paperwork they produce. This is as true of India as the rest of the world. So, merely producing a PWDVA Handbook for Maharashtra, no matter how comprehensive and relevant, could not be expected to address the systemic problems plaguing the system. The real challenge was to make the handbook a widely used tool in the field; to embed its contents into the regular professional
workday of all the stakeholders; to bring it to life, so that its formats and protocols were seen as help, not as a burden.

In order to work with the state system in the actual context of PWDVA implementation and demonstrate the use of the handbook, MOHIM selected the Kurla Magistrate Court in Mumbai as the site for a pilot project in 2014. This entailed working with all stakeholders under the jurisdiction of the Court, including POs, Judges, Hospitals, Shelter Homes, NGOs, and legal aid authorities. However, the hub of the intervention were the POs, designated under the PWDVA as the single point persons meant to help and steer a woman facing violence towards redress. The objective was to help them perform their social, legal and management roles and to create convergence - a one stop help centre for women in the local area to avail all services under the PWDV Act. MOHIM worked with 9 POs and the 5 supervisors that reported to them, including the one independent PO who was appointed for this area, and was located within the office of the District WCD Office.

The POs, ostensibly the lynchpin of the PWDVA machinery, were also the most disempowered and often de-energized. The District DWC officer-in-charge at Kurla spoke at length to the evaluation team about how difficult it was for POs to exert any power over either the police or the courts, both critical pillars in the system of redress. Clearly, in order for POs to ‘handhold’ women in distress, they first needed some measure of ‘handholding’ themselves. This is what MOHIM has done - given POs consistent hands-on training in the context of the real cases that come to them, with MOHIM lawyers and social workers visiting the office of the PO every week to provide support, ensuring that every Domestic Incident Report is followed up, and that POs learn how to devise strategies for such follow-up. Equally critical is that POs develop a degree of feminist understanding of the nature of domestic violence, and empathy with the victim, in order for them to be effective.

We found that in a short one-year since the pilot began, the POs at Kurla were not only confident and committed to their job, but evinced that magical thing we in India constantly talk about in the context of violence against women – a mind-set change. The views they articulated on domestic violence were progressive and sensitive, even passionate, and their biggest bugbear was that while they felt they were doing their job, it was disheartening for them to find the judiciary in many cases was not. Not openly disrespectful of the judiciary, yet in indirect words they managed to communicate their frustration that protection orders were not being granted expeditiously, some taking two years; that breach of protection orders did not immediately attract criminal charges. A MOHIM poster on Domestic Violence and the PWDVA Handbook were both a normalized and integral part of the Kulra POs workspace, and the Handbook a constant reference point. Their relationship with the MOHIM (Majlis) lawyer who accompanied the evaluation team was informal, yet mutually respectful, indicative of a familiar work-relationship.

In addition to working closely with MOHIM in the District DWC office, the POs also spoke about using the MOHIM Helpline when needed. The Helpline, operating out of
the Majlis office, was set up to guide POs and other stakeholders who, when
confronted with a victim under immediate threat, may not always know how to
guide her or strategize on their feet. The MOHIM Helpline is thus interestingly not a
direct line for victims, as is generally the case with such ‘helplines’, but a resource
for stakeholders to reach out to Majlis and get legal advice or guidance on strategy
as an individual case may require. It is, in other words, in keeping with the vision of
this project, a ‘helpline’ for the system.

The Kurla pilot experience has obviously been positive, and one can hope for similar
breakthroughs elsewhere. There may be some lateral demonstration effect, because
POs do interact with each other across regions, and subsequent MOHIM interventions with POs in others places may therefore require less investment of
energy and human resource.

Written reports by Majlis indicate that ‘handholding’ support to POs, including
training, has been expanded not only to POs in Mumbai City and the suburbs, but
includes Police and other stakeholders as well. Similar strategies – such as a
Helpline for the Police – are also reportedly on the anvil, as are trainings on PWDVA
with Hospitals.

4.3. RAHAT

4.3.1. Background
RAHAT in Urdu means relief. For victims of sexual violence - women and girls –
‘relief’ is not what is experienced at the end of a long arduous journey with
conviction of the accused. Relief needs to be the immediate balm. Indeed, if
immediate relief is not provided at the beginning of this journey, in the form of
financial support to enable them to start the battle for justice, and in the form of
sensitive social and legal support to continue, then convictions are unlikely.

The rape in 2012 of a 4-year old girl by her school watchman not far from the Majlis
office is what triggered the organization’s formal tryst with the criminal justice
system. They read about it in newspapers, and perhaps because the event took place
so literally ‘close to home’ they felt they could not ignore it. The school took an
adversarial stance, and it fell to Majlis to provide social support to the mother, the
girl, and eventually became their watching advocate in court after the charge-sheet
was filed. Around the same time the IDRC project on domestic violence was being
formalized and it came naturally to both partners (Majlis and IDRC) that project
should include sexual violence as well. According to Majlis’ lawyers, expanding their
horizon to include the criminal justice system, after decades of working in family
and magistrate courts was not difficult. The needs of victims of domestic and sexual
violence were essentially the same – social support, legal support, and someone
ready to walk the long road with them. The Majlis-IDRC project thus began in 2012,
to provide socio-legal support to victims of sexual violence, study the criminal
justice system at close quarters and make it work in a manner that was sensitive
and responsive to victims needs. POCSO was also enacted in 2012, and implementation was an immediate challenge confronting the project. A year after the project formally began, the Criminal Law Amendment Act, 2013 came into being, thus transforming the legal landscape for prosecution in cases of rape and other forms of sexual assault against women.

Majlis began providing ‘Socio-Legal Support for Victims of Sexual Assault’ under the rubric of RAHAT. And in March 2013 formalized the RAHAT collaboration with the DWCD through a MoU, with the tagline: *To implement a scheme for restorative justice in Maharashtra.*

We note, significantly, that in both collaborations with the DWCD, Majlis is present under a new name and identity (MOHIM and RAHAT), thus allowing the work to be seen as independent of any individual organizational identity and facilitate ownership of its outcomes, both by State and non-state partners. In the field, in interactions with many partners we found that this was indeed the case. While they know Majlis, in the context of their work they referred to RAHAT.

In the last three years (2012-2015) RAHAT reports handled over 400 cases. What this ‘handling’ entails is the following or some combination thereof: reaching out to the victim and helping her to access services and schemes (public & private) which may include counselling, shelter, education, vocational training, medical, legal aid, etc. RAHAT also assists her in her interactions with the Judiciary, CWC, Police and Public Prosecutor, prepares her for her evidence in Court and RAHAT members are present with her in Court during her deposition.

4.3.2. Walking to the victim: Collaboration with Shelter Homes, CBOs, NGOs
Cases come to RAHAT from a range of NGOs and Shelter Homes, including Childline, Aangan, and Asha Sadan (Shelter Home), each of whom the evaluation team had an opportunity to meet. As one of RAHAT’s social workers said – ‘*Other NGOs work before the FIR, our job begins after that.*’ For child abuse cases they coordinate with the Child Welfare Committees. Importantly, the RAHAT team receives information of sexual assault cases filed under IPC or POCSO from the police control room in Mumbai, covering all 93 police stations in Mumbai, and follows up these cases. Gaining this access to the Police system was a vital breakthrough for RAHAT’s work. Yet, mere information of an FIR is just the first step. Locating the victim, after she has left the police station, requires difficult legwork. Social workers in the RAHAT team spoke to the evaluation team about having to track down victims without proper addresses, in slums and shanties, often too traumatized to trust anyone. RAHAT’s first vital job then is to persuade the victim or in case of a child-victim, the guardians or parents, to trust the team and accept its help. This combined skill set – the ability to provide both social and legal support – is clearly one of RAHAT’s biggest strengths.
Interactions with the Director of Asha Sadan gave the evaluation team valuable insights into just how difficult it is to find the right kind of legal help for a victim in a shelter home, and how much RAHAT’s support is valued. Indeed, there was worry about the end of the IDRC project, and concern about continuity of this support. The legal aid services cell, which ideally should be the first port of call, does not work as it should. The Director of Asha Sadan put it in plain words – ‘The Legal Aid Cell needs to reach out to us, come to us here not the other way round. Most girls and women are not in a position to do an active hunt for a lawyer. There is also great fear of the attitude of legal aid lawyers, and even of the public prosecutor. The PP can be scary for our girls. Girls and women in institutions like shelter homes, clam up very easily when they sense the wrong, or judgmental tone, so the manner and approach to a victim is so important.’ This apprehension is exacerbated when the ‘case’ is not simple. For example, we were told of one case where a young girl was raped and was also pregnant. The DNA did not match that of the alleged rapist. The fact gradually emerged – the girl was indeed raped, but at the time she also had an active sexual relationship with a boyfriend and had become pregnant by him. The question was – how would the legal system handle such a case fairly, without judging the young victim? The difference for Asha Sadan is that RAHAT lawyers come to them, spend hours preparing vulnerable and scared victims, hold their hand through the legal process, and do not pass moral judgments.

4.3.3. Together in the courtroom: Victim, RAHAT, Public Prosecutor, Judge

The evaluation team had an opportunity to spend time with the Judge and Public Prosecutor in the one of the Special POCSO Courts in Mumbai. We found, in many cases, RAHAT’s role to be an intrinsic and routinized part of the entire judicial process from inception to verdict. The public prosecutor appeared to rely on the RAHAT team for all pre-trial work, as well as be present during trial and do the follow up afterwards. That a role has been earmarked under Sections 39 and 40 of the POCSO act for social and legal assistance to the child, has given RAHAT’s job the necessary formality. It is no longer seen as some ‘vague NGO assistance’, but a sanctioned part of the process. So RAHAT does what is needed - reach out to the child-victim, make her feel secure, provide counselling, prepare her to come to court, and follow up with implementation of the court order and rehabilitation after the trial is over. In our conversation with the Special Judge and the PP we felt they had also in this process, at least partially, re-defined for themselves the very idea of justice. Justice is no longer served by mere convictions, but through the process of a sensitive trial, and importantly in rehabilitation of the victim afterwards. So, while the POCSO Act created the legal space for this intervention (social and legal assistance to the child), we found that RAHAT had fleshed out the job in the doing; demonstrating what such social and legal assistance should really entail, thus setting both a high performance standard for this role, and making it an indispensable part of the legal process.
4.3.4. Ear to the ground and access above: Collaborating with the Police
RAHAT’s work would not be possible without close collaboration with the Mumbai Police department, and trust between them. The evaluators had occasion to meet with the Mumbai Police Commissioner, at whose office on arrival we were greeted by the poster containing the ‘Police Pledge’ (Reproduced in Annex 3). This, a combined effort of RAHAT and the Police Department, was a pledge taken by the Mumbai Police “To treat all Women with Respect and Dignity” on the occasion of Women’s Day on 8th March 2014. A poster of this pledge has been placed at the entrance of all Police Stations in Mumbai. While the idea of the police taking “a pledge to respect women” may seem at first a trifle gimmicky, the contents of the pledge are more than just words of good intention. The pledge essentially contains a list of binding police protocols at the time a woman needs to file a complaint. There has been a sincere effort to make these commitments a reality, through many RAHAT interventions with the Police. These include, several rounds of trainings, a circular on “Mandatory legal provisions to be complied by the Police within the first 24 hours in cases of sexual violence,” and importantly, a booklet on Standard Operating Procedures (SOP) to be followed in cases of Sexual Violence Against Women and Children. This booklet, drafted by RAHAT, is based on its experience of interacting with victims and stakeholders, and contains key provisions of law, a checklist and standard operating procedures, flow chart of a case at a glance, as well as other information that is needed in cases of sexual violence.

We found the Mumbai Police Department and current Mumbai Police Commissioner had an active, on-going working relationship with RAHAT/Majlis members. Majlis remains in touch with the Commissioner’s office to share results of their concurrent research into how the police is handling cases of sexual violence – to see whether zero FIRs are being lodged or not, or if police is adhering to the protocols laid out in the SOP booklet. This relationship, with the Police at the highest level of authority, provides a critical check on the impact of interventions with the police at the operational level in the Police stations; it gives both RAHAT and the Police Commissioner’s office some realistic measure of the enormous work that still lies ahead.

4.3.5. Key written project outputs
- ‘Manodhairya – A scheme for financial support and rehabilitation’: Through the work of the RAHAT programme, Majlis garnered case-based evidence of the need for financial support as a critical element in the justice process. It was thus able to push the agenda on a long-standing campaign to provide immediate financial help as well as rehabilitation for victims of sexual assault and acid attack. Majlis in partnership with DWCD drafted the Manodhairya Scheme, launched by the Department of Women and Child Development on 2nd October 2013. The scheme includes the concept of the District Trauma Team (DTT) to provide a single access point for victim. The DTT is envisaged as comprising doctors, psychiatric and psychological counselors, and police to provide immediate medical relief,
counseling, assistance in filing of FIR and follow up in investigation; it is currently in the process of being rolled out in Maharashtra.
Manodhairya provides for immediate financial support of two lakhs, extended to three lakhs in cases of aggravated assault. The amount is disbursed in installments. A survivor can access 50% of the amount as soon as she files an FIR and the balance on filing of the charge sheet. The outcome of the criminal trial, which may take years, is irrelevant as an eligibility criterion. We find the creation of such a scheme to be one of the most tangible outcomes of the project. At the same time, during our meeting with Asha Sadan (a shelter home) we did hear that the scheme was not working to plan - in one case money, sanctioned four months prior to our visit had not been received in the girl’s bank account.
Out of a total of five girls at Asha Sadan, who had applied for compensation, only one young woman, a victim of a gang rape, had actually received the promised three lakhs. These admittedly isolated examples, nevertheless point to the obvious – gaps between policies on paper and in practice.

- Booklet on ‘Standard Operating Procedures (SOP) for the Mumbai Police to be followed in cases of Sexual Offences against Women and Children.’

4.4. DID MAJLIS ACHIEVE ITS GOALS?

As evaluators we believe the project has indeed walked the legal talk. It has demonstrated the efficacy of a comprehensive, yet conceptually simple, series of interventions that can help address violence against women, using extant laws, within the framework of the legal justice system in India. Specifically on sexual violence, the project has coalesced its various interventions into a logical ‘5 Point Support Model’ (Reproduced in Annex 2). The project outcomes and outputs – on both domestic and sexual violence - have matched the original vision.

The interventions have been relevant and undertaken with compassion, energy and commitment. An enormous amount of detailed work has been done. Several correctives have been attempted to address procedural gaps and opaqueness, sometimes in the form of detailed written documents (e.g. Manodhairya, DV Handbook, SOP for Sexual Violence), at other times in the form of quick letters shot off by the Majlis team to the highest authorities in the State system. These have been followed or been preceded by training, handholding, meetings and wide consultations. In short, this project has catalyzed a critical conversation towards legal justice for women within the state system in Maharashtra. A positive impact was visible on the ground among stakeholders.

We hope this will eventually translate into positive statistical indicators of less violence and more justice for women and girls in the State of Maharashtra. However, this can happen only with internalization of a new vision within the state system, and replication of these efforts on scale, laterally across the system and reaching
down to the district, ward and village. The goal is massive, and as the first step the
gains of the present project need to be consolidated.

5. ISSUES OF SUSTAINABILITY AND SYSTEMIC CHANGE

The big questions hovering at the back of our minds during the evaluation – Is this is
a one-time project-based intervention? Will its outcomes and outputs be
internalized and make a systemic change in the way justice is delivered to women
facing violence? We believe that, though this is a long journey, the project outputs
have shown great potential to make changes in the system. Towards this end, we try
in this section to first outline what we saw as some of the reasons this project
panned out according to vision. This includes taking stock of the core strengths that
Majlis brought to the project, as well as the strategic conditions that facilitated it.
We also then articulate our concerns in this regard, in the belief that addressing
these concerns will help in up-scaling the positive impact of this project.

5.1. THE ELEMENTS THAT MADE THE PROJECT WORK

A. Project Design

i. The project design was flexible and dynamic - capable of being stretched in many
directions, through new project activities and interventions. This is because it
was based not on a set of pre-planned activities but on a simple principle – plug
loopholes in the justice delivery mechanisms from incident to conclusion,
whether in the form of conviction in criminal matter or a positive protection
order. As an action-research project, it was up to the project to first identify then
fill gaps towards justice for women, thus while the destination in a broad sense
was clear, the roadmap was not pre-determined. We found in the team a sense of
discovery and excitement at each new bend in the road.

ii. The project was structured around Majlis’ experience in navigating the justice
system, and was therefore designed to be able to pinpoint gaps in the system
with a degree of accuracy. As an organization with a rights-based understanding,
Majlis’ approach to identifying gaps in the system was based on the accepted
premise that the actors in the justice and allied systems (including hospitals, one
stop centres etc.) are all ‘duty bearers’ who are duty bound to perform certain
tasks in order to facilitate justice for the victim-survivor (the ‘rights holder’).
This unwavering focus on the victim’s point of view at all times, was essential to
the crafting of sensitive protocols. However, in this project, as partners in the
State system, the effort was also to look realistically at the constraints faced by
all the other stakeholders in providing services to women, and address them.
iii. In complex bureaucratic State systems, the devil always lies in the detail. To work towards systemic change, the analysis cannot take place at the level of general or macro critique. Neither can correctives be applied in broad brush-strokes. This project, in its very design and title ‘Sexual and Domestic Violence: Policy Protocols,’ delved directly into a mass of procedural minutiae looking for sags in the system, trying to craft a net (through procedure), plug the gaps (through binding protocols), spread the word (through hand holding and training).

iv. The project design combined interventions on domestic and sexual violence. And under the rubric of ‘sexual violence’ it worked on implementation of both POCSO and CLAA, 2013. Thus the design conceptually blurred many traditional separations - between those working on civil law versus criminal law, and between those who work with women versus those working with children. We see this as a strength of the project’s vision. For, indeed the needs of survivors – of both domestic and sexual violence, and both women and girls - remain at heart the same (social and legal support and a helping hand through the long journey to justice). While for the implementing agency, it has entailed navigating the corridors of several different institutional systems, actors, and forging alliances with different partners (POs, public prosecutors, magistrate courts, Special POCSO courts, child welfare committees, NGOs and CBOs who generally work separately with either women or children and so on), it has paid dividend. For it has strategically helped push the system towards a feminist understanding of the very nature of violence against women and girls in all its forms; to understand this violence as the same phenomenon, along the same continuum, morphing in different ways. In a practical sense, for instance, the protectionism and easy sympathy that emerges in cases of violence against children, leading to more sensitive courtroom procedures and practices that respond to the visible vulnerability of the child-victim, may not always surface in cases of violence against women. The project design allows for a gradual transference of this sensitivity and development of similar protocols for women as well.

B. Project Strategy

i. The project strategically established formal collaborations with the Department of Women and Child Development and with the Police Department. It did so by seeking access to those in positions of authority in both systems. This entre has been essential for project outcomes, because that is how bureaucracy works. Work on the ground enabled Majlis to craft useful protocols, while access to the highest levels of the system facilitated the filtering and acceptance of these protocols down the line.

ii. Allied to these formal partnerships was the marking of MOHIM and RAHAT as independent units, separate from Majlis’ own organizational identity. This has
enabled wide-ownership of the project’s outputs. The state government has a clear stake in outcomes of both units, both in terms of relief to survivors, but equally in terms of public perception and credit.

iii. Often in State systems one hand does not know what the other is doing. Lack of communication, and a deliberately blinkered existence within large systems allows impunity and non-performance to flourish. The project set about joining the different pieces of the justice puzzle. It made key actors talk to each other (POs, Police, Public hospitals, Judicial officers) so that collectively they might build a shared, strong safety and justice net for women. Such lateral conversations can help in creating pressures to deliver from within the system. For there may be a demonstration effect as one unit watches the other, leading to the genesis of an overall atmosphere of greater internal accountability, and against systemic inefficiencies and injustices.

iv. Direct work with survivors towards legal justice is both a part of Majlis original organizational mandate as well as a key component of this project. This direct intervention is what allows them to push the system, to see how the protocols can work in the field, and to simultaneously watch out for further systemic weakness that are unearthed in the process. As a legal centre with an established reputation many women reach out to Majlis on their own. Yet, we found there was a strong organizational instinct to reach out to victims actively, not wait for them to come to Majlis. The organization has a live referral system with several NGOs and CBOs, but in cases reported to them by the police control room, they have to do the hard physical legwork to locate the victim. And they do it. We found this to be a very positive instinct, and a core strategic strength, for it allows the Majlis Legal Centre to push itself, and always remain alive to the problem it seeks to address; never losing sight of the many victim-survivors out there.

**C. Timing of the Project**

i. This project began in July 2012, and by the end of that year all of India was electrified by the Dec. 16 gang rape case in Delhi. There was an unprecedented wave of public sentiment on sexual violence, and enormous pressure on governments to respond visibly. This was a propitious time for Majlis to seek partnerships/MoUs with the Police and DWCD, because the government systems were desperate for answers and actionable ideas. As the Mumbai Police Commissioner told us honestly - ‘Priorities change for every police commissioner. Ten years ago it was organized crime, then came terrorism. Now there is women’s security.’ This is not to say that such MoUs would not have materialized at another point in time, merely to suggest that the overall environment clearly facilitated Majlis’ access into the system. The partnership appears to have taken off in part because the time was right, and it was a win-win for all. It is to the project’s credit that they were able to utilize this moment. At a time when the
State administration was ready to listen and seek answers, there was a project and an organization that was ready to supply both actionable ideas and written material.

**D. Majlis Legal Centre**

i. **Multi-skilled human resource and Leadership:** A primary strength of the project has been the diverse multi-disciplinary human resource pool at Majlis comprising lawyers, social workers, counselors and researchers. The work is focused through distinct units, namely MOHIM, RAHAT, Litigation Unit and Learning Centre. Leadership to the project, from conceptualization to implementation, was provided by a core team – Flavia Agnes (Majlis Founder-Director & Project Leader), Audrey D’mello (Majlis Programme Director), Persis Sidhva (RAHAT project manager) and Nausheen Yousuf (MOHIM project manager). This has included theorizing, intellectual guidance, evolving new social and legal strategies, strategic decisions on maintaining a constructive relationship with the State administration, and keep diverse teams energized and motivated. In these respects, we find that each of the core team members have played their own unique roles. Some have theorized from outside the State system, others have been more energetic in finding spaces within the structures of the State.

ii. **Writing, Documenting:** Field-based NGOs tend not to write. Responding to pressures of fieldwork almost always takes priority. Reflection, writing and documentation become secondary, almost pro-forma activities. One would expect this tendency to be exacerbated in a legal centre, facing the daily immediacy of cases, court dates, with real lives at stake. While a few people at Majlis, notably its founder-director Flavia Agnes, continue to combine lawyering with writing, for the most part the lawyers and social workers at Majlis do not. The organization has found its solution its in-house unit called the Learning Centre, whose primary job is to help Majlis distill knowledge from the mass of cases it handles, do research, document, write and prepare advocacy, communication and training material. Thus, Majlis manages to be prolific in its production of documents, booklets and other written material. This skill-set has been invaluable for the purposes of this project.

iii. **Credibility in the courtroom:** The primary project leader and founder of Majlis, Adv. Flavia Agnes brought to the project immense professional credibility and comfort as the Majlis field teams attempted to push the state system in new directions. Her reputation amongst NGOs, CBOs and equally in the State administration, Police and Judiciary, has helped both in navigating the project through many new institutional waters, and in acceptance of the project’s outputs and learning.
This credibility today extends to the team of lawyers at Majlis who practice in the courtroom, where they have acquired a reputation for defending women clients. This team feels that their specialization gives them a particular cachet and respect in the courtroom. Actors in the judicial system - public prosecutors, defence lawyers and judges - sometimes witness Majlis lawyers stepping in to help a woman who may not be their client, but who is struggling with a basic procedure like applying for a certified copy of the court order. This kind of courtroom behavior has created its own sense of integrity, with even judges occasionally referring cases of women to Majlis, when they feel the case is not being handled well by other lawyers.

iv. **When lawyers are social workers and social workers know the law:** The RAHAT and MOHIM teams appear to have obliterated the lines between what is considered legal and social support. Yes, they use provisions of law in a manner that tries to be responsive to women’s needs, but they do not see their job as consisting primarily in quoting legal chapter and verse. An equally important part of the RAHAT/MOHIM lawyer’s job is providing all manner of non-legal support to the victim. The mantra seems to be - do what ever is needed to help a woman access justice. Social support is not seen as an extra or add-on; it is seen as an intrinsic part of how they view, define and understand the act of lawyering itself; it is all part of a single comprehensive package, as it were. Many of the women at Majlis have law degrees from colleges; others are social workers who have earned their law degrees in the field, while working with survivors. The difference between the two, in our meetings, was hard to tell. And the hierarchies between them did not appear to exist. The de-mystification of law, the every day-ness of legal terms and procedures, the fact that in many instances lawyers were doing the job of social workers, and vice versa – all of this was indicative of a work culture in which the law was released from stuffy tomes and incomprehensible legalese, and made real for women.

v. **Feminist lawyering:** How do the RAHAT and MOHIM teams define feminist lawyering? The evaluators discussed this at length with a core team of lawyers from both units. In the first instance, it means respecting the complex realities of women’s lives in situations of violence, and not pushing legal recourse as their only or even primary option. As one lawyer put it, “When a client comes to us, not all of them want to go to court. They just want their options. We do not say court has all the answers. We tell them about their rights. But we say - you do not have to go to court. For other commercial lawyers, there is only route – the court route. So they immediately file cases, without doing groundwork, they get fees for drafting, but the case ends in failure. By the time the woman realizes nothing is to be gotten, she is stuck in court.” Majlis lawyers do not immediately advice clients to file legal cases unless they have done the groundwork. In many cases, they still do not file in court, if they find a woman has little by way of ‘legal’ evidence. They look for other options to provide relief. Many extremely poor women come to Majlis not knowing that they are lawyers, just that they are an NGO that helps women, and Majlis neither burdens them with hefty either/or legal options, nor despairs at
their confusion and uncertainty nor demands an instant decision. What the organization does primarily is listen and gather the story. If there is no case in the ‘legal’ sense, they give her social help, connect her with counselors, with NGOs, shelter homes, or help her get back home, and let her know they are there if she wants to proceed with a legal case. In many instances, a woman may not want to file a case immediately, but will come back six months later. It is invariably a slow process, sometimes a back and forth. She may change her mind. But there is no judgment, merely advice and assurance of help in whatever form she wants, when she wants it.

Another dimension of what RAHAT and MOHIM see as feminist lawyering is that the legal process must be empowering for a women beyond the court battle. According to one lawyer, “If we work sensitively with a woman, during the process of drafting and listening itself a certain confidence gets built. During interim arguments, the first time her case is spoken about, she already feels better, because someone has spoken on her behalf, told her version of the story. She is in some ways on the road to vindication. The demands of the court process, the requirements of hearing her story while drafting a brief are like counseling sessions. The enemy, who looms so large in her head, shrinks in the telling. Many women want to be lawyers after their case is over!”

vi. **Hope is infectious:** We found in our conversations with the team of lawyers and social workers at Majlis a deep sense of optimism about the law. Despite having seen the underbelly of the legal system, and been at the receiving end of numerous disappointing court orders, they appeared to not be jaded or cynical about the law. For clearly they have also seen positive orders in equal measure. The team, as a whole, exuded a sense of hope and conviction in the power of the law to change a life for the better. Yet, it was not blind faith. For it was not just the letter of the law that they were convinced of. They were actually convinced of their own agency, their ability to make the law work for a woman in distress. This sense of hope was infectious. (And frankly, what better than to transfer hope to a woman numbed by hopelessness?)

**5.2. AREAS OF CONCERN**

i. **Majlis** sought formal partnerships with the government system at the right time. With sexual violence a huge public issue, governments in India today have a more open ear to solutions. Looking at the depth of the project’s current entre into State structures, it seems like an almost magical opening of doors. For example, Majlis had been working on domestic violence for a long time, including through a special unit it set up to work on implementation of the PWDVA shortly after its enactment in 2005. Yet, between 2005 and 2012, things moved extremely slowly. Success in domestic violence work was earned through their direct intervention work, with individual survivors who came to the Majlis Legal Centre, not because of a responsive state. However, the work on sexual violence,
which began only in 2012, has leapfrogged and been crystalized into remarkable responses from the system. These responses have been energizing, generating an internal momentum for the Majlis team. There is no doubt that there is a positive directional shift in the priority that Indian society and governments place on the issue of violence against women. At the same time, there is always a capricious-ness inherent in these historic moments. What is a priority for governments today, may not be so tomorrow. This lends these interventions a certain urgency and desire to do everything possible, and to do it quickly. We wish to point to the dangers of a single team spreading itself too thin in this effort, without adequately consolidating the gains it has undoubtedly notched up.

ii. Access to public officials in positions of authority has been a key factor in Majlis’ partnerships with the State system. And for this, the personal credibility of the project leader, Flavia Agnes, has been instrumental. The concern is however, that the terms of these engagements, while currently formalized in the form of MoUs, are ultimately whimsical (dependent on the ‘good sense’ of that ‘one good officer’) and there is power hierarchy in-built into relationships with senior public officials. This is reflective, in a larger sense, of the prevailing nature of the unequal relationship between citizen and state. Advocacy from outside, and agitational modes of engagement with the State, enable activists to remain outside of these power relationships. While those who seek to make the difference from inside government/bureaucratic systems may have to acquiesce in moments of deference to those in positions of authority just to achieve their larger goal. The concern is simply that Majlis should be alert to these moments of inequality, and constantly seek to alter the differential power that accrues to each actor in these interactions, with a view to reducing dependence on individuals in the system. One way to do this, in the current communication environment, may be to ‘negotiate’ with public officials in the most transparent ways possible, taking other partners along; this may strategically create a natural public accountability and pressure.

iii. For decades Majlis has worked, crafted its strategies, and done advocacy while remaining entirely outside state structures. Now it finds itself in a somewhat different space. But even as the organization has taken a decision to re-fashion its approach and try to make a different from within the structure of the State, the insider-outsider conundrum is alive in the minds of Majlis’ leadership. The organization is clear that for the present, it needs to straddle both spaces – shift the working of state institutions from the inside, while remaining the watchdog from the outside. This balancing act is not easy. For example, RAHAT had given a scathing report on the functioning of a particular court and judge, and then had to appear before the same judge in another matter. Or, in another instance, they filed a formal complaint to senior police authorities about breach of duty in a particular police station, leading to an enquiry and suspension of the concerned officer. That police station then, for a while, became hostile and un-cooperative with RAHAT and MOHIM. The teams work with awareness of these possibilities.
iv. Majlis is clear that it neither wants to nor feels there is any danger of the organization morphing into a service provider for the state government. As a preventive, the organization took a decision to take no financial support from the Government of Maharashtra for all the collaborative work it does, including training, material production and expert inputs. They feel it helps them retain their independence. While this is a laudable desire, provision of ‘free’ expertize may not be the only way to retain independence. For example, we heard of DWCD (Maharashtra) having contracted with KPMG to develop its management information systems (MIS). We are not privy to the financial terms of that arrangement, but assume it is not a pro bono service. Admittedly, KPMG is a private sector partner with goals that are not driven by conscience or ideology. Yet, we feel financial sustainability of NGOs is a larger concern in India today, and there may be a need to discuss and think through ways of ensuring such financial feasibility for NGOs like Majlis. The perennial de-monetization of expertize on women’s rights issues, as well on other ‘social’ issues, is a continuing concern for the NGO sector.

v. To state the obvious, government systems and NGOs actors are built from different DNA. Thus, attempting to graft on to the state system a model that has worked in the hands of a capable and committed NGO is a challenge. Majlis is no doubt aware and mindful of this, yet it bears repeating that there is a need to think through carefully the functions that may be performed adequately (even if not optimally) by the state system, and those functions, like ‘social support and handholding’ that may require a far more fundamental change in the hearts and minds of state-based actors to perform.

vi. We found in our conversations with RAHAT that far greater mind-space was occupied with implementation of POCSO, than with CLLA, 2013. Majlis told us that nearly 75% of sexual assault cases reported to the Mumbai police come under POCSO, and therefore this focus is inevitable. This, does however, beg the question of what is happening to reportage of rape by women, not including the ‘promise to marry’ cases? Given that this is a project equally on women, being implemented by an NGO that specializes in responding to violence against women, we feel this is a matter of concern that needs to be addressed.
vii. Related to the focus on POCSO is the fact that Majlis has more active collaborations with child-rights NGOs than with those working with women. We feel that collaborations and buy-in from women’s rights groups are critical to ensure that the outputs of the current project, and what is planned in the future, are not only internalized by the State system, but is valued by the larger community of NGOs, and that there is constant pressure from such NGOs on the state system.

viii. The vision for this project, broadly speaking, is that once protocols and guidelines are in place and their efficacy in the field has been demonstrated by RAHAT and MOHIM, these roles will gradually be taken over by State actors. We got the sense that the Majlis leadership is ready to move on to implementing the next phase of this vision. However, we feel that the project in its present form on the ground has a great deal of life left in it. It has not plateaued. On the contrary, it is still germinating, finding root, and creating a permanent place for itself. The work we saw in the field has been in place barely for one-two years. In this period the RAHAT and MOHIM teams have carved a valuable role for themselves, and are beginning to function like a useful and wanted part of the entire justice process. Several key stakeholders we spoke to - Asha Sadan (shelter home), Special Court Judge and a Public Prosecutor – could not even visualize what taking over of these roles by state actors could mean for them. We are concerned that pushing for a change in field roles may be premature.

ix. The project involved both direct intervention with survivors as well as interventions intended to change policy, protocols and the way the system addresses violence against women. Even as Majlis plans to expand the latter part of its work, we are concerned about the impact this may have on the quality and volume of its direct work with survivors, which it has been doing for decades prior to this project, and which remains its core organizational strength. For it is this direct intervention work that enables and fuels its work on larger issues of policy and systemic change.

x. The research components of this project have fed directly into actionable protocols, guidelines, handbooks, and so on. They have not however found their way into intellectual products such as research papers or working papers. For example, the original project proposal stated among its goals: “To document and analyse the process of a rape trial at every stage from the time a complaint is lodged to the final judgment, in four districts of Maharashtra to understand and illuminate the barrier which different sections of women face in accessing justice for sexual violence.” We did not see the final product of this research that was conducted in four districts, nor were we given other analytical research papers. We feel that such intellectual products, unhindered by actionable conclusions, are extremely valuable in and of themselves. They allow for deeper engagement with the issue by activists, academics and state actors. Further, the specific outputs (protocols, SOPs etc.) of this project may or may not be replicable in
other states because of differing state structures and environments. Sharing research findings then becomes an important way to engage.

6. RECOMMENDATIONS

i. For the next stage of this work, towards scaling up, Majlis intends to work with the state government to ensure the following – that the existing 216 permanent POs (under DWCD) in 36 districts of Maharashtra entrusted with implementation of the PWDVA, are also designated to perform a handholding role for sexual violence cases. As such, these POs would also work under the proposed District Trauma Team, a new unit that has been built into the Manodhairya scheme. RAHAT would be the nodal agency for training and handholding of these POs. We agree that this is an important step, which opens up the possibility of taking the RAHAT model on scale. However, we feel that in order to meet the demand and desire for scaling up, there should not be a dilution of the present pilot efforts of RAHAT and MOHIM in Mumbai. We felt that while Majlis’ leadership is following a larger vision, several of its partners need it to simply do what it is doing now. A change in field roles would be premature, and present fieldwork, handholding, and legal support in Mumbai should be continued.

ii. Yet clearly, the RAHAT project in Mumbai City and Suburbs does provide a model to be emulated by the system in other districts. While helping the State system upscale the learning from this project, the Majlis team should take care to maintain its present level of human resource commitment in terms of both expertise and numbers in the present project site, as well in subsequent sites which it selects for direct intervention.

iii. Similarly, the MOHIM hand-holding project with Protection Officers has shown excellent results that can and should be extended to other districts in Maharashtra.

iv. As part of a possible phase II of this project, we recommend focused pilot interventions that try to consolidate the gains of the current project. One-way would be to develop sound data based research designs (both quantitative and qualitative) that analyze and assess RAHAT and MOHIM’s efforts for the past three years - to provide evidence of what has worked and why. For example, the pilot interventions with POs may be studied against a control group that has not had such handholding support. Certain police stations and special courts could be identified for similar study.

v. Riding on the momentum generated by this project, and the positive response from the state, there is now a desire to perhaps do too much and do everything –
from mass trainings of police and POs, to management information systems, to advocacy to litigation and so on. While these are real needs, and we applaud the energy of the leadership and the teams in wanting to take on these many challenges, there is a sense of breathlessness in Majlis’ aspiration to ‘do it all’. We are concerned that the present team will be stretched in these efforts. In this regard we suggest four possible avenues – 1) explore models that use individual experts and consultants, rather than seeking every skill set within Majlis; 2) augment its human resource pool in order to enable it to both continue with the present work, and also follow its vision of influencing the way justice pans out for women in the entire State; a 3) scale down ambitions on things like mass trainings and management information systems and find ways to delegate these jobs while giving indirect inputs; 4) invite other like-minded NGOs, who can become formal partners along with Majlis in its relationship with the State administration in both RAHAT and MOHIM.

vi. We wish to make particular note of the training component of both RAHAT and MOHIM, with a range of stakeholders including the Police, Protection Officers, Judiciary, Medical Officers, legal aid lawyers, etcetera. These have been a valuable project component, whose modules can be developed and shared within the State system. In keeping with recommendation # 5 above, Majlis should consider working with other organizations in a master trainer capacity, so that it may transfer training skills and content, in order to achieve results on scale.

vii. Sensitive, feminist lawyering is a critical need. Majlis’ core skill lies in its legal expertise and in each of its current collaborations (e.g. with Awaz-e-Niswaan, Aangan, Childline, Asha Sadan) it is the ‘legal partner.’ Majlis also litigates on behalf of clients whom it learns about from the Mumbai Police Control Room. However, we feel that one organization simply cannot be ‘the sensitive feminist lawyer’ for all. It needs to spread and expand this skill set, if it truly seeks to expand the possibility for justice for women. Acknowledging that there are too few NGOs directly engaging with the law in courtrooms, we feel that there needs to be a greater organizational effort to find the few that do exist, and mentor or collaborate with them toward common goals. We feel the efforts of this project and any future programme can only gain through greater buy-in from other legally grounded NGOs. This is one way to gradually expand an understanding of new ways of lawyering that are sensitive to needs of women facing violence – which is really core to a successful legal outcome. We found Majlis’ strategy of signing formal MoUs a very constructive way to work with other NGOs – ensuring that each partner knows its role and there is no stepping on other toes, minimizing turf issues or ego clashes. This should be explored in seeking partnerships with other organizations with some legal experience.

viii. In the same spirit of expanding the pool of good sensitive lawyers in the system, we also recommend more concerted interventions with lawyers in the Legal Aid Services Authority.
ix. We acknowledge that seeking accountability from state actors is a natural part of the mandate of activists and NGOs such as Majlis, and they continue to do so. However, in the context of the present project and any proposed follow-up we strongly recommend that Majlis should consider designing and implementing a formal accountability project. This may help in ensuring due diligence; that it not only works within the state system, but continually hones and sharpens its ability to critique the same system, including its own role in the system, in the larger interest of women seeking justice.

x. It would be in the interest of promoting the vision of the present project and in the interest of justice for women that, unrelated to this or any other project, Majlis should continue its valuable direct intervention in litigation and social support to women facing violence. We urge that, while spreading its wings and deepening its work with the State, Majlis does not do so at the expense of the volume of work it does on a daily basis with violence survivors.

xi. Majlis has thus far deployed tremendous strategic intelligence and agility in making a complex partnership with the State system work at many levels. Going forward, we recommend that similar energy be placed in collaborating, persuading, and seeking buy-in from women’s groups and other NGOs. This would be important in larger advocacy, disseminating the learning from this project and widening the impact of its outputs.

xii. The qualitative and quantitative data and insights gathered in the course of this project must find its way into more rigorous analysis, and research papers. These need not end in actionable conclusions, but simply provide a deeper understanding of the subject matter. Such intellectual outputs will deepen our understanding of the reality of violence against women and the meaning of justice. Equally, they would be an important way to share the journey of this project with other actors, state/non-state, academics and activists in both Maharashtra and outside. And such intellectual products would, perhaps, be the best way to persuade a larger audience of the validity of the outcomes of this project.

xiii. We note that in addition to specific project-related research, several relevant articles have been written during the period of the project, particularly by the Majlis Founder-Director, that further our understanding of the nature of violence against women and the kind of support required. In particular these articles seek to alter the discourse on rape by drawing attention to the far larger number of rapes by known persons than by strangers and to the fact that fathers raping daughters is a serious issue, warranting very different support mechanisms. These and other issues related to victim support should be flagged for further research. Also, our attention was drawn to worrying statistics in Mumbai about the low rate of formal reports of sexual violence brought by women. We were told by Majlis’ leadership that only 25% of all registered sexual assault and rape
cases in Mumbai involve women victims, while the majority relate to children and young people covered by POCSO. Recognizing that Majlis is currently working on helping survivors access and walk through the legal system, and that prevention, disclosure and awareness is not its main focus of work, we nevertheless feel that the reality behind this low reporting warrants deeper examination. As an influential women’s rights organization working directly on VAW, Majlis may wish to flag this with other women’s rights groups and society at large, as an area for future research and action.

xiv. Organizational concerns like financial stability and staff salaries were out of the formal mandate of this review. However, to the extent that they impact on issues of sustainability and scaling up, we make a few observations in this regard. Legal talent is a valuable asset, and it is to Majlis’ credit that it houses a wealth of such talent. Going forward, there is a need to ensure that such talent remains part of an ideologically committed organization like Majlis through appropriate incentives. Recruitment of new talent may similarly require appropriate incentives. Currently Majlis collaborates and does an enormous amount of work with the Maharashtra government without any financial remuneration. They also do not take fees for cases referred to them by their partner NGOs. The policy for all other walk-in cases is ‘pay if you can.’ We appreciate that there is a need for Majlis to retain independence in its collaboration with the State, and providing its expertise - legal expertise and expertise on women’s rights issues - pro bono is one way of achieving that. We also appreciate that most of its clients are either poor or because of the circumstances in which they find themselves, unable to afford legal fees. Yet, we find the current model to be financially unwise. We therefore recommend exploring other institutional models that allow Majlis to remain true to its spirit and commitment to women’s rights and justice, indeed to achieve what it aspires to, and yet not be constrained only by donor funds.
ANNEX 1: List of Persons/Institutions interviewed

EXTERNAL

1. Mr. Ankit Macwan, Aangan (Child Rights NGO)
2. Mr. Anjana Mozar and Ankush Savji, Protection Officers, Mumbai
3. Mr. Ashwini Shejwal, Childline India Foundation (Child Protection NGO)
4. Dr. Duru Shah, Gynecologist, Former President, FOGSI
5. Mr. U.P. Patankar, District Women and Child Development Officer, Mumbai Suburbs
7. Judge S. D. Tulankar, Special Judge (POCSO Act)
8. Ms. Navsharan Singh, Project Coordinator, IDRC
9. Mr. Rakesh Maria, Police Commissioner, Mumbai
10. Ms. Roopsi Kanaujiya, Special Public Prosecutor (POCSO Act)
11. Dr. Shailesh Mohite, Head Forensic and Coordinator, One Stop Help Centre, Nair Hospital
12. Ms. Ujjwal Uke, Former Principal Secretary, Department of Women and Child Development, Government of Maharashtra
13. Yasmeen, Saira and Ayesha from Awaz-e-Niswaan (NGO working with Muslim women)
14. Survivors of sexual and domestic violence

INTERNAL (MAJLIS LEGAL CENTRE)

1. Asha Rodiyal, Domestic Violence Unit
2. Audrey D’mello, Programme Director
3. Farhat Jahan, RAHAT
4. Flavia Agnes, Founder-Director and Project leader
5. Nausheen Yousuf, Project Manager, MOHIM
6. Persis Sidhva, Project Manager, RAHAT
7. Shalini Devi, Domestic Violence Unit
8. Dr. Shobha Ghosh, Trustee
9. Shruti Jadhav, RAHAT
10. Other members of RAHAT
11. Other members of MOHIM
12. Other members of Majlis Learning Centre
ANNEX 2: RAHAT’s 5 Point Support Model

5 POINT SUPPORT MODEL*

1 IMMEDIATE RESPONSE
   • Meet the victim-survivor.
   • Inform the survivor about the availability of services and schemes (public & private) which include counselling, shelter, education, vocational training, medical, legal aid, Manodhariya etc.

2 HELP
   • Help the survivor access services and schemes she needs as mentioned above

3 ENSURE PROTOCOLS AND SAFETY
   • Ensure that protocols and guidelines are followed by the Police, Hospitals, Public Prosecutor, Judge, Child Welfare Committee etc.
   • In the event, that these protocols and guidelines are not adhered to by the stakeholders, highlight these lapses to the appropriate senior officers.
   • Convey to the concerned Police and Doctors any fears, apprehensions or safety concerns that the survivor may have.

4 EXPLAIN & INFORM
   • Explain to the survivor and her family further procedures and how the case will unfold.
   • Read and explain all documents to the survivor and her family.
   • Inform the survivor about the status of the case as it progresses including arrest, bail, filing of charge sheet, financial assistance approved, outcome of the case, Judgment and sentence awarded

5 COURT
   • Conduct a court orientation visit for the survivor to familiarise her with the court and the flow of events during the deposition.
   • Meet the survivor prior to the recording of her evidence, to read over all documents to her.
   • Be present in court with the survivor during the recording of her evidence.

* All intervention and support offered by RAHAT is based on the consent of the survivor.
ANNEX 3: Mumbai Police Pledge

Mumbai Police Pledge to Women
8th March, 2014

★ Do not be afraid to approach a Police Station, if you face any violence
★ A woman Police Officer will attend to you immediately and record your complaint
★ We will read out your complaint and give you a copy free of cost
★ Do not worry about the place of the crime. Come to any Police Station, we will record the complaint and transfer the same to the concerned Police Station
★ A person who you trust can be present when you record your complaint
★ If you are a victim of domestic violence we will record your complaint and also inform you about the reliefs and services available under the Domestic Violence Act, 2005
★ If you are a victim of sexual violence, anyone can come to the Police Station to record the complaint on your behalf.
★ In case you do not wish to come to the Police Station, call the Police Helpline ‘103’. A woman Police Officer will come in plain clothes to a place of your choice to record your statement.
★ If you do not speak our language or suffer from any disability we will call a translator or special educator to help us record your complaint
★ We will never ask you come to the Police Station at night
★ We will ensure that the accused does not come in contact with you at the police station
★ We will send you to a hospital for medical treatment and examination
★ We will assist you to find a shelter, if you require

On the occasion of Women’s Day, Mumbai Police take a pledge to treat all women with respect and dignity

RAHAT
Sociological Support for Victims/Survivors of Sexual Violence
Collaboration between Department of Women and Child

Legal Centre for Women
ADDITIONAL DOCUMENTS PROVIDED BY MAJLIS

Note:
The annexures appended in the following pages (Annex A and Annex B) were written by Majlis for the purposes of the evaluation. These documents are being annexed to the evaluation report merely as documentation submitted to the evaluation team, with no changes made in annex titles or content.
ANNEX A: Written by Majlis
Initiatives by Majlis to ensure Dignity And Fairness to victims of domestic and sexual violence.

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Particulars</th>
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<tbody>
<tr>
<td>1.</td>
<td><strong>RAHAT 5 Point Program</strong>: To ensure basic support is provided to a victim of sexual violence to ensure her dignity and safety.</td>
</tr>
<tr>
<td>2.</td>
<td><strong>Maharashtra State Domestic Violence Handbook</strong> (Chief Justice Bombay High Court and the head of each department Home, WCD, Public Health have approved the same)</td>
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<tr>
<td>3.</td>
<td><strong>Cases of rape to be referred to RAHAT</strong> by Mumbai Police. P.N. Para issued by Mumbai Police</td>
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<tr>
<td>4.</td>
<td><strong>First 24 hour response by Police</strong> in cases under POCSO and CLA. Circular issued by Mumbai Police.</td>
</tr>
<tr>
<td>5.</td>
<td><strong>List of Magistrates before whom 164 statement can be recorded</strong>, as per police station jurisdiction. Circular issued by Mumbai Police.</td>
</tr>
<tr>
<td>6.</td>
<td><strong>Women constables to record statements</strong> under POCSO in case of unavailability of women officers. Circular issued by Mumbai Police.</td>
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<tr>
<td>7.</td>
<td><strong>During Test Identification victim need not touch the accused during identification</strong>. This was a practice being followed during identification and was extremely traumatic to victims.</td>
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<tr>
<td>8.</td>
<td><strong>Role of Police under DV Act and DV handbook</strong>. P. N. Para issued by Mumbai Police.</td>
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<tr>
<td>10.</td>
<td><strong>Booklet on Standard Operating Procedures and a Checklist</strong> for Police, in cases of Sexual Violence. Released by Chief Minister, Maharashtra and Commissioner of Police, Mumbai.</td>
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<tr>
<td>11.</td>
<td><strong>Training almost 2000 officers of Mumbai Police</strong></td>
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<td></td>
<td>• zone wise training on role of police as per POCSO and CLAA (<em>phase I</em>)</td>
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<td></td>
<td>• “How to record Victim Statement” for women officers (<em>phase II</em>)</td>
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<td></td>
<td>• region wise training on role of police in Sexual and Domestic Violence (<em>phase III</em>)</td>
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<td>12.</td>
<td><strong>Training to officers in Navi Mumbai</strong> role of police in Sexual and Domestic Violence</td>
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<tr>
<td>13.</td>
<td><strong>Pledge by Mumbai Police</strong> to treat women and children with dignity put up at the entrance of every police station in Mumbai.</td>
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<tr>
<td>14.</td>
<td><strong>Problems faced by victims while dealing with Police</strong>. Letters to Commissioner of Police, Mumbai on specific cases.</td>
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<td>No.</td>
<td>Action Taking Place</td>
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<td>15.</td>
<td>MOU between WCD and Majlis Legal Centre – MOHIM</td>
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<tr>
<td>16.</td>
<td>RAHAT to visit CWC / Children's Homes</td>
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<tr>
<td>17.</td>
<td>Cases of rape to be referred to RAHAT.</td>
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<tr>
<td>18.</td>
<td>Consultative Meeting For Police Officials And Public Prosecutors</td>
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<tr>
<td>19.</td>
<td>Convergence meeting of stakeholders</td>
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<tr>
<td>20.</td>
<td>Manodhariya Scheme.</td>
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<td>21.</td>
<td>District Trauma Team (DTT)</td>
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<tr>
<td>22.</td>
<td>Manodhariya - Standard Operating Procedures and Reporting Formats</td>
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<tr>
<td>25.</td>
<td>Training of Protection Officers and other Stakeholder</td>
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<tr>
<td>26.</td>
<td>MOHIM to conduct PO handholding in Mumbai Suburbs.</td>
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<tr>
<td>27.</td>
<td>Study of functioning of POCSO Court.</td>
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<td>28.</td>
<td>Problems in functioning of the Special Courts.</td>
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<td>29.</td>
<td>Guidelines to Judges for functioning of Special Courts</td>
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<td>30.</td>
<td>Training of special court judges</td>
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<td>31.</td>
<td>Guidelines to be followed by Public Prosecutors</td>
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<td>32.</td>
<td>Assisting Public Prosecutors in Mumbai</td>
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<td>33.</td>
<td>Defending women and children against sexual violence</td>
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<tr>
<td>34.</td>
<td>SOP to set up 'One stop help centres'</td>
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<td></td>
<td>Description</td>
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<tr>
<td>35</td>
<td>Study of functioning of OSHC. Proposal submitted</td>
</tr>
<tr>
<td>36</td>
<td>Support and legal advice to Nair Hospital on cases of domestic and sexual violence</td>
</tr>
<tr>
<td>37</td>
<td>Role of Doctors under DV Act and DV handbook. Circular issued by Public Health Department, Maharashtra.</td>
</tr>
<tr>
<td>38</td>
<td>Protocols to be followed by Hospitals in cases of Domestic Violence. Draft submitted to Public Health Services, Maharashtra</td>
</tr>
<tr>
<td>39</td>
<td>Training of Medical Officers on role of doctors to respond to victims of domestic violence and sexual assault.</td>
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ANNEX B: Written by Majlis
Achievements of Majlis during the IDRC project

RAHAT PROGRAM:

I. Victim Support Program:
Majlis identified victim support as the crucial gap in the criminal justice system in cases of sexual violence. To address this issue, we formed RAHAT to provide Socio-Legal support to victims of sexual violence was launched. RAHAT has evolved a 5 Point Support Model on the basis of which socio legal support is provided to survivors.

II. “Manodhairya” a scheme for Financial Support and Rehabilitation:
Majlis pursued the issue of financial support and compensation for survivors of sexual violence for several years. Through the work of the RAHAT program, we provided the government with evidence based research on the critical need for financial support to survivors. After much effort, the Manodhariya Scheme was launched by the Department of Women and Child Development on 2nd October, 2013.

III. Conceptualisation of the District Trauma Team (DTT)
Based on the success of the RAHAT Model, the Government of Maharashtra has envisaged the setting up of a District Trauma Team (DTT) in each district. RAHAT has been designated as the nodal agency to conduct training for all designated stakeholders under the scheme.

IV. Collaboration with the Mumbai Police:
RAHAT has trained over 1500 Police Officers in three phases on the POCSO Act, CLAA and skills and techniques for better investigation. We have also drafted a Circular on “Mandatory role of the Police within the first 24 hours in cases of sexual violence”, A pledge by the Mumbai Police “To treat all Women with Respect and Dignity” was taken on the occasion of Women’s Day on 8th March, 2014 and Standard Operating Procedures to be followed in cases of Sexual Violence Against Women and Children were released by the Chief Minister.

To ensure accountably of the officers, RAHAT team immediately informs the Commissioner of Police by filing a written complaint regarding any lapses. Based on these complaints, the Mumbai Police has taken action against 8 errant officers and 2 departmental enquiries are pending. This mechanism ensures that erring officers are held accountable and other officers become more vigilant while performing their duties.

V. Initiatives with the Medical Fraternity:
RAHAT assisted MCGM in drafting Standard Operating Procedures for One Stop Help Centres for victims of sexual violence that have been set up in five Hospitals in Mumbai. RAHAT was also instrumental in ensuring that victims of sexual violence are not taken to Nagpada police hospital, which did not have adequate facilities to treat women and instead taken to the nearest Public Hospital.

RAHAT has conducted several training programs for private medical practitioners and private hospitals through FOCSI and MOGS. The focus of these trainings were role of medical practitioners, statutory provisions, how to conduct a medical examination, history recording and deposing in Court.

VI. **Collaboration with the Judiciary:**
As a “support person” RAHAT has helped nearly 100 survivors during their court deposition. This support has increased the conviction rate to nearly 80% of our completed cases.

RAHAT submitted to the Chief Justice a study on “Functioning of the Special POCSO Courts in the Sessions Courts in Mumbai”. RAHAT has also drafted Guidelines for the Functioning of Special Courts in Maharashtra which have been approved by the Hon’ble High Court.

VII. **Collaboration with Child Welfare Committees:**
RAHAT also provides legal assistance on cases of CSA to the CWC. Members of the RAHAT team visit the CWC weekly to provide legal assistance to its members and for case work. We have also conducted trainings on the POCSO Act for CWC members all over Maharashtra.

VIII. **Collaborations with NGOs and CBOs:**
RAHAT works in close collaboration with NGO and CBOs to provide social support to survivors of sexual violence. CBOs regularly refer cases of sexual violence to the RAHAT team for recording of the FIR and other legal support.

We have also conducted workshops for a number of organisations including Childline, Arpan, Aangan, etc on immediate response to cases of sexual violence, interaction with the Police and basic statutory provisions. They also regularly avail of our helpline services when faced with such cases.

**MOHIM PROGRAM:**

The handbook approved by the Hon’ble Bombay High Court and the Government of Maharashtra was released in August, 2014. It contains Protocols, Best Practices and Reporting Formats for stakeholders including Judiciary, Medical, Police, Protection Officers, Shelter Homes, Service Providers and Legal Aid. This Handbook is now the pivotal point to assess the effective implementation of the Act. It will help to
generate accurate data to assess the impact of the Act, identify gaps in implementation and bring in policy level changes.

II. Implementation of the DV Handbook: Handholding of Protection Officers:
A pilot project to handhold Protection Officers in Mumbai Suburban District was initiated in order to understand the effective implementation of the DV handbook. Intensive training for the Protection Officers on their role and weekly visits to their office have assisted in their understanding and in the functioning of the Act.

III. A three tier system to monitor the implementation of the DV Act in Maharashtra.
The MOHIM Cell has initiated a three tier system – Monitoring Committee to check the implementation of the Act. The aim of these monitoring committees is to ensure that ground level concerns, if not resolved at the lowest level, can be taken up to the next level, and from there onwards to the state level monitoring committees.

IV. Publication of Resource Material for each District:
A district wise Resource Directory has been prepared to map service available to women. A set of Posters has been designed on the DV Act to ensure effective dissemination of the Act. These posters have been placed at offices of the Protection Officers, WCD, Police Stations and community organizations.