August 1, 2020

By: RPAD/Courier/Fax/Email/Hand Delivery
Ref: RNRL/Memo/2020/001

1. Ministry of Home Affairs
   Through its Home Secretary
   Ajay Kumar Bhalla
   And its Joint Secretary((C&IC),
   Ms. Saheli Ghosh Roy
   North Block, Cabinet Secretariat, Raisina Hill,
   New Delhi – 110001
   Email: hshso@nic.in / jscpg-mha@nic.in

2. Ministry of Women and Child Development,
   Through its Secretary,
   Shri Ram Mohan Mishra
   Shastri Bhawan, New Delhi
   Email: secy.wcd@nic.in

3. National Commission for Women,
   Through its Chairperson,
   Ms. Rekha Sharma
   Plot-21, Jasola Institutional Area,
   New Delhi – 110025
   Email: Chairperson-ncw@nic.in

4. National Commission for Protection of Child Rights
   Through its Chairperson
   Mr. Priyank Kanoongo
   5th Floor, Chanderlok Building,
   36 Janpath, New Delhi-110001
   Email: cp.ncpcr@nic.in

Re: Remedies for Domestic Violence & Sexual Abuse Victims
&
W.P. (C). No. 580 of 2020
Red Dot Foundation Vs. Union of India &Ors.
&
Order dated 20.07.2020

Gentlemen / Ma'am,

Red Dot Foundation ("RDF") is a not for profit organisation, working in the field of women and child safety, gender equality and safe spaces through its flagship initiative of Safecity.in. RDF filed the above Public Interest Litigation ("PIL") seeking remedies for victims of domestic violence and sexual abuse who are locked in with their abusers during this unprecedented corona virus ('COVID19') situation. Ms. N.S. Nappinai, Advocate appeared on our behalf and after hearing submissions, the Hon'ble Court has passed an order giving liberty to the Petitioner to approach concerned authorities with appropriate representation bringing to the notice of the authorities some of the cases based on which the appropriate guidelines could be issued by the authorities.

Pursuant to the order passed therein, we are submitting this representation for your urgent action in framing effective guidelines to combat domestic violence and sexual abuse. The Petition enclosed may be read as part and parcel of this representation, as for the sake of brevity, the contents therein are not reproduced here. Copies of the Petition, annexures filed therein, Compilation of Documents filed separately (**Annexures 1(a) to (c)** respec-

tively) and the Order dated July 20, 2020 passed therein (**Annexures 2**), are enclosed for your easy reference.

RDF understands and acknowledges with gratitude, the steps taken by the Indian Government, including through the offices of each of you to alleviate the plight of domestic violence and sexual abuse victims. RDF also acknowledges the various State initiatives and some of the proactive guidelines and orders passed by various High Courts to help victims of domestic violence. However, from our personal experience and that which we gather through our interactions we note that victims continue to be deprived of remedies and suffer in silence. This was further aggravated during COVID19.

The issues and concerns that RDF has are elaborated in detail in its Petition annexed,hereinabove. The primary issues based on cases handled by RDF, and those its research disclose, are listed hereunder for easy reference:

- India was listed as one of the most unsafe places for women and this perception and reality requires to be addressed with effective solutions;

- This situation has worsened during the pandemic;

- Helplines have been dysfunctional due to the lockdown and are likely to continue to be so given the limited return to normalcy under the recently issued guidelines;

- In 2016, the 2nd of you issued the 'Universalisation Of Women Helpline Scheme' whereby a 'one stop center' concept was introduced. However, helplines could not function during the pandemic lockdown. Alternative solutions were not implemented immediately to help hapless women and child victims;

- Even under normal circumstances, the above 'one stop center' solution was ineffective. For instance, in Mumbai the One Stop Crisis center for Mumbai Suburban is listed as Female Beggars Home;

- We noted in several cases victims could not file Criminal complaints during COVID19:

    - Victims who ventured out of their homes during COVID19 were asked to go back home by the police at road nakabandhis;

    - One victim who made it to a police station with great difficulty leaving her two children with her abusive husband, who throttled her neck and almost killed her, was sent back with just a 'NC complaint' being registered;

    - In yet another incident the jurisdiction police station itself was COVID hit and hence the victim could not go there to register her complaint;

    - In an instance the victim only wanted to move into a shelter home with her mentally challenged child but was turned away. Fearing for her safety when we submitted a complaint and police went to her home she refused to even acknowledge the violence committed against her, as her abusive husband was present at home and by then she was aware that there was no other recourse open to her except to stay at home;

- Shelter homes have not been best alternatives for victims and in many instances such move demoralizes victims. They also face problems when their children accompany them.

- Several High Courts have intervened in domestic violence cases and given some innovative solutions such as the order dated 16.04.2020 passed by the Jammu & Kashmir High Court. Some local Governments and police have also implemented action to verify the well-being of victims in reported cases of domestic violence such as the action by Tamil Nadu police. These however remain isolated incidents and not uniform solutions across India. The Order dated 16.04.2020 of the Jammu & Kashmir High Court setting out explicit guidelines, is enclosed (**Annexure 3),** for your easy reference.

- The 2017 report of the 2nd of you elaborates the need for victim assistance including financial support, child support and education for children, legal assistance from the time of submission of Criminal complaints and other solutions. These remain to be implemented till date;

- All existing guidelines and solutions, which by themselves were in any event inadequate, have been put to naught due to the pandemic and the systems were not equipped to handle an emergency. Ideally there ought to have been resilience and alternate plans for emergencies which would have given some support for victims.

RDF has engaged in gender - based issues from its inception including through its Safecity.in app, which mapped unsafe public spaces and its various initiatives for gender equality and gender justice across India and other Countries. **RDF wishes to proactively engage with the Government and its agencies to help evolve remedial and effective solutions for women and child victims of gender-based violence and sexual abuse. RDF is also willing to expand its existing app to develop an app-based solution for domestic violence and sexual abuse victims.**

RDF believes in positive and proactive engagement for betterment of victim rights and is submitting this representation in such spirit with not only identifying problems but also suggesting possible solutions. These are merely indicative and RDF wishes to engage positively with you, India's authorities in identifying and implementing solutions. RDF therefore seeks a personal audience, as reiterated hereunder.

Some suggestions from RDF (Not an Exhaustive list):

1. Providing for online complaint mechanisms which are easily accessible (akin to 'cybercrime.gov.in');

2. Alternate complaint mechanisms through telephone and SMS or chat apps;

3. Formulating an app for emergencies and also for submitting complaints;

4. Formulating guidelines and resources for better handling of domestic violence cases and remedies to victims;

5. Adapting evolving global examples for submission of and handling of complaints of domestic violence and sexual abuse such as empowering pharmacies and grocers. Effecting changes to existing laws, where necessary, to enable such alternate processes;

6. Providing accommodation for both victims and their children, financial assistance, legal assistance, and non-disruptive options including for continued education of child etc.,

7. Providing specific Standard Operating Procedures (SOP) for emergency situations so that victims are not left adrift;

8. Ensuring continued support for victims in the face of emergencies bringing court systems to a halt. Being prepared for such unforeseen situations is much needed considering the sensitivity of the situations that such victims of sexual harassment and gender violence are subjected to;

9. Providing accommodation and shelter at homes and alternate accommodations that are commensurate with that which victims are accustomed to;

10. Making the husband and other perpetrators to move homes and ensure protection of the home for the benefit of victims without having to take recourse to court proceedings;

11. Providing survivors with ration and medical assistance where the spouse refuses to pay alimony or any other monetary support;

12. **Petitioner's Assistance & Inputs**

    a. RDF wishes to engage with Government, as set out above, in achieving these goals or solutions. RDF is committed to working toward gender parity and equality, which is one of the global UN goals. Towards this end, RDF sets out the following aspects in which it can extend assistance:

        i. As already mentioned, RDF has its app (Safecity.in) which maps unsafe public spaces. RDF can, with assistance from the Government of India, evolve this app to help gather information of offences against women and children without compromising on personal data protection.

ii. RDF seeks an audience with your good selves to give a demonstration and share details of their existing app ('Safecity.in') and to help evolve one further solution for benefitting hapless victims;

iii. RDF also wishes, as is set out in the above order of the Hon'ble Supreme Court, to help in the formulation of guidelines and its implementation to help victims of domestic violence and sexual abuse to seek their remedies. RDF seeks a personal hearing for the same and to be heard on the issues and concerns ailing present mechanisms and for evolving global best practices to ensure justice and support for women and child victims;

iv. RDF is also well equipped to render its assistance in formulating and implementing gender sensitization programs, as also programs to create awareness of remedies and explaining the process for victims to avail of such remedies.

b. RDF therefore seeks a meeting with each or all of you to contribute from its wealth of knowledge about gender justice and child rights from its National and International engagements. Please find enclosed a copy of the profile of RDF and that of its founder Ms. Elsa Marie D'Silva(**Annexure 4 (Colly))**for your kind reference.

We once again reiterate that our intention is not to in any way dilute the efforts or initiatives taken by the Government but only to assist in better utilization of resources for the betterment of the plight of women and children in India and to ensure global acceptance of India as a safe space for women and children.

We request in the spirit of positive engagement that RDF and its representatives may be given a personal audience and our submissions be heard. In these difficult times, we request that such hearing be through audio and video conferencing instead of a physical hearing. We assure you of our cooperation and support to ensure true justice and support to women and child victims of domestic violence and sexual abuse.

Regards

Elsa Marie D'Silva