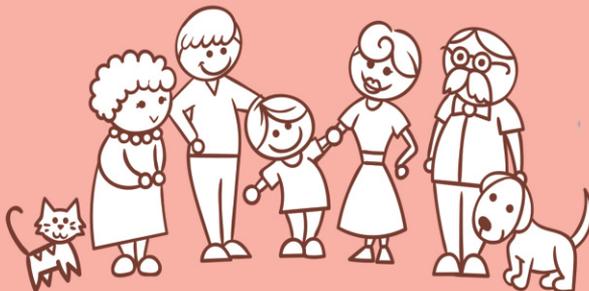


**STANDARD
OPERATING PROCEDURES
(SOP)**

**FOR
PARIVAR PARAMARSH KENDRA
UTTAR PRADESH POLICE**



unicef 
for every child

Developed by

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**Standard
Operating Procedures (SOP)
for
Parivar Paramarsh Kendra
(Family Counselling Centres)
UP Police**

(January, 2019)



**Prepared by
WPL 1090, MSP and UNICEF**

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FOREWORD

In a democracy, the Police plays a key role in resolving variety of disputes in a society. This happens on account of the legal mandate of Police to keep peace as well as due to its wide ranging powers to maintain law and order and prevent crime.



The laws of the land do not specifically bestow any responsibility on Police to mediate between parties in disputes, which are more of civil or familial in nature. However, people 'look upto' Police to help bring the two parties to family disputes together for counselling and mediation through purely voluntary mechanism. Thus, historically, families have been approaching the UP Police with their family disputes for counselling and mediation. Needless to say that such a mediation has no sanctity under the law and hence, is neither enforceable by Police nor justiciable in a Court.

The UP Police has 'voluntarily' established the Parivar Paramarsh Kendras in each district, where one party or both parties to a family dispute, may approach for voluntary mediation and counselling.

In several cases, Police 'gently' mediates between parties, often with the help of private eminent people and social workers, to ensure that families stay united and peacefully solve their problems.

The Women Power Line 1090, Mahila Samman Prakosht and UNICEF have jointly undertaken a pilot project to strengthen the PPK of Lucknow Police. Through this endeavour, they have also developed an SOP for the functioning of the PPK across UP.

The SOP is being forwarded to all districts of UP for adoption by district SSPs/SPs to make the PPK more efficient and effective. I am hopeful that such efforts will go a long way in serving the people of Uttar Pradesh better.

O. P. Singh, IPS

Director General of Police
Uttar Pradesh.

PREFACE

It has been common observation that, on a daily basis, hundreds of family related disputes are filed as complaints with Police, by one or both the parties involved in a dispute with the request for mediation and counselling. This happens on account of their inherent belief that mediation and counselling at this stage, could salvage their tender family relationships.



Over the years, the Parivar Paramarsh Kendras (PPK), have acquired some expertise and some credibility in solving variety of family disputes or at least, give a head start to the parties to start talking to each other amicably. The PPK utilises the services of matured and eminent people of the society and/or professionally trained counsellors for mediation and counselling, while playing a peripheral role in making sure that any criminal activities by one or both parties are not condoned or overlooked in the name of mediation and counselling.

It is important to point out that, within the framework of alternative dispute resolution, a Court may take recourse to mediation in certain cases and under certain conditions. The outcomes of such mediation are presented before the relevant Court for their endorsement and the Court can intervene, in case of

breach by any party. However, the outcomes of mediation by PPK are purely voluntary and can't be enforced by Police or any Court. The outcomes of the PPK mediation can truly be implemented, only if, both parties mutually agree to abide by them and follow through as agreed upon. However, neither any Court, nor PPK can suggest/undertake mediation process in any cognizable, non-compoundable offence.

The SOP provides a detailed framework for district Police to professionally organise and run an effective PPK in the district. The document also carries comprehensive guidance on steps of counselling and do's and don'ts for Counsellors.

A training module on the use of SOP, with special emphasis on approach to counselling and mediation, has been organised in Lucknow on Dec. 20-21, 2018 for all districts of UP. We hope that district SSPs/SPs would provide leadership in strengthening the PPK in their districts to enhance public satisfaction in an area of immense value to the society.

Anju Gupta, IPS

Add. Director General of Police
Women Power Line,1090/MSP

1. Generic Typology of Complaints

The generic typology of majority of complaints filed with PPK can be classified as below:

- Dowry related harassment of woman by husband and/or his family.
- Other forms of harassment of woman by her husband and/or his family.
- Other forms of harassment of woman by her natal family.
- Extra-marital relationships.
- Property dispute related issues.
- Gender based discrimination.
- Drug abuse and alcohol addiction related issues.
- Job and family income related issues.
- Harassment of husband/man by wife/woman of the family and/or her family members.

2. Objectives of Parivar Paramarsh Kendra

- To reduce the number of such complaints being reported to the Police stations.
- To provide a comfortable and conducive environment to individuals or families involved in a dispute.
- To provide expert and practical counselling to parties depending upon the circumstances of each case and within the framework of the law.

- To refer the parties to other relevant, local support mechanism, if required.
- To enhance expertise and experience within the Police department to deal with such disputes effectively and within the boundaries of the law.
- To analyse the disposal of such disputes and feed the policy and administrative procedures of district Police in relation to such complaints.
- To coordinate with other local agencies, if needed, on behalf of district SSP/SP.

3. Staffing of Parivar Paramarsh Kendra

- A Gazetted Police Officer is made in charge to oversee the functioning of the PPK. Usually, an SP rank officer, who has an office in Police office, is given this charge.
- The in-charge of PPK should be an Inspector rank officer, preferably a female, suited for such roles and responsibilities.
- Two sub-inspectors (at least one male officer) who have ample experience of Police Station work.
- Three constables (at least two females) who can handle telephone and internet communication.
- A file clerk for maintaining files and records.

4. Infrastructure Required

- A well-equipped reception with telephone and telephone directories.
- One room for PPK in-charge.
- Waiting room for complainants and their families with a TV set.
- Multiple counselling rooms with basic amenities required for comfortable environment.
- Facilities for clean drinking water and washrooms for men and women.
- Two computers with a printer and internet connection.
- One smart phone for WhatsApp communications.
- Two almirahs for safekeeping records and registers.
- Necessary registers.
- Small funds for offering tea to victims in distress.

5. Activities of Parivar Paramarsh Kendra

- Registration of complaints.
- Communication with the parties of a dispute reported.
- Communication with formal justice delivery mechanism, if needed.
- Communication, co-ordination and co-operation with both governmental and non-governmental organisations, as and when needed.

- Organising of counselling sessions at the Kendra.
- Co-ordination with Counsellors.
- Maintenance of records and analysis of cases.
- Development of local resource directory and updating it from time to time.
- Assistance to the SSP/SP in the selection process of Counsellors.
- Assistance to the SSP/SP in making the performance assessment of Counsellors.
- Training activities for skill upgradation of PPK staff and Counsellors.

6. Filing of Complaints

Who can file a complaint?

- a. Aggrieved individual or family member of an aggrieved person for example wife, daughter, mother, husband, son, father, sister, brother, etc.
- b. In case an aggrieved person can not access the PPK, due to restrictions or trauma or injury, then any person enjoying his/her trust, may file a complaint on his/her behalf.

However, PPK staff will first reach the aggrieved person and confirm the complaint in writing.

How to file a complaint?

A standardised proforma may be used to file a complaint. Such a proforma (in Hindi) is to be

made available by district Police at the offices of all Gazetted Police officers, Police Stations and online (if a website of the district is in existence). A Model Uniform Standard Proforma is given in Annexure I.

It is important to note that if an aggrieved person does not voluntarily opt for mediation and counselling, then no efforts must be made for mediation and counselling. Additionally, if an aggrieved person wants to be informed about other options available to him/her, the PPK should make efforts to provide him/her information about other options.

Where to file a complaint?

- a.** At the Parivar Paramarsh Kendra of the district.
- b.** At the offices of all Gazetted Police Officers of the district.
- c.** Any Office or Police Stations decided by SSP/SP of the district.

(The phone numbers and address of the PPK need to be publicized by SSP/SP through posters displayed across the district. A sample poster is given in Annexure II.)

Registration of a complaint

On receipt of a complaint in the Proforma, it should be done by PPK in-charge by generating a unique file number.

7. Components of a Case File

A case file should contain the following:

- a. A note sheet for comments of supervisory officers.
- b. Standardized Proforma carrying the complaint.
- c. Family tree of both the families involved in dispute, if needed for the case.
- d. Details of the Counsellor allotted.
(Allotment should be done by G.O. in-charge of PPK on the basis of case-load and in special cases, as per distinctive expertise needed for any case).
- e. Tentative schedule for the counselling sessions.
(The dates should be decided by the Counsellor in consultation with the aggrieved side, but efforts must be made to also consult the other party to ensure that both parties can report on the day of joint counselling).

A maximum of three counselling sessions should be permitted for each case and then GO in-charge PPK must review the case to consider utility of further counselling or referring the parties to other agencies for any other action suggested.

- f.** Communication records of all the communications with the parties should be part of the file. Technology, such as email, social media etc. may be used for communication, but hard copies must be kept on the file.
- g.** Briefs of events must be recorded by the Counsellor after every session based on the proceedings of the day and be kept on the file.
- h.** A meticulous note is to be kept of the legal remedies presented to the parties and the referrals provided by key government stakeholders like doctors, protection officers, Police officers, DLSA lawyers, etc.
- I.** Final conclusion needs to be recorded by the Counsellors and commented upon by GO in-charge of PPK.
- J.** Any paper relevant to the case.

8. Selection of Counsellors

- Advertisement inviting applications for selection of new Counsellors must be made.
- Basic selection criteria for Counsellor should include the following qualifications:
 - No criminal background.
 - Graduation in any field.

- Experience in counselling and mediation.
- Should not be a lawyer.
- Should not be a family member of any Police personnel or any other district official.
- Should submit a brief CV with experience and small write up (100 words) as to why he/she wants to be a Counsellor.
- Should be available at least twice a week for counselling.
- Selection should be made on the basis of personal interview by a committee at district level headed by, at least an SP rank officer and along with GO in-charge of PPK and Inspector in charge of PPK.

Appointment of Counsellors should be made for 1 year only and renewal must be made only for one year at a time. The renewal should depend upon the performance appraisal made by GO in charge and approved by SSP/SP.

9. Steps for Counselling

- a. Only two Counsellors should deal with any case. However, if they think that bringing PPK in-charge for some session may help a party understand the law, then their-in-charge can sit for such a session. It must be recorded in writing.

- b.** Upon receipt of a written complaint from an aggrieved party, the Counsellors must hear him/her out fully and patiently and document the facts and take down the details of opposite party from the complainant.
- c.** The Counsellors must present the aggrieved party with options of mediation and counselling as well as other legal remedies available, if any. Also inform them about the limitations of the mediation by PPK.
- d.** The Counsellors must inform the opposite party in writing about the complaint in brief, in order to give them fair opportunity to present their side of the story.
- e.** It is very important to inform both parties that;
 - i.** Only 3 attempts, within a set period of one month, will be made to initiate the process of mediation. It is possible that one party may try to avoid mediation. However, sincere efforts must be made to ascertain it before reporting it to GO in charge.
 - ii.** Once process has started, a maximum of 3 counselling sessions will be permitted, within a period of 3 months.
 - iii.** Both these periods can be extended only upon reasonable explanation and mutual acceptance by both parties – this must be put in writing by the Counsellors and endorsed by GO in-charge of PPK.

- iv. Not arriving at a compromise cannot be a reason for extension of period. The objective of mediation is to come to a middle ground and not compromise.
- v. Both parties are free to enter formal legal process at any stage.
- vi. The PPK can only perform its role within the ambit of the law of the land and not take any measures that infringe or violate the rights of the parties.
- f.** If the opposite party participates in the mediation voluntarily, the Counsellors must hear them out fully and patiently and document their side of the facts.
- g.** After hearing both parties separately, the Counsellors must call both parties, in writing and speak with them together.
- h.** In the joint session – the role of the mediator is to facilitate dialogue and moderate talks. The Counsellors must not take sides or pass judgment.
- i.** The Counsellors must make sure that the decisions taken fall within the ambit of the laws of the land. The PPK in-charge must pay special attention to this aspect.
- j.** In case a conflict between the parties is a criminal offence – like illegal detention, illegal confinement, use of criminal force and

intimidation, attempt at taking life, sexual violence, other forms of violence against women – the Counsellors must inform the victim party about their right to seek legal remedy against it and lodge a Police complaint. If the victim party wishes to do so, the Counsellors must facilitate their access for the same through GO in-charge of PPK.

- k.** A feedback mechanism should be used for the successful cases so as to ascertain follow-up progress.

10. When the Counselling Does Not Work

The PPK in-charge must facilitate access to emergency and important support services to a victim (whenever applicable) including the following:

- a.** UP100, WPL 1090, 181, 1098 or any such emergency response services
- b.** Government hospitals for medical care and treatment
- c.** Police Stations for lodging of FIR through the GO in-charge of PPK
- d.** District Legal Services Authorities for free legal aid, Court mandated mediation and victim compensation
- e.** Aapki Sakhi Asha Jyoti Kendra for one stop crisis intervention

- f. Private or Government shelter homes for safe spaces in case of distress.
- g. Any other

11. Do's and Don'ts for Counsellors

- a. Do identify the problems and causes through talking to both the parties separately and extensively. Do not guess the situation or a problem or any cause of a problem.
- b. Do record the procedures followed and statements in writing. Do not conduct the proceedings only orally.
- c. Do act according to the complaint given by complainant in writing. Do not try to address a complaint not given in writing.
- d. Do give equal respect to both the parties. Do not use any abusive or aggressive language with any party.
- e. Do maintain confidentiality for both sides. Do not discuss or let the details of cases be known to others, even to the PPK staff, except the in-charge.
- f. Do give full, patient and compassionate hearing to both parties. Do not run for a conclusion or provide moral judgment according to own thinking.
- g. Do keep the socio-economic circumstances of the parties in dispute in mind. Do not impose own preferences or opinions.

- h.** Do counselling with sincerity and respect. Do not be over friendly with any party.
- I.** Do act within the legal framework. Do not provide suggestions and solutions that are opposed to the laws.
- j.** Do inform all parties of formal legal remedies available to them and how they can access those processes. Do not present the PPK model of counselling and mediation as only available recourse.
- k.** Do remember that fundamental rights are accorded to individuals and must be upheld at all times. Do not put 'family honour' and 'orthodox social practices' above the rights and safety of individuals.
- l.** Do provide linkages and referrals to key government stakeholders and emergency services. Do not try to work in isolation from the existing legal systems for redressal, if needed.

12. Frequently Asked Questions

Question 1: If a girl approaches the PPK with a complaint about a dispute with a boy with whom she had a live-in relationship and that he had refused to marry her, should the PPK accept such a case?

Answer 1: The PPK should try to do counselling and mediation, if the boy is also willing for the process, otherwise the girl must be advised to take recourse through appropriate Court.

Question 2: What should the Counsellors do when the parties start to fight during counselling?

Answer 2: Counsellors should make efforts to calm them down, if they do not succeed, then separate the parties and need be, discontinue joint counselling at this stage.

Question 3: In case a wife had filed an FIR against her husband and both start using mediation as well and the husband wants wife to withdraw the FIR before finalizing the mediation, what should be done?

Answer 3: The FIR is a legal process and thus, cannot be withdrawn under any agreement of the two parties. Therefore, it must be explained to both the parties in advance that the mediation is an effort to bring them together to discuss their problems amicably and they were free to handle the legal process as they wanted.

Question 4: Should the presence of lawyers of any party be allowed at any stage of counselling and mediation?

Answer 4: No

Question 5: If a wife and her husband go to Court first and then approach PPK for mediation, will the PPK take up such a case?

Answer 5: The PPK can mediate if both parties agree and will inform the Court about the final outcome of the process, if required by the Court.

Question 6: Should a Counsellor provide his/her number or share personal information with the parties or meet any party outside official counselling session?

Answer 6: No

Question 7: In case one party is based abroad, then should the PPK take up such a case?

Answer 7: No

13. Useful Resources at State Level

A. UP 100

(up100.uppolice.gov.in)

UP 100 has been established by UP Police to provide integrated emergency services relating to public safety across the State of Uttar Pradesh on 24x7 basis. A centralized Contact Centre has been established in Lucknow for receiving all emergency calls directly from across the State, including remote rural areas. The Centre receives not only the mobile or phone calls, but also responds to all other modes of communication like e-mail, social media etc. All dialects of Hindi, major Indian and even some foreign languages are supported. Persons with special needs are able to connect through video calls where interpreters of sign language transcript their actions.

B. WOMEN POWER LINE - 1090

(www.wpl1090up.in)

The UP Police has established a 24@7 Contact Centre in Lucknow, called the WPL 1090 with the aim to provide opportunity to girls in UP to freely register complaints of eve-teasing and has set up an innovative ICT based application to process and redress their complaints.

The complaints could broadly be classified into following four categories:

- (a) Eve-teasing through phone.
- (b) Cyber bullying (Harassment in cyberspace).
- © Stalking.
- (d) Hotspots of eve-teasing closer to places which girls generally frequent.

The Contact Centre is located in the heart of Lucknow and is manned by women as well as men Police force. The Centre also receives hundreds of complaints pertaining to crimes against women as well as family disputes. These complaints are transferred to concerned districts/Police Stations through 1090APP to ensure real time, online transfer of such complaints and to also get a short Action Taken Report (ATR).

Key points about the service delivery mechanism of WPL 1090:

- The calls are received only by women operators.
- A complaint can only be lodged by a victim or any other female on her behalf, with her consent. The victim is contacted by WPL 1090 to confirm the complaint.
- A registration number is automatically sent to the victim for future reference.
- The identity of a victim is never disclosed to anyone (unless she wants to share it with local Police, at any stage of resolution of the complaint).

- A victim is never called to a Police Station.
- The WPL 1090 remains in touch with a victim till the resolution of the complaint.

C. WOMEN HELP LINE - 181 **(www.up181womenhelpline.in)**

Any woman in distress situation can call 181 for rescue as well as other support services such as counselling, medical services, legal services, short stay shelter home etc. It works under the supervision of the DWCD, UP Government.

D. AAPKI SAKHI ASHA JYOTI KENDRA **(www.ajk.thinkcomputers.in)**

The Asha Jyoti Kendra is the pilot project started in 17 districts of Uttar Pradesh. The purpose of launching and establishing the AJK is to develop the immediate response mechanism for women in distress, situation of assault and related conditions of violence. It works as one stop crisis centre for women under the DM. The 181 helpline also refers victims/survivors to the AJK.

List of Asha jyoti Kendras in 17 districts of UP

LUCKNOW	KANNAUJ	MEERUT	SHAJAHANPUR
PRAYAGRAJ	GORAKHPUR	MUZAFFARNAGAR	MIRZAPUR
KANPUR NAGAR	GHAZIABAD	PILIBHEET	VARANASI
AGRA	GAZIPUR	BARELY	BANDA
			JHANSI

E. CHIDLIN 1098

(www.childlineindia.org)

Childline is India's 24-hour, free, emergency phone service for children in need of aid and assistance. This is an initiative of Childline India Foundation, which is being supported by the Ministry of Women & Child Development under the Integrated Child Protection Scheme.

Children as well as adults can call up 1098 for a variety of services across India, including emergency needs of children, linking them to services for their long-term care and rehabilitation. The Childline in each city operates through a structured network of street and community youths, non-profit organizations, institutions and concerned individuals. Each call centre has a team of trained youth who man the telephone lines 24 hours a day.

Within 60 minutes (at most) of receiving a call the team rushes to the child and attends to the crisis at hand. It may involve going to a Police station, the Child Welfare Committees/Juvenile Justice Board or a hospital. There is a regular follow up till the child tides through the crisis, after which options for long term rehabilitation are presented to the child.

14. Format of Local Resource Directory

At local level, the names and phone numbers of following individuals and agencies may be collected and updated by PPK staff:

Name of the Department/Resource	Name of Contact Person	Contact Details
District Probation Officer under District Magistrate		
Secretary/Member, District Legal Service Authority		
Chief Medical Officer		
Superintendents of Shelter Homes		
Local Civil Society Organizations		

Name of the Department/Resource	Name of Contact Person	Contact Details
De-addiction Centres		
Clinical Psychologists		
Other Services		

प्रोफार्मा

(शिकायत दर्ज करने हेतु)

दिनांक:.....

नाम :.....

उम्र :.....लिंग :..... जाति.....

पिता / पति / पत्नी का नाम :.....

पता :.....

.....

पिन कोड :..... व्यवसाय :.....

परिवार की आय :.....

फोन नं० :..... ई-मेल :.....

(क) शिकायत किसके द्वारा दर्ज कराई गई:

(कृपया सही का चिन्ह लगायें)

- | | |
|----------------------|-----|
| 1. महिला | () |
| 2. पुरुष | () |
| 3. सगे संबंधी द्वारा | () |
| 4. पड़ोसी द्वारा | () |
| 5. अन्य द्वारा | () |

(ख) परिवार का स्वरूप:

- | | |
|------------|-----|
| 1. एकल | () |
| 2. संयुक्त | () |

(ग) समस्या / विवाद का कारण: (कृपया सही का चिन्ह लगायें)

1. आर्थिक हिंसा ()
2. पति / पत्नी का व्यवहार उचित न होना ()
3. दहेज की मांग ()
4. प्रापर्टी विवाद ()
5. विवाहोत्तर संबंध (Extra Marital Affair) ()
6. यौनिक हिंसा ()
7. शारीरिक हिंसा ()
8. बीमारी ()
9. नशे की लत ()
10. प्रजनन संबंधी समस्या ()
11. अंतर्जातीय विवाह / जातिगत भेद भाव ()
12. मुकदमा संबंधी ()
13. अन्य ()

(घ) समस्या का संक्षिप्त विवरण (कृपया विवरण लिखें) :

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(ड) समस्या के समाधान हेतु आपकी परिवार परामर्श केन्द्र से क्या अपेक्षा है ?

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(च) दूसरे पक्ष का विवरण:

नाम:.....

पता:.....

संबंध:.....

फोन नं०:.....

हस्ताक्षर प्रभारी (PPK)

जिला :

हस्ताक्षर शिकायतकर्ता :

दिनांक :

समय :



परिवार परामर्श केन्द्र

जनपद पुलिस लखनऊ



केन्द्र के कार्य:

जनपद पुलिस लखनऊ का परिवार परामर्श केन्द्र, वरिष्ठ पुलिस अधीक्षक कार्यालय, डालीगंज (निकट इन्दिरा गाँधी नक्षत्रशाला), लखनऊ के कमरा नं० 52 में प्रथम तल पर स्थित है।

इस केन्द्र में पारिवारिक कलहों की वो शिकायतें की जा सकती हैं जिनमें शिकायतकर्ता अथवा दोनों पक्ष मध्यस्थता के लिए इच्छुक हों, परन्तु मध्यस्थता का निर्णय कोर्ट या पुलिस द्वारा अनुपालन नहीं कराया जा सकता।

यह मध्यस्थता पूर्णतः स्वेच्छा से कराई जाती है, ताकि पारिवारिक संबंधों को अनौपचारिक रूप से सुलझाया जा सके। इस प्रक्रिया में किसी भी प्रकार के अपराध को नज़रअंदाज नहीं किया जाता है।

सम्पर्क:-

शिकायतकर्ता अपनी शिकायत एक फार्म में किसी भी पुलिस के राजपत्रित अधिकारी को दे सकते हैं। यह फार्म पुलिस के सभी राजपत्रित अधिकारी व पुलिस स्टेशनों में उपलब्ध है।

अधिक जानकारी के लिए परिवार परामर्श केन्द्र,
कार्यालय वरिष्ठ पुलिस अधीक्षक, लखनऊ में सम्पर्क कर सकते हैं।

(फोन: 0522-2628965),

समय : सुबह 9 बजे से शाम 5 बजे तक, दिन: सोमवार से शनिवार



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