

One Stop Centre Schemes - It's Working as A Support Service Programme in India

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I. Introduction

Any form of crime¹ results in an injury which is inflicted by an individual to another. Such injury may take place in the nature of physical, psychological or financial. Crime victims are in need of “help and support to pull them out of the emotional trauma and physical and financial injuries suffered by them.”² So, is the case with victims of rape.

Rape can have a devastating impact on every aspect of victims’/survivors’ lives and make them vulnerable to further episodes of sexual abuse or violence (McMillan and Thomas, 2009). There can be long- term physical, psychological and wider impacts of being the victim of rape and sexual assault that include post-traumatic stress disorder, depression, anxiety, inability to sleep and other effects such as physical disability. There are also secondary effects, such as a reduction in victims’ ability to work or study, difficulties with forging new relationships or maintaining positive relationships with family and friends, or problems with their ability to care for others, their children, for example (McNaughton Nicholls et al., 2012:21).³

A rape victim has “extensive postassault needs and may turn to multiple social systems for assistance.”⁴ A rape victim may suffer physically⁵,

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¹Crime is considered as a disturbance of a legally protected interest.

²N.V.Paranjape, CRIMINOLOGY & PENOLOGY WITH VICTIMOLOGY, 738 (2016).

³Marianne Hester, *More than support to court: rape victims and specialist sexual violence services*, 24 (3) IRV 313, 314 (2018).

⁴Rebecca Campbell, *The Psychological Impact of Rape Victims’ Experiences with the Legal, Medical, and Mental Health Systems*, American Psychologist, November 2008, at 702, 706.

⁵Physical loss may range from light bruises and scratches to permanent disfigurements or even death.

financially⁶ and emotionally⁷. They are in need of support services. Victim support services are such activities that are applied in response to victimizations⁸ with an intention of providing relief to the sufferings and facilitating recovery. Support services includes activities like offering individual interventions, information, assessments, system advocacy, case advocacy, public policy and programme development⁹.

Violence prevention at any level should be seen as a primary obligation of governments to protect the individuals they govern. Whenever societal protections fails, assistance to the victims is inherently demanded. Violence prevention promotes and sustains safety and security. The reparative mission of justice system should be to enforce the order of law and to restore a sense of safety and security to victims and the general community. Providing victims' rights and services, then, does more than give humane treatment to people who deserve it; it should be seen as essential components of the whole justice enterprise.¹⁰

The UN Declaration of Basic Principles Of Justice for Victims of Crime and Abuse of Power, 1985 talks about providing assistance to the victims in paragraphs 14¹¹, 15¹², 16¹³ and 17¹⁴.

⁶Financial loss may range from costs from medical care, legal costs, a reduced ability to earn an income, or immaterial damages such as costs related to pain and suffering or loss of quality of life.

⁷Emotional damage to the victim may occur in the form of depression, reduction in self-esteem and anxiety, post-traumatic stress disorder (PTSD).

⁸According to Andrew Karmen, victimization is an asymmetrical interpersonal relationship that is abusive, painful, destructive, parasitical, and unfair.

⁹J.P.J.Dussich, *VICTIMOLOGY-PAST, PRESENT AND FUTURE*, available at http://www.unafei.or.jp/english/pdf/RS_No70/No70_12VE_Dussich.pdf (Last visited on December 4, 2017).

¹⁰M.A.Young, *Present and future developments in victim services and victim rights A view from the United States* in SUPPORT FOR VICTIMS OF CRIME, 325, 325 (W-C.Chan ed.,2008).

¹¹Paragraph 14 mentions that victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

¹²Paragraph 15 says that victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

¹³Paragraph 16 provides that police, justice, health, social service and other personnel who are concerned with providing assistance to the victims should

In its Global Status Report on Violence Prevention 2014, World Health Organization (WHO) mentions that providing high quality-care and support services to victims is important for reducing trauma, helping victims heal and prevent repeat victimization and perpetration.

For the purpose of rehabilitating the victims of rape, support services play an important role.

II. Rape Victims / Survivors in India – Current Situation

The *Report of the Special Rapporteur on violence against women, its causes and consequences, RashidaManjoo*¹⁵ on her mission to India, does mention that in India violence against women is “systematic and occurs in the public and private sphere. It is underpinned by the persistence of patriarchal social norms and inter-and intra- gender hierarchies.” The Report also mentions “the manifestations of violence against women are a reflection of the structural and institutional inequality that is a reality for most women in India.” The Report brings forth that in India sexual violence like rape is widespread.

Women are easy targets of attacks, including sexual violence, whether while using public transportation or sanitation facilities or on the way to collect wood and water. Many victims of sexual violence carry a deep sense of shame, which is further exacerbated by the stigma and exclusion they experience, especially from family members and the community, and which may result in suicide.¹⁶

Post the gruesome and inhuman rape and killing of Nirbhaya in 2012, amendments have been brought in the Criminal Law in 2013. The

receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

¹⁴Paragraph 17 mentions that in providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those which are mentioned in paragraph 3 of the Declaration.

¹⁵UN General Assembly, *Report of the Special Rapporteur on violence against women , its causes and consequences, RashidaManjoo*, 1 April 2014,A/HRC/26/38Add.1, OHCHR (Nov. 23rd, 2018, 11.30 AM), <https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>

¹⁶UN General Assembly, *Report of the Special Rapporteur on violence against women , its causes and consequences, RashidaManjoo*, 1 April 2014,A/HRC/26/38Add.1, OHCHR (Nov. 23rd, 2018, 11.30 AM), <https://www.ohchr.org/en/issues/women/srwomen/pages/srwomenindex.aspx>

amendment¹⁷ spoke for victims and strengthened their rights and interests¹⁸. India has brought forth the issues regarding victims of crime since 2008 and

¹⁷ The Criminal Law (Amendment) Act, 2013.

¹⁸ Some amendments made by the Criminal Law (Amendment) Act, 2013 which spoke about the rights and interests of the victims:

- (1) After section 166 of the IPC, section 166B is inserted. This newly inserted section talks about punishment for non-treatment of victim. According to section 166B, whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of CrPC shall be punished with imprisonment for a term which may extend to one year or with fine or with both.
- (2) A new proviso is inserted to section 154 of CrPC. It says:-
Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:
Provided further that-
 - (a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;
 - (b) the recording of such information shall be videographed;
 - (c) the police officer shall get the statement of the person recorded by a Judicial magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.
- (3) A new proviso is inserted before the *Explanation* in section 273 of CrPC. It says:
Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.
- (4) For sub-section (1) in section 309 of CrPC, the following sub-section is substituted:-
 - (1) In every inquiry or trial proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded:

there has been Criminal Law Amendment in 2009 whereby Victim Compensation Schemes¹⁹ (VCS) have been introduced. At present all the States and Union Territories have their own VCS which has identified monetary compensation to be paid to rape victims. However, these VCS had discrepancies regarding the amount of compensation to be paid for the same offence across the VCS. This discrepancy was aimed to be removed by the introduction of the Central Victim Compensation Fund (CVCF) Guidelines, 2016.

Also the central government established the Nirbhaya Fund in the year 2013. Under this fund, a sum of rupees 3000 crore was allocated for schemes that aimed at protection, prevention and rehabilitation of women. “Three years later, most of the funds allotted for this remained unutilized. In May 2016, the Supreme Court issued a notice to the central and all state governments seeking an explanation on why the funds were not spent.”²⁰

There is a lack of approach in India with regard to support services.

Any civilized system of criminal justice should aim at ensuring safety and instilling a sense of security in the victims and their families. This not only requires that the victim be allowed to participate in a meaningful way in the

Provided that when the inquiry or trial relates to an offence under section 376, section 376A, section 376B, section 376C or section 376D of the Indian Penal Code, the inquiry or trial shall, as far as possible be completed within a period of two months from the date of filing of the charge sheet.”

(5) After section 357A of the CrPC, the following sections shall be inserted, namely:-

357B. The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian penal code.

357C. All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.”

¹⁹Section 357 of CrPc

²⁰HUMAN RIGHTS WATCH, “*Everyone Blames Me*” *Barriers to Justice and Support Services for Sexual Assault Survivors in India*, HRW (Nov. 10th, 2018, 9.23 AM), <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>

criminal proceedings, but also that she be provided aid and assistance, both monetary and psychological.²¹

In India, there is no program at the national level to guide how to respond to violence against women. There are many programs under the state governments and various ministries in India to deal with violence against women. There is no nationwide framework to monitor the implementation of laws regarding violence against women.

The health concern of rape victims/survivors is of utmost importance. In India, the Ministry of Health and Family welfare issued GUIDELINES & PROTOCOLS Medico-legal care for survivors/victims of Sexual Violence²². This Guidelines “aim to ensure that survivors receive proper treatment in a sensitive and non-discriminatory manner respectful of the privacy, dignity, and autonomy of each survivor and to standardize the collection of medical evidence in cases of sexual assault, including by requiring the patient’s informed consent prior to medical procedures.”²³

III. One Stop Centre Scheme

The One Stop Centre Scheme is a major scheme under the Nirbhaya Fund. This scheme intends to support women irrespective of their age who have suffered because of violence, be it in public or private place, workplace, community, within family.²⁴ The scheme aims to facilitate “immediate, emergency and non-emergency access to a range of services including medical, legal, psychological and counselling support under one roof to

²¹P.V.Reddi, *Role Of The Victim In The Criminal Justice Process*, 18 (1) STUDENT B.REV. 1, 24 (2006).

²²Ministry of Health & Family Welfare Government of India, *GUIDELINES & PROTOCOLS Medico-legal care for survivors/victims of Sexual Violence*, MOHFW (Nov. 23rd, 2018, 11.00 AM) <https://mohfw.gov.in/sites/default/files/953522324.pdf>

²³HUMAN RIGHTS WATCH, “*Everyone Blames Me*” *Barriers to Justice and Support Services for Sexual Assault Survivors in India*, HRW (Nov. 10th, 2018, 9.23 AM), <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>

²⁴See Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Oct. 29th 2018, 11.00 AM), <http://wcd.nic.in/sites/default/files/Final%20Approved%20Guideline%20OSC%20%20%281%29.pdf>

fight against any forms of violence against women.”²⁵ Also it aims “to provide integrated support and assistance to women affected by violence, both in private and public spaces under one roof.”²⁶ Under the scheme, one One Stop Centre is to be established in every State/ UT. Such One Stop Centres “are intended to support women affected by violence, in private and public spaces, within the family, community and at the workplace.”²⁷

The One Stop Centres will facilitate emergency response and rescue services, medical assistance, and assistance to women in lodging FIR/NCR/DIR, psycho-social support / counselling, legal aid and counselling, shelter, video conferencing facility. Under the scheme, the service providers like Centre Administrator (the first point of contact), case worker, police facilitation officer (PFO), para legal personnel/ lawyer, para medical personnel, counsellor, IT staff, multi-purpose helper, security guard/ night guard have been provided roles and responsibilities. A women who has been affected by violence can access the OSC either by herself or with the help of “any person including any public spirited citizen, public servant (as defined under section 21 of Indian Penal Code, 1860), relative, friend, NGO, volunteer etc.”²⁸ or through ‘Women helpline integrated with police, ambulance and other emergency response helplines.’²⁹

²⁵Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Oct. 29th 2018, 11.00 AM), <http://wcd.nic.in/sites/default/files/Final%20Approved%20Guideline%20OSC%20%20%281%29.pdf>

²⁶Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Nov. 29th 2018, 11.00 AM), http://www.wcd.nic.in/sites/default/files/OSC_G.pdf

²⁷Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Nov. 29th 2018, 11.00 AM), http://www.wcd.nic.in/sites/default/files/OSC_G.pdf

²⁸Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Nov. 29th 2018, 11.00 AM), http://www.wcd.nic.in/sites/default/files/OSC_G.pdf

²⁹Ministry of Women and Child Development, Government of India, *ONE STOP CENTRE SCHEME IMPLEMENTATION GUIDELINES FOR STATE GOVERNMENTS / UT ADMINISTRATIONS DECEMBER 2017*, WCD (Nov. 29th 2018, 11.00 AM), http://www.wcd.nic.in/sites/default/files/OSC_G.pdf

However, the reality is bit different. A report ran by the news channel NDTV NEWS in the month of February, 2018 reported

Of the 660 centres proposed by the centre in 2013, when the government announced the Nirbhaya scheme after the horrific gangrape of a paramedic student in delhi, funds have been allocated for 151 such centres.

In the national capital that reported the highest cases of crimes against women in 2016 as per government data, nine such centres are operational, including one at the government-run Safdarjung Hospital. It's the same hospital where Nirbhaya was brought after she was gangraped and brutalized in a moving bus on one of Delhi's roads in December 2012. But even the security guards posted at the gate here had no clue about the one stop centre. "Never heard of it, what is it for?" asked of them.

At the gynecology department, an isolated lobby leads us to a room that has a printout marked 'one stop centre'. Inside, some empty beds and dumped old furniture.

At the All India Institute of Medical Sciences (AIIMS), home to another such centre, guards at the Emergency were equally clueless. We found a little unoccupied cabin that said 'one stop counselling centre'. "No one at the one-stop centre?" we asked a doctor.

"Oh, the counselling room, there is one room which we open when requested, go there and talk to the sister," came the reply. "Is there any legal, psychiatric help there?" we asked further. "We don't know, go check with the sister," was the response.³⁰

The Supreme Court of India very recently on 11th December, 2018 "asked the states and Union territories to set up at least one 'one stop centre' in every district within one year to provide integrated

³⁰S M Kapoor, *5 Years After Nirbhaya Funds, Over 3,000 Crores For Women's Safety Unused*, NDTV (February 11, 2018, 11.30 AM), <https://www.ndtv.com/india-news/5-years-after-nirbhaya-funds-over-3000-crores-for-womens-safety-unused-1811281>.

assistance to rape victims through police, medical, legal and prosecution services along rehabilitation.”³¹

The Human Rights Watch in its report “*Everyone Blames Me*” *Barriers to Justice and Support Services for Sexual Assault Survivors in India* mentions that the “OSC scheme was set up hastily, without meaningful consultations with local rights groups and NGOs already running crisis-intervention centers in different parts of the country operating in hospitals , police stations, or courts.”³² It also mentioned that “the government also failed to integrate these existing centers or build on good practices from models developed in various parts of the country.”

IV. Conclusion

In order to provide better support service programme to rape victims /survivors, there needs to be better enforcement of the schemes. Mere enactment of schemes will not help the rape victims / survivors. It is only through effective enforcement that the purpose of such schemes will be met. There needs to be implementation of proper training programmes to people like medical professional who will play part in the execution. There needs to be seen that the “one stop crisis centers are properly equipped and accessible, establish a monitoring mechanism for these centers and publish accountability reports periodically, and ensure the Nirbhaya Fund disburses funds transparently.”³³ People in general should be made aware of the existence of such schemes. Awareness regarding such support services be created by way of putting posters, banners, advertisements through print media, radio,

³¹A AChoudhary, *One stop centre set up in each district for integrated police, medical, legal assistance to rape survivors: SC*, TOI (December 11, 2018, 7.41 PM), <https://timesofindia.indiatimes.com/india/one-stop-centre-set-up-in-each-district-for-integrated-police-medical-legal-assistance-to-rape-survivor-sc/articleshow/67046470.cms>

³²as cited in HUMAN RIGHTS WATCH, “*Everyone Blames Me*” *Barriers to Justice and Support Services for Sexual Assault Survivors in India*, HRW (Nov. 10th, 2018, 9.23 AM), <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>.

³³HUMAN RIGHTS WATCH, “*Everyone Blames Me*” *Barriers to Justice and Support Services for Sexual Assault Survivors in India*, HRW (Nov. 10th, 2018, 9.23 AM), <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>.

television, social media, and digital media. Providing effective support services to rape victims / survivors will help them to reposition their status as an effective human resource of the nation.