

# ONE STOP CRISIS CELL

## STANDARD OPERATING PROCEDURES

The State level Co-ordination Committee meeting of 'NIRBHAYA' in 2013 decided to establish One Stop Crisis Cells (OSCC) at the District and Taluk hospitals with the aim of assisting victims (women and children) of both sexual and domestic violence.

The One-Stop Crisis Cell envisages the general services as listed below<sup>1</sup>:-

- (i) The recording of First Information Statement (FIS) and First Information Report (FIR) by a woman police officer at the OSCC.
- (ii) Medical examination by a Government Medical Officer or Gynaecologist as may be required.
- (iii) Providing immediate counselling and emotional support to victims and family members.
- (iv) Woman lawyer from Kerala Legal Services Authority (KELSA) / District Legal Service Authority (DLSA) shall offer legal assistance and explain the legal provisions and remedies available to the victim.
- (v) Protection Officer of the Social Justice Department shall offer guidance and referral services to safe accommodation in Shelter Homes under Government or those conducted by accredited Non – Governmental Organizations (NGOs).

#### *The present context of a victim of sexual or domestic violence*

As per current practice, a victim of sexual violence (accompanied or unaccompanied) has to go to a police station to lodge a complaint regarding the incident which may sometimes take between 6 – 10 hours. Sometimes, the victim may go straight to the hospital in the first instance, then to the police station for lodging complaint and back to the hospital for detailed medical examination and if treatment is necessary. Once the complaint is registered by the police, the victim has to be sent for medical examination under the provisions of the Code of Criminal Procedure (Cr. PC), 1973 [S. 164 A; 173 (2) (h)].

There is no provision for immediate psychological or legal counselling for such victims. Upon being presented before the Magistrate (for example, under the ITPA, 1956) or upon making an application to the appropriate authority through a legal counsel (under other laws), court orders may be obtained for purposes of accommodation in a safe shelter (State or NGO run) or a residence order (under The Protection of Women from Domestic Violence Act, 2005). Despite

<sup>1</sup> G.O.(Rt) No. 119/2013/SJD, dated - 18.03.2013

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the Victim Compensation Scheme under S. 357 A of the Cr. PC, timely and adequate compensation to the victim is hard to get by.

Most often than not the cumbersome process which continuously 'victimizes' a victim, kills her spirit to fight for justice.

### Objective of the Standard Operating Procedures (SOP)

The objective of this SOP is to issue Guidelines on the role and responsibilities of the various departments and agencies in the functioning of the One Stop Crisis Cells. These guidelines are supplementary to the procedures contained in the specific laws and the rules framed therein, and are not to be considered as derogation to or a substitution to the existing processes under the specific laws / rules.

**Violence Against Women**

'Violence Against Women' has been defined in the United Nations *Declaration on the Elimination of Violence against Women* (1993) vide Article 1 -

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The relevant legal provisions on sexual and domestic violence pertaining to women and children are highlighted for reference.

#### 1. *Indian Penal Code, 1860*<sup>2</sup>

- S. 354 - Outraging modesty of a woman
- S. 354 A - Sexual harassment and punishment for sexual harassment
- S. 354 B - Assault or criminal force to woman with intent to disrobe
- S. 354 C - Voyeurism
- S. 354 D - Stalking
- S. 366 - Kidnapping, abducting or inducing woman to compel her marriage

<sup>2</sup> With amendments from the Criminal Law (Amendment) Act, 2013 (13 of 2013)

- S. 366 A - Procurement of a minor girl (below 18 years of age) from one part of the country to the other as punishable
- S. 366 B - Importation of a girl below 21 years of age as punishable
- S. 367 - Kidnapping or abducting in order to subject person to grievous hurt, slavery
- S. 370 - Trafficking of person
- S. 370 A - Exploitation of a trafficked person
- S. 372 - Selling minor for purposes of prostitution
- S. 373 - Buying minor for purposes of prostitution
- S. 375 and 376 - Rape and punishment for rape
- S. 376 B - Sexual intercourse by husband upon his wife during separation
- S. 376 C - Sexual intercourse by a person in authority
- S. 376 D - Gang rape
- S. 377 - Unnatural Offences
- S. 166 B - Punishment for non - treatment of victim under the provisions of S. 357 C of Code of Criminal Procedure, 1973

2. ***The Immoral Traffic (Prevention) Act (ITPA), 1956***

- S. 5 - Procuring, inducing or taking person for the sake of prostitution
- S. 6 - Detaining a person in premises where prostitution is carried on
- S. 9 - Seduction of a person in custody

3. ***The Protection of Women from Domestic Violence Act, 2005***

- S. 3 - Definition of domestic violence

4. ***The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013***

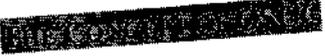
- S. 3 - Prevention of sexual harassment
- S. 9 - Complaint of sexual harassment

5. ***The Juvenile Justice (Care and Protection of Children) Act, 2000***

- S. 23 - Punishment for cruelty to juvenile or child
- S. 26 - Exploitation of juvenile or child employee

6. ***The Protection of Children from Sexual Offences Act, 2012***

- S. 3 - Penetrative sexual assault
- S. 5 - Aggravated penetrative sexual assault
- S. 7 - Sexual assault
- S. 9 - Aggravated sexual assault
- S. 11 - Sexual harassment
- S. 13 - Use of child for pornographic purposes



OSCC is a service categorized by a 'fast - track' integrated and coordinated teamwork of multi-sectoral and inter-agency network for the management of women / girls who have faced sexual abuse and / or domestic violence. OSCC should be generally located in the non-critical zone of the hospital. OSCC is basically a 'victim - centered' management place, where officials from all relevant agencies and departments will come to provide assistance once they are called.

The type of cases that will be dealt with in the OSCC will generally be from the offences committed under the laws mentioned above.

Thus, the OSCC will provide holistic and comprehensive support and assistance to the victims of sexual / domestic violence as a 'one - stop service' under one roof.

Duties of OSCC

The OSCC will provide services and assistance, which include: -

- Medical treatment and examination - provided by the Medical Department / Hospital
- Lodging of First Information Report / Statement and legal protection - provided by the Police Department
- Psychological counselling - provided by a Counsellor / NGOs
- Legal counselling and legal aid - provided by KELSA / DLSA
- Shelter and safe accommodation referral - provided by the Social Justice Department.

Staffing of OSCC

A. Fulltime

1. One Counsellor - apart from co-ordination and other specified duties, the full time Counsellor will also manage the toll free Helpline set - up under the OSCC.

B. On Call

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1. A police officer not below the rank of Inspector with a writer.
  2. A gynecologist from the Government General Hospital
  3. Lawyer from KELSA / DLSA
  4. Victim Service Provider – state run shelter home representative or NGO representative

#### Government Order / Procedures before establishment of OSCC

1. Order from Director General of Police designating a police officer from each district for OSCC, who should be equipped with relevant powers and authority to file an FIR and transfer it to the concerned jurisdiction, on lines with CID.
2. Order from Secretary, Department of Health designating a Government Medical Officer and / or a lady gynecologist to conduct medical examination at OSCC.
3. Order from KELSA / DLSA designating a lawyer, preferably a female lawyer.
4. Accreditation of credible NGO / Government homes which provide safe shelter, by the Social Justice Department.

#### Infrastructure of OSCC

1. Appropriate office furniture for the Counsellor.
2. Bed for preliminary medical examination of the victim.
3. Shower and toilet facility for the victim.
4. Computer – for maintenance of database of reported cases. The database will be helpful to track the support and assistance services to the victim. Such a database will eventually provide a snapshot of the true extent of violence reporting and the demand for social assistance, while collecting information on the OSCC's utilization, to ensure further improvements in their responsiveness and effectiveness.
5. Toll free Helpline.
6. List of important telephone numbers, names of officials and contact details of all the appropriate authorities and accredited NGOs that may be required to be contacted by the Counsellor.

#### Service Specific Standards at the OSCC

- Victims of sexual and domestic violence should receive the same standard of care, regardless of the circumstances of the violence, their legal or social status.
- OSCC should reduce 'secondary victimization' by providing quality and sensitive treatment to victims.



*treatment.* The safety of the victim comes first. The medical examination should be done immediately in a separate examination room that protects privacy and confidentiality of the victim.

**Step 4** – If the Counsellor comes to a decision that the victim is not in need of immediate medical intervention, the designated police official should be contacted forthwith for recording the First Information Statement (FIS) and First Information Report (FIR). The statement should be recorded in the OSCC or the medical ward (where the victim may be admitted in cases of serious physical injuries). The police official would take the next steps as per laws and legal procedures and Departmental Guidelines in the matter with respect to preliminary investigation and providing adequate physical security to the victim.

**Step 5** – The Counsellor should meanwhile contact another empanelled professional Counsellor for *intensive trauma care and counseling*. This will enable the victim to get psychological and emotional support.

**Step 6** – The designated woman lawyer from KELSA / DLSA should be contacted by the Counsellor, who shall explain the legal provisions and remedies available to the victim at the OSCC. The lawyer will also offer legal aid and assistance under the applicable laws as per the provisions of the Legal Services Authorities Act, 1987.

**Step 7** – The Counsellor should in the interim also contact the Protection Officer of the Social Justice Department. The Protection Officer will assess if the victim is in any danger if she returns home. If the home is not a safe place for the victim's immediate return, the Protection Officer shall offer guidance and referral services to safe accommodation in Shelter Homes under the Government or those conducted by accredited NGOs. If the Protection Officer together with the Counsellor, the police official and the lawyer come to the conclusion (with reasons recorded in writing) –

- that the victim's home is a 'safe' residence for her;
- that the victim desires to go home with the family members / guardians; and
- that the family members / guardians have no involvement in the offences against the victim, -

then the victim may be allowed to go home with her family members / guardians.