



Background Note

National Workshop on Role of Sakhi - One Stop Centres in Strengthening Multi Sectoral Response to Violence (15th - 16th December, 2017)

➤ Introduction:

- The issue of Crime against women transcends geography, class, culture, age, race and religion. In India, the violence committed upon women has many manifestations such as domestic and sexual violence including rape, sexual harassment, child sexual abuse, trafficking for commercial sexual exploitation, harmful practices such as sati, dowry harassment, honour related crimes, acid attacks, witch-hunting, child marriage, sex selective abortion etc. According to National Crime Records Bureau (NCRB) data, a total of 3,27,394 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2015 as compared to 2,28,650 in the year 2011. This shows an increase in the reporting of the incidences of crimes committed against women by 30.16% between 2011 and 2015. A brief table on various forms of crimes committed against women in the last five years is at Annexure -I.
- The right to life as enshrined in Article 21 of the Indian Constitution is a basic human right which includes the right to a dignified life free of violence. Further, the Constitution also grants equality to women and empowers the State to adopt measures of positive discrimination in favour of women, so as to neutralize the cumulative socio-economic, educational and political disadvantages faced by them. However, women continue to be victims of disparate treatment, violence and crime. Violence or the threat of violence not only violates this right but restricts women's freedom and germinates imbalance of power between women and men.
- Safety of women in the country is of utmost priority for the Government. It has been the Government's endeavour to put in place effective mechanisms to provide a safe environment for women both in public and private spheres of life. The interventions of the Government to address the issue of crime against women are primarily in the nature of legislative interventions or schematic interventions. The incidence of crime against women cannot be controlled unless the mind set of people is changed.

➤ **Strengthening Response to Violence Against Women (VAW)– Legislative Interventions**

- A number of legislations have been put in place for the protection of women. The nodal legislation protecting women from violence is the **Indian Penal Code (IPC), 1860** which defines various crimes and prescribe penalties for the perpetrators. After the notification of the Criminal Law (Amendment) Act, 2013, new offences like acid attack, sexual harassment, voyeurism, stalking and disrobing a woman have been incorporated in the IPC. Penalty for offences of rape, gang rape and causing serious injury to the victim resulting her to remain in a vegetative state have been increased. New provisions has been inserted, casting a duty on all public and private hospitals to provide first aid or medical treatment, free of cost to victims of acid attack and rape under Section 326, 375 and 376 of IPC. Certain changes have also been introduced in the **Criminal Procedure Code (CrPC), 1973** and the Indian Evidence Act, 1872. The changes entail the recording of the statement of the victim of rape and sexual assault by a woman police officer and provisions to ensure that victims below the age of 18 years are not confronted by the accused at the time of trial. Further, under Section 357A of CrPC, every State Government is under obligation to prepare a scheme in coordination with the Central Government for providing funds for compensation to women victims of crime.
- **The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994** provides for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities, metabolic disorders, chromosomal abnormalities, certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for connected matters.
- Apart from the above, the government has enacted several special laws to protect women's right to live with dignity and free from violence. **The Protection of Women from Domestic Violence Act (PWDVA), 2005** was enacted to provide protection and support to victims of domestic violence. PWDVA is civil in nature and defines domestic violence to include all acts of omission and commission that causes injury to a woman's **physical, sexual or mental health and includes specific forms of violence such as physical, sexual, verbal, emotional and economic abuse.**

PWDVA seeks to provide relief to women in the form of protection orders, residence orders, monetary relief, custody order and compensation orders. The PWDVA recognizes the right of all women to live free from violence within the private sphere of home – both before and after marriage. It also protects women living in live-in relationships, provided that such relationships are in the nature of marriage. The objective of the law is to prevent violence and provide emergency relief in case of such situations irrespective of the status of their relationship with the respondent.

- **The Sexual Harassment of Women at the Workplace (Prevention, Protection and Redressal) Act, 2013** came into force on 9th December 2013 to provide a safe and secure environment to women at the workplace. It covers all women, irrespective of their age or employment status and protect them against sexual harassment at all workplaces both in public and private sector, whether organized or unorganized. Domestic workers are also included under the ambit of the Act. The law provides for a mechanism in the form of Internal and Local Complaints Committee to provide redressal in cases of sexual harassment. It also casts a duty on employers to sensitize employees by carrying out awareness generation programmes and workshops.
- **The Prohibition of Child Marriage Act (PCMA), 2006** prohibits the solemnization of child marriages (if a female has not completed 18 years of age and if a male has not completed 21 years of age). According to the Act, child marriage is a cognizable and non-bailable offence. Further, recognising the need to address the social evil of dowry, the **Dowry Prohibition Act** was enacted in 1961. The Act defines dowry and penalises the giving, taking or abetting the giving and taking of dowry with imprisonment and fine.
- **Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2017:** In order to address various aspects of trafficking in a holistic manner from the perspective of prevention; prosecution; protection of victims and witnesses and rehabilitation of victims, MWCD has conceptualized a comprehensive legislation on trafficking- titled “**Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2017**”. The proposed Bill has introduced various aggravated forms of trafficking, for example: trafficking for the purpose of forced labour or bonded labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking of a woman or child

for the purpose of marriage or under the pretext of marriage or after marriage etc. The draft Bill has also proposed a deterrent mechanism from district to national level for the prevention, protection and investigation of trafficking cases and rehabilitation of victims.

➤ **Strengthening Response to Violence Against Women (VAW) - Programmatic Interventions**

- **Sakhi One Stop Centre Scheme:** The scheme of **One Stop Centres** was initiated in March 2015 for facilitating access to an integrated range of services including police, medical, legal, psychological support and temporary shelter to women affected by violence. The Scheme is funded through Nirbhaya Fund. Under the scheme, it has been envisaged that One Stop Centres would be set up across the country in phased manner. In the first phase, one Centre was sanctioned per State/UT. Further, 150 additional Centres are taken up in second phase during 2016-17. Out of the 186 sanctioned OSCs, in Phase I & II, a total of **168** One Stop Centres are operational in 32 States/UTs. They have assisted almost 60,000 cases of women. The remaining Centres are in various stages of operationalization. Further, additional One Stop Centres are envisaged to be set up in the third Phase.
- **The Scheme of Universalisation of Women Helpline** is being implemented since 1st April 2015 and is intended to provide 24 hours emergency and non-emergency response to women affected by violence through referral (linking with appropriate authority such as police, One Stop Centre, hospital) and information about women related government schemes/programmes across the country through a single uniform number (181). So far, women helplines have become operational in 28 States/UTs. They have managed more than 8 lakh calls of women.
- **Mahila Police Volunteers:** MWCD in collaboration with the Ministry of Home Affairs have started the engagement of **Mahila Police Volunteers (MPVs)** in States/UTs who will act as a link between police and community and facilitate women in distress. Haryana is the first state to adopt the initiative at Karnal and Mahendergarh District. Further, the proposal of Andhra Pradesh, Gujarat, Mizoram, Chhattisgarh, and Karnataka has also been approved for implementation of MPVs.

- The Ministry of Home Affairs has been entrusted with the task of setting up an **Emergency Response Support System (ERSS)** having ability to dispatch Emergency Response team to respond and address emergency calls. Under ERSS, State Emergency Response Centres (SERC) will be established in States/UTs in order to provide emergency response to emergency/distress calls requiring immediate medical, fire and police intervention etc. with special focus on calls from women and children. In this regard, a short code '112' has been allotted as emergency response number across the country to attend to citizens in distress.
- In order to provide emergency response to women in distress situations, MWCD had taken up the issue of installation of physical **panic button on mobile phones**. Based on extensive stakeholder consultations initiated by MWCD, the 'Panic Button and Global Positioning System in Mobile Phone Handsets Rules 2016' have been notified by the Department of Telecommunications. Under these rules, all new feature phones have the facility of panic button configured to the numeric key 5 or 9 and all smart phones have the panic button configured to three times short pressing of the on-off button. Further, all new mobile phones will have the facility of identifying the location through satellite based GPS w.e.f. 01.01.2018.
- To improve overall police responsiveness to gender sensitive cases and to bring visibility to more women and strengthen gender sensitivity in police force, the Ministry has been pursuing **reservation for women in the police force** with State Chief Ministers/Administrators of States/UTs. As a result, 13 States/UTs Bihar, Gujarat, Jharkhand, Madhya Pradesh, Nagaland, Odisha, Rajasthan, Telangana, Kerala, Chandigarh, Daman & Diu, Lakshadweep & Dadra Nagar Haveli, NCT Delhi, Puducherry and Andaman & Nicobar have already extended 33% reservation for women in police forces. Most of the other States are in the process of extending the same benefit within their police force.
- Looking at the rising cases of cyber space being used to perpetrate violence on women and children, MWCD has taken up the issue of **cyber crime** in a holistic manner. To address the issue of easy availability of child sexual abuse material/imagery, an Inter-Ministerial Committee constituted by Ministry of Electronics and Technology (MeitY), with membership of WCD has issued an advisory to all Internet Service Providers within the country to prevent the distribution

and transmission of child sexual abuse material. Efforts are being made to develop of a fast track mechanism (green channel) to complain and enable swift and speedy removal/blockage of online content offensive to women and children. Recently, the Supreme Court vide order dated 23.10.2017 also recommended the creation of a Central Reporting Mechanism (within CBI/MHA) in line with other countries to work as Indian Hotline for any person to report through it.

- An advisory on functioning of Matrimonial website has also been issued directing matrimonial websites to adopt safeguards to ensure that people using these websites are not subject to fraud, violence or misuse of information. An Anti-Trolling Helpline has been created by WCD for women and children to file complaints of abusive behaviour, harassment and hateful conduct on social media. Complaints sent to complaint-mwcd@gov.in or posted on social media with hashtag #HelpMeWCD, with each complaint closely followed and responded.
- Apart from the above, Ministry of Home Affairs in consultation with MWCD has issued time to time **advisories to States/UTs** on measures needed to curb crime against women. These advisories, inter-alia, lay emphasis on gender sensitization of police personnel, minimizing delays in investigations of crime against women, improving the quality of investigations and setting up ‘Crime against Women Cells’ in districts where these do not exist. As per MHA information majority of States/UTs have established ‘Women Cells’. Some States/UTs have also set up ‘All Women Police stations’ at district level and ‘Mahila Desk’ at Police Station level.
- **Mahila Shakti Kendras:** As per the budget speech 2017-18, a new scheme “Mahila Shakti Kendra” will promote community participation through involvement of Student Volunteers for empowerment of rural women. This will help create an environment in which women realise their full potential. These students will serve as “agents of change” and have a lasting impact on their communities and the nation. Community engagement through student volunteers is envisioned in 920 blocks covering 115 most backward districts over a period of 3 years, starting with selected 50 most backward districts covering 400 blocks with maximum of 8 blocks per district in 2017-18. More than 3 lakh student volunteers from local colleges will be engaged in this process, while association with NSS/NCC cadre students will also be an option. District Level Centre for Women (DLCW) will also be set up as part of

Mahila Shakti Kendras in 640 districts. Resources persons and experts in these districts will be the link between the village and blocks with the State Govt. and Govt. of India.

➤ **Nirbhaya Fund** : Ministry of Finance, Government of India has set up a dedicated fund called “Nirbhaya Fund” in 2013, for implementation of initiatives aimed at enhancing the safety and security for women in the country. It is a non-lapsable corpus fund. Recognizing the need to strengthen the mechanism for scrutiny and sanction of the proposals under Nirbhaya Fund, Department of Economic Affairs, Ministry of Finance has issued guidelines from time to time for administration and operationalization of the Fund.

- As per the guidelines issued by Ministry of Finance dated 25.03.2017, Ministry of Women and Child Development is the nodal Ministry to appraise schemes under Nirbhaya Fund and also to review and monitor the progress of sanctioned schemes in conjunction with the line Ministries/Departments. Ministry of Finance, Department of Economic Affairs (DEA) has issued guidelines on 26.10.2015 by which an Empowered Committee of Officers was constituted under the chairmanship of Secretary, WCD for appraising and approving various schemes/projects proposed by the Ministries/Departments to be funded from the Nirbhaya Fund.
- The Empowered Committee of Officers, which is an inter-ministerial committee, appraises and recommends various proposals/projects proposed by different Ministries/Departments/States. This Committee regularly reviews the implementation of projects from time to time. As of now, Empowered Committee has met 12 times. Under Nirbhaya Fund, 18 proposals amounting to Rs. 2077.84 Crores have been appraised and recommended by the Empowered Committee. The proposals under Nirbhaya Fund have been availed from various Ministries such as Ministry of Home Affairs, Railways, Information Technology, Road Transport & Highways and Women and Child Development. As on date, Rs. 810.87 Crores have been disbursed from Nirbhaya Fund accordingly.
- A Nirbhaya fund dashboard has also been developed recently to monitor the progress of various projects under Nirbhaya Fund accordingly along with the number of women beneficiaries under Nirbhaya Fund.

- **Participants:** The participants for the two day workshop on One Stop Centre Scheme would be bring officials from MWCD, At the state level, nodal officials of the One Stop Centre Scheme from the Department WCD from 33 States have confirmed participation. Representations of Centre Administrators and Counsellors from 166 OSCs from 32 States/UT have been invited to participate in the workshop.

- **Expected Outcome:** The two day workshop is envisaged within the broad objective of strengthening the quality of services at the One Stop Centres in the respective States/UTs. The workshop aims to:
 - Review the existing practices as (ten case studies in different states) to exchange lessons learnt from working with the health sector and challenges and dilemmas faced in the work.
 - Further discuss the protocols and action plan for specific departments to address VAW
 - Foster and strengthen convergence model of working between various relevant departments such as health, home department, legal department namely DLSA, SLSA, and the women and child department and other stakeholders.
 - Develop a service delivery model from Group Work Session to provide quality services to the victims/survivors of violence.
 - Introduce Nirbhaya Dashboard – a real time OSC and Women Helpline data maintaining mechanism.
 - Cross learning of Best Practices of OSC operations among various States/UTs

Annexure-I

S. No.	Crime head	2011	2012	2013	2014	2015
1	Rape	24,206	24,923	33,707	36,735	34,651
2	Kidnapping and Abduction	35,565	38,262	51,881	57,311	59,277
3	Dowry Death	8,618	8,233	8,083	8,455	7,634
4	Cruelty by husband and relatives	99,135	106,527	1,18,866	1,22,877	1,13,404
5	Assault on women with intent to outrage her Modesty	42,968	45,351	70,739	82,235	82,422
6	Insult to modesty of women	8,570	9,173	12,589	9,735	8,685
7	Importation of Girls from foreign country	80	59	31	13	6
8	Sati Prevention Act	0	-	0	0	0
9	Immoral Traffic Prevention Act	2,435	2,563	2,579	2,070	2,424
10	Indecent Representation of Women Act	453	141	362	47	40
11	Dowry Prohibition Act	6,619	9,038	10,709	10,050	9,894
	Total	2,28,649	2,44,270	3,09,546	3,29,528	3,18,437
