CHAPTER 8: REHABILITATION OF THE VICTIM: A PROFESSIONAL APPROACH

Rehabilitation means restoration to normal life. It also means restoring the standing or reputation. Literally it means restoring to the former condition. It is, for sure, that complete rehabilitation of a rape victim is not possible. Nothing can be done to repair the harm done to the body and soul of the victim. Therefore what is possible is the best process towards the best possible. Rehab, to put it short, includes the following:

- Detraumatization
- Counseling
- Health care (including mental health care)
- Compensation
- Assurance of non-repetition of the crime
- Social empowerment
- Economic empowerment
- Legal empowerment
- Repatriation (in case of trafficked victims)
- Reintegration (of trafficked victims) etc.

Rehabilitation, no doubt, is a combination of internal and external empowerment. Normally, the external part is recognized and taken note of. Therefore, in common parlance, rehabilitation of the victim of crime is considered to be the job of agencies working under welfare department of the Government, and not deemed to be a part of the law-enforcement machinery of the State. Only in exceptional situation, the police and judicial system get involved in rehabilitation of the victim. It is ordinarily presumed that there is no specific and definite role for the police officers, prosecutors and judicial officers in the rehabilitation of the female victim, whereas the rehabilitation of the victim is the focus of attention in victimology. The law-enforcement machinery cannot rest content only with chiseling and prosecuting the culprit and the offenders. Their job does not end with the victims statement. They have to necessarily reorient themselves to the victimological aspects and therefore, rehabilitation of the female victim starts at the police station itself. The trauma and harm
faced by the female victim is exacerbated by the stigmatization and the ostracization of the victim, which are more often due to the antipodal disorientation towards the female victim. No doubt, the rehabilitation of the female victim would entail several advantages to the victim and her well-wishers and the community at large. Some of the pronounced achievements observed during the study are as follows.

- Rehabilitation facilitates the validation of the harm and violations that the victim had to face.
- It helps the victim to cooperate in the law enforcement mechanisms.
- It promotes the victim from her trauma, stress, self-denunciation and self-contempt.
- It helps the victim to reinstate herself into the social milieu and restore her normal place in the community by sending a message to all concerned, including herself, that she is only a victim and not an accomplice. Thus rehab helps in dispelling several common myths which, in fact, violate the victim's rights.
- Facilitates the victim's reintegration and reinstatement into her vocation and abilitates her to go ahead with the daily chores.
- Rehabilitation provides adequate economic and financial compensation to the victim, especially to meet the legal and medical requirements.
- Rehabilitation envisages psychological counselling not only to the victim, but also to her relatives so as to help them to overcome the crisis.
- Rehabilitation entails not only legal counselling but also legal representation in the various judicial and quasi-judicial fora, where various issues have to be taken up, fought and thrashed out on behalf of the victim.

Rehabilitation of the victim is, therefore, a combination of several activities involving many agencies. The law enforcement officials have to necessarily take the lead role as the coordinator, the facilitator and the initiator. In order to enable such pro-victim action, the law enforcement officials need to be prepared well in advance. It is advisable that certain essential steps, as listed below, are taken before hand.

- Maintaining list of rehabilitation agencies: Every unit of the law-enforcement agency, including the judicial courts, the office of the prosecutors, the office of the police superintendent, the police station etc. should have an updated list of all the welfare agencies with their addresses, telephone numbers, field of
activity and specialization etc. Once the victim comes in contact with the law-enforcement agencies, the latter should identify the appropriate rehabilitation agency and summon them so that help could be provided to the victim at her very doorstep. Various statutes provide different mechanisms of rehabilitation. A ready reckoner should be prepared by the law-enforcement agencies and utilized to provide succour to the victim. For example J.J. Act. 2000 provides shelter homes as drop-in-centres. The police station in charge should have the telephone numbers, addresses and the contact persons of all such centers in his jurisdiction and adjoining areas. Similarly, Section 13 of Immoral Traffic prevention Act speaks about trafficking police officers, being assisted by NGOs. A list of all the notified trafficking police officers and the notified NGOs along with their telephone numbers and contact persons should be available at the police station so that any information of a female person being trafficked could be passed on to the concerned officials/NGOs. A model could be seen in Delhi where the Commissioner of Police has, by a standing order, directed all police stations that as and when any case of rape is reported, intimation should go to the notified NGO who has facility for counseling etc. In fact the police officers are duty bound to assist the counselor and, thereby, the process of rehabilitation is not only expedited, but commenced at the police station itself.

Effectiveness of law-enforcement is judged by timely response, as one of the most visible and perceived attributes. The law-enforcement officer has to be swift in commencing rehabilitation work. A female child in distress need to be counselled provided a child minder or reached to a shelter home, provided food, medical aid, rest, peace, care, attention and, at the same time, freedom which any child would like to have. All these and much more have to be provided without delay. Timely action by the law-enforcement officers is the key to redressal of grievances and public trust in police. This calls for attitudinal orientation and training to the man on-the-spot. It is he who has to act at the appropriate time. Regular refresher trainings need to be organized. The functions of the networks and linkages have to be reviewed and strengthened.

Medical help is another important aspect of rehabilitation. Female victim may have suffered serious injuries, but may not be willing to confide in the police.
officer for various reasons. An injured victim of sexual assault, would not like herself to be examined by a police officer and, therefore, may not even mention about the bodily injury to the police officer. However, she will feel comfortable to open up before a doctor. Considering the prejudicial mindset prevalent in the Indian society, especially in the rural areas, female victim may not even inform the details of the sexual assault with a male police officer. In such situations, reaching the victim to a lady medical officer is essential as it would be in the best interest of the victim in several ways.

- It relieves the physical discomfort of the victim.
- It provides stress relief i.e. psychological relief to the victim.
- The victim prefers to confide in the lady doctor and opens up, i.e. emotional relief to the victim.
- It retards or restricts the escalating stress and harm. The violations to which the victim was subjected to, would continue to have a cascading effect on her leading to exacerbation of the trauma till such a time when an effective break is applied. The medical help and attention provides this break.
- The victim gains confidence in the criminal justice system and, therefore, the succour from the medical help is a catalyst in facilitating the victim's involvement in effective law enforcement.
- The statement by the victim before a doctor has more admissibility and relevancy than her statement before a police officer and, therefore, forwarding the female victim to the lady doctor without delay would legally strengthen the requirements of the case. In a case where the victim was tortured during rape and the latter died due to the injuries, the victim's version before the doctor, used in evidence as dying declaration was of tremendous consequence in convicting the accused.
- The camaraderie of the doctor with the victim can open up lot of clues in the case. Therefore, the investigating officers can make best use of this partnership for orienting the investigation and taking the case to its logical conclusion.
Rehabilitation of the victim should be an ongoing process. The agencies concerned cannot treat it as a one-time affair and rest content with forwarding the female victim to an NGO and forgetting her thereafter. The cardinal principles of victimology demand that the police officer maintains contact with the victim and continue to look after her interest. However, as in practice, the police officer tends to ignore or forget the victim once her statements are recorded by him at the beginning of investigation. Thereafter the law-enforcement officials come in contact with the victim only when she is summoned by the court of trial as witness in the case. Her statements are to be recorded by the judicial court during her examination-in-chief and she will also be required during her cross-examination by the defence. Normally the police officers are blissfully unaware, ignorant and usually unconcerned about the victim's status and welfare before and after the above mentioned two specific stages.

This situation is undesirable because of the following reasons:

- Victim tends to develop a feeling of neglect and nonchalant attitude against the police officials concerned.
- Victim remains in the dark about the progress and developments taking place in the criminal justice process, with respect to the crime perpetrated on her. She has a right to know the progress, but she remains deprived of this right.
- Victim develops frustration and, consequently, antipathy towards police. This frustration has a cascading effect on police image in general, and police attitude to women, in particular.
- Victim becomes reluctant and, at times, even refuses to extend cooperation when required by the police. Victim tends to develop not only antipathy, but also nurture negative feelings against police. This negativism exacerbates antagonism against police and, consequently, all the good work hitherto done by the police is neutralized. Therefore, sustained rehabilitation activities, frequent interaction with the victim and, continued care and assistance to the victim to re-establish herself are essential aspects which a police officer need to keep in mind as a part of the rehabilitative strategy in law-enforcement.

Victim compensation: Providing financial compensation to the victim is an essential and inevitable ingredient of the rehabilitative mechanism. Usually police officials tend to think
Victim's compensation has many dimensions. It includes:

- Emotional support and empowerment
- Health care including mental health care
- Legal assistance and counseling
- Punishing the culprits
- Guarantee of non-repetition of the crime
- Providing physical security
- Recouping the expenses incurred in medical treatment, incidentals etc
- Exemplary financial compensation for the harm, indignity, loss of reputation, trauma, ignominy etc suffered by the victim.

Financial compensation and consequent rehabilitation of the victim should not be considered a welfare act but it should be essentially seen as an act of human rights to which the victim has a rightful, undeniable entitlement. Compensation to the victim is an important aspect in victimology. The Supreme Court, in the judgement Delhi Domestic Working Women's Forum vs. Union of India has underlined the importance of providing monetary compensation even before conclusion of trial. Trial proceedings, appeals, reviews and revisions can, and do, take several years, if not decades, to conclude and reach finality. This is an important factor to be reckoned with while deciding on interim compensation. Provisions of Section 357, 358 and 359 CrPC are to be invoked, when appropriate, by a judicial forum in awarding compensation to the victims.

Best interest of the Victim: Rehabilitation packages should be oriented to the best interest of the victim. A girl child who was raped by her father will not be comfortable staying with the father any more. Alternate residence needs to be provided for. At the same time a girl child who was raped in a school hostel would not like to stay there and a better place would be to put her along with her mother. However there cannot be a hard and fast rule in such matters. What is required is to have a fair assessment of the needs of the child victim. The assessment should be done in her best interest. She should be consulted in deciding what is best for her. Research has shown that more often children are
never consulted and decisions taken by adults are enforced on them. It may be true that children are not able to decide for themselves as they are not aware of the options and are not able to decide which one would be in their interest. In such situations, it is incumbent upon the counselor/advisor/mentor to make the child aware of the entire gamut of options available, educate him about the pros and cons and thereafter let her decide. Informed consent is the keyword.

**Sustainability:** Rehab activities and programmes are meaningful only if they are sustainable. Otherwise it can be detrimental too. Sustainability requires economic and social empowerment. If the victim has been rehabilitated by providing an alternate source of employment, say in a production unit, she should be extended the facility for marketing the produce. It calls for tie up with the markets, the corporates, networking with the agencies concerned and systematic movement/transfer of the products. Therefore sustaining any rehab programme calls for commitment, regular monitoring and follow up by all concerned. It is a fact that this job has to be done by the concerned department of the government. The NGOs working in this sector can be of great help. Police can, undoubtedly, facilitate this networking of government agencies and NGOs with the victims.

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