

AS INTRODUCED IN THE RAJYA SABHA
ON THE 18TH DECEMBER, 2015

Bill No. XXXVI of 2015

THE VICTIMS OF ACID ATTACK, SEXUALLY ABUSED AND
TRAFFICKED GIRLS AND WOMEN (COMPENSATION
AND REHABILITATION) BILL, 2015

A

BILL

to provide for the rehabilitation measures to be undertaken and payment of adequate compensation by the Central and State Governments to the victims of acid attacks, sexually abused or raped and trafficked girls and women from weaker sections and tribal and rural areas pushed for working as domestic maids or into flesh trade by the placement agencies, pimps and traffickers and for making it mandatory for the State to bear all costs of treatment including cosmetic and other requisite surgeries for all such victims and for matters connected therewith and incidental thereto.

WHEREAS various criminal laws for the time being in force in the country provide for the penalty and criminal procedure to be followed against the accused of acid attack or rape

or gangrape or trafficking and pushing girls and women into prostitution and such other offences;

AND WHEREAS most of such laws are silent on the rehabilitation of the victims, huge amounts required for their treatment including several surgeries including cosmetic surgeries for acid attack victims and the adequate financial assistance to withstand the trauma and lead a respectable life in the society;

NOW THEREFORE, it has become necessary to provide for the compensation and rehabilitation of victims of acid attack, sexually abused and trafficked girls and women by the State.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Victims of Acid Attack, Sexually Abused and Trafficked Girls and Women (Compensation and Rehabilitation) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

5

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(b) "fund" means the National Abused and Attacked Girls and Women Rehabilitation and welfare fund established under section 4;

10

(c) "prescribed" means prescribed by rules made under this Act;

(d) "sexually abused" means where rape or gangrape is committed on a girl or women, as the case may be;

(e) "trafficking" includes procuring, luring or supplying a girl or women, as the case may be, for forced domestic work or forcing into prostitution or any unlawful and immoral purpose;

15

(f) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, Code of Criminal Procedure, 1973 or the Immoral Traffic (Prevention) Act, 1956 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.
20 104 of
1956.

Rehabilitation
and welfare
measures for
the victims of
acid attack,
sexually
abused and
trafficked girls
and women.

3. (1) The Central Government shall promote and undertake such measures as it thinks fit and appropriate and take various other rehabilitation and welfare measures for the victims of acid attack, sexually abused and trafficked girls and women throughout the country.

(2) Without prejudice to the generality of the provisions of sub-section (1), the rehabilitation and welfare measures referred to therein may provide for,—

25

(a) setting up of one stop crisis centres at conspicuous places in different parts of the country for extending necessary help and facilities to girls and women covered under this Act, by the Police and other agencies;

(b) extending all required medical facilities including surgeries of all kinds irrespective of their numbers for acid attack and rape victims and with all medicines, bandages, and indoor and outdoor facilities till they are fully cured and counselling by specialists to the victims;

30

(c) making ex-gratia payment of not less than rupees five lakh to every victim of acid attack or rape covered under this Act;

(d) rehabilitation measures such as employment in Government or its organizations through reservation and other means or for making them self employed, through Vocational training;

35

(e) such other facilities as may be prescribed;

- 5 **4. (1) The Central Government shall, as soon as may be, by notification in the official Gazette, establish a Rehabilitation and welfare Fund to be called the National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund for the purposes of this Act with initial corpus of rupees thirty thousand Crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central Government and Governments of the State shall contribute to the Fund to such extent and in such manner as may be prescribed.**
- Establishment of National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund.
- 10 **(2) The fund shall also comprise money received from body corporates and financial institutions of both domestic and international ones, individuals and bodies through donations etc.**
- 15 **(3) All money received in the fund shall be defrayed for the purposes of this Act in such manner as may be prescribed.**
- 20 **5. The appropriate Government shall establish and run such number of shelter homes as it may deem necessary for the girls and women covered under this Act who may opt for living in such shelter homes and such girls and women shall be lodged in these shelter homes with necessary facilities of daily life, as may be prescribed.**
- Establishment of shelter homes.
- 25 **6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide adequate funds to the Governments of the States and to the Fund, for carrying out the purposes of this Act.**
- Central Government to provide funds for the purposes of the Act.
- 30 **7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.**
- Power to remove difficulty.
- 35 **8. The Central Government may give such directions in writing to any State Government as may appear to it to be necessary for carrying out execution in the State any of the provisions of this Act or of any rule made thereunder.**
- Power to issue direction.
- 40 **9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.**
- Act to have overriding effect.
- 45 **10. The provisions of this Act, shall be in addition to and not in derogation of any other law for the time being applicable to girls and women covered under this Act.**
- Act to supplement other laws.
- 50 **11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**
- Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Of late, it is a matter of serious concern that crimes against girls and women have increased manifold in our country particularly the cases of rapes and gangrapes and acid attacks on the girls and women. Two years back, the brutal gangrape and killing of Nirbhaya had shaken the entire Nation after which the law was amended to make it more deterrent but despite that hardly any day goes without reports of rapes and gangrapes being committed in the national capital and rest of the country.

These days the national capital is often referred to as the rape capital. The victim of rape feels the trauma of being raped throughout her life and unfortunately most of them do not lead a normal life. The society also blames the rape victims and they remain unmarried and if rape is committed on a married woman she is normally disowned by her husband and in-laws. In this backdrop of backlash, many rape victims take the extreme step of committing suicide which ultimately help the accused. Here counselling, financial assistance and rehabilitation becomes more important so that the rape victims become courageous to see the accused behind the bars.

Similarly, cases of acid throwing on girls and women are on the rise. The acid thrown on a girl or woman many a times kills her but if, she survives that is more horrifying. Her face is disfigured, loses her eyes and other body parts are severely burnt. Apart from suffering extreme pain and agony she has to undergo many surgeries, bandages and medication which require huge money which most of the victims are unable to bear and they are left to fend for themselves. For these hapless acid attack victims financial assistance, free medication and cosmetic surgeries and rehabilitation becomes all the more necessary.

Then, these days girls belonging to poverty stricken families of rural areas and tribal areas are lured and trafficked to urban areas by showing them dreams of good life and employment opportunities and are sold to so called Placement agencies who further sell them to people for household chores and for forced prostitution. Even if, Police rescue them these unfortunate girls and women also require rehabilitation and other welfare measures.

This Bill also seeks to set up a National Abused and Attacked Girls and Women Rehabilitation and Welfare Fund for the victims of acid attack, sexually abused and trafficked girls and women apart from providing other welfare and rehabilitation measures.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill, provides for the rehabilitation and welfare measures for the girls and women covered under this Bill. Clause 4 of the Bill provides for the establishment of a Fund with initial corpus of rupees thirty thousand crore by the Central Government. Clause 6 makes it mandatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum.

A sum of rupees twenty thousand crore may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

A
BILL

to provide for the rehabilitation measures to be undertaken and payment of adequate compensation by the Central and State Governments to the victims of acid attacks, sexually abused or raped and trafficked girls and women from weaker sections and tribal and rural areas pushed for working as domestic maids or into flesh trade by the placement agencies, pimps and traffickers and for making it mandatory for the State to bear all costs of treatment including cosmetic and other requisite surgeries for all such victims and for matters connected therewith and incidental thereto.

(Shri Rajkumar Dhoot, M.P.)