

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 597
TO BE ANSWERED ON 09.12.2022

VICTIM COMPENSATION SCHEME FOR WOMEN

597. SHRI SRIDHAR KOTAGIRI:

Will the Minister of Women and Child Development be pleased to state:

- (a) whether the Government is implementing any scheme for the victims of labour trafficking/ survivors of sexual exploitation and trafficking/ other crimes as compensation scheme for women, if so, the details thereof;
- (b) whether the Government proposes to increase the compensation amount or create a dedicated fund for victims of trafficking under the said scheme in view of the observations made by the Calcutta High Court regarding inability of State Legal Services Authorities to pay compensation to victims of trafficking and if so, the details thereof;
- (c) whether the Government has taken steps to popularise and spread awareness about the victim compensation scheme and if so, the details thereof;
- (d) whether there is any scheme for the protection of children who have been victim of human trafficking; and
- (e) if so, the details thereof, State-wise?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (e): Section 357 of the Code of Criminal Procedure provides that a Trial Court, when passing Judgment, may order the whole or any part of the fine recovered to be utilized inter-alia for payment of compensation to the persons who have suffered an injury due to the acts of the convict. In 2009, with the introduction of Section 357A in the CrPC, the concept of rehabilitative compensation paid by the State emerged in the criminal justice system of India. Section 357A was incorporated to specifically provide for compensation to victims and their family members. The provision also mandated every State Government to frame "a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation." Pursuant to the above, most of the

States have formulated their respective Victim Compensation Schemes. Compensation can be granted under the schemes enacted under section 357A CrPC in four scenarios:

(i) in case of Conviction, (ii) in case of Acquittal (iii) when accused is discharged, and (iv) when the offender is neither traced nor identified.

The process of Victim Compensation is set into motion through two methods. Firstly, the trial court is empowered to make recommendation to the District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA), as the case may be, to decide quantum of compensation to be awarded under the scheme framed by the State Government. The trial court can also make a recommendation in case it is satisfied that the compensation awarded under section 357 of CrPC is not adequate for rehabilitation. Secondly, in cases where the offender is neither traced nor identified, but the victim is identified, the victim and his dependents may make an application to the DLSA or SLSA for award of compensation. On receiving such an application, the DLSA or SLSA has to conduct an inquiry and to award adequate compensation following the due procedure.

Further, pursuant to the directions of Hon'ble Supreme Court in Writ Petition(C) No. 565/2012 (Nipun Saxena vs Union of India and others), National Legal Services Authority has prepared compensation scheme for women victims/ survivors of sexual assault/ other crimes. The same was circulated to all States/ UTs. Many of the State Governments have revised their existing Victim Compensation Schemes in accordance with the NALSA's scheme. The scheme provides for a Women Victim Compensation Fund which is a segregated fund for disbursement for women victim, out of State Victim Compensation Fund and Central Fund. The Central Fund means the contribution received from Central Victim Compensation Fund (CVCF) Scheme, 2015. Central Government has provided one time grant-in-aid of Rs. 200 Crores under Central Victim Compensation Fund (CVCF) to States / UTs under "Nirbhaya Fund" to supplement their respective Victim Compensation Funds. The method of awarding and disbursing the compensation differs as per the Schemes of different States. While the LSAs mostly have an active role in determination of compensation, the actual disbursement of the awarded compensation depends on the funds maintained and released by the State Governments.

For prevention of trafficking, rescue, rehabilitation, re-integration and repatriation of victims of trafficking and commercial sexual exploitation, the Ministry of Women and Child Development implements a component of 'Shakti Sadan' under 'Samarthya' sub-scheme of 'Mission Shakti'. Further, the Ministry assists the States/ UTs to run Child Care Institutions (CCIs) to support the children in need of care and protection under 'Mission Vatsalya'.

To create public awareness about the various schemes and legislation, the Central Government also undertakes awareness drives, media campaigns and outreach programs and issues advisories to the States/ UTs from time to time.
