

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UN-STARRED QUESTION NO. 4852
TO BE ANSWERED ON 01.04.2022

COMPENSATION SCHEME FOR WOMEN VICTIMS OF SEXUAL ASSAULT

4852. SHRI RAJENDRA AGRAWAL:
SHRI JAGDAMBIKA PAL:
SHRI L.S. TEJASVI SURYA:
SHRIMATI APARAJITA SARANGI:
SHRI KESINENI SRINIVAS:
SHRI P.P. CHAUDHARY:
SHRI ABDUL KHALEQUE:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Government is implementing any scheme for the victims/ survivors of sexual harassment/ other crimes as compensation scheme for women, if so, the details thereof indicating the number of individuals/ victims provided compensation under the scheme and applications pending so far since its inception, yearwise and State/ UT-wise;
- (b) the details of amount disbursed from victim compensation fund, cases wherein the courts had ordered payments, cases/ claims pending and the category of crimes under which the disbursement was made during the last five year, State/ UT-wise;
- (c) whether this scheme provides compensation to the victims of female genital mutilation and if so, the details thereof and if not the reasons therefor;
- (d) whether the Government proposes to increase the compensation amount under the said scheme and if so, the details thereof along with steps taken to popularise and spread awareness in this regard; and
- (e) whether the funds required for this scheme are met through PMNRF and if not, the head from which the said funds are provided?

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-said statutory incorporation, 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 enquiry and to award adequate compensation within two months.

Pursuant to the directions of Hon'ble Supreme Court of India in W.P. (C) No. 565/2012, a committee was set up to prepare Model Rules for Victim Compensation for sexual offences and acid attacks. The said Committee formulated the Compensation Scheme for Women Victims/ Survivors of Sexual Assault/ other crimes of National Legal Services Authority (NALSA). 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. Many of the State Governments have revised their existing Victim Compensation Schemes in accordance with the NALSA's scheme. 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. The details indicating the number of the victims provided compensation under the scheme and applications pending are at **Annexure**.

ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART OF THE LOK SABHA UN-STARRED QUESTION NO. 4852 FOR ANSWER ON 01.04.2022 ASKED BY SHRI RAJENDRA AGRAWAL, SHRI JAGDAMBIKA PAL, SHRI L.S. TEJASVI SURYA, SHRIMATI APARAJITA SARANGI, SHRI KESINENI SRINIVAS, SHRI P.P. CHAUDHARY, SHRI ABDUL KHALEQUE, SHRI SANJAY BHATIA REGARDING 'COMPENSATION SCHEME FOR WOMEN VICTIMS OF SEXUAL ASSAULT'

Details of Applications received, compensation awarded and amount disbursed during the year, 2020

(Amount in Rs.)

S. No.	Name of SLSA	Total No. of Applications received including matters referred by the Courts	Number of applications disposed	Compensation awarded			Amount disbursed
				Women		others	
				Sexual offences	Acid attacks		
1	Andhra Pradesh	32	33	68,00,000	8,00,000	42,50,000	66,00,000
2	Arunachal Pradesh	30	22	18,70,000	0	11,20,000	50,00,000
3	Assam	566	364	1,07,80,616	8,50,000	2,76,85,132	7,51,83,000
4	Bihar	776	184	2,47,35,000	27,00,000	2,98,97,000	4,45,32,000
5	Chhattisgarh	580	481	3,73,59,022	1,00,000	77,06,017	2,62,93,000
6	Goa	0	0	₹ 0	0	0	0
7	Gujarat	1603	526	8,62,14,000	24,00,000	2,01,13,836	10,75,68,836
8	Haryana	210	229	5,13,40,000	11,40,000	1,29,15,000	9,17,89,000
9	Himachal Pradesh	210	204	2,71,57,500	25,00,000	5,75,000	2,85,12,500
10	Jammu & Kashmir	50	50	96,65,000	0	6,00,000	1,02,65,000
11	Jharkhand	420	158	3,48,45,000	1,00,000	1,25,20,000	2,73,45,000
12	Karnataka	414	166	2,72,10,000	8,80,000	86,35,000	3,67,25,000
13	Kerala	292	132	1,92,20,000	0	2,50,20,000	4,42,40,000
14	Madhya Pradesh	595	467	4,82,68,200	4,50,000	3,11,59,500	6,79,95,200

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15	Maharashtra	147	79	35,95,000	1,00,000	58,49,000	₹ 60,78,000
16	Manipur	37	23	0	0	0	0
17	Meghalaya	194	58	55,50,000	0	11,00,000	66,50,000
18	Mizoram	48	0	0	0	0	0
19	Nagaland	35	0	0	0	0	0
20	Odisha	1339	818	12,47,10,000	0	2,50,05,000	11,63,33,500
21	Punjab	297	235	39,51,007	26,65,003	14,00,063	3,00,23,000
22	Rajasthan	805	1238	10,26,79,000	4,50,000	7,23,92,500	17,55,21,500
23	Sikkim	51	48	69,75,000	0	0	69,75,000
24	Telangana	19	19	20,56,965	0	21,00,000	41,56,965
25	Tamil Nadu	465	157	86,27,000	0	1,47,99,000	1,93,83,000
26	Tripura	29	42	87,75,000	0	25,000	45,00,000
27	Uttar Pradesh	49	49	38,35,000	4,95,000	27,50,000	70,80,000
28	Uttarakhand	34	40	54,65,000	0	6,75,000	53,90,000
29	West Bengal	369	244	2,90,80,000	40,50,000	35,00,000	2,36,50,000
30	Chandigarh UT	20	9	14,00,000	0	30,40,000	12,54,000
31	Dadra & Nagar Haveli	2	2	4,00,000	0	0	4,00,000
32	Daman & Diu	3	3	8,35,000	0	0	8,35,000
33	Delhi	1393	1453	6,97,37,000	36,75,000	38,89,84,500	46,23,96,500
34	Lakshadweep	0	0	0	0	0	0
35	Puducherry	14	6	30,00,000	0	0	20,50,000
36	TOTAL	11128	7539	76,61,35,310	2,33,55,003	70,38,16,548	1,44,47,25,001

Details of Applications received, compensation awarded and amount disbursed during the year, 2021

(Amount in Rs.)

Name of SLSA	Applications received		Pending applications as on 01.01.2021	Number of applications disposed		Compensation awarded					
						Women		Others			
	Application referred by the Court	Application filed by Victims and forwarded/ referred by Police/Admn./ Other Agencies		For Interim Disposal	For final Disposal	Sexual offences		Acid attacks			
No. of Victims						Amount	No. of Victims	Amount	No. of Victims	Amount	
Andhra Pradesh	72	12	49	58	32	75	1,10,55,000	2	4,00,000	33	6,25,70,007
Arunachal Pradesh	5	40	19	1	8	1	5,00,000	-	0	13	63,00,000
Assam	273	390	659	177	312	238	3,55,57,500	8	16,50,000	222	5,29,62,500
Bihar	504	574	720	353	389	503	11,47,74,500	31	92,50,000	135	2,94,75,000
Chhattisgarh	633	1,304	961	510	620	641	12,29,80,795	-	0	137	1,91,74,000
Goa	4	20	-	-	20	3	6,50,000				
Gujarat	564	880	1,246	922	274	789	14,50,75,000	6	6,40,000	214	3,66,04,786
Haryana	279	44	53	101	241	311	8,27,95,000	4	15,00,000	52	89,25,000
Himachal Pradesh	59	117	45	141	35	122	1,87,75,000	4	19,00,000	44	31,15,000
Jharkhand	237	243	991	89	399	240	7,67,63,500	3	10,00,000	184	3,28,47,000
Karnataka	289	198	1,469	42	815	225	5,95,08,000	1	6,00,000	109	2,84,72,000
Kerala	218	48	453	28	81	58	1,81,40,000	7	7,00,000	41	1,16,76,000

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Madhya Pradesh	467	354	673	69	856	454	5,62,06,800	16	14,75,000	204	2,36,31,500
Maharashtra	112	3,458	5,193	1,758	1,591	1,558	13,24,22,000	7	13,00,000	190	1,23,29,500
Manipur	20	7	11	5	6	11	73,50,000	-	0	3	15,00,000
Meghalaya	82	76	84	35	17	44	63,25,000	-	0	8	9,50,000
Mizoram	22	12	34	-	-	25	1,12,50,000	-	0	9	5,85,000
Nagaland	3	24	27	-	-29	-	0	-	0	-	0
Odisha	328	1,630	2,095	1,609	414	1,037	50,49,69,000	12	28,25,000	310	8,00,35,000
Punjab	174	288	282	75	305	149	4,95,50,500	11	24,85,793	168	2,21,08,334
Rajasthan	886	997	511	935	700	680	13,96,55,000	3	3,67,000	740	8,02,06,000
Sikkim	60	2	-	48	14	5	8,70,000	-	0	57	46,90,000
Tamil Nadu	81	572	891	95	155	42	71,70,000	16	12,02,000	140	1,58,63,346
Telangana	81	8	33	10	41	39	1,02,60,000	2	3,00,000	8	29,31,000
Tripura	19	29	34	1	57	52	1,37,25,000	1	5,00,000	5	4,00,000
Uttar Pradesh	234	212	892	31	206	67	1,05,60,000	2	4,00,000	41	65,84,250
Uttarakhand	90	39	39	28	74	94	1,79,40,500	1	1,70,000	17	25,33,000
West Bengal	140	273	413	87	139	134	21,40,80,000	20	57,50,000	35	77,75,000
A & N Islands	3	15	-	-	-	18	6,00,000	-	0	-	0
Chandigarh	9	21	16	2	9	9	30,00,000	-	0	2	13,00,000

D & N Haveli	1	2	1		-2	2	8,00,000	-	0	-	0
Daman & Diu	4		-		-4	3	4,00,000	-	0	1	1,00,000
Delhi	1,162	748	1,245	621	985	565	8,02,94,071	4	7,00,000	1,088	21,92,30,829
Jammu & Kashmir	16	33	29	20		17	38,37,500	1	2,00,000	2	2,50,000
Lakshadweep	-		-		-	-	0	-	0	-	0
Ladakh		1	1		-	1	0	-	0	1	0
Puducherry	8		-7		-2	8	29,50,000	-	0	-	0
Total	7,139	12,671	19,176	7,851	8,832	8,220	1,96,07,89,666	162	3,53,14,793	4,213	77,51,24,052

Note: Data prior to 2020 is not available.
