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Urgent

F. No. 24013/08/2015-SC/ST-W-Vol.II
Government of India
Ministry of Home Affairs
Women Safety Division

MDC National Stadium,
India Gate, New Delhi.
Dated: 26. June, 2018.

To,

1. **The Chief Secretaries of all State Governments including GNCTD and UTs of Puducherry and A&N Island.**
2. **Administrators of D&D, D&NH, Lakshadweep and Chandigarh.**

Subject: Writ Petition (C) No. 565/2012 - Nipun Saxena vs. Union of India & Ors. - Regarding

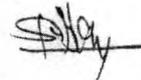
Sir/Madam,

I am directed to refer to the order dated 11.05.2018 passed by the Hon'ble Supreme Court on the above-mentioned subject and National Legal Services Authority's (NALSA) Compensation Scheme for women Victims/Survivors of sexual assault/ other crimes, 2018 (copies enclosed) accepted by the Hon'ble Supreme Court of India vide aforesaid order for implementation by the State Governments and UTs.

2. It is requested to confirm as to whether the implementation of the norms as per the order of Hon'ble Supreme Court of India has started in your State/UT.

Encl: as above

Yours faithfully,



(S.K. Gupta)
Deputy Secretary to the Govt. of India
Tel: 011-23075293

ITEM NO.61

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).565/2012

NIPUN SAXENA & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.23394/2018-EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 568/2012 (PIL-W)

W.P.(Crl.) No. 1/2013 (PIL-W)

W.P.(C) No. 22/2013 (PIL-W)

W.P.(C) No. 148/2013 (PIL-W)

SLP(Crl.)...CRLMP No. 16041/2014 (II-A)

Date : 11-05-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Ms. Indira Jaising, Sr. Adv. (A.C.)

Ms. Sangeeta Madan, Adv.

Mr. P.S. Tripathi, AOR

Ms. Vani Vyas, Adv.

Mr. Mukesh Kumar Singh, Adv.

Ms. Aanchal Singh, Adv.

Mr. Ravi Chandra Prakash, Adv.

Mr. Abhishek Tripathi, Adv.

Ms. Ajita Sharma, Adv.

For Petitioner(s)

Ms. Ankita Chaudhary, Adv.

Mr. Nipun Saxena, Petitioner-in-person

Mr. Aditya P. Arora, Adv.

Mr. Namit Saxena, Adv.

Mr. Prashant Chaudhary, AOR

Mr. R. P. Gupta, AOR

Mr. E.C. Agrawala, AOR

For Respondent(s)	<p>Ms. Pinky Anand, ASG Mr. Ashok Kumar Panda, Sr. Adv. Mr. Sachin Sharma, Adv. Ms. Sushma Verma, Adv. Mr. Raj Bahadur, Adv. Mrs. Anil Katiyar, Adv. Mr. S.A. Haseeb, Adv. Ms. Bhakti Pasrija Sethi, Adv. Mr. M.P. Gupta, Adv. Ms. Kirti Dua, Adv. Mr. B.V. Balaram Das, Adv. Mr. Ajay Kumar Singh, Adv. Mr. Shailinder Saini, Adv. Mr. R.K. Rathor, Adv. Ms. Rashmi Malhotra, Adv. Ms. Sunita Sharma, Adv. Mr. R.R. Rajesh, Adv. Ms. Saudamini Sharma, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali, Adv. Mr. Tamim Qadri, Adv. Mr. Saeed Qadri, Adv. Mr. G.S. Makker, Adv. Mr. Arun Kumar, Adv. Ms. Aishi Singh, Adv.</p>
For States of Assam	<p>Mr. Debojit Borkakati, Adv. Ms. Diksha Rai, Adv. Mr. M. Balashivudu, Adv.</p>
Andhra Pradesh	<p>Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.</p>
Bihar	<p>Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv.</p>
Chhattisgarh	<p>Mr. Jugal Kishore Gilda, Adv. Gen. Mr. A.P. Mayee, Adv. Mr. Avnish M. Oza, Adv. Mr. Chirag Jain, Adv.</p>
Goa	<p>Mr. A.N.S. Nadkarni, ASG Ms. Ruchira Gupta, Adv. Mr. Santosh Rebello, Adv. Mr. Anurag Sharma, Adv. Ms. Nivedita Nair, Adv.</p>
Gujarat	<p>Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Mamta Singh, Adv. Ms. Shodhika Sharma, Adv.</p>

Haryana	Mr. Sanjay Kumar Visen, Adv.
H.P.	Mr. Ajay Marwah, Adv. Mr. Mool Singh, Adv.
Jharkhand	Mr. Tapesb Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
J&K	Mr. M. Shoeb Alam, Adv. Ms. Fauzia Shakil, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Karnataka	Mr. V.N. Raghupathy, Adv. Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. C.K. Sasi, Adv.
M.P.	Ms. Prachi Mishra, Adv. Mr. Arjun Garg, Adv. Ms. Pragya Garg, Adv.
Maharashtra	Mr. Nishant Ramakantrao Katneshwarkar, AOR
Manipur	Mr. Leishangthem Roshmani, Adv. Ms. Maibam Babina, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. K.V. Kharlyngdoh, Adv. Mr. Daniel Stone Lyngdoh, Adv.
Mizoram	Mr. K.N. Madhusoodhanan, Adv. Mr. T. G. Narayanan Nair, AOR
Nagaland	Ms. K. Enatoli Sema, AOR Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv. Mr. K. Luikang Michael, Adv.
Punjab	Mr. Karan Bharihoke, Adv. Ms. Zahra Khan, Adv.
Rajasthan	Mr. Nalin Kohli, AAG Mr. Ankit Roy, Adv. Mr. Indrajeet Singh, Adv. Ms. Nimisha Menon, Adv. Mr. Milind Kumar, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv.

	Ms. Anuradha Arputham, Adv. Ms. Simran Jeet, Adv. for M/s Arputham Aruna & Co.
Tamil Nadu	Mr. M. Yogesh Kanna, Adv. Mrs. Sujatha Bagadhi, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, AOR Mr. Mrityunjai Singh, Adv.
Uttar Pradesh	Ms. Aishwarya Bhati, AAG Mr. Aviral Saxena, Adv. Mr. Pradeep Misra, Adv.
Uttarakhand	Ms. Rachana Srivastva, Adv. Ms. Monika, Adv. Ms. Sudipta Sarkar, Adv.
West Bengal	Mr. Suhaan Mukerji, Adv. Mr. Vishal Prasad, Adv. Ms. Astha Sharma, Adv. Mr. Amjid Maqbool, Adv. Mr. Amit Verma, Adv. For PLR Chambers & Co.
A&N Islands	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Chandigarh	Ms. Kamakshi S. Mehlwal, Adv. Mr. Sanveer Mehlwal, Adv. Ms. Geetanjali Mehlwal, Adv.
Dadar & Nagar Haveli	Mr. A.K. Panda, Sr. Adv. Ms. Sushma Verma, Adv. Mr. R.R. Rajesh, Adv. Mr. Sachin Sharma, Adv. Mr. Amit Pratap Singh, Adv. Mr. Arun Kumar, Adv.
NCT of Delhi	Mr. Chirag M. Shroff, AOR
Puducherry	Mr. V.G. Pragasam, Adv. Mr. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv. Mr. T.N. Rama Rao, Adv. Mr. Hitesh Kumar Sharma, Adv. Mr. T. Veera Reddy, Adv. Mr. Ardhendumauli Kumar Prasad, Adv. Ms. Taruna Ardhendumauli Prasad, Adv.

Mr. Namit Saxena, Adv.
Ms. Tajinder Virdi, Adv.

Ms. Bina Madhavan, Adv.
for M/s. Lawyer's Knit & Co.

UPON hearing the counsel the Court made the following
O R D E R

Pursuant to orders passed by us from time to time, NALSA has framed the "Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes - 2018.

In this context the order passed by us on 15th February, 2018 was communicated by the Ministry of Women and Child Development of the Government of India to all the Principal Secretaries/Administrators of the States/Union Territories.

The order dated 15th February, 2018 reads as follows:

"In spite of all talks, discussions and intents expressed about gender justice and safety of women, we find that there are 24 States / UTs that have not even bothered to file an affidavit in terms of our order dated 09.01.2018.

On 09.01.2018, we had required all the State Governments / UTs to file an affidavit within a period of four weeks indicating the amount received by each State Government / UT under the Nirbhaya Fund towards victim compensation, the amount disbursed from the Nirbhaya Fund and even otherwise and to the number of victims of sexual assault.

This simple information could not be filed as mentioned above by following 24 States / UTs:

1. Andhra Pradesh
2. Arunachal Pradesh
3. Assam
4. Chhattisgarh
5. Goa
6. Haryana
7. Himachal Pradesh

8. Jammu & Kashmir
9. Kerala
10. Maharashtra
11. Manipur
12. Meghalaya
13. Mizoram
14. Rajasthan
15. Tamil Nadu
16. Telangana
17. Tripura
18. Uttar Pradesh
19. Uttarakhand
20. West Bengal
21. Dadra and Nagar Haveli
22. Daman and Diu
23. Delhi
24. Lakshadweep

The affidavits be now filed by these State Governments / UTs within four weeks from today, if they are at all interested in looking after the welfare of women in their States/UTs.

List the matters on 27.03.2018.

The Learned *Amicus* has finalized a draft of the Victim Compensation Scheme with the assistance of NALSA. It is stated that this will be put on the portal of NALSA for inviting suggestions and comments."

Thereafter, on 9th March, 2018, NALSA put up a notice on its website which reads as follows:

"09.03.2018

To

State Legal Services Authorities
Ministries/Government Departments
Law Universities and NGOs.

Sub: Suggestions invited on the Model
"Victim Compensation for Survivors of
Sexual Assault and Acid Attach - 2018" -
reg.

Sir/Madam,

Whereas vide order dated 12.10.2017, Hon'ble Supreme Court of India had directed NALSA to set up a Committee for preparation of Model "Victim Compensation Scheme for Survivors of Sexual offences and Acid Attack". The Committee formed by NALSA has now come with a Draft to be added in the State Victim Compensation Scheme titled "Victime Compensation for Survivors of Sexual Assault and Acid Attach - 2018".

As per order dated 15.02.2018, NALSA is now uploading the Draft on its website so that suggestions can come from SLSAs, various Governments, NGOs and other stake holders.

Suggestions, if any, can be e-mailed to NALSA on nalsa-dla@nic.in in the next two weeks on or by 25.03.2018.

Yours faithfully,

Surinder S. Rathi"

We are informed that 14 responses from the State Legal Services Authorities were received to the notice of this Model Victim Compensation Scheme.

After all the objections were considered, a Committee comprising the following members was constituted for preparation of the Model Scheme. The members of the Committee are as follows:

"Ms. Pinky Anand
Additional Solicitor General

Shri Rakesh Srivastava
Secretary, Ministry of Women and Child
Development, Government of India

Shri T.V.S.N. Prasad, Adv.
Additional Secretary, Ministry of Home Affairs
Government of India

Ms. Indira Jaising
Senior Advocate, Supreme Court of India

Shri Alok Agarwal
Member Secretary, NALSA

Shri Surinder S. Rathi,
Director, NALSA

Ms. Anju Rathi Rana,
Joint Secretary,
Department of Legal Affairs,
Ministry of Law and Justice, Govt. of India

Shri K.L. Sharma,
Joint Secretary
National Commission for Women

Ms. Bharti Ali
Co-Director,
HAQ: Centre for Child Rights

We have gone through the Scheme prepared by NALSA with the assistance of learned *amicus curiae* and we are of the view that it contains the best practices of all similar schemes and should be implemented by all the State Governments and Union Territory Administrations.

A copy of the Scheme should be sent by the Ministry of Women and Child Development, Government of India to the Principal Secretaries of the State Governments and Union Territory Administrations within two weeks from today for implementation.

We make it clear that the Scheme postulates only the minimum requirements. This does not preclude the State Governments and Union Territory Administrations from adding to the Scheme. However, nothing should be taken away from the Scheme.

For other issues, list the matter on 25th July, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(CHANDER BALA)
COURT MASTER



NALSA's

**Compensation Scheme for Women Victims/Survivors of
Sexual Assault/other Crimes - 2018**



NALSA

National Legal Services Authority

12/11, Jam Nagar House, Shahjahan Road, New Delhi
Website: www.nalsa.gov.in e-mail: nalsa-dla@nic.in

Background

Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled Nipun Saxena Vs. Union of India opined that *"it would be appropriate if NALSA sets up a Committee of about 4 or 5 persons who can prepare Model Rules for Victim Compensation for sexual offences and acid attacks taking into account the submissions made by the learned Amicus. The learned Amicus as well as the learned Solicitor General have offered to assist the Committee as and when required. The Chairperson or the nominee of the Chairperson of the National Commission for Women should be associated with the Committee."*

In view of the above, NALSA set up a committee consisting of the following members for preparation of Model Scheme:

Ms. Pinky Anand
Additional Solicitor General

Shri Rakesh Srivastava
Secretary, Ministry of Women and Child Development,
Government of India

Shri T.V.S. N. Prasad
Additional Secretary, Ministry of Home Affairs,
Government of India

Ms. Indira Jaising,
Senior Advocate, Supreme Court of India

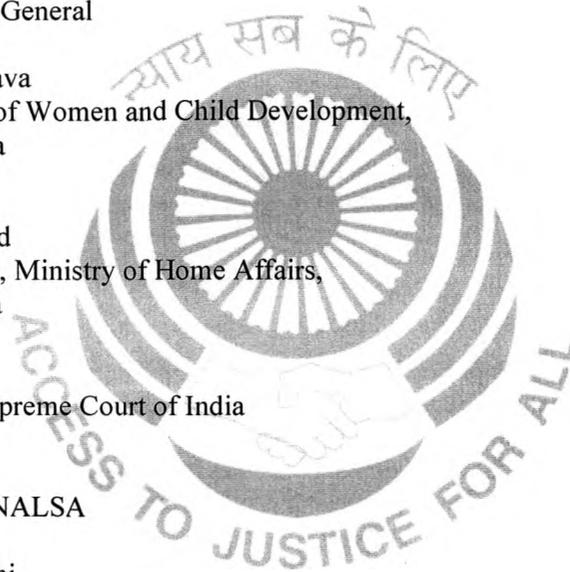
Shri Alok Agarwal
Member Secretary, NALSA

Shri Surinder S. Rathi,
Director, NALSA

Ms. Anju Rathi Rana,
Joint Secretary,
Department of Legal Affairs,
Ministry of Law and Justice, Govt. of India

Shri K.L. Sharma,
Joint Secretary
National Commission for Women

Ms. Bharti Ali
Co-Director,
HAQ: Centre for Child Rights

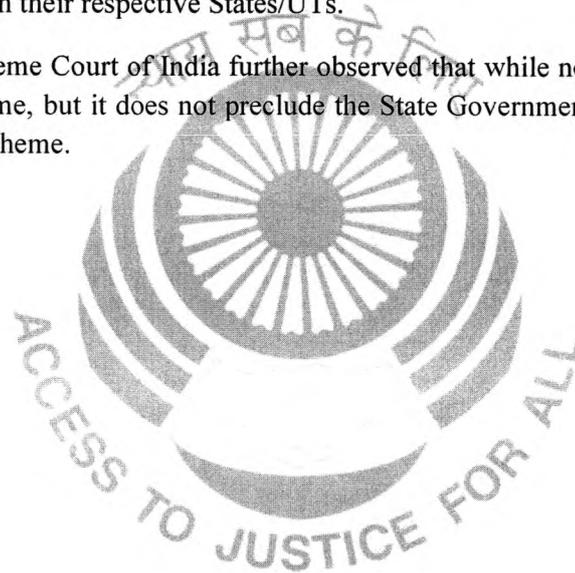


The Committee held rounds of meetings and it was decided to prepare a separate “Chapter” or a “Sub-Scheme” within the existing Victim Compensation Scheme for victims of sexual assault.

The Committee drafted Part – II of the Victims Compensation Scheme and invited suggestions/comments from various stakeholders on the draft. Taking into consideration the suggestions/comments, the Committee has finalized the **Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes** and submitted the same before the Hon’ble Supreme Court of India on 24.04.2018.

Submissions were made before the Hon’ble Bench and other stakeholders were also heard on 10.05.2018. Additional suggestions received during the hearing were also incorporated and final Scheme was filed before the Hon’ble Supreme Court of India on 11.05.2018. On this day, after hearing NALSA and Ld. Amicus Curiae, Hon’ble Bench was pleased to accept this Scheme and directed all the State Governments/UT Administrations to implement the same in their respective States/UTs.

Hon’ble Supreme Court of India further observed that while nothing should be taken away from this Scheme, but it does not preclude the State Governments/UT Administrations from adding to the Scheme.



(Surinder S. Rathi)
Director, NALSA

PART-II

The Chapter contained in this part shall be called “**Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes**”

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1. SHORT TITLE AND COMMENCEMENT

- (1) This Chapter may be called the **Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018**.
- (2) It shall come into force on the date as and when ordered by Hon'ble Supreme Court of India.
- (3) It shall apply to the victims and their dependent(s) who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

2. DEFINITIONS

- 1) In this Chapter, unless the context otherwise requires:—
 - (a) “**Code**” means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) ‘**Dependent**’ includes husband, father, mother, grandparents, unmarried daughter and minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub- Divisional Magistrate of the concerned area/Station House Officer/Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.
 - (c) “**District Legal Services Authority**” means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) for a District of the National Capital Territory of Delhi;
 - (d) ‘**Form**’ means form appended to the Scheme as applicable to this Chapter.
 - (e) ‘**Fund**’ means State fund i.e. victim compensation fund constituted under the State Victim Compensation Scheme.
 - (f) ‘**Central Fund**’ means funds received from CVCF Scheme, 2015.
 - (g) ‘**Women Victim Compensation Fund**’ – means a fund segregated for disbursement for women victim, out of State Victim Compensation Fund and Central Fund.

[Within the State Victim Compensation Fund, a separate Bank Account shall be maintained as a portion of that larger fund which shall contain the funds contributed under CVCF Scheme by MHA, GOI contributed from Nirbhaya Fund apart from funds received from the State Victim Compensation Fund which shall be utilised only for victims covered under this Chapter]

- (h) ‘**Government**’ means ‘State Government’ wherever the State Victim Compensation Scheme or the State Victim Compensation Fund is in context and ‘Central Government’ wherever Central Government Victim Compensation Fund Scheme is in context and includes UTs.

- (i) '**Injury**' means any harm caused to body or mind of a female.
- (j) '**Minor**' means a girl child who has not completed the age of 18 years.
- (k) '**Offence**' means offence committed against women punishable under IPC or any other law.
- (l) '**Penal Code**' means Indian Penal Code, 1860 (45 of 1860);
- (m) '**Schedule**' means schedule applicable to this Chapter/Part of the scheme.
- (n) "**State Legal Services Authority**" means the State Legal Services Authority (SLSA), as defined in Section 6 of the Legal Services Authorities Act, 1987 (39 of 1987)
- (o) '**Sexual Assault Victims**' means female who has suffered mental or physical injury or both as a result of sexual offence including Sections 376 (A) to (E), Section 354 (A) to (D), Section 509 IPC.
- (p) '**Woman Victim/ survivor of other crime**' means a woman who has suffered physical or mental injury as a result of any offence mentioned in the attached Schedule including Sections 304 B, Section 326A, Section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.
- (2) Words and expressions used in this Chapter and not defined here, shall have the same meaning as assigned to them in the Code of Criminal Procedure, 1973 or/and the Indian Penal Code, 1860.

3. WOMEN VICTIMS COMPENSATION FUND—

- (1) There shall be a Fund, namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.
- (2) The 'Women Victims Compensation Fund' shall comprise the following:-
- (a) Contribution received from CVCF Scheme, 2015.
 - (b) Budgetary allocation in the shape of Grants-in-aid to SLSA for which necessary provision shall be made in the Annual Budget by the Government;
 - (c) Any cost amount ordered by Civil/Criminal Tribunal to be deposited in this Fund.
 - (d) Amount of compensation recovered from the wrong doer/accused under clause 14 of the Scheme;

- (e) Donations/contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organizations and individuals permitted by State or Central Government.
 - (f) Contributions from companies under CSR (Corporate Social Responsibility)
- (3) The said Fund shall be operated by the State Legal Services Authority (SLSA).

4. ELIGIBILITY FOR COMPENSATION –

A woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 357-B Cr.P.C., shall be taken into account while deciding the quantum in the such subsequent application

5. PROCEDURE FOR MAKING APPLICATION BEFORE THE SLSA OR DLSA—

Mandatory Reporting of FIRs: - SHO/SP/DCP shall mandatorily share soft/hard copy of FIR immediately after its registration with State Legal Services Authority/District Legal Services Authority qua commission of offences covered in this Scheme which include Sections 326A, 354A to 354D, 376A to 376E, 304B, 498A (in case of physical injury covered in this Schedule), so that the SLSA/DLSA can, in deserving cases, may suo-moto initiate preliminary verification of facts for the purpose of grant of interim compensation.

An application for the award of interim/ final compensation can be filed by the Victim and/or her Dependents or the SHO of the area before concerned SLSA or DLSA. It shall be submitted in Form 'I' along with a copy of the First Information Report (FIR) or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/ recommendation of court if the trial is over.

6. PLACE OF FILING OF APPLICATION—

The application/recommendation for compensation can be moved either before the State Legal Services Authority or the concerned District Legal Services Authority or it can be filed online on a portal which shall be created by all State Legal Services Authorities. The Secretary of the respective DLSA shall decide the application/ recommendation moved before him/her as per the Scheme.

Explanation: In case of acid attack victim the deciding authority shall be Criminal Injury Compensation Board as directed by Hon'ble Supreme Court in Laxmi vs. Union of India W.P.CRML 129/2006 order dated 10.04.2015 which includes Ld. District & Sessions Judge, DM, SP, Civil Surgeon/CMO of the district.

7. RELIEFS THAT MAY BE AWARDED BY THE STATE OR DISTRICT LEGAL SERVICES AUTHORITY. –

The SLSA or DLSA may award compensation to the victim or her dependents to the extent as specified in the scheduled attached hereto.

NALSA's "Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes -2018"

8. FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION –

While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to the loss or injury suffered by the victim:

- (1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
- (2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/ inquiry/ trial (other than diet money);
- (3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (5) The relationship of the victim to the offender, if any;
- (6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
- (7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/ give birth to a child, including rehabilitation needs of such child;
- (8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;
- (9) Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;
- (10) Any disability suffered by the victim as a result of the offence;
- (11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.
- (12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.
- (13) Or any other factor which the SLSA/DLSA may consider just and sufficient.

9. PROCEDURE FOR GRANT OF COMPENSATION—

(1) Wherever, a recommendation is made by the court for compensation under sub-sections (2) and/or (3) of Section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of Section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima-facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim.

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may *suo moto* or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

(2) The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of DLSA. The order granting interim compensation shall be passed by DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment*

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

(3) After consideration of the matter, the SLSA or DLSA, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this chapter. However, in deserving cases, for reasons to be recorded, the upper limit may be exceeded.

Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this chapter.

* *Victims of Acid attack are also entitled to additional compensation of Rs. 1 lac under Prime Minister's National Relief Fund vide memorandum no. 24013/94/Misc./2014-CSR-III/GoI/MHA dated 09.11.2016(copy attached)*

Victims of Acid Attack are also entitled to additional special financial assistance up to Rs. 5 lacs who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines-2016, no. 24013/94/Misc/2014-CSR.III, MHA/GoI

(4) The SLSA/DLSA may call from any record or take assistance from any Authority/Establishment/Individual/ Police/Court concerned or expert for smooth implementation of the Scheme.

(5) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

10. THE ORDER TO BE PLACED ON RECORD—

Copy of the order of interim or final compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under Section 357 of the Code. A true copy of the order shall be provided to the IO in case the matter is pending investigation and also to the victim/dependent as the case may be.

11. METHOD OF DISBURSEMENT OF COMPENSATION—

(1) The amount of compensation so awarded shall be disbursed by the SLSA by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the DLSA concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

(2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the SLSA/ DLSA.

(3) The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary

12. INTERIM RELIEF TO THE VICTIM—

The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/ dependents or suo moto.

Provided that as soon as the application for compensation is received by the SLSA/DLSA, a sum of Rs.5000/- or as the case warrants up to Rs. 10,000/- shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, DLSA or Member Secretary, SLSA.

Provided that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this Chapter, which shall be paid to the victim in totality.

Provided further that in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of SLSA/DLSA. The order granting interim compensation shall be passed by the SLSA/DLSA within 7 days of the matter being brought to its notice and the SLSA shall pay the compensation within 8 days of passing of order. Thereafter an additional sum of Rs.2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

13. RECOVERY OF COMPENSATION AWARDED TO THE VICTIM OR HER DEPENDENT(S)—

Subject to the provisions of sub-section (3) of Section 357A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

The amount, so recovered, shall be deposited in Woman Victim Compensation Fund.

14. DEPENDENCY CERTIFICATE—

The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the SLSA/DLSA, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

15. MINOR VICTIMS -

That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, DDO/SDM, as the case may be.

16. LIMITATION-

Under the Scheme, no claim made by the victim or her dependent(s), under sub-section (4) of Section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

However, in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years can be condoned by the SLSAs/DLSAs.

17. APPEAL:

In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, DLSA, they can file appeal within 30 days from the date of receipt of order before the Chairperson, DLSA.

Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

18. REPEAL & SAVINGS-

(1) In case this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions of Victim Compensation Scheme of the State would be applicable.

(2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation: It is clarified that this Chapter does not apply to minor victims under POCSO Act, 2012 in so far as their compensation issues are to be dealt with only by the Ld. Special Courts under Section 33 (8) of POCSO Act, 2012 and Rules (7) of the POCSO Rules, 2012.

SCHEDULE APPLICABLE TO WOMEN VICTIM OF CRIMES

S. No.	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of compensation
1	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
11	In case of pregnancy on account of rape.	Rs.3 Lakh	Rs.4 Lakh
12	Victims of Burning:		
a.	In case of disfigurement of case	Rs. 7 Lakh	Rs. 8 Lakh
b.	In case of more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
d.	In case of less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13	Victims of Acid Attack-		
a.	In case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh

NALSA's "Compensation Scheme for women Victims/Survivors of Sexual Assault/other Crimes -2018"

b.	In case of injury more than 50%.	Rs. 5 Lakh	Rs. 8 Lakh
c.	In case of injury less than 50%.	Rs. 3 Lakh	Rs. 5 Lakh
d.	In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

Note: If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.



FORM -I**APPLICATION FOR THE AWARD OF COMPENSATION UNDER
COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL
ASSAULT/OTHER CRIMES, 2018 FOR INTERIM/FINAL RELIEF FOR WOMEN**

1.	Name of the Applicant Victim(s) or her Dependent(s)	
2.	Age of the Victim(s) or her Dependent(s)	
3.	(a) Father's Name (b) Mother's Name (c) Spouse's Name	
4.	Address of the Victim(s) or her/their Dependent(s)	
5.	Date and time of the Incident	
6.	Whether FIR has been lodged?	
7.	Whether medical examination has been done? If yes, enclose Medical Report/ Death Certificate /P.M. Report.	
8.	Status of trial, if pending. If over, enclose copy of judgment and order on sentence.	
9.	Has the applicant been awarded any compensation by the trial court or any other Govt. agency. If, yes give details.	
10.	Give details of financial expenditure/ loss incurred	
11.	Have you instituted any civil suit/ claim against the perpetrator of offence. If yes give details. Signature of the Victim/Dependent.	