

**REPORTABLE****IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION****WRIT PETITION (C) NO.565 OF 2012****NIPUN SAXENA & ANR.****PETITIONER(s)****VERSUS****UNION OF INDIA & ORS.****RESPONDENT(s)****WITH****W.P.(CrI.) No. 1/2013****W.P.(C) No. 22/2013****W.P.(C) No. 148/2013****SLP(CrI.)...CRLMP No. 16041/2014****W.P.(C) No. 568/2012****O R D E R**

Subsequent to our order dated 10<sup>th</sup> August, 2018, the Committee has looked into the suggestions made to the Victim Compensation Scheme and now finally the Guidelines have been placed before us under the heading of NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018.

It has been brought to our notice that as far as children are concerned, no Scheme of this nature has been framed with regard to the victims of sexual abuse under the provisions of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act").

Section 33 of the POCSO Act deals with the procedure and powers of the Special Courts. Our attention has been drawn to Section 33(8) of the POCSO Act. This reads as follows:

“(8). In appropriate cases, the Special Court, may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child.”

Section 45 of the POCSO Act deals with the rule making power and it refers, *inter alia*, to the payment of compensation under sub-section (8) of Section 33 of the POCSO Act.

Our attention has also been drawn to Rule 7 of the Protection of Children from Sexual Offences Rules, 2012. This Rule reads as follows:

“7. Compensation .-(1) The Special Court may, in appropriate cases, on its own or on an application filed by or on behalf of the child, pass an order for interim compensation to meet the immediate needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.

(2) The Special Court may, on its own or on an application filed by or on behalf of the victim, recommend the award of compensation where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or injury as a result of that offence.

(3) Where the Special Court under sub-section (8) of section 33 of the Act read with sub-sections (2) and (3) of section 357A of the Code of Criminal Procedure, makes a direction for the

award of compensation to the victim, it shall take into account all relevant factors relating to the loss or injury caused to the victim, including the following:

(i) type of abuse, gravity of the offence and the severity of the mental or physical harm or injury suffered by the child;

(ii) the expenditure incurred or likely to be incurred on his medical treatment for physical and/or mental health;

(iii) loss of educational opportunity as a consequence of the offence, including absence from school due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(iv) 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;

(v) the relationship of the child to the offender, if any;

(vi) whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;

(vii) whether the child became pregnant as a result of the offence;

(viii) whether the child contracted a sexually transmitted disease (STD) as a result of the offence;

(ix) whether the child contracted human immunodeficiency virus (HIV) as a result of the offence;

(x) any disability suffered by the child as a result of the offence;

(xi) financial condition of the child against whom the offence has been committed so as to determine his need for rehabilitation;

(xii) any other factor that the Special Court may consider to be relevant.

(4) The compensation awarded by the Special Court is to be paid by the State Government from the Victims Compensation Fund or other scheme or fund established by it for the purposes of compensating and rehabilitating victims under section 357A of the Code of Criminal Procedure or any other laws for the time being in force, or, where such fund or scheme does not exist, by the State Government.

(5) The State Government shall pay the compensation ordered by the Special Court within 30 days of receipt of such order.

(6) Nothing in these rules shall prevent a child or his parent or guardian or any other person in whom the child has trust and confidence from submitting an application for seeking relief under any other rules or scheme of the Central Government or State Government."

On a reading of the aforesaid Rule, it appears to us that the Special Court may, in appropriate cases, on its own or on an application having been filed, pass an order for interim compensation for the immediate needs of the child. Of course, this Rule is a gender neutral provision.

Ms. Pinky Anand, learned Additional Solicitor General informs us that there is a proposal to amend the POCSO Act and that the Rules will be framed after the amendment in the POCSO Act is made.

In the interim, therefore, the situation is that there are no Guidelines or Rules that are applicable on the basis of which the Special Court can pass appropriate orders.

Keeping this hiatus in mind, we are of the opinion, after hearing learned counsel for the parties as well as

learned Additional Solicitor General, that the NALSA' Compensation Scheme should function as a guideline to the Special Court for the award of compensation to victims of child sexual abuse under Rule 7 until the Rules are finalized by the Central Government.

The Special Judge will, of course, take the provisions of the POCSO Act into consideration as well as any circumstances that are special to the victim while passing an appropriate order.

We need not emphasise that the legislation is gender neutral and, therefore, the Guidelines will be applicable to all children.

The Special Judge will also pass appropriate orders regarding actual physical payment of the compensation or the interim compensation so that it is not misused or mis-utilized and is actually available for the benefit of the child victim. If the Special Judge deems it appropriate, an order of depositing the amount in an interest-bearing account may be passed.

A copy of the NALSA's Compensation Scheme as well as a copy of this order should be sent by the Registry to the Registrar General of every High Court with a direction that the Registrar General will circulate them to all the concerned District Judges for circulation to the Special Judges and the State, District and Taluka Legal Services Committees.

A copy of the Scheme and a copy of the order passed by this Court will also be sent by the Registry to all the Judicial Academies for information.

We also direct that the publicity should be given to the Scheme as well as the order passed by us on regular basis until the Rules are finalized by the Central Government. Learned Additional Solicitor General assures us that the needful will be done on a regular basis through all forms of media.

Needless to say that the Scheme and the Guidelines will be operational from 2<sup>nd</sup> October, 2018.

We acknowledge and appreciate the efforts put in by the Committee and NALSA in framing the Scheme and assisting us in its extension to child victims.

After the Scheme and the Guidelines are operational for some time, if necessary, revisions can be made.

.....J.  
(MADAN B. LOKUR)

.....J.  
(S. ABDUL NAZEER)

.....J.  
(DEEPAK GUPTA)

NEW DELHI  
SEPTEMBER 05, 2018

ITEM NO.1

COURT NO.3

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

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

NIPUN SAXENA &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

WITH

W.P.(Cr1.) No. 1/2013 (PIL-W)

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

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

SLP(Cr1.)...CRLMP No. 16041/2014 (II-A)  
(WITH APPLN.(S) FOR CONDONATION OF DELAY IN REFILEING ON IA  
16043/2014)

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

W.P.(C) No. 3/2018 (PIL-W)

Date : 05-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
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. Prashant Chaudhary, AOR

Mr. R. P. Gupta, AOR

Mr. E.C. Agrawala, AOR

Ms. Anuja Kapur, Petitioner-in-person

For Respondent(s)

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. Kiran Bhardwaj, Adv.  
 Ms. Bhakti Pasrija Sethi, Adv.  
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 Ms. Kirti Dua, Adv.  
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 Mr. Shailinder Saini, Adv.  
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 Mr. Jubair Ahmad Khan, 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.

NALSA

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For States of  
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Mr. Shuvodeep Roy, Adv.  
 Mr. Sayooj Mohandas, Adv.

Ms. Diksha Rai, Adv.  
 Mr. Palak Mahajan, Adv.

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 Ms. Prerna Singh, Adv.

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 Mr. Rituraj Biswas, Adv.

Bihar

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Ms. Ruchira Gupta, Adv.  
Mr. Santosh Rebello, Adv.  
Mr. Anurag Sharma, Adv.  
Mr. Shishir Deshpande, Adv.  
Ms. Lhingneivah, Adv.  
Ms. Snehapravu Tendulkar, Adv.

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Ms. Mamta Singh, Adv.  
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Mr. Gaurav Yadava, Adv.  
Ms. Veena Bansal, Adv.  
Mr. Ashish Pandey, Adv.  
Mr. Prateep Rai, Adv.  
Mr. Shekhar Raj Sharma, Adv.  
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Mr. Mohd. Waquas, Adv.  
Mr. Aditya Pratap Singh, Adv.

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Ms. Fauzia Shakil, Adv.  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.

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Mr. Parikshit P. Angadi, Adv.  
Md. Apzal Ansari, Adv.

Kerala  
Mr. C.K. Sasi, Adv.  
Ms. Nayantara Roy, Adv.

M.P.  
Mr. Sunny Choudhary, Adv.  
Mr. Abhilash Attri, Adv.  
Mr. Abhishek Attri, Adv.

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<b>Meghalaya</b>	<b>Mr. Ranjan Mukherjee, Adv. Mr. K.V. Kharlyngdoh, Adv. Mr. Daniel Stone Lyngdoh, Adv.</b>
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<b>Rajasthan</b>	<b>Mr. Nalin Kohli, AAG Mr. Ankit Roy, Adv. Mr. Milind Kumar, Adv.</b>
<b>Sikkim</b>	<b>Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. for M/s Arputham Aruna &amp; Co.</b>
<b>Tamil Nadu</b>	<b>Mr. M. Yogesh Kanna, Adv. Mr. S. Partha Sarathi, Adv.</b>
<b>Telangana</b>	<b>Mr. S. Udaya Kumar Sagar, AOR Mr. Mrityunjai Singh, Adv.</b>
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<b>Uttar Pradesh</b>	<b>Ms. Aishwarya Bhati, AAG Mr. Aviral Saxena, Adv. Mr. Pradeep Misra, Adv.</b>
<b>Uttarakhand</b>	<b>Ms. Rachana Srivastva, Adv. Ms. Monika, Adv.</b>
<b>West Bengal</b>	<b>Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Harsh Hiroo Gursahani, Adv.</b>

	Mr. Abhishek Manchanda, Adv. Ms. Kajal Dalal, Adv. For PLR Chambers & Co.
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UPON hearing the counsel the Court made the following  
O R D E R

In terms of the signed reportable order, the Scheme and the Guidelines will be operational from 2<sup>nd</sup> October, 2018.

After the Scheme and the Guidelines are operational for some time, if necessary, revisions can be made.

IA Nos.103062 & 103063/2018

These applications will remain pending and will be taken up after a couple of months.

Re: submissions made by learned *amicus curiae* regarding interpretation of Section 23 of the POCSO Act, Section 3 of the Contempt of Courts Act and Section 228A of IPC

Arguments heard in part.

List the matter as part-heard matter on 11<sup>th</sup> September, 2018.

W.P.(C) No.3/2018

Detag.

List the matter after four weeks.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR  
(Signed reportable order is placed on the file)



**NALSA's**

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



**National Legal Services Authority**

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

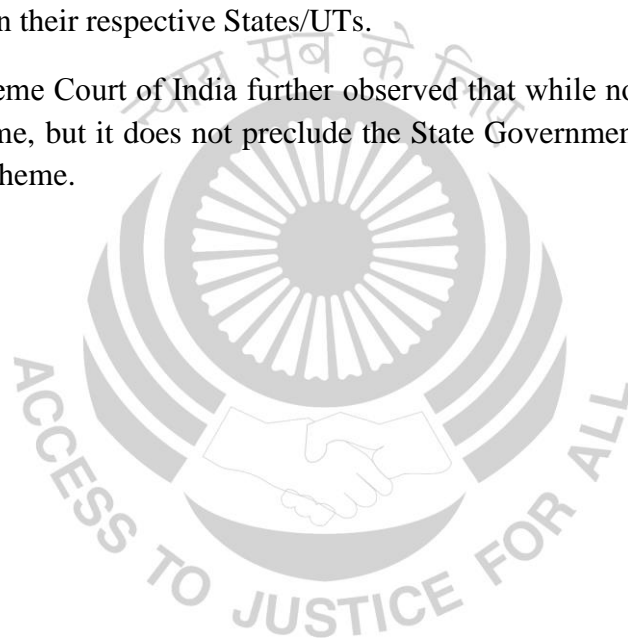
Ms. Bharti Ali  
Co-Director,  
HAQ: Centre for Child Rights

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**”

### INDEX

S. No.	Contents	Page no(s)
1.	Short Title and Commencement.....	2
2.	Definitions.....	2-3
3.	Women Victims Compensation Fund.....	3-4
4.	Eligibility for compensation.....	4
5.	Procedure for making application before the SLSA or DLSA.....	4
6.	Place of filing of application.....	4
7.	Reliefs that may be awarded by the state or District Legal Services Authority.....	4
8.	Factors to be considered while awarding compensation.....	5
9.	Procedure for grant of compensation.....	6-7
10.	The order to be placed on record.....	7
11.	Method of disbursement of compensation.....	7
12.	Interim relief to the victim.....	8
13.	Recovery of compensation awarded to the victim or her dependent(s).....	8
14.	Dependency certificate.....	8
15.	Minor victims.....	9
16.	Limitation.....	9
17.	Appeal.....	9
18.	Repeal & savings.....	9
19.	Schedule applicable to women victim of crimes.....	10-11
20.	Form-I.....	12



## 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.

## 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 for 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

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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.	