

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:203

ANSWERED ON:22.07.2014

COMPENSATION TO VICTIMS OF SEXUAL ABUSE

Khan Shri Md. Badariddoza; Ram Mohan Naidu Shri Kinjarapu

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any new scheme has been envisaged for safety of women in metro and large cities and if so, the details thereof along with the funds earmarked for the purpose;
- (b) whether any fiscal and other compensation/relief is given to the victims of sexual abuse and other assault cases and if so, the details thereof;
- (c) whether award of compensation to the victims is given on the recommendations of the Police and Legal Authority;
- (d) if so, the details thereof indicating the number of cases recommended by the Police so far and the number of pending cases resulting in denial of timely financial assistance to the victims; and
- (e) the corrective steps taken/being taken by the Government to address the issue?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) to (e): A statement is laid on the Table of the House

STATEMENT IN REPLY TO PARTS (a) to (e) OF THE LOK SABHA STARRED QUESTION NO. 203 FOR 22.07.2014

(a): Ministry of Home Affairs has envisaged establishment of an integrated Computer Aided Dispatch (CAD) platform for supporting Geographical Information System (GIS) Based Call Taking and Global Positioning System (GPS) based Police vehicle dispatch function that will help to improve the efficiency in responding to women distress calls and provide speedy assistance. The Project is to be implemented in 114 identified cities, which includes 54 cities having a population of more than one million, cities/towns which are the capitals of the States/UTs as well as the headquarters of 41 highly crime prone districts. The project involves a total expenditure of Rs. 321.69 crore which includes an implementation cost (one time) of Rs. 204.25 crore, recurring expenditure (operational cost for 5 Years) of Rs. 102.12 crore and expenses for the central monitoring and evaluation project management unit of approx Rs. 15.32 crore. The Cabinet Committee on Economic Affairs has approved the proposal on 05.02.2014 and has sanctioned a total of Rs. 321.69 crore out of the Nirbhaya Fund.

(b): Section 357A of the Code of Criminal Procedure stipulates that every State Government in consultation with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victims of sexual assault and other assault cases. Ministry of Home Affairs is overseeing the notification and implementation of Victim Compensation Scheme by the States / UTs. As per available information, except, Andhra Pradesh, Madhya Pradesh, Meghalaya, Nagaland, Telangana; all States and all Union Territories have notified their scheme. Copy of the notifications of States / UTs mentioning eligibility, procedure for grant of compensation, mode of payment, etc. are available in Ministry of Home Affairs website <http://mha1.nic.in/par2013/AnnexLSQNo203For220714.PDF>.

(c): The compensation is provided to the victim as per the directions in Sec. 357A-C of the Criminal Procedure Code, which states that ;

- i. Whenever a recommendation is made by the Court for compensation, the District Legal Services Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme
- ii. If the trial court, at the conclusion of the trial, is satisfied that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.
- iii. Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation
- iv. On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.
- v. The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the

rank of the officer-in-charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

357B of the Criminal Procedure Code states that the compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or section 376D of the Indian Penal Code.

357C of the Criminal Procedure Code states that all hospitals, public or private whether run by the Central Government, the State Government, local bodies or any other person shall immediately provide first –aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376A-D or section 376e of the IPC and shall immediately inform the police of such incident.

(d) to (e): No specific data is maintained centrally in this regard. The Victim Compensation Scheme is under the administrative control of the States / UTs. No corrective steps have been envisaged in this regard because it is dealt exclusively by the States / UTs.