



NALSA's

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



**NALSA**

**National Legal Services Authority**

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## 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

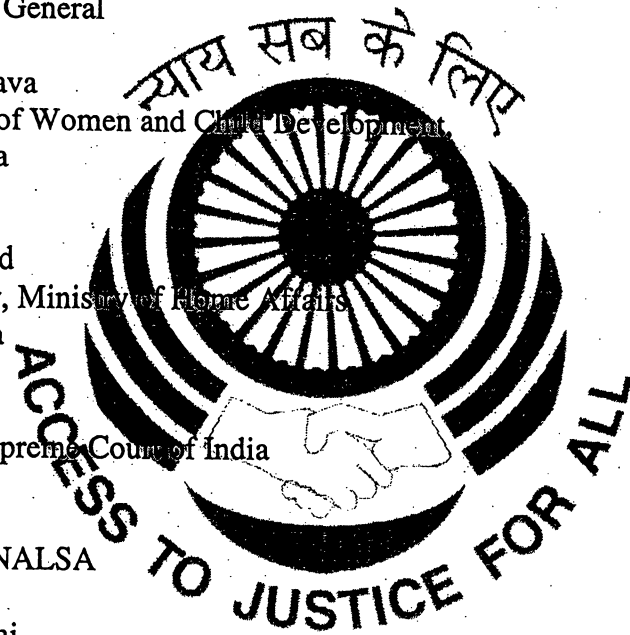
Shri Alok Agarwal  
Member Secretary, NALSA

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

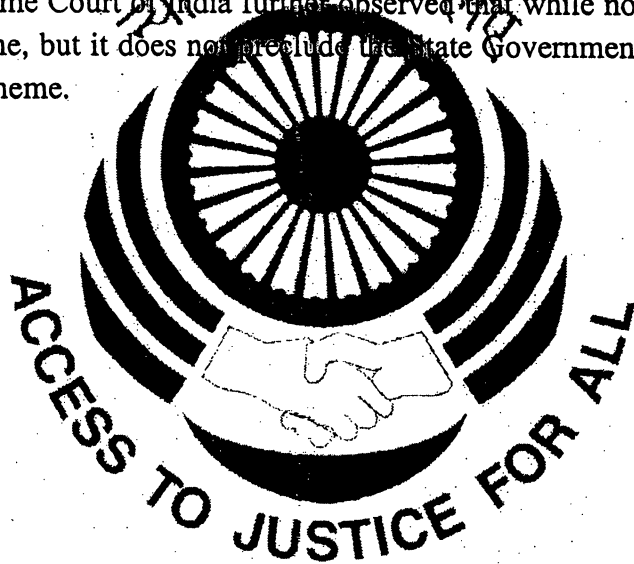


The Committee held rounds of meetings and it was decided to prepare a separate "Chapter" or a "Sub-Scheme" within the existing Victim Compensation Scheme for victims of sexual assault.

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 – Delhi;
  - (d) ‘Form’ means form appended to the Scheme as applicable to this Chapter.
  - (e) ‘Fund’ means State Fund i.e. Women 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 323A, Section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempt 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/DCE 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, 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.*