



राष्ट्रीय विधिक सेवा प्राधिकरण
NATIONAL LEGAL SERVICES AUTHORITY
(Constituted under the Legal Services Authorities Act, 1987)

सुरेन्द्र एस.राठी

निदेशक

SURINDER S. RATHI

(Delhi Higher Judicial Service)

Director

12/11, जाम नगर हाऊस
शाहजहाँ रोड, नई दिल्ली-110011
12/11, Jam Nagar House
Shahjahan Road, New Delhi-110011

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 Attack- 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 "Victim Compensation for Survivors of Sexual Assault and Acid Attack-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 Government Departments, 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,


09.03.2018
Surinder S. Rathi

PART-II

The Chapter contained in this part shall be called “**Victim Compensation for Survivors of Sexual Assault and Acid Attack**”

1. SHORT TITLE AND COMMENCEMENT

(1) This Chapter may be called the Victim Compensation for Survivors of Sexual Assault and Acid Attack, 2018.

(2) It shall come into force on the date and as 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 report of 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, 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’

NALSA’s proposed “Victim Compensation for Survivors of Sexual Assault and Acid Attack-2018”

wherever Central Government Victim Compensation Fund Scheme is in context and includes UTs.

(i) **‘Offence’** means offence committed against women punishable under IPC or any other law.

(j) **‘Penal Code’** means Indian Penal Code, 1860 (45 of 1860);

(k) **‘Schedule’** means schedule applicable to this Chapter/Part of the scheme.

(l) **“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)

(m) **‘Sexual Assault Victims’** means female who has suffered mental or physical loss or injury as a result of sexual offence including Sections 376 (A) to (E), Section 354 (A) to (D), Section 509 IPC.

(n) **‘Women Victim’** 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 326, 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) Amount of compensation returned by the person receiving the compensation as per Form ‘II’ if any;

(f) Donations/contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organizations and individuals permitted by State or Central Government.

(g) 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 his/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—

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 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 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;
- (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 his/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, interim application shall prima-facie satisfy itself qua compensation needs and identify 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 exceptional cases of utmost hardship and gravity and in all acid attack cases, at any time after commission of the offence, Secretary, SLSA or Secretary, DLSA may *suo motu* 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 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 his/her dependent(s) taking into account the factors enumerated in Clause 8 of the Scheme.

(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.

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 or her dependent as the case may be.

* 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)

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 Nationalized Bank or if the branch of a Nationalized Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single name of the victim/dependent(s). 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 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 HIS/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 his/ her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

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, open under the guardianship of the Superintendent, Child Care Institutions where the child is lost or in absence thereof, DDO/SDM, as the case may be.

16. LIMITATION-

Under the Scheme, no claim made by the victim or his/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.

17. 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 do 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. 1 Lakh	Rs. 3 Lakh
7	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 50,000/-	Rs.2 Lakh
8	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 20,000	Rs. 1 Lakh
11	Grievous injury including injury resulting in surgery/serious damage to vital organs	Rs. 50,000	Rs. 2 Lakh
12	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakh	Rs. 3 Lakh
	In case of pregnancy on account of rape.	Rs.3 Lakh	Rs.4 Lakh

13	Victims of Burning:		
a.	In case of disfigurement of case	Rs. 7 Lakh	Rs. 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
14	Victims of Acid Attack-		
a.	In case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh
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 VICTIM
COMPENSATION SCHEME FOR SURVIVOR OF SEXUAL ASSAULT AND ACID
ATTACK, 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 his/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.	

No. 24013/94/Misc./2014-CSR-III
Government of India/Bharat Sarkar
Ministry of Home Affairs

NDCC.II Building, Jai Singh Road, New Delhi.
Dated the 9th November, 2016.

To

The Chief Secretaries of All State Governments/ UT Administrations.

Sub: Additional compensation of Rs. One lakh to the victims of acid attack under PMNRF in addition to the compensation under the Central Government Victim Compensation Fund Scheme (CVCF).

Sir/Madam,

As you may be aware that the issue of acid attack has been taken on a priority basis by the Government of India and several steps have been taken to prevent the incidents of acid attacks and provide treatment and compensation to the victims. The IPC has been amended to include specific provisions on acid attack as an offence.

2. Further, the Hon'ble Supreme Court has also issued a series of directions under W.P. (Criminal) 129 of 2006; Laxmi Minor vs. Union of India to taken proactive measures on regulation of sale of acids; providing free treatment to the acid attack victims and disbursing compensation to the tune of at least Rs. 3.00 lakh (Rupees Three lakh) to the acid attack victim and this Ministry has issued directions for minimum compensation of Rs. 3.00 lakh to be provided to acid attack victims under Victim Compensation Scheme.

3. Accordingly the MHA has issued guidelines for the "Central Government Victim Compensation Fund Scheme" (CVCF) to help women victims for various crimes committed against them especially sexual offence including rape, acid attacks, crime against children, human trafficking etc, vide letter of even no. dated 14.10.2015 and 13.07.2016, which is also available in this Ministry's website.

4. To give immediate temporary relief to the victim, it has been decided to provide additional financial assistance of Rs. 1.00 lakh (over and above the amount provided under the Victim Compensation Scheme) to the victims of acid attacks. The eligibility criteria for the additional compensation will remain same. This additional Rs.1.00 lakh (Rupees One lakh) will be provided under the Prime Minister's National Relief Fund.

5. For providing additional assistance, the District Magistrate/Deputy Commissioner of the concerned District will have to send a **report** to the Ministry of Home Affairs as per the enclosed format (**Annexure-I**), with a copy to Prime Minister's Office by FAX or by e-mail to pmnrf@gov.in. The report will have to contain information, such as bank account number, Aadhar number and other details of the victim (bank account detail of the guardian in case victim is minor). On receipt of the report from Ministry of Home Affairs, the compensation will be paid to the bank account directly within 05 working days.

6. Shri S.K. Bhalla, Director(CS-I), CS Division, Ministry of Home Affairs, 5th Floor, NDCC.II Building, Jai Singh Road, New Delhi, has been nominated as Nodal Officer in the matter. His Tele: No. is 011-23438138(Telefax), email-dircs1-mha@nic.in.

7. It is also requested that the State/UT may give wide publicity to the contents of this Memorandum, so that the report reaches immediately to the Prime Minister's office for compensation. No separate application will be required to be submitted by the victim and report of District Magistrate/Deputy Commissioner of concerned district will be sufficient for processing of the application.

Encl: As above.

Yours faithfully,

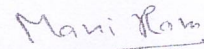


(Dilip Kumar)

Joint Secretary to the Govt. of India
Tele No. 23438100

Copy to:

1. The Principal Secretary/Secretary Home- All State Governments /UTs
2. The Director General of Police - All State Governments /UTs



(Mani Ram)

Under Secretary to the Govt. of India
Tele No. 23438180

APPLICATION FORMAT FOR ACID ATTACK VICTIMS

Photograph of
Victim to be
pasted/
attached.

Sl. No.	Details	
1.	Name of the Victim	
2.	Name of the Father/Mother in case victim is minor	
3.	Details of the attack	
4.	Full Postal address	
5.	Mobile Number	
6.	e-mail address	
7.	Aadhar Card Number [if available]	
8.	Bank Details	
	Name of the Account Holder/Guardian in case victim is minor	
	Name of the Bank	
	Name of the Branch	
	Account No.	
	IFS Code	

[Signature and Seal of DC/DM]

Note: A copy of FIR and the medical report from the treating hospital must be attached with the application.