

Minimum compensation for rape ₹4 lakh, rules SC

Minimum Payout Of ₹5 Lakh For Gang Rape Or Loss Of Life

New Delhi: In an order applicable nationally, the Supreme Court has ruled that a rape survivor will get a mandatory minimum compensation of Rs 4 lakh and, in case of gangrape Rs 5 lakh, and directed states to implement this from October 2 in accordance with a scheme framed by the National Legal Services Authority (NALSA) in consultation with the Centre.

At present, different state governments grant varying amounts of compensation to rape survivors, ranging from Rs 10,000 in Odisha to Rs 10 lakh in Goa. Some states have not framed any rule. The lack of a uniform scheme for compensation meant many rape survivors fail to get compensation and this led to the apex court's intervention and a scheme that seeks to ameliorate the mental and physical hurt.

The monetary relief



The Supreme Court has directed states to implement the order from October 2

granted under the "compensation scheme for women victims/survivors of sexual assault and other crimes 2018" is not linked with trial proceedings in such cases and the survivor can approach the state or district legal services authority for compensation immediately after registration of FIR. The scheme empowers legal services authority to take suo motu cognisance of cases of sexual assault and acid attack to grant interim relief to survivors.

As the Centre has not framed rules for compensa-

tion of minor rape survivors under the Protection of Children from Sexual Offences Act, a bench of Justices Madan B Lokur, S Abdul Nazeer and Deepak Gupta said the NALSA scheme will be applicable in these cases till norms are framed.

As per the scheme, a minimum Rs 5 lakh is to be paid in case of loss of life or gang rape and maximum has been fixed at Rs 10 lakh. A minimum of Rs 4 lakh is to be paid in case of rape or unnatural sexual assault. In case of victims of burning and acid attacks, minimum compensation will be Rs 7 lakh for total disfigurement and Rs 5 lakh in case of 50% burns. It says Rs 1 lakh shall be paid within 15 days to an acid attack victim and thereafter Rs 2 lakh within two months.

"As soon as the application for compensation is received by the SLSA/DLSA, a sum of Rs 5,000 or, as the case warrants, up to Rs 10,000 shall be immediately disbursed to the

victim by the secretary of DLSA or member secretary of SLSA," the scheme said. Interestingly, the scheme says if a woman survivor is subject to more than one crime, she will be entitled for a combined value of compensation. It means when a gang rape victim dies her family members will be entitled to a minimum Rs 10 lakh — Rs 5 lakh for loss of life and Rs 5 lakh for gang rape.

In case a trial or appellate court finds that the criminal complaint and allegations were false, the LSA will initiate proceedings for recovery of compensation, if any, granted in part or full. The SC directed the Centre to give the scheme wide publicity on all media platforms to create awareness about the social welfare scheme and pave way for victims to claim the right to compensation. A compensation fund will be set up and it will be managed by State Legal Services Authority. It also envisages setting up a portal for online applications.