

After Chandigarh, Delhi has adopted a compensation scheme for rape and acid attack victims. That will allow criminals to evade punishment for their crime.

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Following a Delhi High Court order passed a few months ago which led to follow-up directions from the Union Ministry of Home Affairs, the Delhi Government has now decided to pay compensation to rape and acid attack victims in the national capital to help them financially.

As per the notification, a rape victim will be given a maximum of three lakh as compensation and a minimum of two lakh within two months. In case there is loss of life, a maximum compensation of five lakh and a minimum compensation of three lakh will be given. Acid attacks victims will also be given three lakh if their faces are disfigured.

Other victims of acid attacks will be given Rs 50,000. In case of loss of any limb resulting in 80 per cent permanent disability or above, victims will be given a maximum of three lakh rupees and a minimum of two lakh rupees as compensation. The notification also said that a 'victim compensation fund' was to be created.

The number of rape cases is rising in the capital, according to Delhi Police records. Statistics show that 568 rape cases (including that of minors) were reported in 2011, as compared to 507 in 2010. After Chandigarh, the national capital will be the second State (or Union Territory) to implement the compensation scheme for rape and acid attack victims.

The notification also states that 75 per cent of the compensation amount will be put in a fixed deposit account for a minimum period of three years and the remaining 25 per cent will be available for immediate utilisation by the victim or her next of kin. In the case of a minor, 80 per cent of the compensation amount will be placed in a fixed deposit account and that amount will be drawn only on attainment of the age of majority or after three years, whichever is later.

It will be worthwhile to take a look at the instances of crime against women all over the country. It is a fact that not even 25 per cent of the cases of violence against women are registered with the police, due to a multiplicity of reasons including inadequate law and order infrastructure, lack of manpower at police stations and corruption. Consequently, the crime figures don't always portray the true picture and instead show that the situation is under control.

Between 2004 and 2008, the number of rape cases registered with the police all over the country was 98,324. Of these, 21,467 rapes were recorded in 2008 alone. Indeed, as per 2008 official figures from the National Crime Records Bureau, 2.45 rapes are committed every hour or one rape happens every 24.48 minutes in this country.

In 2008, the number of abduction/kidnapping cases registered was 22,939 while dowry deaths were pegged at 8,172, and molestation (as defined under Section 354 of the IPC) cases at 40,413; another 12,214 cases of sexual harassment were registered while 8,134 cases of cruelty by husband and relatives (as defined under Section 498A of the IPC) were reported.

The Government's compensation scheme is good to a certain extent but the question is, how many such schemes should be run at the cost of the money of tax payers who are in no way involved in such cases. If the scheme is actually extended only to the above category in the entire country, the cash component itself will work out over Rs 645 crore for the year 2008. Also, why should one leave out the false victims of rape allegations? Who will compensate them and how will their reputations be retrieved? Also, if compensation is to be given, then why leave out other cases of violence against women such as sexual harassment and molestation.

It is true that all crimes committed are committed against the state. But in reality whatever may be said in defence of this legal theory, any crime is actually against the victim, who suffers double jeopardy - first, she is wronged by her attacker and then, she must go through the processes of criminal justice system to get justice.

The state, on the other hand, is at least indirectly responsible for the crime, for not having made adequate arrangements to prevent its occurrence. According to a Delhi Police report, more than 90 per cent of rapists are known to their victims; they are usually a member of the family or neighbours or a domestic help.

But our laws are antiquated. Some of them were framed as far back as 1863 at a time when the population was not even one fifth of the present number and people actually feared the law of the land. After Independence, our justice system has taken great care to protect the rights of the criminals; unfortunately, that has not always been the case with victims. Also, there are no laws that demand that the perpetrator pay direct damages to the victims. Seeing ones perpetrator in jail for a number of years does not always do justice. Besides, here too the State has to pay for the perpetrators' boarding and lodging. At least the financially well-off convicts who have perpetrated crimes against women must be made for to pay for their jail stay, apart from their assets being confiscated to compensate the victim, and the State for expenses incurred on their prosecution.

Additionally, there is also the need to change the law so as to make a minimum jail sentence compulsory for rapists. If, under the Narcotic Drugs and Psychotropic Substances Act, 1985, a minimum jail sentence can be prescribed — from ten years and to even a death sentence — surely rape is a more serious offence that deserves harsh punishment. Our Government believes and assures the people that deterrence will work, in the form of having a strong law and order infrastructure. But when the time comes to put some deterrence in the violation of law, authorities develop cold feet.

Let us stop pretending that we can ensure the safety and security of women, despite all the work the police may do. We have to try the aforementioned approach to make India safe for women. The Government does not have to be told that rapists have been publicly killed by women and even burnt alive as in Andhra Pradesh and Karnataka out of sheer frustration that they will not receive justice after years of following the due process of law. Before such mob lynching becomes common, the Government should deal with this problem sternly and put the onus on the accused to prove that he is not guilty. This can be done, if the Government blocks all escape routes of the perpetrator.