

Nirbhaya Fund: SC asks States and UTs to give response on Receipt and Disbursal of Funds

January, 12, 2018:

Surinder S. Rathi, Director, National Legal Services Authority (NALSA), submitted before the Bench that it has prepared a draft Model Rules for Victim Compensation for Sexual Offences and Acid Attacks in pursuance to the earlier direction and would submit it later.

Supreme Court has asked all States and Union Territories (UTs) to come out with the details of money they have received from Centre under Nirbhaya Fund Scheme and amounts disbursed as Compensation to victims of sexual assaults and acid attacks.

Apex Court Bench comprising Justice M B Lokur and Justice Deepak Gupta has directed all the States and UTs to file their responses within four weeks on receipt and disbursal of funds, rued the fact that they do not respond.

Senior Advocate Indira Jaising who is Amicus Curiae in the matter submitted that States are under obligation to respond and should be asked to give details of funds received and disbursed under Nirbhaya Scheme to which Bench stated that, "Let me tell you, they do not".

The Nirbhaya Fund scheme was announced by the Centre in 2013 after the sensational December 16, 2012 gang-rape and murder case in Delhi to support the initiatives of the governments and the NGOs working towards safety of women.

He further added that Procedures and the mode adopted in Delhi in awarding Compensation to Victims of Sexual Assaults and Acid Attacks have been considered while preparing Draft Model Rules.

Surinder S Rathi, an Additional District and Sessions Judge who has also served in Delhi State Legal Services Authority (DSLISA) stated that, "In Delhi, such victims are awarded compensation within 24 hours after a decision to this effect".

During the hearing, SC Bench asked NALSA Director whether there was any provision to reappropriate unspent funds awarded to NALSA and State Legal Services Authority.

Apex Court Bench has now posted the matter for further hearing on February 15, 2018 when it would deal with States' response on receipt and disbursal of the funds under Nirbhaya Scheme and otherwise.

Earlier, Centre submitted before Supreme Court that it was finding it difficult to get cooperation of States on issue relating to the disbursement of Compensation to Victims of Sexual Assault under Nirbhaya Scheme.

Indira Jaising had informed Apex Court that she had gone through 36 schemes related to the compensation to be disbursed to victims of sexual assault under the Nirbhaya Fund and has extracted best practices which could be looked into by the bench.

Supreme Court on September 22, 2017 stated that it would hear submissions of the amicus and the Centre on how best to evolve an integrated and cohesive system of payment of compensation to victims of sexual assault and also about steps to rehabilitate these victims or at least reduce or eliminate the trauma they have undergone.

Later, it had asked the NALSA and others to devise a model rules on award of compensation to rape and acid attack victim.

Six petitions were filed in Supreme Court after the Gangrape case in Delhi on December 16, 2012 raising concerns over safety and security of women. All Petitions were tagged together by SC and several directions have been issued from time to time in this regard.

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