

**GOVERNMENT OF INDIA  
WOMEN AND CHILD DEVELOPMENT  
LOK SABHA**

UNSTARRED QUESTION NO:5053

ANSWERED ON:02.09.2011

ATROCITIES AGAINST WOMEN

Bhoi Shri Sanjay; Biswal Shri Hemanand ;Joshi Shri Pralhad Venkatesh

**Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:**

- (a) whether her Ministry proposes that the amount provided as compensation to the victim/ injured is to be realised from the person who has caused the criminal injury to the victim;
- (b) if so, the details thereof;
- (c) whether her Ministry also proposes to launch similar schemes for victims of trafficking and similar stringent action against the touts and the facilitators who facilitate trafficking of women and children;
- (d) if so, the details thereof;
- (e) whether the Government is considering to put a legislation restricting on migration of women and child to work as domestic help and labourers in the country; and
- (f) if so, the details thereof alongwith the action taken/proposed to be taken by her Ministry in this regard?

**Answer**

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a) to (d): Compensation to victims of crimes can be awarded by Courts under Section 357 of the Criminal Procedure Code (Cr.PC), from the fine recovered as part of the sentence.

In 2009, Section 357A was added to the Cr.PC, under which each State Government, in coordination with the Central Government, is required to formulate a scheme for compensation to victims of crime or their dependants. Under this, a victim can get compensation for rehabilitation in cases in which the Court finds it necessary. The compensation can be recommended even in cases where the trial ends in acquittal or discharge, provided there is a need for rehabilitation of victims. Compensation can also be granted where no trial takes place because the offender cannot be identified or traced but the victim requires rehabilitation. Victims of all crimes are covered under the above provisions. The State Governments are in process of formulating schemes under Section 357 A of Cr.PC. The Government of Sikkim which has formulated such a scheme provides for instituting proceedings before competent Court of Law for recovery of compensation granted to the victim or his dependents from the person who has caused criminal injury to the victim. There is no specific scheme for compensation to the victims of trafficking.

The Immoral Traffic (prevention) Act, 1956 supplemented by IPC prohibits trafficking in human beings including children and lays down penalties for trafficking. The Immoral Traffic (prevention) Act 1956 provides for punishment to those who procure or attempt to procure a person for the purpose of prostitution, take or attempt to take a person or cause a person to be taken from one place to another with a view to his carrying on or being brought up to carry on prostitution, cause or induce a person to carry on prostitution etc. Keeping, managing or assisting in keeping or managing of a brothel is also punishable under the Act.

(e) & (f): There is no proposal to bring any legislation restricting migration of women and children to work as domestic help & labourers in the country. However, the Child Labour (Prohibition & Regulation) Act, enacted in 1986, prohibits children upto 14 years of age from working as domestic servant. The Ministry of Labour & Employment has developed a protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked & Migrant Child Labour. The Protocol applies to any migrant or trafficked child labour in the country, irrespective of the child's home State or country of origin, without any discrimination on the grounds of gender, caste, language, ethnicity, religion or origin. The Protocol lays down the procedures for conducting a rescue operation in an effective child friendly manner and towards making the procedures less traumatic for the child. It further emphasises on educational rehabilitation for the child and economic rehabilitation for the family. The Protocol provides for involving the Panchayati Raj Institutions in monitoring the rehabilitation efforts.