Context: The details of compensation awarded to survivors of trafficking have been ascertained on the basis of RTI applications filed by five lawyers across the country and the outcome of the response compiled in the form of report titled “UNCOMPENSATE VICTIMS”, which was released in Kolkata recently by Sanjog, a technical resource organisation that works to combat trafficking and gender-based violence.

Background

The Section 357-A of Code of Criminal Procedure (CrPC) has provisions to compensate victims who suffered because of a crime. In 2012, following the national outrage over the Nirbhaya gang-rape and murder case, the government announced Rs.1,000 crore fund to be used to combat sexual violence against persons – children or adults.

Findings of the report

- Highlighting the poor status of compensation awarded to survivors of human trafficking in the country, response obtained through RTI queries from 25 States and seven Union Territories reveal that between March 2011 and April 2019 only 82 such victims were awarded compensation.

- However, between 2011 and 2018, the total number of cases of human trafficking recorded in the country, according to NCRB reports, was 35,983. This means, only 0.2% of all survivors of human trafficking received the compensation announced by the government in the last eight years. Among the 82 survivors who were awarded compensation, only 77 received the relief amount.

- State-wise details of the compensation awarded to the survivors show that
47 persons were awarded relief in Delhi, followed by 17 in Jharkhand, eight in Assam, three in West Bengal, two each in Andhra Pradesh, Karnataka and Meghalaya. In Haryana, one survivor of trafficking was awarded compensation between 2011 and 2019.

- The **Nirbhaya fund** is being used in the **Victim Compensation Scheme** – a national scheme to compensate survivors of rape, acid burns and trafficking among other forms of violence — for the last few years. The amount of compensation to victims of trafficking varies from State to State. In 2018, the Supreme Court directed NALSA (National Legal Services Authority) to frame a standardised victim compensation scheme.

- The study also reflects the **number of trafficking survivors who applied for the victim compensation scheme** to their respective legal services authority. While 107 individuals applied under the scheme, in 102 cases between 2011 and 2019, courts directed the authorities to release compensation. Twenty-eight persons applied for compensation in West Bengal, followed by 26 in Karnataka and Jharkhand. Fourteen persons in Assam applied for compensation while seven did the same in Delhi-NCR.

- The study also suggests grave **inconsistencies on the part of legal services authorities, which have provided the data**. The data on Delhi is discrepant, with more survivors receiving compensation than those awarded compensation. Manipur’s 2019 victim compensation scheme does not even have an entry in the schedule corresponding to human trafficking.

- The study also suggests that **there remains a lack of information provided to survivors on victim compensation**, lack of initiative on the part of legal services authority, **low investment** on part of legal aid that results in very few survivors having access to compensation.

- In their study the researchers tracked the details of at least three case studies where the trafficking survivors had received compensation. **Survivors were able to apply only when they were informed and a private lawyer was involved in assisting them** in filing application for victim compensation.
From their rescue till rehabilitation, the survivors are in touch with multiple agencies but none of them take any steps to help them get compensation. Researchers also pointed out that the “DLSA and SLSA’s response to the claims has been slow, and they hold the survivors’ claims with suspicion – often putting the burden of proof on the survivors themselves”. 