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Prepare a relief plan for rape victims: HC

Delhi Govt told to ensure compensation, rehabilitation of rape victims; Rs 5.8 lakh to be paid as damage to woman who was raped inside Safdarjung Hospital two years ago

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THE DELHI High Court on Monday directed the Delhi Government to prepare guidelines for payment of compensation to rape victims and also ensure their proper rehabilitation.

The landmark direction, set to bring some relief to thousands of victims of sexual exploitation, came while the court asked the Capital's Safdarjung Hospital to pay a compensation of Rs 5.8 lakh to a woman who was raped inside the hospital two years ago.

Justice Ravindra Bhat took serious note of the government's failure in taking steps in this regard even 13 years after the Supreme Court's clear directions in a PIL filed by the Delhi Domestic Working Women's Forum.

Allowing a petition filed by the woman seeking compensation from the hospital and the government for its failure to protect her fundamental rights, the court said: "It has long been established that the right to life under Article 21 is not a right to mere vegetative existence, but to a life with dignity and a decent standard of living. Rape is criminalised not just

SUPREME COURT DIRECTIONS OF '95

Compensation for victims shall be awarded by courts on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place.

The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape.

because it violates the bodily integrity of a woman but also because it is an affront to her dignity. The physical scars may heal over time, the scars on the psyche and the trauma caused by the assault may well alter the personality of the woman," Justice Bhat said.

The government has been asked to prepare and implement a scheme for compensation of victims of rape and other violent crimes within two weeks in line with the directions of the Supreme Court in consultation with

the National Human Rights Commission. Another bench of the court had ordered a compensation of Rs 7.5 lakh to a nurse of the Shanti Mukand Hospital who was partially blinded and then raped by a ward boy working in the hospital.

The court said criminal jurisprudence has moved beyond the traditional domains of retributive and deterrent values. "The shift is increasingly towards victim centric compensatory models of justice. The concept of a publicly funded and administered body to compensate victims of violent crime has been practice in many countries across the world. It is granted not merely when the state is at fault but also when the crime is violent and serious, and thus the role of the state assumes the welfare hue," the judge said.

According to an FIR, on September 14, 2005, the victim, along with her sister-in-law had gone to the hospital for latter's medical treatment. After leaving her sister-in-law in room no 555 for blood test she had gone to toilet on the 5th floor of the hospital. While going towards the toilet, she was pushed by a hospital staff and raped.

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