

Government of Himachal Pradesh  
Department of Social Justice & Empowerment.

No. SJE-A-F(10)-1/2019

Dated: Shimla -2, the

June, 2019

**NOTIFICATION**

The Governor, Himachal Pradesh is pleased to notify "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background" as per Annexure "A" with immediate effect.

By Order

(Nisha Singh)

Addl. Chief Secretary (SJ&E) to the  
Government of Himachal Pradesh.

Endst. No. SJE-A-F(10)-1/2019

Dated: Shimla -2, the 29 June, 2019

Copy forwarded for information and necessary action to:-

1. All Administrative Secretaries to the Govt. of H.P.
2. All the Heads of Departments in Himachal Pradesh.
3. Secretary, State Legal Services Authority, SDA Complex Kasumpti Shimla-9.
4. All Deputy Commissioners Himachal Pradesh.
5. The Director, Women and Child Development, HP Shimla.
6. The Private Secretary to the Hon'ble Chief Minister, HP.
7. The Private Secretary to the Chief Secretary to the HP Govt. Shimla-2.
8. All District Superintends of Police Himachal Pradesh.
9. All Chief Medical Officers in Himachal Pradesh.
10. All Programme Officers, Himachal Pradesh.
11. The Controller, P&S, HP Govt. Press Shimla for publication in the Rajpatra.
12. Guard file.

(T.R. Parmar)

Under Secretary (SJ&E.) to the  
Government of Himachal Pradesh



## SCHEME FOR REHABILITATION SUPPORT TO MINOR VICTIMS OF RAPE, CHILD ABUSE & OBJECTIFICATION BACKGROUND

The right to life, which includes the right to live with dignity, is guaranteed to every person under the Constitution of India. The inherent dignity of the human being and the right of protection from any form of violence also forms part of India's international obligations under instruments such as the Universal Declaration of Human Rights (UDHR) and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Further, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 recognizes the need to respect the dignity of the victim and their entitlement for prompt redressal for the harm suffered through access to the criminal justice system, rehabilitation and support services to assist their recovery.

Crime violence against children is on the rise in society, particularly child abuse. Both boys and girls are susceptible to being victimization owing to their vulnerability, tender age. Most often, the perpetrators are within the confines of home, family, neighborhood and school. Fearing social stigma or family pressure, children become passive victims suffering in silence and bearing the trauma without any resistance. Dignity of a human being in case of minor victims is thus at stake.

While it is essential to provide punishment to the perpetrators of such heinous crimes, the victim must be restored to a position of dignity and self-confidence. It is this principle of restorative justice that must form the basis of efforts to address the trauma that the affected child goes through and may entail compensation in the form of financial assistance as well as various support services such as counseling, shelter, medical and legal aid. This is inclusive of assistance provided in clause 8 (b) of the said scheme.

### OBJECTIVES

The present Scheme aims to restore self-confidence a dignity and of victims of child abuse through intensive counseling, financial security, Skill up gradation rehabilitation and livelihood support through the state government.

1. Intensive handholding (financial/ mental) by the state government to the minor victim and his/her family members.
2. Financial assistance to victims of rape.
3. Medical counseling for the victims.
4. Skill up-gradation/ Vocational training depending upon the needs of the victim.
5. Assistance in employability and financial indifference.

### Salient Features About The Scheme

1. Consequent upon the commission of crime against a minor boy or girl, the District level committee under the chairpersonship of DC on confirmation/ establishment of



the crime would provide intensive counseling upto 6 months to the minor as well as to the members of his/ her family through the professional counselors in DCPU office. Overcoming the scars of traumatic incident is difficult but not impossible and hence the minor shall be provided counseling till he/ she turns 18. The DCPO would submit report in this regard before the committee at district level.

2. Provision of a mentor preferably a lady officer in the defense to be decided by District Level Committee.
3. Financial assistance of Rs. 7,500 per month would be given to the minor victim till the age of 21 years as a livelihood support measure. Out of Rs. 7,500, an amount of Rs. 2,500 would go in the savings account of minor for immediate medical needs and Rs. 5,000 will be deposited in the pledged recurring deposit of the minor victim.
4. During the first year of the scheme, i.e. 2019-20, Budget of Rs. 100.00 Lakh will be required. However, budgetary requirement shall increase in successive year
5. Separate budget head/HOA will be created under the scheme in consultation with Finance Department after approval of the scheme.
6. Cashless treatment would be given by the department of health to the minor victim or in case if she bears a child as a consequence of the crime of the crime the benefit shall be extended to the child as well.
7. All departments dealing with the issues of minor victims would keep the identity concealed and it would be the responsibility of the concerned Deputy Commissioner that at no point of time the identity or whereabouts of the minor victim are disclosed.
8. When the minor victim turns 16, the district level committee with the help of department of Technical Education shall ensure to impart skill based training to the child as a livelihood measure/ intervention.
9. The district level committee shall also ensure the continuity of education of the child.
10. The extension of financial benefits shall be retrospective i.e. if a crime is reported and confirmed at a later stage by court of law, the minor victim shall not be deprived of the financial support at any cost.
11. The state government may in consultation with SLSA/ DLSA initiate counselling at an early stage of trial to the minor victim.
12. Special job opportunities will be provided to the affected children's in terms of special quota for jobs in CCIs, Old age homes, homes for mentally retarded for these children.
13. Convergence will be done with the Integrated Child Protection Scheme (ICPS) and other line departments for the implementation of the scheme.

#### **TARGET GROUP :-**

This scheme would cover all Minors i.e. Children both Boys and Girls below the age of 16 years who are subject to sexual abuse, rape and objectification. The scheme shall follow the definition of sexual abuse/ assault/ rape as per the POSCO Act. This Act covers a variety of offenses under which an accused can be punished.



### LIMITATION PERIOD

The period of limitation would be 3 years from the date of completion of trial.

### Authorities responsible for implementation of the scheme :-

The Board constituted at State level and District level i.e. State/District Criminal Injuries Relief and Rehabilitation Board already notified under "Financial Assistance and Support Services to Victims of Rape Scheme - 2012" shall be responsible for the implementation of the scheme.

### Procedure for Making Claims before the District Board

Who May Apply and By When:

- (i) A minor child, by her parent/guardian or by any person/ organization/ department/ commission on the child's behalf, with the application duly signed by her or by the guardian.
- (ii) Where the affected child is mentally ill within the meaning of the Mental Health Act or is mentally retarded, by the person with whom she normally resides or a duly authorized medical officer of the institution.
- (iii) On the death of the affected child, by his/her legal heir(s).

### Redressal of Grievances

In case of any grievance with regard to accessing assistance and services provided under the scheme the parents/ guardian of the minor child victim may approach the District board. Whereas the grievance is in relation to the conduct of the district in dealing with the application for assistance under the scheme, the parents/ guardians of affected child may approach the State board, as the case may be.

### Devolution of Funds/ Grant-in-Aid

1. The Directorate of Women and Child Development will provide funds under the scheme. The funds will be disbursed to state/ district boards, depending upon their requirements;
2. The budgetary allocation shall be used for conducting workshops for skill enhancement of the counselors and conducting the board meetings,
3. The cost of assistance provided under this scheme;
4. Expenses toward providing counseling under this scheme.
5. Expenses towards sitting fees and TA/DA to non-Government members of the State and District Criminal Injuries Relief and Rehabilitation Boards.



### Monitoring and Evaluation

Quarterly reports on implementation of the scheme along with expenditure statement shall be sent by the district boards to the state board.

The Directorate of Women and Child Development may undertake periodic impact assessment of the scheme through appropriate institutions/ organizations affiliated to it or through reputed private organizations with expertise in monitoring and evaluation of social sector schemes. Due regard shall be paid to the need to ensure the anonymity of any affected child who has sought assistance under the scheme in the course of conducting such periodic assessment.

### Accounts and Audit

The state and district boards shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure accounts.

In view of above, it is also submitted that during the first year of the Scheme, Budget of Rs. 100.00 Lakhs will be required for the implementation of this scheme and budgetary requirement shall increase in successive years. Therefore, if approved, we may request to the Finance Department to concur the aforesaid proposal, so that the further action regarding opening of separate Head / HOA could be initiated. Before the matter is referred to the Finance Department, administrative approval of the ACS (SJ&E) to the Govt. of Himachal Pradesh is solicited, please.

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