



Press Release

Sex-Trafficking Survivor Awarded 9 Lakhs As Compensation - Highest In West Bengal

Kolkata, 20th November, 2020: The District Legal Services Authority (DLSA), Kolkata, recently awarded a minor survivor of trafficking, an amount of Rs. 9 lakhs as compensation. This is the highest amount awarded to a survivor of a sex trafficking case as compensation by any District Legal Service Authority in West Bengal.

“The compensation is a result of the combined efforts of Police, Courts and the Department of Child Development & Women Development in West Bengal. From nearly ending sex-trafficking of children in red-light areas, convicting customers, providing possibly the largest victim compensation, we are glad that the efforts of the State is making West Bengal a formidable global leader in combatting this crime. We are hopeful that the precedent set in West Bengal will be followed in other states to benefit survivors of trafficking that includes crimes like sex-trafficking, bonded labour, etc,” said **Mr.Saptarshi Biswas, Director of Legal Solutions, International Justice Mission, Kolkata.**

The case was an inter-state trafficking in which the survivor was only around 13 years old when she was trafficked from Odisha and sold to a brothel in Songachi, West Bengal, in 2016, for commercial sexual exploitation. She was eventually rescued on 7th May 2016 by officers of the Anti-Human Trafficking Unit, Kolkata Police. Three perpetrators, of whom one was a minor, were arrested in connection with this case. However, in this case, the charge-sheet was submitted without the relevant POCSO Sections.

International Justice Mission, Kolkata, assisted the investigating agency and public prosecutor in this case. The investigating officer proactively prepared all the required reports and submitted details and stage of the trial. The matter was then transferred before the Court of the 2nd Additional and District Judge, the designated POCSO Court for Kolkata jurisdiction. However, at the time of filing this compensation application, the said POCSO Court was vacant, which meant that the trial would not begin till a Judge was appointed.

Around the same time in 2018, Calcutta High Court passed a judgment in favour of granting compensation to victims whose fundamental rights have been violated while also observing that the two requirements of Section 357A of the Code of Criminal Procedure need not be satisfied for grant of compensation to victims. Based on the latest judgement, and also the fact that while trial was yet to begin, a compensation application was filed directly before DLSA, Kolkata, under Section 357A of the Code of Criminal Procedure and provisions of the West Bengal Victim Compensation Scheme, 2017, on 26th February, 2019.

A prayer for enhancement of compensation amount under the said Scheme was also made in the application since the survivor was below the age of 14 at the time of the incident. The DLSA, Kolkata, then forwarded a recommendation report to Criminal Injuries Compensation Board for passing the final order, awarding the survivor victim compensation. The Board, after considering all the relevant circumstances, such as the pending POCSO cases, non-grant of interim compensation, since trial is yet to begin, the psychological effects of this crime and victim’s educational pursuits, awarded the minor survivor a total amount of Rs. 9 lakhs.

When the news of this win was shared with the survivor, who studies in Class VIII now, there were happy tears all around. When asked what she would do with the money once it gets



disbursed to her account, she excitedly shared how she would want to use the money to pursue her studies and also fulfill her dreams of building a house she could call her own.

“This order reflects the progressive application of laws, especially on victim compensation. The facts of this case were unique, but a survivor-centric approach of the criminal justice system of West Bengal is evident here. The survivors may not have to wait till the completion of their case to receive compensation, which is their constitutional right. This order also resonates with the views of the Hon’ble Supreme Court of India, that the power of victim compensation is intended to re-assure the victim that she is not forgotten in the criminal justice system,” said **Advocate Joanna Shireen Sarkar**, International Justice Mission, who supported the case.

In a webinar facilitated by IJM in September 2020, the member secretary of the West Bengal State Legal Service Authority had encouraged survivors of trafficking to go for an appeal for victim compensation.

About International Justice Mission:

International Justice Mission (IJM) is a global organization that protects the poor from violence throughout the developing world. IJM partners with local authorities to rescue victims of violence, bring criminals to justice, restore survivors, and strengthen justice systems. Since 2006, IJM Kolkata has been working alongside government agencies to rescue and rehabilitate victims of sex trafficking, prosecute offenders and train public justice officials.

For further information please contact:

Sreeraj Mitra / Rusha Hazra / Kakoli Das

Sagittarius Communications

Ph: 9007307884 / 9051043255 / 8697719341