

# Gujarat Victim Compensation Scheme, 2013

GUJARAT

India

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### Rule GUJARAT-VICTIM-COMPENSATION-SCHEME-2013 of 2013

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Gujarat Victim Compensation Scheme, 2013 Published vide Notification No. GG/ 01 /SB.2/COM/132011/GAD/165605, dated 5.1.2013 Last Updated 18th May, 2019 No.GG/ 01 /SB.2/COM/132011/GAD/165605. - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the State Government hereby frame the scheme for providing funds for compensation to the victims or their dependents, who have suffered loss or injury on account of offence against body and who require rehabilitation, namely:-

#### 1. Short Title.

- This scheme may be called the Gujarat Victim Compensation Scheme, 2013.

#### 2. Definitions.

(1) In this scheme, unless the context otherwise require, - (a) "Code" means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974); (b) "Schedule" means Schedule appended to this scheme; (c) "State" means the State of Gujarat; and (d) "Victim" means a person who has suffered loss or injury as a result of crime and require rehabilitation and the expression victim includes his/her dependents (2) Words and expressions used herein and not defined but defined in the Indian Penal Code 1860 (Central Act No. 45 of 1860) or the General Clauses Act, 1955 (Central Act No. VIII of 1955 Act) have the same meanings respectively as assigned to them in the Code and the General Clause Act 1955.

#### 3. Victim Compensation Fund.

(1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his/her dependents. (2) The State Government shall allot a separate budget for this scheme every year. (3) The fund shall be placed at the disposal of the Secretary, Legal Department.

#### 4. Eligibility.

- A victim or his/her dependents shall be eligible for the grant of compensation if:-(a)the perpetrator of a heinous crime is not traceable or goes unpunished after trial, but the victim is identifiable and has to incur expenses on physical and mental rehabilitation, such victim may also apply for the grant of compensation under sub-section (4) of section 357-A of the Code;(b)the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under subsection (4) of section 357-A of the Code;(c)the victim/claimant report the crime without unreasonable delay to the Judicial Magistrate of the area provided that the State Legal Services Authority or the District Legal Services Authority if satisfied, for the reasons to be recorded in writing, may condone the delay.

#### 5. Procedure for grant of compensation.

(1)Whenever a recommendation is made by the Court under Sub-section (2) and (3) or an application is made by any victim or his/her dependent under sub-section (4) of section 357-A of the Code to the District Legal Service Authority or the State Legal Service Authority, as the case may be, District Legal Service Authority or the State Legal Service Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim/claimant and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. The District Legal Service Authority or the State Legal Service Authority, as the case may be, shall award compensation within two months, in accordance with provisions of this Scheme.(2)The District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded to victim or his/her dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum amount required for rehabilitation including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on facts of each case.(3)Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgment at later date, order the accused persons to pay any amount by way of compensation under sub section (3) of section 357 of the Code, the victim/claimant shall remit an amount equal to the amount of compensation already paid, or the amount ordered to be paid under the said sub section (3) of section 357 of the Code, whichever is less. An undertaking to this effect shall be given by the victim/claimant before disbursal of the compensation amount.(4)The quantum of compensation decided by the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall be disbursed to the victim or his/her dependents, as the case may be, from the Victim Compensation Fund.(5)Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/ or payment received under any other Act or scheme run by the State shall be considered as part of the Compensation amount under this scheme and if the Compensation amount granted under this scheme exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of Victim Compensation Fund.(6)The case covered under Motor vehicle Act, 1988 (Central Act No.59 of 1988) wherein Compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.(7)The District Legal Service Authority or the State Legal Service Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first

aid facility or medical benefits to be made available free of the cost on the certificate of the police officer not below the rank of the officer in charge of the police station or Magistrate of the area concerned, or any other interim relief as it may deem fit.(8)The quantum of compensation to be awarded to the victim or his/her dependants shall not exceed the maximum limit as per Schedule.

## 6. Order to be placed on record.

- Copy of the order of compensation passed under this scheme shall be placed on record of the trial Court to enable the court to pass on order of compensation under sub-section (3) of section 357-A of the code.

## 7. Recovery of Compensation.

(1)The District Legal Service Authority or the State Legal Service Authority, as the case may be, if deemed fit, shall institute proceeding before the competent Court of Law in consultation with the office of concerned public prosecutor for recovery of the compensation granted to the victim or his/her dependants from the person responsible for causing loss or injury as a result of the crime committed by them.(2)The amounts, so recovered, shall be deposited in the Victim Compensation Fund.

## Schedule

[See rule 5 (8)]

S.N.	Particulars of loss or injury	Maximum Limit of compensation(In rupees)
1.	Loss of Life	1,50,000=00
2.	Loss of any limb or part of body resulting 80%or above Handicap.	1,00,000=00
3.	Loss of any limb or part of body resulting above40% & below 80% Handicap.	50,000=00
4.	Rape	1,00,000=00
5.	Loss of any injury causing sever mental agony towomen and child victim in case like Human Trafficking.	25,000=00
6.	Permanent disfiguration of the head or face byacid. (In case of acid attack on a woman )	1,00,000=00
7.	Assault on women disfiguring her face or anypart of body by acid or any other weapon.	50,000=00
8.	In case of sodomy.	25,000=00
9.	Rehabilitation.	50,000=00