

# Victim Compensation Scheme 2011

CHHATTISGARH

India

## Victim Compensation Scheme 2011

### Rule VICTIM-COMPENSATION-SCHEME-2011 of 2011

- Published on 3 August 2011
- Commenced on 3 August 2011
- [This is the version of this document from 3 August 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Victim Compensation Scheme 2011Published vide Notification No. F-3-87/2011/Home-2, dated 3rd August, 2011Last Updated 10th October, 2019Notification No. F-3-87/2011/Home-Two dated the 3rd August, 2011. - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Governor of Chhattisgarh in coordination with the Central Government hereby frames the following scheme for providing a Fund for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of crime and who require rehabilitation : -

#### **1. Short title.**

- This scheme may be called the "Victim Compensation Scheme 2011".

#### **2. Definitions.**

- In this Scheme, unless the context otherwise requires :

**1. "Act" means the Code of Criminal Procedure, 1973.**

**2. "Schedule" means the Schedule appended to this Scheme.**

**3. "State" means State of Chhattisgarh.**

**4. "Victim" means a person who himself has suffered loss or injury as a result of crime and requires rehabilitation and this includes dependant family members also.**

### 3. Victim Compensation Fund.

(1) A Fund shall be constituted namely Victim Compensation Fund by the State Government. The amount of compensation under this scheme shall be paid to the Victim or his dependants by the Office of the Collector of the district concerned. (2) The State Government shall make provision for the Fund in the budget of Home Department. The Home Department shall be nodal department for the scheme and shall give allotment to the Collectors of the districts as per requirement. (3) The Collector of the district concerned shall maintain account relating to the Fund and shall submit quarterly return of expenditure to the Home Department.

### 4. Eligibility for Compensation.

- A victim or his dependent satisfying the following criteria shall be eligible for the grant of compensation : (A) Loss or injury sustained by the victim should have caused substantial loss to the income of the family making it difficult to meet their both ends without the financial aid or has to spend beyond his means on medical treatment of mental/physical injury. (B) The victim/dependant should have reported a crime to the officer incharge of the Police Station/Executive Magistrate/Judicial Magistrate of the area without undue delay. (C) The victim/dependant should Co-operate with the police and prosecution during the investigation and trial or the case respectively.

### 5. Procedure for grant of compensation.

(1) Whenever a recommendation is made by court under Section 357 of the Act or an application is made by the Victim or his dependant under sub-section (4) of Section 357-A of the Act to the District Legal Service Authority, the said Authority shall verify the facts and the claims after due enquiry and consultation with the SP concerned and award adequate compensation in accordance with the provisions of the scheme by completing the enquiry within two months. (2) The compensation under this scheme shall be paid subject to the condition that if the trial court, while passing judgment at a later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, the amount of compensation already awarded by the District Legal Service Authority shall be duly considered and adjusted. An undertaking to this effect shall be given by the victim/claimant before the disbursement of the compensation amount. (3) The District Legal Service Authority shall decide the quantum of compensation to be awarded to the victim or his dependants on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation, keeping in view the minimum wages prevalent at the time and including such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on fact of each case. (4) Compensation received by the victim in relation to the crime in question from other sources namely Insurance, ex-gratia, payment received under any other Act or Scheme of Central/State Government shall be considered as part of compensation amount under this scheme and shall be adjusted against the compensation amount awarded under this Scheme. (5) The quantum of compensation to be awarded to the victim or his dependants by the District/State Legal Service Authority shall not exceed the upper limit as provided in the schedule of this scheme. (6) The

cases covered under Motor Vehicle Act, 1988 (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, to alleviate the suffering of the victim may order for immediate first aid facility or medical benefits to be made available free of cost or any other interim relief as it may deem fit on the certificate of the police officer not below the rank of the office-in-charge of the police station or the Executive Magistrate of the area concerned.

## **6. Recovery of compensation from the person/persons responsible for causing loss/injury.**

(1)The State Legal Service Authority, if deemed fit, shall institute a proceeding before the competent court of law in consultation with the office of the district prosecution officer for recovery of the compensation granted to the victim or his dependants from the person/persons responsible for causing loss or injury as result of the crime committed by him/them.(2)The amount so recovered shall be deposited in the victim compensation fund.

## **7. Order to be placed on record.**

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

## **8. Limitation.**

- No application of the victim or his dependants under sub-section (4) of section 357-A of the Act shall be entertained after a period of one year from the date of suffering loss/injury.

## **9. Appeal.**

- Any victim aggrieved of the denial of compensation by the District Legal Service Authority may file an appeal before the State Legal Service Authority within a period of ninety days :Provided that the State Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

## **Schedule**

S. No.	Details of Loss or Injury	Maximum Limit of Compensation
1.	Loss of Life	1.00 Lac
2.	Loss of limb or part of body resulting 80% or above handicap or serious injury due to Acid Attack.	50,000
3.		25,000

	Loss of Limb or part of body resulting above 40% and below 80% handicapped.	
4.	Rape of Minor	50,000
5.	Rape	25,000
6.	Rehabilitation	20,000
7.	Loss of limb or part of body resulting below 40% handicap	10,000
8.	Injury causing severe mental agony to women and child victim in case like human Trafficking.	20,000
9.	Simple loss or injury to child victim	10.00