

Bihar Victim Compensation Scheme, 2011

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Rule BIHAR-VICTIM-COMPENSATION-SCHEME-2011 of 2011

- Published on 28 July 2011
- Commenced on 28 July 2011
- [This is the version of this document from 28 July 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Victim Compensation Scheme, 2011Published vide Notification No. L.G.-6-01/2011-151/leg, dated 28.07.2011Last Updated 4th February, 2020No. L.G.-6-01/2011-151/leg. - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Bihar in co-ordination with the Central Government, hereby frames the following scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:-

1. Short title, extent and Commencement.

(1)This scheme may be called The Bihar Victim compensation Scheme, 2011.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definition.

- In this scheme, unless the context otherwise requires, -(a)"Act" means the code of Criminal Procedure, 1973 (2 of 1974);(b)"Schedule" means Schedule appended to this Scheme;(c)"State" means State of Bihar;(d)"Victim" means a person who himself has suffered loss or injury as a result of crime causing 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 and require rehabilitation.(e)In this scheme "Dependent" means member of family of the victim, namely Husband/Wife, Mother/Father, Brother/Sister, Son/Daughter, Grand Mother/Grand Father, Father-in-Law/Mother-in-Law and it includes any other person who is leading life on the income of the victim.

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 dependents who have suffered

loss or injury as a result of the crime and who require rehabilitation.(2)The State Government shall allot a separate budget for the purpose of the Scheme every year.(3)The fund shall be operated by the Secretary, State Legal Services Authority.(4)The State Govt. may allocate such amount, as it think proper, out of victim compensation fund, to constitute a fund at Police Station level for providing quick and immediate Medical Assistance to the victim of road accident and other cases of grievous hurt. Such fund shall be operated by concerned Officer-in-charge.

4. Eligibility for Compensation.

- A victim shall be eligible for the grant of compensation if, -(a)the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply for grant of compensation under sub section (4) of section 357-A of the Act,(b)the victim/claimant report the crime to the Officer-in-charge of Police Station or Judicial magistrate of the area promptly provided that the District Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting;(c)the victim/claimant co-operates with the police and prosecution during the investigation and trial of the case.

5. Procedure for grant of compensation.

(1)Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (4) of section 357-A of the Act to the District Legal Service Authority, the District Legal Service Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Service Authority shall after due enquiry award compensation within two months, in accordance with provision of the Scheme.(2)compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgment at later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, victim/claimant shall remit an amount ordered equal to the amount of compensation, or the amount ordered to be paid under the said sub-section (3) of section 357 of the Act, whichever is less. 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 dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance 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.(4)According to the schedule of this scheme the quantum of compensation to be awarded under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.(5)Compensation received by the victim from the Central/State Govt., Insurance company or any other institution in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act or State-run Scheme, shall be considered as part of the compensation amount under these scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of the Fund.(6)In fixing the quantum of compensation, regard must be had to the minimum wages and the schedule to the Motor vehicle

Act, 1988.(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 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,

6. Order to be placed on record.

- Copy of the order of compensation passed under this Scheme shall be mandatory 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.

7. Limitation.

- No claim made by the victim or his dependents under sub-section (4) of section 357-A of the Act shall be entertained after a period of six months of the crime:Provided that the District Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

8. 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 computed from the date of order of denial: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

See Para 5(4)

Sl. No.	Particulars of loss or injury	Maximum limit of compensation Rs.
1	Rape	50,000
2	Loss or injury causing severe mental agony towomen and child victims in case like Human Trafficking,Kidnapping etc.	25,000
3	Loss of life.	1,00,000
4	Grievous hurt as defined in section 320 of theIndian Penal Code, 1860.	25,000
5	Injury caused by acid attack.	25,000