

Rajasthan Victim Compensation Scheme, 2011

RAJASTHAN

India

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Rule RAJASTHAN-VICTIM-COMPENSATION-SCHEME-2011 of 2011

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Rajasthan Victim Compensation Scheme, 2011 Published vide Notification No. S.O. 157, dated 5.1.2012 S.O. 157. - 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, the compensation to the victims or their dependents, who have suffered loss or injury as a result of the crime and who require rehabilitation, namely: -

1. Short Title.

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

2. Definitions.

(1) In this scheme, unless the context otherwise requires, -(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 Rajasthan; and (d) ["Victim" means a person who has suffered any loss or injury as a result of crime and requires rehabilitation and includes his or her guardian or legal heir or dependent.] [Substituted by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).] (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 Clauses 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 dependants. (2) The State Government shall allot a separate budget for this scheme every year. (3) The fund shall be operated

by the Secretary, State Legal Services Authority.

4. Eligibility.

- A victim or his dependents shall be eligible for the grant of compensation if : -(a)he/she has not been compensated for the loss or injury under any other scheme of the Central/State Government or any other institution.;(b)loss or injury sustained by the victim or his dependents should have caused loss of 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;(c)the perpetrator of a heinous crime is not traceable or goes unpunished after trial, but the victim is identifiable and has to incur of 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;(d)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 sub section (4) of section 357-A of the Code;(e)the victim/claimant report the crime without unreasonable delay to the Judicial Magistrate of the area provided that the District Legal Service Authority, if Satisfied, for the reasons to be recorded in writing, may condone the delay; and(f)the victim/claimant cooperate 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 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, the District Legal Service Authority or the State Legal Service Authority, as the case may be 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.[Provided that the compensation awarded by the Special Court under the Protection of Children from Sexual Offences Act, 2012 shall be paid within 30 days from the date of receipt of the order of the Special Court.] [Added by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).](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 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 fact of each case.(3)Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgement at later date, orders 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 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 Code, whichever is less. An undertaking to this effect shall be given by the victim/claimant before disbursal of the compensation amount.[Provided that the provisions of above sub-clause (3) shall not apply for the victim of sexual offences under the

provisions of the Protection of Children from Sexual Offences Act, 2012 and rules made there under.] [Added by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).](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 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.[Provided that nothing in this scheme shall prevent a child who is victim under the Protection of Children from Sexual Offences Act, 2012 or his parents or guardian or any other person in whom the child has trust and confidence from submitting an application for seeking relief under any other rules or scheme of the Central Government or State Government.] [Added by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).](6)The cases 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 Services 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 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 dependants shall not be exceeded from the maximum limit as per Schedule.[Provided that the above limit of compensation shall not apply in case of compensation awarded by the Special Court under the Protection of Children from Sexual Offences Act, 2012.Provided further that the quantum of compensation to be awarded under this scheme shall be in addition to the fine imposed under Section 326-A or Section 376-D of Indian Penal Code, 1860 and ordered to be paid to victim by the Court.] [Added by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).]

5A. [Special Procedure in case of acid attack. [Inserted by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).]

(1)Notwithstanding anything contained in clause 5, in case of acid attack a sum of Rupees three lac shall be paid to such victim or his or her dependent or his or her guardian within fifteen days of occurrence of such incident or the information received from officer in charge of police station.(2)When the information received by the officer in charge of a police station he shall be liable to furnish the copy of the FIR supported by medical report to the District Magistrate and the District Legal Services Authority within three days. When the case brought to the notice of the District Magistrate he shall immediate facilitate medical attention and expenses in this regard and send his recommendation to the District Legal Services Authority within two days to award the compensation.]

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 an order of compensation under sub-section (3) of section 357-A of the code.

7. Limitation.

- No claim made by the victim or his dependents under sub-section (4) of section 357-A of the Code shall be entertained after a period of one year from the date of commission of the crime: Provided that the District Legal Service Authority or the State Legal Service Authority, as the case may be if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

8. 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 proceedings 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 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] [Substituted by Notification No. F. 17(154) Home-10/2010, dated 8.4.2015 (w.e.f 5.1.2012).] [See Rule 5(8)]

S.No	Particulars of loss or injury	Maximum Limit of compensation
1.	Loss of Life (earning member) Loss of Life (non earning member)	Rs. 5,00,000/-Rs. 2,50,000/-
2.	Loss of any limb or part of body resulting above 80% disability (earning member) Loss of any limb or part of body resulting above 80% disability (non earning member)	5,00,000/-Rs. 2,50,000/-
3.	Loss of any limb or part of body resulting above 40% and up to 80% disability (earning member) Loss of any limb or part of body resulting above 40% and up to 80% disability (non earning member)	Rs. 80,000/-Rs. 50,000/-
4.	Loss of any limb or part of body resulting up to 40% disability	Rs. 25,000/-
5.	Rape of Minor	Rs. 5,00,000/-
6.	Rape	Rs. 5,00,000/-
7.	Rehabilitation	Rs. 1,00,000/-
8.		Rs. 25,000/-

	Loss of any injury causing severe mental agony to women and child victims in case like Human Trafficking, child abuse and kidnapping	
9.	Simple loss or injury to child victim.	Rs. 20,000/-
10.	Victim of acid attack	Rs. 3,00,000/-
	Offences under the Protection of Children from Sexual Offences Act, 2012 (a) Penetrative Sexual Assault (b) Aggravated Penetrative Sexual Assault (c) Sexual Assault (d) Aggravated Sexual Assault (e) Using child for pornographic purposes	Rs. 5,00,000/- Rs. 5,00,000/- Rs. 1,00,000/- Rs. 2,00,000/- Rs. 1,00,000/-
11.		

Note.- The following expenses shall be payable as interim relief: -

(i) Funeral expenses: Rs. 10,000/-.

(ii) Medical expenses up to Rs. 25,000/-.

(iii) Interim relief in case of child 50% of maximum limit of compensation.

(iv) Interim relief in case of adult person 25% of maximum limit of compensation