

NOTIFICATION
Home Department
Sachivalaya, Gandhinagar
Date. 2nd January, 2016

Code of
Criminal
Procedure,
1973.

No.GG/01/2016/SB.2/COM/132011/GAD/165605:- In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (2 of 1974) and in supersession of the Government Notification , Home Department No. GG/ 42 /SB.2/COM/132011/GAD/165605, dated the 19th April,2014, the Government of Gujarat hereby makes the following 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,2016.

2. Definitions.- (1) In this Scheme, unless the context otherwise requires,-

(a) "Act" means the Poisons Act, 1919(12 of 1919);

(b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(c) "Fund" means the Victim Compensation Fund constituted under rule 3;

(d) "Schedule" means Schedule appended to this Scheme;

(e) "Victim" means a person who has suffered loss or injury as a result of crime and requires 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 (45 of 1860) or the Code of Criminal Procedure, 1973 (2 of 1974) or the General Clauses Act, 1897 (10 of 1897) have the

same meanings respectively as assigned to them in the Code and the General Clause Act 1897.

3. Victim Compensation Fund. – (1) There shall be constituted a fund to be known as 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 to the Government of Gujarat, Legal Department, Block No. 4, Saradar Bhavan, Sachivalaya, Gandhinagar- 382010

4. Eligibility.- A victim or his 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 357A 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 for grant of compensation under sub-section (4) of section 357A of the Code;

5. Procedure for grant of compensation other than acid attack.- (1) Whenever a recommendation is made by the Court under sub-sections (2) and (3) of Section 357A of the code or an application is made by any victim or his dependent under sub-section (4) of section 357A 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 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 act and may call for any other relevant information necessary in order to determine genuineness of the case and occurrence of the incidence. 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 the 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 the victim or his dependents on the basis of loss caused to the victim, medical expenses incurred and 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) The 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 amount of compensation.

(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 Fund.

(5) The compensation received by the victim from the State Government 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 a 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 Fund.

(6) The case covered under the Motor Vehicles Act, 1988 (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under 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 cost on the certificate of the police officer not below the rank of the office-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 exceed the maximum limit as specified in the Schedule.

6. Procedure for grant of compensation in case of Acid attack.-

(1) Whenever an application for the grant of compensation is made by victim of acid attack or his dependent, to the concerned District Legal Service Authority or the State Legal Service Authority, as the case may be, it shall examine the case of acid attack and verify the contents of the claim with regard to the loss or injury caused to acid attack victim/claimant and arising out of the reported criminal act and

may call for any other relevant information necessary in order to determine genuineness of the claim and occurrence of the crime. The District Legal Service Authority or the State Legal Service Authority, as the case may be, shall award the compensation not exceeding rupees three lakhs (Rs. 3/- lakh only) out of which rupees one lakh shall be paid as an interim compensation to facilitate immediate medical attention and expenses within 15 days of the application to the District Legal Service Authority or the State Legal Service Authority, as the case may be. The balance sum upto rupees two lakhs shall be paid as expeditiously as possible and positively within two months thereafter and in accordance with the 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 dependents on the basis of loss caused to the victim, medical expenses incurred and to be incurred on for 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) While deciding the amount of compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, has to confirm that the victim has taken treatment in the Government Hospital or in the Hospital approved by the Health and Family Welfare Department, Government of Gujarat. If the victim has taken treatment in any other Hospital, then verification from concerned Civil Surgeon shall be required to decide the amount of compensation. In such case, medical expenses shall be paid to the extent of the actual expenses which would occur in the Government

Hospital or in the Hospital approved by the Health and Family Welfare Department, Government of Gujarat for the same treatment.

(4) In case, while passing judgment at later date, where the court passes the order for payment of compensation to the victim/claimant by the accused person, the victim/claimant shall be required to remit an amount equal to the amount of compensation already paid or the amount ordered by the court, to the Fund.

(5) 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 acid attack victim or in case of death of acid attack victim to his dependent, as the case may be, from the Fund.

(6) The quantum of compensation to be awarded to the victim or his dependant shall not exceed the maximum limit of Rs. 3 lakhs (Rupees Three lakhs only).

7. Order to be placed on record.- The copy of the order of grant 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 357A of the code.

8. Recovery of Compensation.- (1) The District Legal Service Authority or the State Legal Service Authority, as the case may be, if deem fit, shall institute proceeding before the competent court in consultation with the office of concerned public prosecutor for recovery of the compensation granted to the victim or his dependant from the person(s) responsible for causing loss or injury as a result of the crime committed by him/them.

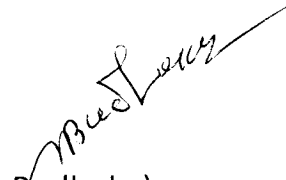
(2) The amounts, so recovered, shall be deposited in the Fund.

SCHEDULE

(See rule 5 (8))

Sr.No.	Particulars of loss or injury	Maximum Limit of compensation
1.	Loss of Life.	Rs.1,50,000/-
2.	Loss of any limb or part of body resulting 80% or above Handicap.	Rs.1,00,000/-
3.	Loss of any limb or part of body resulting above 40% & below 80% Handicap.	Rs.50,000/-
4.	Rape.	Rs.1,00,000/-
5.	Loss or any injury causing severe mental agony to women and child victim in case like Human Trafficking.	Rs.25,000/-
6.	Compensation in case of Acid attack.	Rs.3,00,000/-
7.	In case of sodomy.	Rs.25,000/-
8.	Rehabilitation.	Rs.50,000/-

By order and in the name of Governor of Gujarat,


(Vijay Badheka)

Under Secretary to Government

Copy to :

- P.S. to H.E. The Governor, Raj Bhavan, Gandhinagar.*
- The P.S. to Hon. Chief Minister, Sachivalaya, Gandhinagar.
- The Personal Secretary to MOS(Home), Gandhinagar,
- The Personal Secretary to the Chief Secretary, Gandhinagar.
- All the Departments of the Sachivalaya, Gandhinagar.
- The Registrar, Gujarat High Court, Ahmedabad.*
- The Secretary, Legal Department, Sachivalaya, Gandhinagar.
- The Executive Chairman, Gujarat State Legal Service Authority, Ahmedabad.
- All Chairman, District Legal Service Authority of Gujarat State.
- The Accountant General, Gujarat State, Ahmedabad/Rajkot.
- The Director General & Inspector General of Police Gujarat State, Gandhinagar
- All Additional Director General of Police Gujarat State, Gandhinagar
- The Pay & Account Officer, Ahmedabad/Gandhinagar
- The Resident Audit Officers, Gujarat State, Ahmedabad/Gandhinagar.
- All the officers and branches in the Home Department.
- The Commissioner of Police Ahmedabad city/Rajkot city/Vadodara city/Surat city.
- All Inspectors General of Police, Gujarat State
- All Deputy Inspector General of Police
- All District Magistrate, Gujarat State.
- All Superintendent of Police
- All District Treasury Officer, Gujarat State
- The Director of Information, Sachivalaya Gandhinagar.

With a request to give broad publicity to this notification.

- The Manager, Government Central Press; Gandhinagar,
With a request to publish this Notification in Part-IX B of Gujarat Government Gazette and send 50 copies.
- The Legislative and Parliamentary Affairs Department- With Request to publish Gujarati Translation and send 50 Copies to this Department.