

HARYANA GOVERNMENT**HOME DEPARTMENT****Notification**

The 3rd April, 2013

No. S.O. 41/C.A. 2/1974/S. 357-A/2013.—In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Haryana 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/her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:—

Short title.

1. This scheme shall be called the Haryana Victim Compensation Scheme, 2013.

Definitions.

2. In this scheme, unless the context otherwise requires,—

- (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (b) "crime" means illegal act of omission or commission or an offence committed against the human body of the victim;
- (c) "dependents" means wife/husband, father, mother, unmarried daughter, minor children and includes other legal heir of the victim who, on providing sufficient proof, is found fully dependent on the victim by the District Legal Services Authority;
- (d) "family" means parents, children and includes all blood relations living in the same household;
- (e) "Schedule" means Schedule appended to this scheme;
- (f) "State" means the State of Haryana.

Victim
Compensation
Fund.

3. (1) There shall be constituted a fund namely Victim Compensation Fund.

(2) The Victim Compensation Fund shall consist of,—

- (a) budgetary allocation for which necessary provision shall be made in the annual budget by the State;

HARYANA GOVT. GAZ. (EXTRA.), APR. 3, 2013 419
(CHTR. 13, 1935 SAKA)

- (b) receipt of amount of fines imposed under section 357 of the Act and ordered to be deposited by the courts in the Fund.
- (c) amount of compensation recovered from the wrongdoer/accused under clause 7 of the Scheme.
- (d) donations/contributions from international National Philanthropist/charitable institution/organization and individuals.
- (3) The Administration of Justice Department shall be Nodal Department for regulating, administering and monitoring this scheme.
- (4) The State Legal Services Authority shall be accountable for its functions under the scheme and for furnishing periodical returns of the sums distributed to them by the State Government through the Nodal Department.
- (5) The Fund shall be operated by the Member Secretary, State Legal Services Authority.
- (1) A victim shall be eligible for the grant of compensation where..... Eligibility for compensation.
- (a) a recommendation is made by the Court under sub-sections (2) and (3) of section 357-A of the Act or 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 Act;
- (b) the victim/ claimant report the crime to the officer-in-charge of the police station or any senior police officer or Executive Magistrate or Judicial Magistrate of the area within 48 hours of the occurrence:
- 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 offender is traced or identified, and where trial has taken place, the victim/claimant has cooperated with the police and prosecution during the investigation and trial of the case;

(d) The income of the family should not exceed *Rs. 4.5 Lac per annum*.

(e) The Crime on account of which the compensation which to be paid under this scheme should have been occurred within the jurisdiction of Haryana State.

(2) The employees of Central/State Government, Boards, Corporations and Public Undertakings and income tax payees shall not be eligible under this scheme.

Procedure for
grant of
compensation.

5. (1) Whenever a recommendation is made by the Court under sub-section (2) of section 357-A of the Act 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 of the claim. After verifying the claim and by conducting due enquiry, the District Legal Service Authority shall award compensation within two months, in accordance with provisions of this scheme.

(2) 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 Act, the victim-claimant shall remit an amount 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 fact of each case.

(4) The quantum of compensation to be awarded to the victim or his dependents shall be as per Schedule I.

(5) The amount of compensation decided under the scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund. While making payment of amount of compensation, the District Legal Services Authority shall ensure that all the provisions of this scheme are strictly complied with.

HARYANA GOVT. GAZ. (EXTRA.), APR. 3, 2013
(CHTR. 13, 1935 SAKA)

421

(6) Compensation received by the victim from the State in relation to crime in question, namely, insurance, ex-gratia and/ or payment received under any other Act or 'Rajiv Gandhi Pariwar Bima Yojna' or any other State-run scheme, shall be considered as part of the compensation amount under this scheme. A victim/ claimant who has received compensation amount from collateral sources mentioned above shall be deemed to be compensated under this scheme and shall not be entitled to separate compensation under this scheme. 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 Fund.

(7) The cases covered under Motor Vehicle Act, 1988 (59 of 1988) for which compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.

(8) The District Legal Services Authority, to alleviate the suffering of a 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. 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 for compensation under sub-section (3) of section 357 of the Act. Order to be placed on record.

7. The District Legal Services Authority, if deem it proper, may institute proceedings before the competent court of law for recovery of the compensation awarded to the victim or his/her dependent(s) from the person responsible for the loss or injury as a result of the crime committed by him. Recovery of compensation awarded to victim from wrongdoer/ accused.

8. 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 Limitation.

Provided that the District Legal Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim:

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: Appeal.

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.

422 HARYANA GOVT. GAZ. (EXTRA.), APR. 3, 2013
(CHTR. 13, 1935 SAKA)

Schedule I		
Sr. No.	Particular of Loss or Injury	Maximum Limit of Compensation.
1	2	3
1.	Loss of Life	a. Age 40 years or below 40 years. ₹ 3.00 lacs b. Age above 40 years and up to 60 years. ₹ 2.00 lacs c. Age above 60 years. ₹ 1.00 lacs
2.	Loss of any limb or part of body (80%) including loss due to acid attack.	a. Age 40 years or below 40 years. ₹ 2.00 lacs b. Age above 40 years and up to 60 years. ₹ 1.00 lac c. Age above 60 years. ₹ 50,000/-
3.	Loss of any limb or part of body (50%) including loss due to acid attack.	a. Age 40 years or below 40 years. ₹ 1.00 lac b. Age above 40 years and up to 60 years. ₹ 50,000/- c. Age above 60 years. ₹ 25,000/-
4.	Rape.	₹ 3.00 lacs
5.	Loss or injury causing severe mental agony to women and child victims in cases like Human Trafficking, Kidnapping and Molestation etc.	₹ 50,000/-

The following expenses shall be payable in addition to compensation outlined above:

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| (i) Funeral expenses | ₹ 2,000/- |
| (ii) Medical Expenses-Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding ₹ 15,000/- | |

SAMIR MATHUR,
Additional Chief Secretary to
Government, Haryana,
Home Department.