

(To be published in Part IV Delhi Gazette Extra-Ordinary)

Government of National Capital Territory of Delhi

Home (Police II) Department Notification

Dated the 02.02.2012

F.No.11/35/2010/HP II.- In exercise of the powers conferred by section 357 A of the Code of Criminal Procedure,1973, (2 of 1974), the Lt. Governor of National Capital Territory of Delhi is pleased to approve the following Scheme for the purpose of providing compensation to the victims or their dependent(s) who have suffered loss or injury or require rehabilitation as a result of the offence.

1. **Short Title and commencement and application** .- (1) This Scheme may be called the 'Delhi Victims Compensation Scheme,2011.

(2) It shall come into force on the date of its publication in the Delhi Gazette.

(3) It shall apply to the victims and their dependent(s) who have suffered loss, injury or require rehabilitation, as the case may be, as a result of the offence committed.

2. **Definitions**.- In this Scheme, unless the context otherwise requires

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

(b) "Collector" means the Divisional Commissioner of the Government, or any person authorized in this behalf;

(c) "Dependent" includes wife, husband, father, mother, unmarried daughter and minor children of the victim as determined by the authority empowered to issue dependency certificate that is to say the Collector, or any other authority authorized by the Government in this regard;

- (d) "Government" means the Government of National Capital Territory of Delhi;
- (a) "Schedule" means the Schedule appended to this Scheme;
- (b) "State Legal Services Authority" means the Delhi Legal Services Authority, as defined in the Legal Services Authorities Act, 1987 (39 of 1987);
- (c) "victims" means a person as defined in clause(wa) of section 2 of the Code of Criminal Procedure, 1973(2 of 1974).

3. **Victims Compensation Fund.**- (1) There shall be a Fund, namely, the Victim Compensation Fund from which the amount of compensation, as decided by the Delhi Legal Services Authority, shall be paid to the victims and their dependent(s) who have suffered loss or injury or require rehabilitation as a result of the crime or require rehabilitation.

- (2) The 'Victim Compensation Fund' shall comprise the following:-
 - (a) Budgetary allocation for which necessary provision shall be made in the Annual Budget by the Government.
 - (b) Receipt of amount of fines imposed under section 357 of the Code of Criminal Procedure, 1973 (2 of 1974) and ordered to be deposited by the courts in the Victim Compensation Fund.
 - (c) Amount of compensation recovered from the wrongdoer/accused under clause 9 of the Scheme;
 - (d) Donations/contributions from International/National/Philanthropist /Charitable Institutions/Organizations and individuals.
- (3) The said Fund shall be operated by the Divisional Commissioner, Government of National Capital Territory of Delhi (herein after referred to as "Divisional Commissioner").

4. **Eligibility for Compensation.**- The victim or his/her dependent(s) shall be eligible for the grant of compensation after satisfying the criteria that he/she should not have been compensated for the loss or injury under any other scheme of the Central Government or the Government of National Capital Territory of Delhi.

5. **Procedure for grant of compensation.**-(1)Wherever, a recommendation is made by the court for compensation under sub-sections (2) and (3) of section 357A of the Code, or an application is made by any victim or his/her dependent(s), under sub-section 4 of section 357A of the Code, 1973 to the Delhi Legal Services Authority, it shall examine the case and verify the contents of the claim with regard to the loss or injury or rehabilitation as a result of the crime and may also call for any other relevant information necessary for consideration of the claim from the concerned.

(2) The inquiry as contemplated under sub-section(5) of section 357A of the Code, 1973 shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition.

(3) After consideration of the matter, the Delhi Legal Services Authority, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or his/her dependent (s) on the basis of loss or injury or requirement for rehabilitation, medical expenses to be incurred on treatment and such incidental charges, such as funeral expenses etc.

Provided that -(1) the quantum of compensation to be awarded to the victim or his/her dependent(s) shall not be less or more than what is provided in the Schedule. (2), if at a later date, compensation awarded by the court is more than the maximum limit, the amount of compensation paid shall be adjusted.

6. **Order to be placed on record.**- Copy of the order of compensation passed by the Delhi Legal Services Authority under this Scheme, shall be mandatorily placed on record of the trial court.

7. **Method of Disbursement of compensation.**- (1) The amount of compensation so awarded shall be deposited in a Nationalized Bank or if the branch of a Nationalized Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single name of the victim/dependent(s). Out of the amount so deposited, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

(2) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical needs of the beneficiary at the discretion of the Delhi Legal Services Authority.

(3) The interest on the sum shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis.

8. **Medical aid to the victim.**- The Delhi Legal Services Authority may order for immediate first-aid facility or medical benefits or any other interim relief, as deemed appropriate, to be made available free of cost, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned.

9. **Recovery of compensation awarded to the victim or his/her dependent(s).**- Subject to the provisions of sub-section(3) of section 357A of the Code, the Delhi Legal Services Authority, in proper cases, may institute

proceedings before the competent court of law for recovery of the compensation granted to the victim or his/ her dependent(s) from person(s) responsible for causing loss or injury as a result of the crime committed by him/her.

10. **Dependency certificate.**- The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended.

Provided that the, Delhi Legal Service Authority, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

11. **Limitation.**- Under the Scheme, no claim made by the victim or his/her dependent(s), under sub-section (4) of section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the crime.

By order and in the Name
of Lt. Governor of
National Capital Territory of Delhi.

ADDITIONAL SECRETARY (HOME)

The Schedule

S.No	Particulars of Loss or Injury	Minimum Limit of Compensation	Maximum Limit of Compensation
1.	Loss of life	Rs.3.00 Lakh	Rs.5.00 Lakh
2.	Rape	Rs.2.00 Lakh	Rs.3.00 Lakh
3.	Loss of any Limb or part of body resulting in 80% permanent disability or above.	Rs.2.00 Lakh	Rs.3.00 Lakh
4.	Loss of any limb or part of body resulting in above 40% and below 80% permanent disability	Rs.1 lakh	Rs.1.50 lakh
5.	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs.0.60 lakh	Rs.1 lakh
6.	Loss of any limb or part of body resulting in below 20% permanent disability	Rs.0.50 lakh	Rs.0.50 lakh
7.	Victims of human trafficking, child abuse and kidnapping	Rs.0.50 lakh	Rs.0.50 lakh
8.	Simple loss or injury to child victim	Rs.0.10 lakh	Rs.0.10 lakh
9.	Rehabilitation	Rs.0.20 lakh	Rs.0.20 lakh
10.	Victims of Acid Attack	Rs.2.00 lakh	Rs.3.00 lakh
	a. In case of disfigurement of face	Rs.0.50 lakh	Rs.0.50 lakh
	b. Other cases of injury		

