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CHANDIGARH ADMINISTRATION
HOME DEPARTMENT
NOTIFICATION

The 31/1, 2012

No.HIII(2)-2012/ 16810

In exercise of the powers conferred by Section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Administrator of the Union Territory of Chandigarh, hereby makes the following scheme for providing funds for the purpose of Assistance to be given to the victim or his/her dependent(s) who have suffered loss or injury or both as a result of the crime and who require rehabilitation.

1. Short title and commencement.

(i) This scheme may be called the Union Territory of Chandigarh Victim Assistance Scheme, 2012.

(ii) This shall come into force on the date of its publication in the Official Gazette of Union Territory of Chandigarh.

2. Definitions.

In this scheme, unless the context otherwise requires:-

- a) 'Victim' means as defined in clause (wa) of section 2 of the Code of Criminal Procedure 1973;
- b) 'Act' means the Code of Criminal Procedure, 1973 (Act 2 of 1974).
- c) 'Collector' means the Collector of District of the Union Territory of Chandigarh or any person authorized in this behalf.
- d) 'Dependent' means wife or husband, father, mother, unmarried daughter and minor children of the victim as determined by the authority empowered to issue dependency certificate;
- e) 'Schedule' means the Schedule appended to the scheme.
- f) 'Union Territory' means the Union Territory of Chandigarh; and
- g) 'State Legal Services Authority', Union Territory, Chandigarh and 'District Legal Services Authority', Chandigarh means State Legal Services Authority or District Legal Services Authority of Union Territory of Chandigarh as defined in Legal Services Authority Act, 1987;

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(1) Victim Assistance Scheme will be funded from the Consolidated Fund of India, as per requirements of the Scheme. The funds for this Scheme will be made available to the Union Territory by the MHA by way of Grant under Grant No.'55' Other Expenditure of MHA.

(2) Amounts of fine imposed under Section 357 Cr. P.C. and ordered to be deposited by the Courts in the Victim Compensation/Assistance fund will be deposited into the Consolidated Fund of India.

Ind. Law
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(3) The cost of the Assistance shall be recovered from the wrongdoer/accused and shall be treated as Public Demand to be recovered in accordance with the relevant provisions of law.

(4) The said Fund shall be operated by the Collector/Deputy Commissioner of the Union Territory of Chandigarh.

4. Eligibility for Assistance:

The victim or his/her dependent(s) satisfying the following criteria shall be eligible for the grant of Assistance, namely :-

- (i) He/she should not have received any Assistance for the loss or injury under any other scheme of the Central Government or UT Administration of this nature.

5. Procedure for grant of Assistance:-

- i) Wherever a recommendation is made by the Court for Assistance under sub-section 2 of Section 357-A of the Code or an application is made by any victim or his/her dependent(s) under sub section 4 of section 357-A of the Code to the State Legal Services Authority or the District Legal Services Authority as the case may be, shall examine the case and verify the contents of the claim with regard to the loss or injury or both and rehabilitation necessitated as a result of the crime and may also call for any other relevant information necessary for consideration of the claim from the concerned.
- ii) The inquiry as contemplated under sub-section (5) of Section 357-A of the Code shall be completed within a period of sixty days from the date of receipt of the recommendation or application.
- iii) After completion of inquiry, the State Legal Services Authority or the District Legal Services Authority as the case may be, upon its satisfaction, shall decide the quantum of Assistance to be awarded to the victim or his/her dependent(s) on the basis of loss or injury or both or for rehabilitation, medical expenses to be incurred on treatment and such incidental charges as funeral expenses etc.

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

6. Order to be placed on record:-

The copy of the order of Assistance shall be placed on record of the trial court to enable the court to pass order

of compensation under sub-section (3) of Section 357-A of the Code.

7. Method of disbursement of Assistance:-

- (1) The amount of Assistance so awarded shall be deposited in a nationalized bank or in the scheduled bank where the branch of Nationalized bank is not available in the single or joint name of the victim or dependent(s) and out of the amount so deposited, 75% of the same shall be in fixed deposit for a minimum period of three years and the remaining 25% shall be available for the utilization and initial expenses by the victim or the dependent(s) or petitioner(s), as the case may be, and in exceptional circumstances, District or Union Territory Legal Services Authority after being satisfied may allow withdrawal upto 50% for the welfare of the victim or the dependent(s) or petitioner(s).
- (2) In the case of a minor, 80% of the amount of Assistance so awarded shall be deposited in the fixed deposit account and shall be withdrawn only on attainment of the age of majority. However, exception can be made for educational or medical needs of the beneficiary at the discretion of State Legal Services Authority or the District Legal Services Authority.
- (3) The interest on the amount of fixed deposit shall be credited directly by the bank in the saving account of the victim or the dependent(s) on monthly basis.

8. Medical aid to the victim:-

The State Legal Service Authority or District Legal Services Authority of the Union Territory of Chandigarh, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits or any other interim relief as deemed fit, to be made available free of cost to the victim, which shall not be adjustable against the amount of Assistance.

9. Dependency Certificate

The authority empowered to issue the dependency certificate shall issue the same within a period of 15 days and in no case the period shall be extended and the State Legal Services Authority or the District Legal Services Authority as the case may be, in case of non-issuance of dependency certificate by the authority within the said period of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

10. Limitation :-

No claim of Assistance shall be entertained after a period of 3 years from the date of commission of crime.

Provided that the State Legal Services Authority or the District legal Services Authority as the case may be, if

satisfied for reasons to be recorded in writing, may entertain a claim after the said period of three years.

11.

Appeal:-

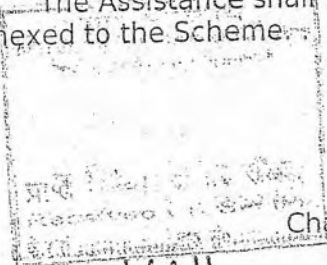
Any victim aggrieved of the denial of Assistance by the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of ninety days.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone delay in filing the appeal.

12.

Quantum of Assistance:-

The Assistance shall be granted as per the Schedule annexed to the Scheme.



Anil Kumar, IAS
Home Secretary,
Chandigarh Administration.

Endst. No.HIII(2)-2012/ 16811

Chandigarh, dated the: 3/9/12

A copy with a copy of its enclosure is forwarded to the Controller Printing & Stationery, U.T., Chandigarh for publication of the notification in the Chandigarh Administration Gazette (extra ordinary) and to supply 20 copies to this department in due course for record.

Punish
Additional Secretary Home,
For Home Secretary,
Chandigarh Administration.

Endst. No.HIII(2)-2012/ 16812

Chandigarh, dated the: 3/9/12

A copy with a copy of its enclosure is forwarded to the Under Secretary, Govt. of India, Ministry of Home Affairs, New Delhi w.r.t. his letter No.U.15039/64/2010-Ig.Cell/UTL dated 13.8.2012 for information.

Punish
Additional Secretary Home,
For Home Secretary,
Chandigarh Administration.

Endst. No.HIII(2)-2012/ 16813

Chandigarh, dated the: 3/9/12

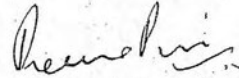
A copy with a copy of its enclosure is forwarded to the Director Public Relations, U.T., Chandigarh for giving wide publicity to the scheme through the print and electronic media.

Punish
Additional Secretary Home,
For Home Secretary,
Chandigarh Administration.

Endst. No.HIII(2)-2012/ 16814

Chandigarh, dated the: 3/9/12

A copy with a copy of its enclosure is forwarded to all the
Administrative Secretaries/ Heads of Departments/Boards/
Corporations for information.



Additional Secretary Home,
For Home Secretary,
Chandigarh Administration.

Schedule - I

Sr. No.	Particulars of Loss or Injury	Minimum Limit of Assistance	Maximum Limit of Assistance
1	Loss of life	₹ 3 lacs	₹ 5 lacs
2.	Rape	₹. 2 lacs	₹ 3 lacs
3	Loss of any limb or part of body resulting in 80% permanent disability or above.	₹ 2 lacs	₹ 3 lacs
4	Loss of any limb or part of body resulting in above 40% and below 80% permanent disability.	₹ 1 lac	₹ 1.5 lacs
5	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability.	₹ 60,000/-	₹ 1 lac
6.	Loss of any limb or part of body resulting in below 20% permanent disability.	₹ 50,000/-	₹ 50,000/-
7.	Victim of Human Trafficking, child abuse and kidnapping	₹ 50,000/-	₹ 50,000/-
8	Simple loss or injury to child victim	₹ 10,000/-	₹ 10,000/-
9	Rehabilitation	₹ 20,000/-	₹ 20,000/-
10	Victims of acid attack		
	a. In case of disfigurement of face; b. Other cases of injury	₹ 2 lacs ₹ 50,000/-	₹ 3 lacs ₹ 50,000/-