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# सरकारी राजपत्र OFFICIAL GAZETTE



भारत सरकार  
Government of India

## संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित  
PUBLISHED BY AUTHORITY

UT ADMINISTRATION OF DAMAN AND DIU  
HOME DEPARTMENT  
SECRETARAT, DAMAN

**READ:** Letter F. No. U-15039/64/201-Plg./UTL dated 13<sup>th</sup> August, 2012  
from the Ministry of Home Affairs, Government of India.

### NOTIFICATION

No. 1/DC/Home/VAS/30/2012-13/402

The 5<sup>th</sup> October, 2012

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

1. **Short title and Commencement :** (1) This scheme may be called the Union Territory of Daman & Diu Victim Assistance Scheme, 2012.  
(2) The scheme shall come into force on the date of its publication in the Official Gazette of Union Territory of Daman & Diu Administration.
2. **Definitions.-** In this scheme, unless the context otherwise requires :-
  - (i) "Victim" as defined in clause (wa) of section 2 of the Code of Criminal Procedure, 1973;
  - (ii) "Act" means the Code of Criminal Procedure, 1973 (Act 2 of 1974);

Contd./---

- (iii) "Collector" means the Collectors of a District of the Union Territory of Daman & Diu or any person authorized in this behalf;
- (iv) "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;
- (v) "Schedule" means the Schedule appended to this scheme;
- (vi) "Union Territory" means the Union Territory of Daman & Diu; and
- (vii) "Union Territory Legal Services Authority" and "District Legal Services Authority" means Union Territory Legal Services Authority or District Legal Service Authority of Union Territory of Daman & Diu as defined in Legal Services Authority Act, 1987;

3 (1) Victim Assistance Scheme will be funded from the Consolidated Funds 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 the way of Grant under Grant No. '55' Other Expenditure of MHA.

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

3 (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 provision of law.

3 (4) The said Fund shall be operated by the Collector of the Union Territory of Daman & Diu.

4. **Eligibility for Assistance :-** The victim or his dependents satisfying the following criteria shall be eligible for the grant of Assistance, namely:-

(1) He should not have been received any Assistance for the loss or injury under any other scheme of the Central Government or Union Territory Administration of this nature.

5. **Procedure for grant of Assistance :-**

(i) Whenever a recommendation is made by the Court for Assistance under sub-section 2 of section 357-A of the Act or an application is made by any victim or his dependents under sub section 4 of section 357-A of the Act to the Union Territory Legal Services Authority, the Union Territory Legal Services Authority or District 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 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 Act shall be completed within a period of sixty days from the date of receipt of the recommendation or application.

Contd./---

(iii) After completion of inquiry, the Union Territory Legal Services Authority or District Legal Service Authority as the case may be, upon its satisfaction shall decide the quantum of Assistance to be awarded to the victim or his dependents 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 dependent 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 the 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 Act.
7. **Method of disbursement of Assistance :-** (1) The amount of Assistance so awarded shall be deposited in a nationalized bank or in the Scheduled commercial bank where the branch of Nationalized banks is not available, in the joint or single name of the victim or the dependents and out of the amount so deposited, 75% of the same shall be put in a 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 dependents or petitioners, as the case may be, and in exceptional circumstances, District or Union Territory Legal Service Authority after being satisfied may allow withdrawal upto 50 % for welfare of victim or dependents or petitioners.  
 (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 Union Territory Legal Service Authority or 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 dependents on monthly basis.
8. **Medical aid to the victim :-** The Union Territory Legal Service Authority or District Legal Service Authority of Union Territory of Daman & Diu 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 Certificates :-** 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. The Union Territory Legal Services Authority or 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 fifteen 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 three years from the date of commission of crime.

Provided that the Union Territory 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 Union Territory Legal Service Authority within a period of ninety days.

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

- 12. Quantum of Assistance :-** The Assistance shall be granted as per the Schedule annexed to the Scheme.

#### Schedule

Sr. No.	Particulars of Loss or Injury	Minimum Limit of Compensation	Maximum Limit of Compensation
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 lacs	₹ 1.5 lacs
5.	Loss of any limb or part of body resulting in 20% and below 40% permanent disability above	₹ 60,000/-	₹ 1 lacs
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.	Victim of acid attack		
	a. In case of disfigurement of face	₹ 2 lacs	₹ 3 lacs
	b. Other cases of injury	₹ 50,000/-	₹ 50,000/-

This is issued in suppression of earlier Notification No. 1/DC/Home/VCS/30/2011-12/356 dated 25<sup>th</sup> July, 2011.

Sd/-  
Deputy Secretary (Home)  
Secretariat, Daman