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**GOVERNMENT OF PUDUCHERRY**

**Abstract**

Home Department - Victim Assistance Scheme for the Union Territory of Puducherry for the victims of crime in view of insertion of a new section 357A in the Code of Criminal Procedure, 1973 - Orders - Issued.

**HOME DEPARTMENT**

**G.O.Ms.No.8**

**Pondicherry, dated 04.02.2013**

Read: F.No.15039/64/2010-Plg.Cell(Part) dated 13.06.2011 from Under  
Secretary (Plg. Cell), Ministry of Home Affairs, New Delhi.

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**ORDER:**

The following notification shall be published in the next issue of the extra-ordinary official gazette:-

**NOTIFICATION**

In exercise of powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Lieutenant-Governor of the Union territory of Puducherry hereby makes the following scheme for providing funds for the purpose of assistance to be given to the victim or his/her 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 Puducherry Victim Assistance Scheme, 2012.

(2) This shall come into force on the date of its publication in the Official Gazette of the Union territory of Puducherry.

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

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

(b) "Collector" means the Collector of a District of the Union territory of Puducherry or any person authorized in this behalf;

(c) "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;

(d) "District Legal Services Authority" means the District Legal Services Authority for Pondicherry Region and the Taluk Legal Services Committee, Karaikal/Mahe/Yanam as defined in Legal Services Authorities Act, 1987.

(e) "Schedule" means the schedule appended to the scheme;

(f) "Union territory" means the Union territory of Puducherry; and

(g) "Union territory Legal Services Authority" means Union Territory of Puducherry Legal Services Authority as defined in Legal Services Authorities Act, 1987.

(h) "Victim" means as defined in I clause(wa) of section 2 of the Code of Criminal Procedure, 1973.

**3. Fund of the Scheme**

(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 Ministry of Home Affairs by way of Grant under Grant No. '55' Other Expenditure of Ministry of Home Affairs.

(2) Amounts of fines imposed under section 357 of the Code of Criminal Procedure and ordered to be deposited by the Courts in the Victim Compensation/Assistance fund will be deposited into the Consolidated Fund of India.

(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 Collectors of the Union territory of Puducherry.

4. **Eligibility for Assistance.**

The victim or his /her dependents satisfying the following criteria shall be eligible for the grant of Assistance, namely- he/she should not have 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.-**

(1) 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 dependents under sub-section (4) of section 357 A of the Code to the Taluk Legal Services Committees Karaikal/Mahe/Yanam or Union territory of Puducherry State Legal Services Authority or the District Legal Services Authority for Puducherry Region or 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.

(2) 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.

(3) After completion of inquiry, the Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees Karaikal/Mahe/Yanam 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 dependents 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 Scheduled bank where the branch of Nationalized bank is not available in the single or joint name of the victim or the dependents 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 dependents or petitioners, as the case may be, and in exceptional circumstances, the Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees Karaikal/Mahe/Yanam after being satisfied may allow withdrawal upto 50% for the welfare of the victim or the 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 of Puducherry Legal Services Authority or the District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees Karaikal/Mahe/Yanam.

(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 dependents on monthly basis.

8. Medical aid to the victim.- The Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees Karaikal/Mahe/Yanam 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 fifteen days and in no case the period shall be extended and Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees, Karaikal/Mahe/Yanam 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 of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committees, Karaikal/Mahe/Yanam 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 District Legal Services Authority for Puducherry Region or the Taluk Legal Services Committee, Karaikal/Mahe/Yanam may file an appeal before the Union territory of Puducherry State Legal Services Authority within a period of ninety days

Provided that the Union territory of Puducherry 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.

#### SCHEDULE



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SL. No.	Particulars of loss or injury	Minimum limit of Assistance (In Rs.)	Maximum limit of Assistance (In Rs.)
1	Loss of life	3 lakh	5 lakh
2	Rape	2 lakh	3 lakh
3	Loss of any limb or part of body resulting in 80% permanent disability or above	2 lakh	3 lakh
4	Loss of any limb or part of body resulting in above 40% and below 80% permanent disability	1 lakh	1.5 lakh
5	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	60,000	1 lakh
6	Loss of any limb or part of body resulting in below 20% permanent disability	50,000	50,000
7	Victims 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; (b) Other cases of injury	2 lakh 50,000	3 lakh 50,000

// BY ORDER OF LIEUTENANT-GOVERNOR //

M. SATHIYAVATHY  
CHIEF SECRETARY TO GOVERNMENT

To

The Director of Stationery and Printing, Puducherry - with a request to supply 20 copies of the above Notification to this Department.

Copy to:

1. The Chief Judge, Puducherry.
2. The Union Territory of Puducherry Legal Services Authority / District Legal Services Authority for Puducherry Region / the Taluk Legal Services Committee, Karaikal/Mahe/Yanam
3. All Secretaries to Government of Puducherry.
4. The Collector, Puducherry/Karaikal.
5. The Inspector General of Police, Puducherry.
6. Inspector General of Prison, Puducherry.
7. The Regional Administrator, Mahe/Yanam.
8. The Central Record Branch, Puducherry. 9. G.O. file. 10. Stock file.

//Forwarded / By Order //

(PANKAJ KUMAR JHA)  
ADDL. SECRETARY TO GOVERNMENT