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118

UTTAR PRADESH SHASAN

Grih (Police) Anubhag- 9

The Governor is pleased to order the publication of the following English translation of notification No.-653/VI-P-9-2014-31(90)/2010 dated: April 09, 2014.

No.-653/VI-P-9-2014-31(90)/2010.

Lucknow: Dated: April 09, 2014.

NOTIFICATION

In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Uttar Pradesh, 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 dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :

THE UTTAR PRADESH VICTIM COMPENSATION SCHEME

Short title

1. This Scheme may be called the Uttar Pradesh Victim Compensation Scheme, 2014

Definitions

2. In this Scheme, unless the context otherwise requires,

(a) "Act" means the Code of Criminal Procedure, 1973 (Act No.-2 of 1974);

(b) "Schedule" means the Schedule appended to this Scheme;

(c) "State" means the State of Uttar Pradesh;

(d) "Victim" means a person who himself has suffered loss or injury as a result of the crime and requires rehabilitation, and includes his dependent family members;

(e) "District Legal Services Authority" means the District Authority constituted under Section 9 of the Legal Services Authorities Act, 1987.

(f) "State Legal Services Authority" means the State Authority constituted under section 6 of the Legal Services Authorities Act, 1987.

Victim
Compensation
Fund

3. (1) There shall be established a fund namely Victim Compensation Fund from which amount of compensation under this Scheme shall be paid to the victim or his dependents who have suffered loss or injury as result of the crime and who require rehabilitation.

(2) The State Government shall allot a separate budget for the purpose of the Scheme every year.

(3) The Fund shall be operated by the Secretary, State Legal Services Authority.

Eligibility for

4. A victim shall be eligible for the grant of compensation if :

compensation

(a) the offender is not traced or identified, but the victim is identified and where no trial takes place; such victim may also apply for grant of compensation under sub section (4) of section 357-A of the Act;

(b) the victim/claimant reports the crime to the officer-in-charge of the police station within 48 hours of the occurrence or any senior police officer or Executive Magistrate or Judicial Magistrate of the area provided that the District Legal Services Authority, if satisfied for the reasons to be recorded in writing, may condone the delay in reporting;

(c) the victim/claimant cooperates with the police and the prosecution during the investigation and trial of the case.

Procedure for
grant of
compensation

5. (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Services Authority, the District Legal Services Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to the 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, the District Legal Services Authority shall, after due enquiry, award compensation within two months from the date of receipt of the recommendation of the court or the receipt of application under sub-section (4) of section 357-A of the Act in accordance with the provisions of this Scheme.

(2) Compensation under this Scheme shall be paid subject to the condition that if the trial court, while passing judgment 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 ordered equal to the amount of compensation or the amount ordered to be paid under the said sub-section (3) whichever is less. An undertaking to this effect shall be given by the victim/ claimant before the distribution of the compensation amount.

(3) The District Legal Services 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 the facts of each case.

(4) Keeping in view the particular vulnerabilities and special needs of the affected person in certain cases, the District Legal Services Authority or the State Legal Services Authority, as the case may be, will have the power to provide additional assistance of Rs.

25,000/- subject to maximum of Rs. 1,00,000/-, in the cases where:

- (a) The affected person is a minor girl requiring specialized treatment and care;
- (b) The person is mentally challenged requiring specialized treatment and care;
- (c) Any other case as may be deemed fit by the Legal Services Authority concerned.

(5) The quantum of compensation to be awarded to the victim or his dependents shall not exceed the maximum limit as per Schedule-1.

(6) 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. The interim or final financial assistance, as the case may be, shall be remitted to the bank account of the applicant preferably within a week. In cases where the person affected is a minor, the amount shall be remitted to the bank account of his parent or guardian after the Authority concerned is satisfied about the proper utilization of the amount of compensation.

(7) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex gratia and/or payment received under any other Act or State-run Scheme, shall be considered as part of the compensation amount under this Scheme and if the due compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of the Fund.

(8) The cases covered under the Motor Vehicles Act, 1988 (Act no.- 59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under this Scheme.

(9) The District Legal Services Authority, to alleviate the suffering of the 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 the Magistrate of the area concerned. The district Legal Services Authority may order for any other interim relief as it may deem fit.

Principles governing the determination of assistance to the affected person

6. While determining the compensation and rehabilitation services to be provided on the basis of the restorative needs of the affected person, the Authority shall be guided by the following factors:

- (a) Type and severity of the bodily injury suffered by the affected person and expenditure incurred or likely to be incurred on victim's medical treatment and psychological counseling.
- (b) Age and financial condition of the affected person so as to determine the need for his education or professional or vocational training, as the case may be.

- (c) Non-pecuniary loss entailing suffering, mental or emotional trauma or humiliation faced.
- (d) Expenses incurred in connection with provision of any alternate accommodation in cases where the affected person resides in a place other than where the offence was committed and the FIR has been recorded and/or criminal trial initiated.

Order to be placed on record

7. 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 of compensation under sub-section (3) of section 357 of the Act.

Limitation

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 crime:

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

Appeal

9. Any victim aggrieved of the denial of compensation 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 the delay in filing the appeal.

S.K. Ragnuvanshi
Sachiv.

-5- 122

Schedule - 1

	Particulars of loss or injury	Maximum limit of compensation
1	Rape	Rs. 2,00,000/-
2	Loss or injury causing severe mental agony to the victim of the crime	Rs. 1,00,000/-
3	Victim of corrosive substance i.e. acid attack etc.	Rs. 3,00,000/-
4	Death (Non-earning member)	Rs. 1,50,000/-
5	Death (Earning member)	Rs. 2,00,000/-
6	Victim of Human Trafficking	Rs. 2,00,000/-

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