

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(HOME-IV BRANCH)
NOTIFICATION

The 30th November, 2017

No.G.S.R.59/C.A.2/1974/S.357-A/2017.-In supersession of all the Schemes prepared in this behalf and in exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and all other powers enabling him in this behalf, the Governor of Punjab in co-ordination with the Central Government, is pleased to prepare 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 crime and who require rehabilitation, namely:-

SCHEME

1. **Short title and commencement-** (1) This Scheme may be called the Punjab Victim Compensation Scheme, 2017.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

(3) It shall apply to the victims and their dependent (s) who have suffered loss, injury and 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;
- (b) "Collector" means the Deputy Commissioner of the district concerned or any person authorized in this behalf by the Government;
- (c) "Dependent" includes wife, husband, father, mother, unmarried daughter, widowed/divorced daughter, widowed daughter-in-law and minor children of the victim as determined by the Collector, or any other authority authorized by the Collector in this regard ;
- (d) "District Legal Services Authority" means the District Legal Services Authority of the District concerned in the State;
- (e) "Fund" means the victim compensation fund constituted under clause 3 of this Scheme;
- (f) "Government" means the Government of Punjab in the Department of Home Affairs and Justice ;
- (g) "Schedule" means the Schedule appended to this Scheme ;

- (h) “State” means the State of Punjab;
- (i) “State Legal Services Authority” means the Punjab Legal Services Authority;
- (j) “Victim” means a person as defined in clause (wa) of section 2 of the Code.

3. **Victim Compensation Fund-** There shall be constituted a fund to be known as the Victim Compensation Fund from which the amount of compensation, as decided by the Punjab Legal Services Authority or the District Legal Services Authority, as the case may be, shall be paid in accordance with this scheme to the victim or his dependent (s) who has suffered loss or injury and require rehabilitation as a result of the crime.

4. **Sources of the Fund-** The following shall be the sources of the fund, namely-

- (a) The Government of Punjab shall make a budgetary provision in the annual budget;
- (b) Receipt of amount of fines imposed by the court under section 357-A of the Code and ordered to be deposited in the Fund;
- (c) Amount of fine recovered from the wrongdoer/accused under clause 8 of the Scheme; and
- (d) Funds received from Government of India or any other source like donations or contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organizations and individuals.

5. **Maintenance of accounts, record and operation of the Fund-** (1) The Punjab Legal Services Authority or the District Legal Services Authority, as the case may be, shall maintain the accounts and other relevant records and shall furnish to the Department of Legal and Legislative Affairs the returns of the receipts and the sums distributed annually in accordance with this scheme and the norms applied in determining quantum of compensation. The Department of Home Affairs and Justice shall be the nodal department for regulating, administering and monitoring this scheme.

(2) The sums released to the Punjab Legal Services Authority or the District Legal Services Authority out of the Fund shall be operated by the Member-Secretary of the Punjab Legal Services Authority or the Secretary of the District Legal Services Authority, as the case may be.

6. **Criteria for Grant of Compensation-** (1) The victims or his dependents may file applications which may be considered for the Grant of Compensation by the competent authority falling in any of the following categories-

- (a) where a recommendation has been made by the Court under sub-section (2) or sub-section (3) of section 357-A of the Code ;
 - (b) where the offender is not traced/traceable or identified, but the victim is identified and where no trial takes place and the victim has to incur expenses on physical and mental rehabilitation, and the victim or his dependent makes an application to the Punjab Legal Services Authority or the District Legal Services Authority ;
 - (c) where the Punjab Legal Services Authority or the District Legal Service Authority, as the case may be, in order to alleviate the suffering of the victim, orders for immediate first-aid facility or medical aid to be made available to him, free of cost, on the certificate of the police officer concerned not below the rank of the officer-in-charge of the police station or a Magistrate of the area concerned, or any other interim relief as the said authorities may deem fit.
- (2) The applications for the grant of compensation may be considered by the Punjab Legal Services Authority or the District Legal Services Authority, subject to the following-
- (a) the victim or his dependent should not have compensated for such loss or injury under any other Scheme of the Central Government or Punjab Government except where any relief has been granted under the following Schemes:-
 - (i) Prime Minister's National Relief Fund (PMNRF);
 - (ii) Central Victims Compensation Scheme(CVCS);
 - (iii) Chief Minister Relief Fund;
 - (iv) the Punjab Financial Assistance to Acid Victims Scheme 2017 of the Department of Social Security and Department of Development of Women and Child of the Government of Punjab; and
 - (v) any other scheme or funds which provides for relief in addition to the Victims Compensation Scheme under Section 357-A of the Code;
 - (b) The crime, on account of which the compensation is to be paid under this Scheme, should have been occurred within the State.

Exception: - In case, the crime has occurred outside the State and the victim is found within the limit of the State, he shall be eligible for interim relief contemplated under sub-section (6) of section 357-A of the Code.

- 7. Medical help and Legal Aid-** To provide immediate medical help and legal aid to the victims, the Department of Health and Family Welfare shall setup "One Stop Centre and Legal Aid Clinics" within the premises of every District Civil Hospital in coordination with the Punjab Legal Services Authority. The Nodal Officers for each such centre shall be appointed by the Department of Health and Family Welfare and

also by the Punjab Legal Services Authority. The funds and the Logistic Support for the purpose of legal aid to the "One Stop Centre and Legal Aid Clinic" shall be provided by Punjab Legal Services Authority while the medical facilities, including Doctors and Paramedical Staff etc., would be provided by the Department of Health and Family Welfare.

8. Procedure for grant of compensation- (1) Whenever, a recommendation is made by the court for compensation or an application is received for compensation under sub-section (4) of section 357-A of the Code by the Punjab Legal Services Authority or the District Legal Services Authority, as the case may be, the said authorities shall examine the case and verify the contents of the claim with regard to the loss or injury caused to the victim/ claimant. The said authorities may also call for any other additional/ relevant information/report necessary for the consideration of the claim. After completing the enquiry within the stipulated period of two months, the said Authorities shall award the compensation, in accordance with the provisions of the Scheme.

(2) The Punjab Legal Services Authority or the District Legal Services Authority, as the case may be, shall decide the quantum of compensation to be awarded to the victim or his dependent on the basis of the loss caused to the victim, the medical expenses incurred or to be incurred on treatment and minimum sustenance amount required for rehabilitation, including incidental charges, such as immediate transportation expenses, child care expenses etc:

Provided that the quantum of compensation to be awarded to the victim or his dependent (s) shall not be less than as provided in the Schedule:

Provided further that in acid injury cases, no compensation shall be awarded in case of self inflicted injury or self suffered injury or injuries received from friendly hand or accidental injury. In such cases, only the free emergency medical help may be provided.

(3) The compensation may vary from case to case depending upon the facts of each case.

(4) The amount of compensation awarded shall be disbursed to the victim or his dependent, as the case may be, from the fund. The amount of compensation so awarded shall be disbursed through the Bank account of the victim or through a designated person to be nominated by the Punjab Legal Services Authority or the District Legal Services Authority as the case may be, in appropriate cases where it is not practically possible for the victim to himself receive the compensation on account of his injury or otherwise.

(5) The compensation shall be paid in lump sum or in two installments as decided by the Punjab Legal Services Authority or the District Legal Services Authority as the

case may be. In the case of acid attack Victim, a sum of Rs.25000/- (Rupees twenty five thousand only) may be paid to the victim or his dependent as an interim relief upon the receipt or the filing of a certificate issued by the Medical Officer, preferably within five working days, which shall be part of compensation to be finally awarded.

(6) The Director, Social Security and Women and Child Development, Government of Punjab shall be sent a copy of the compensation award in the case of rape victim or victim under trauma to effectively carry forward the rehabilitation and continuous evaluation.

9. Recovery of Compensation in certain cases- (1) Subject to the provisions of sub-section (3) of section 357-A of the Code, the Department of Home Affairs and Justice, in suitable cases, may institute proceeding before the Competent Court of law for recovery of the compensation paid to the victim or his dependent(s) from the accused person(s) responsible for causing loss or injury as a result of the crime committed by such accused person(s).

(2) In case a victim or his dependent resile in the Court from his previous statement given during investigation or evades or refuses to appear as a witness, the victim or his dependent, as the case may be, would refund the compensation to the Punjab Legal Service Authority or the District Legal Service Authority, as the case may be. Upon information, the Punjab Legal Service Authority or the District Legal Service Authority, as the case may be, would issue a notice to the victim or his dependent for refund of the compensation.

10. Order to be placed on record- The copy of the order of the compensation passed by the authority concerned under this Scheme, shall be mandatorily placed on record of the trial court.

11. Disbursement of compensation- (1) The disbursement of compensation shall be made through the bank account of the victim/ dependent. The amount of compensation so awarded shall be deposited in a Nationalized Bank or if the branch of a Nationalized bank is not available, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single account of the victim or of dependent (s) of the victim.

(2) In the case the victim is a minor, the amount of compensation awarded shall be deposited in the account of the minor as fixed deposit, to be withdrawn only on attaining the age of majority. In exceptional cases, the amount of compensation can be withdrawn for the educational or medical needs of the beneficiary by a person as decided by the Punjab Legal Services Authority or the District Legal Services Authority as the case may be.

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

12. Rejection, withholding or reduction of compensation- The Punjab Legal Services Authority or the District Legal Services Authority as the case may be, may reject, withhold or reduce the award of compensation where the Authority considers, that :-

- (a) the applicant has failed to inform the crime to the Police authorities concerned without a reasonable delay ;
- (b) the applicant has failed to co-operate with the Police authorities or any other authority concerned to bring the accused before justice ;
- (c) the applicant has failed to give all reasonable assistance to the Punjab Legal Services Authority or the District Legal Services Authority or other related authorities in connection with the consideration of the application ;
- (d) the eligibility of the victim as confirmed by the facts and circumstances of the case does not justify the award of compensation.

13. Dependency Certificate-The Victim or his dependent(s) shall make an application before the Collector for issuance of a dependency certificate. The collector or the authority authorized by the Collector shall issue the required dependency certificate to the victim within a period of fifteen days and, in no case, this period shall be extended:

Provided that the Punjab Legal Services Authority or the District Legal Services Authority as the case may be, in case of non-issuance of dependency certificate by the Collector for some reason, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant and would ensure the availability of the required dependency certificate before passing the final award.

14. Limitation- No claim made by the victim or his dependent(s) under sub-section (4) of section 357-A of the Code shall be entertained after a period of three years of the commission of crime:

Provided that the Punjab Legal Services Authority or the District Legal Services Authority, as the case may be, if satisfied, for the reasons to be recorded, in writing, may condone the delay in filing the claim by one year.

SCHEDULE

[See clause 2(g) and clause 8(2)]

| Sr. No. | Description of Injuries/loss | Amount of Compensation |
|---------|---|---|
| 1. | <u>Victim of acid attack</u> a. Acid Attack | Minimum Rs. 3 lakhs [Rs.25,000/- preferably within 5 working days, one lakh shall be paid within 15 days of occurrence of incident (or being brought to the notice of authority concerned and the balance 1.75 lakhs |

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| | | shall be paid as expeditiously as may be possible and positively within two months thereafter] |
| | b. Death due to acid attack | Rs. 5 lakhs |
| | c. Medical Reimbursement to a victim of acid attack | 100% medical treatment including medicine, food, bedding and plastic surgery/reconstructive surgery, if any, from amongst any of the Punjab Government hospitals/ Punjab Government approved hospitals |
| 2. | <u>Victim of Rape</u> | |
| | a. Rape | Rs. 3 lakhs |
| | b. Murder with Rape | Rs. 4 lakhs |
| 3. | Physical abuse of minor | Rs. 2 lakhs |
| 4. | Rehabilitation of victim of Human Trafficking | Rs. 1 lakh |
| 5. | Sexual assault (excluding rape) | Rs. 50,000/- |
| 6. | Death | Rs. 2 lakhs |
| 7. | Permanent Disability (80% or more) | Rs. 2 lakhs |
| 8. | Partial Disability (40% to 80%) | Rs. 1 lakh |
| 9. | Burns affecting greater than 25% of the body (excluding acid attack cases) | Rs. 2 lakhs |
| 10. | Loss of foetus | Rs. 50,000/- |
| 11. | Loss of fertility | Rs. 1.5 lakhs |

Note : If the victim is less than 14 years of age, the compensation shall be increased by 50% over the amount specified above.

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