

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

The Andhra Pradesh Victim Compensation Scheme, 2015 under Section 357-A of the Code of Criminal Procedure – Notification – Orders - Issued.

HOME (COURTS-B) DEPARTMENT

G.O.Ms. No.43

Dated:15.04.2015.

Read the following:-

From the Additional Director General of Police, CID, Andhra Pradesh, Lrs. C.No.4489 & 2712/C64/CID/2012, dated 14-05-2014 and 27-11-2014.

ORDER:

Whereas section 357-A was inserted in the Code of Criminal Procedure, 1973 by Act 5 of 2009 with effect from 31.12.2009 which provides for preparation of a 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.

Now, therefore, in exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Andhra Pradesh hereby frames the following scheme for providing funds for the purpose of compensation to the victims or their dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:-

1. Short title, extent and Commencement:—

- (1) This scheme may be called the Andhra Pradesh Victim Compensation Scheme, 2015.
- (2) It shall extend to the whole State of Andhra Pradesh.
- (3) It shall come into force on the date of its publication in the official Gazette.

2. Definition.—In this scheme, unless the context otherwise requires:-

- (a) "Act" means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);
- (b) "District Authority" and "State Authority" means the District Legal Services Authority and State Legal Services Authority as defined under the Legal Services Authorities Act, 1987 (Central Act No 39 of 1987).
- (c) "crime" means an illegal act of omission or commission or an offence committed against the human body of the victim;
- (d) "dependents" means wife/husband, father, mother, unmarried daughter, minor children and includes other legal heir of the victim who, on providing sufficient proof, is found fully dependent on the victim by the District Legal Services Authority;
- (e) "family" means parents, children and includes all blood relations living in the same household;

- (f) "Fund" means the victim compensation fund established under clause (3);
- (g) "Schedule" means Schedule appended to this Scheme;
- (h) "State" means State of Andhra Pradesh;
- (i) "Victim" means as defined u/s 2 (wa) of Code of Criminal Procedure 1973, including victim who is sexually exploited for commercial purposes, trafficking, sufferer of acid attack and also a dependent who is leading life on the income of the victim, and who require rehabilitation.

3. Victim Compensation Fund:—

- (1) The Government shall constitute a fund namely, Victim Compensation Fund (herein after called as **VCF**), under separate Head of Account and allot a separate budget/grant for the purpose of the scheme every year a sum equivalent to the expenses of the previous year or the probable expenditure requested by the State Legal services Authority.
- (2) There shall be credited to the said Fund:
 - i) budgetary allocation made by the Government;
 - ii) all grants, subventions, donations and gifts made by the Central Government, State Government, any local authority or any body whether incorporated or not or any person;
 - iii) receipts of amount of fines imposed under section 357 of the Act and ordered to be deposited by the courts in the fund;
 - iv) amount of compensation recovered from the wrongdoer/accused under clause 13 of the scheme.
 - v) Donations / contributions from international / national / Philanthropist / Charitable institution / Organization and individuals.
 - vi) all other sums received by or on behalf of the victims compensation from any source what so ever.
- (3) Except as otherwise directed by the State Government, all moneys credited to the Fund shall be invested in any scheduled bank or in the Treasury of the State Government.
- (4) The Home Department shall be the Nodal Department for regulating, administering and monitoring this scheme.
- (5) The State Legal Services Authority shall be accountable for its functions under the scheme and for furnishing the periodical returns of the sums distributed to them by the State Government through the Nodal Department.
- (6) The Victim Compensation Fund shall be operated by the Member Secretary of the State Legal Services Authority or the Secretary of the District Legal Services Authority, as the case may be.
- (7) The State Government may allocate such amount, as it think proper, out of Victim Compensation Fund, to constitute **Emergency Fund** to be operated by the concerned Commissioner of Police / District Superintendent of Police / Superintendent of Railway Police for providing quick and immediate Medical Assistance to the victim of serious injuries. Such fund shall be released on the report of the concerned Station House Officer.

- (8) All the accounts maintained for the purposes relating to Victim Compensation Fund shall be audited every year in the month of April of that year and Audit reports shall be duly submitted to the Government.

4. Application of the Victim Compensation Fund:- The fund shall be Applied for carrying out the purposes of the scheme.

5. Eligibility for Compensation:—

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

- (a) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may apply for grant of compensation under sub section (4) of section 357-A of the Act;
- (b) the victim/claimant report the crime to the officer-in-charge of the police station or any senior police officer or Executive or Judicial Magistrate of the area within 48 hours of the occurrence.
- (c) The offender is traced or identified, and where trial has taken place, the victim/claimant has co-operated with the police during the investigation and trial of the case;
- (d) the victim/claimant shall co-operate with the police and prosecution during the investigation and trial of the case;
- (e) The income of the family should not exceed Rs.4.5 lakh per annum
- (f) The crime on account of which the compensation to be paid under this scheme should have been occurred within the Jurisdiction of the State of Andhra Pradesh.

6. Interim relief to acid attack victim:--

- (1) Not withstanding anything contained in this scheme, the state or the District Legal Services authority shall award the relief to the acid attack victims under sub-section (6) of section 357 (A) of the Act as the after case rehabilitation cost on the certificate of the officer in charge of the Police Station or the Magistrate of the area concerned, as mentioned in the schedule appended to this scheme.
- (2) The above relief shall be subject to the provision of clause 5 as may be applicable and it shall be sanctioned, drawn and disbursed to the acid attack victims by the authorities specified in clause 7.

7. Procedure for grant of compensation.—

- (1) Whenever a recommendation is made by the Court or on an application by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Service Authority, the District Legal Service Authority shall examine the case and verify the contents of the claim with regard to the loss or injury caused to the victim arising out of the reported criminal activity and the District Legal Services Authority may call for any other relevant information necessary in order to determine genuineness of the claims. After verifying the claim and on enquiry, shall award compensation within two months, in accordance with the provisions of the Scheme.
- (2) While granting compensation under this Scheme an undertaking shall be obtained from the victim / claimant to the extent that in case of granting subsequent compensation by the Court under section 357 (3) of the Act or under any other law, the victim/claimant to remit the excess amount received as compensation under Sec. 357-A of the Act.

(3) The District Legal Service 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 incidental charges such as funeral expenses etc. The compensation may vary from case to case depending on facts of each case.

(4) The quantum of compensation to be awarded under the Scheme to the victim or his dependents shall not exceed the maximum limit as per the schedule appended to this Scheme and shall be disbursed to the victim or his dependents, as the case may be, from the VCF by the District Legal Services Authority in case of concerned Revenue District through a cheque with a copy to the Member Secretary, Andhra Pradesh State Legal Services Authority with a copy to the Jurisdictional Court with Crime Number, Name of the Police Station, Calendar Case / Preliminary Register Case / Sessions Case Number.

(5) Compensation received by the victim from the State / Insurance company or any other institution in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under any other Act / G.O / or State-run Scheme including the compensation awarded by the State / National Human Rights Commissions or any Court / Commission shall be considered as part of the compensation amount under this scheme and if the eligible compensation amount is more than the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of the Fund. In case of SCs & STs, the amount of compensation under this scheme is besides the compensation/benefits available to them under other Government schemes/orders.

(6) In fixing the quantum of compensation, regard must be had to the Minimum Wages Act, Fatal Accidents Act and the schedule to the Motor vehicle Act, 1988.

(7) The cases covered under the Motor Vehicle Act, 1988 (Central Act No 59 of 1988) wherein compensation is to be awarded by the Motor Accident claims Tribunal, shall not be covered under the scheme.

(8) The State / 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 Magistrate of the area concerned, or any other interim relief as it may deem fit.

(9) The State / District Legal Services Authority shall take into consideration of the series of surgeries undergone / to be undergone by the victim of acid attack and shall award the actual medical expenditure incurred / to be incurred.

(10) The State/ District Legal Services Authority shall take into consideration of the interim compensation of the Emergency Fund that was awarded to the victim while passing the final award.

(11) The State/District Legal Service Authority shall not allow any participation or representation by a legal practitioner or any other person or Institution or Non-Governmental Organization on behalf of the Victim/Claimant.

(12) The State/ District Legal Services Authority shall take into consideration the trauma undergone by a victim of commercial sexual exploitation, trafficking (VOCSET) and the victim of the Acid attacks and the trauma undergone by a bonded labour / child labour in awarding compensation. The Authority shall take into consideration the aspects of rehabilitation, reintegration and restoration of the VOCSET.

8. Order to be placed on record:—

(a) Copy of the order of compensation passed under this Scheme shall be placed on record of the concerned Court to enable the court to pass an order of compensation under sub-section (3) of section 357 of the Act in the event of awarding compensation even before disposal of criminal case.

(b) Copy of order of compensation shall be placed on the record of the concerned court even after passing of final award.

(c) The State / Dist. Legal Services Authority shall maintain the record as well as the copies of the awards passed for the purpose of future verification and auditing and they shall maintain a separate copy of the awards in a bound book year wise.

9. Limitation:—

- i) 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 twelve 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 the claim.

10. Appeal:—

(a) Any victim aggrieved of the denial of compensation / insufficiency of the award by the District Legal Services Authority may file an appeal before the State legal Services Authority within a period of ninety days from the date of award:

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

(b) The State Legal Services Authority shall dispose the appeal within a period of 90 days after the services of notices to the parties.

- 11. Audit:** All the authorities receiving the funds under the scheme of VCF shall get the accounts audited every year in the April of that year and shall submit the audit report to the Govt and shall preserve the audit reports for future verification.

12. Recovery of compensation awarded to the victim from Wrongdoer/accused:

(i) The District Legal Services Authority represented by its Secretary, if deem it proper, may institute proceedings before the competent court of law for recovery of the compensation granted to the victims or their dependents from the person responsible for causing loss or injury as a result of the crime committed by him.

(ii) In such event, the District Legal services Authority is exempted from paying any court fee which is otherwise payable as per the Andhra Pradesh Court Fees and Suits Valuation Act, 1956.

13. Recovery of compensation in case of Fraud:-

(a) In case the victim or his dependents have obtained an order sanctioning compensation under this scheme based on false/vexatious/fabricated complaint which is so held by the Court the compensation paid shall be recovered with 12% interest p.a.

(b) such order/award shall be implemented by the District Collector as arrears of land revenue and the same be credited to the VCF account of the respective District Legal Services Authority.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. B. PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad.
The Additional Director General of Police (CID), Andhra Pradesh, Hyderabad
The Commissioner of Printing, Stationery & Stores Purchases,
Hyderabad (Publication Wing) 2 copies for publication in the
Andhra Pradesh Gazette and with a request to furnish 200 copies of Gazette
to Government.
The Member Secretary, Andhra Pradesh State Legal Services Authority,
City Civil Court, Hyderabad.
All the Chairman / Secretaries, District Legal Services Authorities
in the State of Andhra Pradesh.
All the District Collectors in the State of Andhra Pradesh.
The Commissioner of Police, Vijayawada/ Visakhapatnam.
All the Superintendents of Police, in the State of Andhra Pradesh.
The Director of Treasuries and Accounts Officer, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
Copy to:
The Registrar (Vigilance), High Court of Judicature at Hyderabad for the State
of Telangana and the State of Andhra Pradesh, Hyderabad.
The Joint Secretary (CS), Ministry of Home Affairs,
Government of India, New Delhi.
The Special Officer, O/o the Advocate-on-Record, for A.P., No.1,
Ashoka Road, AP Bhavan, New Delhi - 110001.
The Private Secretary to Principal Secretary to Chief Minister,
A.P. Secretariat, Hyderabad.
The P.S. to the Chief Secretary to Government, A.P., Secretariat, Hyderabad.
The P.S. to Minister for Home.
The P.S. to Minister for Finance.
The P.S. to Principal Secretary to Government, Home Department,
A.P., Secretariat, Hyderabad.
The Private Secretary to Secretary (FAC) (LA&J).
The Women, Children, Disabled and Senior Citizens Department.
The Health, Medical and Family Welfare Department.
The Law (C) Department.
The Finance (EBS.VI) Department.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

Appendix to G.O.Ms.No.43, Home (Courts.B) Department, dated 15-04-2015.

SCHEDULE

S.No.	Description of Loss or injury	Maximum limit of compensation		
1.	Loss of Life (Including Dowry deaths)	a.	Age 40 years or below 40 years	Rs.3 lakhs
		b.	Age above 40 years and upto 60 years	Rs.2 lakhs
		c.	Age above 60 years	Rs.1 lakh
2.	Permanent disability (80% or more)	a.	Age 40 years or below 40 years.	Rs.2 lakhs
		b.	Age above 40 years and upto 60 years	Rs.1 lakh
		c.	Age above 60 years.	Rs.50,000/-
3.	Partial disability (Upto 80%)	a.	Age 40 years or below 40 years.	Rs.1 lakh
		b.	Age above 40 years and upto 60 years	Rs.50,000/-
		c.	Age above 60 years.	Rs.25,000/-
4.	Loss of any limb or part of the body due to acid attacks irrespective of age. Out of Rs. 5 lakhs, a sum of Rs.1.5 lakhs shall be paid within 15 days of registration of crime and balance amount shall be paid within two months thereafter, as per the directions of the Hon'ble Apex Court in Laxmi (Minor) Vs. Unionn of India, dated: July 18, 2013 (W.P.(Crl.) No.129 of 2006)			Rs.5 lakhs
5.	Rape			Rs.2 lakhs
6.	Loss or injury causing severe mental agony to women and Child Victims in cases like Human Trafficking, Kidnapping and Molestation etc.			Rs.50,000/-
7.	Rehabilitation			Rs.1.00 lakh

(P.T.O.)

SPECIAL COMPENSATION IN RESPECT OF VICTIMS OF ACID ATTACKS AND
SEXUAL EXPLOITATION FOR COMMERCIAL PURPOSES

S.No.	Nature of Injury	Compensation (In Rs. Lakhs)
1.	Loss of life	10.00

The following expenses shall be payable in addition to compensation outlined above:

(i)	Funeral expenses	Rs.10,000/-
(ii)	Medical Expenses- Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding	Rs.50,000/-

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