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10/11/18

കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. (Ms.) No. 224/2017/Home.

Dated, Thiruvananthapuram, 5th November, 2017
20th Thulam, 1193.

S. R. O. No. 755/2017.—In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and in supersession of G. O. (Ms.) No. 37/14/Home, dated 24-2-2014 published as S. R. O. No. 167/2014 in the Kerala Gazette Extraordinary No. 731 dated 25-2-2014, the Government of Kerala, in co-ordination with the Central Government, hereby make 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:—

SCHEME

1. *Short title and commencement.*—(1) This scheme may be called the Kerala Victim Compensation Scheme, 2017.

(2) It shall come into force at once.

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

(a) “applicant” means a victim or the dependent of a victim who applies for compensation;

(b) “Code” means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(c) “Fund” means the Victim Compensation Fund constituted under paragraph 3;

(d) “injury” means any injury specified in the Schedule;

(e) “loss”, includes loss to property occurred as a result of an injury;

(f) “probation officer” means an officer appointed by the State Government as a probation officer under section 13 of the Probation of Offenders Act, 1958 (20 of 1958);

(g) “Schedule” means the Schedule appended to this scheme;

(h) “State” means the State of Kerala;

(i) “victim” shall have the same meaning as assigned it in Section 2 (wa) of the Criminal Procedure Code (Act 2 of 1974);

(j) Dependent includes wife, husband, father, mother, unmarried daughter, minor children and such other persons as may be determined by the District Legal Services Authority concerned as dependents of the Victim;

(k) All other words and expressions used herein and not defined, but defined in the Criminal Procedure Code, 1973 (Central Act 2 of 1974), Indian Penal Code, 1860 (Central Act 45 of 1860) or the Kerala General Clauses Act have the same meanings respectively as assigned to them in the said Acts.

3. *Constitution of Victim Compensation Fund.*—(1) There shall be a Fund to be constituted, namely the “Victim Compensation Fund”.

(2) The Victim Compensation Fund shall consist of:—

(a) budgetary allocation made in the annual budget by the State;

(b) receipt of amount of fines imposed under section 357 of the Code;

(c) donations and contributions received from International or National Charitable Institutions, organisations and individuals;

(d) Contribution from corporate social responsibility funds of various public and private undertakings;

(e) ½rd of the earnings by the convicted prisoners in jail;

(f) Cost ordered earmarked for this purpose by Criminal Courts.

(3) The amount in the Fund shall be held in Public Account under the new head of account.

(4) The existing head of account in which the fines and fees are deposited as per section 357 of the Code have to be credited to the newly opened head of account.

(5) The Home Department shall be the Nodal Department for regulating, administering and monitoring the scheme.

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

(7) The State Legal Services Authority shall submit to Government, through the nodal department an annual report comprising, inter alia, of the consolidated receipts to and expenditure from the Victim Compensation Fund.

4. *Eligibility for Compensation.*—The victim or his dependent shall be eligible for compensation under the scheme in the following cases, namely:—

(a) where a recommendation is made by the Court under sub-section (2) or sub-section (3) of section 357A of the Code;

(b) where the offender is not traced or identified, but the victim is identified and where no trial takes place and in which case, the victim or his dependent may make an application to the District Legal Services Authority;

(c) the crime, on account of which the compensation is to be paid under the 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/she shall be eligible for interim relief contemplated under sub-section (6) of section 357A of the Code.

5. *Procedure for grant of compensation.*—(1) On receipt of the recommendation by the trial court or on application under sub-section (4) of section 357 A of the Code, the District Legal Services Authority shall, after due enquiry through appropriate authority as deemed fit by the State or the District Legal Services Authority, award adequate compensation by completing the enquiry within two months.

(2) The District Legal Services Authority shall examine and verify the contents of the claim with regard to the loss or injury caused to the victim and arising out of the crime. The Authority may call for any relevant information necessary to determine the genuineness of the claim. After verifying the claim and conducting due enquiry, the District Legal Services Authority shall award adequate compensation within two months, in accordance with the provisions of the scheme.

(3) The District Legal Services Authority 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 an officer-in-charge of the police station or a Judicial or Executive Magistrate of the area concerned or any other interim relief as deemed fit by the Authority.

(4) The amount of compensation will be decided by the District Legal Services Authority based on the standard criteria given in the Schedule appended to the scheme.

(5) Compensation shall be paid as a single lump sum or in two instalments as decided by the District Legal Services Authority.

(6) The District Legal Services Authority shall decide the quantum of compensation under sub-section (2) and (3) of section 357A of the Code within sixty days of the receipt of the recommendation.

(7) The District Legal Services Authority shall decide the quantum of compensation on the basis of loss caused to the victim, medical expenses incurred on treatment, minimum sustenance amount required for rehabilitation including incidental charges like funeral expenses.

(8) In the case of compensation to victim of rape/victim under trauma, the matter shall be informed to the probation officer in the district concerned for effective rehabilitation and continuous evaluation.

(9) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section. Compensation received from the public sector undertakings shall be considered as part of the compensation amount under this scheme.

(10) The cases covered under the Motor Vehicles Act, 1988 (Central Act 59 of 1988) wherein compensation is to be awarded by the Motor Accidents Claims Tribunal, shall not be covered under the scheme.

(11) The District Legal Services Authority, shall institute proceedings before the competent court of law for recovery of the compensation, granted to the victim or his dependent, from the victim if found ineligible later.

6. *Disbursement of compensation.*—(1) Disbursement of compensation will be done through a nationalised bank account.

(2) In the case of a victim who 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 attainment of his

majority. In exceptional cases, the amount of compensation can be withdrawn for educational or medical needs of the beneficiary by the competent person as decided by the District Legal Services Authority/ Appeal Authorities.

(3) In case of acid attack a sum of ₹ 1 lakh (one Lakh) shall be paid to such victim within 15 days of such incidents.

7. *Rejection, withholding or reduction of compensation.*—The District Legal Services Authority may reject, withhold or reduce the award of compensation where the Authority considers that:—

(a) the applicant failed to inform the crime to the Police Officer without reasonable delay;

(b) the applicant failed to co-operate with the police officer or other authority to bring the accused before justice;

(c) the applicant failed to give all reasonable assistance to the District Legal Services Authority or other related authorities in connection with the application;

(d) the eligibility of the victim as shown by the facts and circumstances of the case does not justify award of compensation.

8. *Dependency Certificate.*—The dependency shall be decided by the Legal Services Authority within a period of fifteen days from the date of receipt of the application.

9. *Limitation.*—No claim made by the victim or his dependent under sub-section (4) of section 357A of the Code shall be entertained after a period of one hundred and eighty days from the occurrence of the crime. The District Legal Services Authority, if satisfied, for reasons to be recorded in writing, may condone the delay in filing the said claim.

10. *Appeal.*—(1) Any victim or his dependents aggrieved by the rejection of his claim 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 sufficient reasons to be recorded in writing, may condone the delay in filing the appeal.

(2) A decision made by the District Legal Services Authority and accepted by the applicant will normally be considered as final. The State Legal Services Authority may, however, subsequently re-open a case where there has been such a material change in the medical condition of the victim that injustice would occur if the original assessment of compensation were allowed to stand, or where the victim has died in consequence of the injury.

SCHEDULE

COMPENSATION TO VICTIMS FOR INJURY/LOSS

<i>Sl. No.</i>	<i>Description of Injury/loss</i>	<i>Minimum Amount of compensation</i>
(1)	(2)	(3)
1	Death	₹ 2 lakhs
2	Culpable homicide not amounting to murder	₹ 1.5 lakhs
3	Causing death by negligence	₹ 2 lakhs
4	Dowry related violence	₹ 2 lakhs
5	Permanent Disability (80% or more)	₹ 2 lakhs
6	Partial Disability (40% to 80%)	₹ 1 lakhs
7	Burns affecting greater than 25% of the body (excluding acid attacks)	₹ 2 lakhs
8	Burns affecting less than 25% of the body (excluding acid attacks)	₹ 2 lakhs
9	Loss of foetus	₹ 50,000
10	Physical abuse of minor	₹ 2 lakhs

(1)	(2)	(3)
11	Rape	₹ 3 lakhs
12	Sexual assault (excluding rape)	₹ 50,000
13	Fracture/dislocations	₹ 1.5 lakhs
14	Injury resulting in surgery/serious damage to vital organs	₹ 2 lakhs
15	Loss of fertility	₹ 1.5 lakhs
16	Major injuries not specified otherwise	₹ 1 lakh
17	Minor injuries not specified otherwise	₹ 50,000
18	Acid Attack (Disfigurement of greater than 40%)	₹ 3 lakhs
19	Acid Attack (Disfigurement of less than 40%)	₹ 1 lakh
20	Rehabilitation (in addition to 1 to 19 above)	₹ 1 lakh
21	Rehabilitation of victim of Human Trafficking	₹ 1 lakh
22	Woman victims of cross border firing:	
	(a) Death or Permanent Disability (80% or more)	₹ 2 lakhs
	(b) Partial Disability (40% to 80%)	₹ 1 lakh

Note:—If the victim is 14 years or less, the compensation shall be increased 50% more than specified above.

By order of the Governor,

SUBRATA BISWAS,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per notification issued under G. O. (Ms.) No. 37/2014/Home, dated 24th February, 2014 and published as S. R. O. No. 167/2014 in the Kerala Gazette Extraordinary No. 731 dated 25th February, 2014, the Government of Kerala have implemented the Victim Compensation Scheme in exercise of powers conferred by section 357A of the Code of Criminal Procedure for providing funds for the purpose of compensation to the victims or his dependents who have suffered loss or injury as a result of crime and who require rehabilitation. With the implementation of the Scheme, the Member Secretary, KELSA, the operational Authority under the Scheme have put forward certain legal infirmities that impeded the proper implementation of the Scheme. Meanwhile, the Ministry of Home Affairs, Government of India have forwarded a copy of Central Victim Compensation Fund Scheme's Guidelines with a request to modify State Victim Compensation Scheme accordingly. Since various amendment proposals were put forward for amending the existing scheme, it is decided to formulate a new Scheme by superseding the existing Scheme.

The notification is intended to achieve the above object.



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ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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വാല്യം 10 Vol. X	തിരുവനന്തപുരം, വെള്ളി Thiruvananthapuram, Friday	2021 ഫെബ്രുവരി 26 26th February 2021 1196 കുംഭം 14 14th Kumbham 1196 1942 ഫാൽഗുണം 7 7th Phalguna 1942	നമ്പർ No.	1001
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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G.O. (Ms.) No.59/2021/Home.

Dated, Thiruvananthapuram, 20th February, 2021
8th Kumbham, 1196
1st Phalguna, 1942.

S. R. O. No. 264/2021

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 Kerala, hereby make the following amendments to the Kerala Victim Compensation Scheme, 2017 issued under G.O. (Ms.)No.224/2017/Home dated 5th November 2017 and published as S.R.O.No.755/2017 in the Kerala Gazette Extraordinary No.2554 dated 20th November, 2017, namely:-



SCHEME

1. *Short title and commencement.* - (1) This scheme may be called the Kerala Victim Compensation (Amendment) Scheme, 2021.

(2) It shall come into force at once.

2. *Amendment of the Scheme.* - In the Kerala Victim Compensation Scheme, 2017

(1) after the heading 'SCHEME', the following sub-heading shall be inserted, namely:-

“CHAPTER-I”;

(2) the existing provisions in para 2 shall be renumbered as sub-para (1) thereof;

(3) In sub-para (1) as so renumbered,-

(i) after clause (b), the following clause shall be inserted, namely:-

“(ba) “Form” means form appended to this scheme”;

(ii) after clause (c) the following clause shall be inserted, namely:-

“(ca) “Government” means State Government where the State Victim Compensation Fund is concerned and 'Central Government' where the Central Victim Compensation Fund Scheme is concerned”;

(iii) in clause (g), for the word 'Schedule', the word 'Schedules' shall be substituted;

(iv) the existing provision under clause (k) of sub-para (1) of para 2 shall be renumbered as sub-para (2) thereof;

(4) In para 5,-

(i) in sub-para (1), after the words, figures and letter “under sub-section.(4) of section 357 A of the Code”, the words “in Form appended to the scheme” shall be inserted;

(ii) in sub-para (4), for the word, 'Schedule', the word and numeral “Schedule-I” shall be substituted;

(5) the existing Schedule shall be renamed as 'SCHEDULE-I; and shall be placed after para 27 of Chapter-II

(6) in the SCHEDULE-I as so renamed,-

(i) the entries against serial numbers 9 and 11 shall be omitted;



(ii) in serial number 12, for the words and brackets “ (excluding rape)”, the words and brackets '(other than women victims)' shall be substituted;

(iii) after serial number 22 and the entries against it, the following serial number and entries shall be inserted, namely:-

23	Loss or injury due to Lynching/Mob Violence	
	a) Death	Rs.2 Lakhs
	b) Permanent disability(80% or more)	Rs. 1 lakh
	c) Partial	Rs.50,000/-

Explanation - The following factors shall be considered while awarding compensation to the victims of Lynching/Mob Violence ,-

- (i) nature of bodily injury
- (ii) psychological injury
- (iii) loss of earning including loss of opportunity of employment and education.
- (iv) expenses incurred on account of legal and medical expenses.

Interim relief shall be paid within 30 days of incident.

(7) after, para 10, the following chapter shall be inserted , namely :-

CHAPTER .II

Compensation Scheme for Women Victims /Survivors of Sexual Assault/other Crimes.

11. DEFINITIONS .-In this Chapter, unless the context otherwise requires .-

- (a) **central fund'** means fund received from Central Victim Compensation Fund Scheme, 2015;
- b)'**dependent'** includes husband, father, mother, grand parents, unmarried daughter and minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority on the basis of the report of the Sub – Divisional Magistrate of the concerned area/Station House Officer/ Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry;
- (c)“**District Legal Services Authority**” means the District Legal Services Authority constituted under section 9 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) for a District.



- (d) **"Injury"** means any harm caused to body or mind of a female;
- (e) **"Minor"** means a girl child who has not completed the age of 18 years;
- (f) **"Offence"** means offence committed against women punishable under Indian Penal Code or any other law;
- (g) **"Sexual Assault Victims"** means female who has suffered mental or physical injury or both as a result of sexual offence including sections 376 A, 376B, 376C, 376D, 376E, 354 A, 354B, 354C, 354D and section 509 of Indian Penal Code;
- (h) **"State Legal Services Authority"** means the State Legal Services Authority as defined in section 6 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987)
- (i) **"Woman Victim/Survivor of Sexual Assault other crime"** means a woman who has suffered physical or mental injury as a result of any offence mentioned in the attached Schedule including sections 304 B, 326A, 498A of Indian Penal Code (in case of physical injury of the nature specified in the schedule) including the attempts and abetment.
- (j) **"Women Victim Compensation Fund"** means a fund constituted under para 12 of this schemes.

12. Women Victims Compensation Fund.- (1) There shall be a Fund to be constituted namely, the Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation:

- (2). The 'Women Victims Compensation Fund' shall consist of :-
- a) Contribution received from Central Victim Compensation Fund Scheme, 2015;
 - b) Budgetary allocation in the shape of Grants-in-aid to State Legal Services Authority made in the Annual Budget by the state;
 - c) Any cost amount ordered by Civil/Criminal Courts or Tribunal;
 - d) Any amount of compensation recovered from the persons responsible for causing loss or injury under clause 22 of the Scheme;
 - e) Donations/contributions from International/National/Philanthropist/ Charitable Institutions/Organizations and individuals permitted by State or Central Government;
 - f) Contributions from companies under Corporate Social Responsibility.



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

13. Eligibility For Compensation.- A woman victim or her dependent(S) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her under this chapter. In the case of deciding quantum of compensation in subsequent application the compensation received by her in other schemes under section 357-B of Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall be taken into account.

14. Procedure For Making Application Before The State Legal Services Authority or District Legal Service Authority

(a)Mandatory Reporting of First Information Report:- Station House Officer/Superintendent of Police/Deputy Commissioner of Police shall mandatorily share soft/hard copy of First Information Report immediately after its registration with State Legal Services Authority/District Legal Services Authority so far as the offences committed are covered by this chapter which include sections 326A, 354A, 354 B, 354 C 354D, 376A 376 B, 376 C, 376D, 376E, 304B and 498A (in case of physical injury covered in Schedule I), so that the State Legal Services Authority/District Legal Services Authority can, in deserving cases, may suo-moto initiate preliminary verification of facts for the purpose of grant of interim compensation.

(b)An application for the award of interim/final compensation may be filed by the victim and /or her dependents or the Station House Officer of the area before State Legal Services Authority/District Legal Services Authority concerned in the form appended to these Schemes along with a copy of the First Information Report (FIR) or Criminal complaint of which cognizance is taken by the Court and Medical Report, Death Certificate, wherever applicable, copy of judgment/recommendation of court if the trial is over.

15.Place of Filing of Application.- The application/recommendation for compensation can be moved either before the State Legal Services Authority or the District Legal Services Authority concerned or it can be filed online on a portal created by all State Legal Services Authorities. The Secretary of the respective District Legal Services Authority shall decide the application/recommendation moved before him as per Chapter II of the Scheme.

Explanation: In case of victim of acid attack the authority to decide compensation shall be Criminal Injury Compensation Board.

16. Reliefs That May be Awarded by the State or District Legal Services Authority.-

The State Legal Services Authority or District Legal Services Authority may award compensation to the victim or her dependents to the extent as specified in the scheduled II to these schemes.



7. Factors to be Considered While Awarding Compensation.- While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors namely:-

(1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;

(2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/inquiry/trial (other than diet money);

(3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(5) The relationship of the victim to the offender, if any;

(6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;

(7) Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/give birth to a child, including rehabilitation needs of such child;

(8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;

(9) Whether the victim contracted Human Immuno Deficiency Virus (HIV) as a result of the offence;

(10) Any disability suffered by the victim as a result of the offence;

(11) Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim.



12) In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.

13) Or any other factor which the State Legal Services Authority/ District Legal Services Authority may consider just and sufficient.

18. Procedure for grant of compensation. – 1) Where a recommendation is made by the Court for compensation under sub-sections (2) and/ or (3) of section 357A of the Code, or an application is made by any victim or her dependent(s), under sub-section (4) of section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima facie satisfy its qua compensation needs and identify the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim:

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, State Legal Services Authority or Secretary, District Legal Services Authority may suo moto or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

2) The inquiry as contemplated under sub-section (5) of Section 357A of Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rupees One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of District Legal Services Authority. The order granting interim compensation shall be passed by District Legal Services Authority within 7 days of the matter being brought to its notice and the State Legal Services Authority shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rupees Two lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment.

Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

3) After consideration of the matter, the State Legal Services Authority/ District Legal Services Authority as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependent(s) taking into account the factors enumerated in para 17 of the Scheme, as per Schedule – II to these schemes. However, in deserving cases, for reasons to be recorded, the upper limit may be enhanced.



Explanation 1.- In case the victim is minor, the limit of compensation shall be deemed to be % higher than the amount mentioned in the Schedule -II to these schemes.

Explanation 2.- *Victims of acid attack are also entitled to additional compensation of Rupees One Lakh under Prime Minister's National Relief Fund vide Memorandum No.24013/94/Misc./2014-CSR-III/GoI/MHA dated 9th November, 2016.*

Victims of Acid Attack are also entitled to additional special financial assistance upto Rupces five lakh who need treatment expenses over and above the compensation paid by the respective State/UTs in terms of Central Victim Compensation Fund Guidelines -2016 No.24013/94/Misc/2014-CSR.III, MHA/GoI.

4)The State Legal Services Authority/ District Legal Services Authority may call from any record or take assistance from any Authority/Establishment/Individual/Police/Court concerned or expert for smooth implementation of the Scheme

5)In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then the State Legal Services Authority/District Legal Service Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

19. The Order to be placed on record .- Copy of the order of interim or final compensation passed under this Scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under section 357 of the Code. A true copy of the order shall be provided to the Investigating Officer in case the matter is pending investigation and also to the victim/dependent as the case may be.

20. Method of Disbursement of Compensation .- (1) The amount of compensation so awarded shall be disbursed by the State Legal Services Authority by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the District Legal Services Authority concerned would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75 per cent of the same shall be put in a fixed deposit for a minimum period of three



years and the remaining 25 per cent shall be available for utilisation and initial expenses by the victim/dependent(s), as the case may be.

2) In the case of a minor, 80 per cent of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit:

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the State Legal Services Authority/ District Legal Services Authority.

3) The interest on the sum, if lying in FDR form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary.

21. Interim relief to the victim.— The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility of medical benefits to be made available free of cost or any other interim relief including interim monetary compensation as deemed appropriate, to alleviate the suffering of the victim on the certificate of a police officer, not below the rank of the officer-in-charge of the police station, or a Magistrate of the area concerned or on the application of the victim/dependents or suo moto.

Provided further that as soon as the application for compensation is received by the State Legal Services Authority/ District Legal Services Authority a sum of Rupees five thousand or as the case warrants upto Rupees ten thousand shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, District Legal Services Authority or Member Secretary, State Legal Services Authority:

Provided further that the, interim relief so granted shall not be less than 25 per cent of the maximum compensation awarded as per schedule - II applicable to this Chapter, which shall be paid to the victim in totality:

Provided also that in cases of acid attack a sum of Rupees One lakh shall be paid to the victim within 15 days of the matter being brought to the notice of State Legal Services Authority/ District Legal Services Authority. The order granting interim compensation shall be passed by the State Legal Services Authority/ District Legal Services Authority within seven days of the matter being brought to its notice and the State Legal Services Authority shall pay the compensation within eight days of passing of order. Thereafter an additional sum of Rupees two lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.



22. Recovery of Compensation Awarded to The Victim or her Dependent(s).- Subject to the provisions of sub-section (3) of section 357A of the Code, the State Legal Services Authority, in proper cases, may institute proceedings before the competent Court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) or responsible for causing loss or injury as a result of the crime committed by him/her.

The amount recovered shall be deposited in Woman Victim Compensation Fund.

23. Dependency Certificate.- 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:

Provided that the State Legal Services Authority/ District Legal Services Authority, in case of non-issuance of Dependency Certificate, after expiry of fifteen days, may proceed on the basis of an affidavit to be obtained from the claimant.

24. Minor Victims.- In case where the victim is an orphaned minor without any parent or legal guardian, the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, DDO/SDM, as the case may be.

25. Limitation.- No claim made by the victim or her dependent(s), under sub-section (4) of Section 357A of the Code, shall be entertained after a period of three years from the date of occurrence of the offence or conclusion of the trial:

Provided, the State Legal Services Authority or the District Legal Services Authority, on application made in their behalf, if satisfied, for reasons to be recorded in writing, may condone the delay beyond the period of three years.

26. Appeal.- In case the victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, District Legal Services Authority, they can file appeal within thirty days from the date of receipt of order before the Chairperson, District Legal Services Authority:

Provided that, the Appellate Authority, on application made in their behalf if satisfied, for reasons to be recorded, may condone the delay in filing of appeal.

27. Repeal & Savings.- (1) Where this Chapter is silent on any issue pertaining to Victim Compensation to Women, the provisions under chapter - 1 shall be applicable.

2. Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or claim against the perpetrator of offence or any other person indirectly responsible for the same.

Explanation.- the provisions of this Chapter does not apply to minor victims for the offences under Protection of Children from Sexual Offences Act, 2012. (Central Act 32 of 2012)

(8) Insertion of Schedule.- after Schedule - I, the following schedule shall be inserted, namely:-



SCHEDULE - II
APPLICABLE TO WOMEN VICTIM OF CRIMES

Sl. No	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of Compensation
1	Loss of Life	Rs.5 Lakh	Rs.10 Lakh
2	Gang Rape	Rs.5 Lakh	Rs.10 Lakh ✓
3	Rape	Rs.4 Lakh	Rs.7 Lakh
4	Unnatural Sexual Assault	Rs.4 Lakh	Rs.7 Lakh ✓
5	Loss of any Limb or part of body resulting in 80% permanent disability	Rs.2 Lakh	Rs.5 Lakh ✓
6	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs.2 Lakh	Rs.4 Lakh
7	Loss of any Limb or part of body resulting in above 20% and below 40% permanent disability	Rs.1 Lakh	Rs.3 Lakh
8	Loss of any Limb or part of body resulting in below 20% permanent disability	Rs.1 Lakh	Rs.2 Lakh
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs.1 Lakh	Rs.2 Lakh
10	Loss of Foetus ie Miscarriage as a result of Assault or loss of fertility	Rs.2 Lakh	Rs.3 Lakh
11	In case of pregnancy on account of rape	Rs.3 Lakh	Rs.4 Lakh
12	Victims of Burning a) In case of disfigurement of face b) In case of more than 50% c) In case of injury less than 50% d) In case of less than 20%	Rs.7 Lakh Rs.5 Lakh Rs.3 Lakh Rs.2 Lakh	Rs.8 Lakh Rs.8 Lakh Rs.7 Lakh Rs.3 Lakh
13	Victims of Acid Attack a) In case of disfigurement of face b) In case of injury more than 50% c) In case of injury less than 50% d) In case of injury less than 20%	Rs.7 Lakh Rs.5 Lakh Rs.3 Lakh Rs.3 Lakh	Rs.8 Lakh Rs.8 Lakh Rs.5 Lakh Rs.4 Lakh



Note: If a women victim of sexual assault/acid attack is covered under one or more category of the Schedule - II she shall be entitled to be considered for combined value of the compensation.

(9) Insertion of form.- after schedule II, the following form shall be inserted, namely:-

FORM

APPLICATION FOR THE AWARD OF COMPENSATION UNDER KERALA VICTIM COMPENSATION SCHEME, 2017 AND COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES FOR INTERIM/FINAL RELIEF.

1.	Name of the Applicant Victim(s) or his/her/their Dependent(s)	
2.	Age of the Victim(s) or his/her/their Dependent(s)	
3.	(a) Father's Name	
	(b) Mother's Name	
	(c) Spouse's Name	
4.	Address of the Victim(s) or his/her/their Dependent(s)	
5.	Date and time of the Incident	
6.	Whether FIR has been lodged? If yes, enclose copy of FIR. If No, give status thereof	
7.	Whether medical examination has been done? If yes, enclose Medical Report/Death Certificate/P.M. Report	
8.	Status of trial, if pending. If over, enclose copy of judgment and order on sentence.	
9.	Has the applicant been awarded any compensation by the trial court or any other Government agency. If yes, give details.	
10.	Give details of financial expenditure/loss incurred	



Have you instituted any civil suit/claim against the perpetrator of offence. If yes, give details.	
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Signature of the Victim/Dependent

By order of the Governor,

T.K JOSE

Additional Chief Secretary to Government

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In exercise of powers conferred by section 357 A of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala have implemented the Victim Compensation Scheme under G.O.(Ms.)No.224/17/Home dated 5th November, 2017 and published as S.R.O. No.755/2017 in the Kerala Gazette Extraordinary No.2554 dated 20th November, 2017 for the purpose of giving compensation to the victims or his dependents, who have suffered loss or injury as a result of the crime and who require rehabilitation. The Hon'ble Supreme Court of India in Nipun Saxena V. Union of India ordered the National Legal Services Authority to frame a separate Scheme for victims of Sexual assaults or survivors of Sexual assault. The Hon'ble Supreme Court had approved the model scheme formulated by the National Legal Services Authority and directed the State Governments to implement the Scheme. The Hon'ble Supreme Court has also ordered to provide compensation to the victims of lynching or mob violence in Tehseen S. Poonawalla V Union of India. To comply with the direction of the Hon'ble Apex Court, the Government have decided to amend the existing Scheme by incorporating the provisions of the model Scheme framed by the National Legal Services Authority to the Kerala Victim Compensation Scheme.

The notification is intended to achieve the above object.

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