

In pursuance of the provisions of clause (3) of Article 348 of "the Constitution of the India", the Governor is pleased to order the publication of the following English translation of Notification No. 4520 /XX(3)-05(09)/2011 Dated: 16 July, 2013 for general information.

**Government of Uttarakhand
Home Section-3
No. 4520 /XX-3-2012-05(09)2011
Dehradun: Dated: 16 July, 2013**

Notification

In exercise of the powers conferred by Section 357-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the Governor in co-ordination with the Central Government hereby is pleased to frame the following scheme for providing funds for the purpose of assistance and rehabilitation to the victim or his dependents who have suffered loss or injury as a result of the crime.

The Uttarakhand Victim from Crime Assistance Scheme, 2013

Short title and commencement 1.(1) This scheme may be called the Uttarakhand Victim from Crime Assistance Scheme, 2013.

(2) It shall be deemed to have come into force from 31 December 2009.

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 Schedule appended to this Scheme;

(c) "State" means State of Uttarakhand;

(d) "Victim" means a person, who himself has suffered loss or injury as a result of crime, Acid attack, Human trafficking, Serious accident etc and require rehabilitation and includes dependent family members.

Victim from crime assistance Fund

3. (1) The State Government shall establish a Victim from crime assistance Fund. Under this scheme shall be paid given amount in Schedule-1 as per manner to the victim person or his dependents, who have suffered loss or injury as a result of the crime, Acid attack, Human trafficking, Serious accident etc and who require rehabilitation.

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- (2) The State Government shall allot a separate Assistance amount for this scheme which shall be deposited in a corpus fund established for this purpose. The amount of this fund shall be deposited in fixed deposit account of any Nationalised Bank.
- (3) Donation, Gift and Grant in aid received from government or non-government sources shall be acceptable for Assistance Fund excluding allotted budget.
- (4) **The Fund shall be operated by the Director General of Police and the assistance shall be paid by account payee cheque with the joint signatures of the Principal Secretary/Secretary Home Department Government of Uttarakhand and Director General of Police. The payment in the District shall be made by the account payee cheque with the joint signature of the District Magistrate and Senior Superintendent of Police/Superintendent of Police.**

Eligibility for 4. assistance

A Victim or the dependant of victim shall be eligible for the grant of assistance if,-

- (a) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under sub section (4) of section 357-A of the Act;
- (b) the victim/claimant report the crime to the Magistrate in charge or Judicial Magistrate of the area ;

Provided that the District Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting;

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

Procedure for 5. grant of assistance

- (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 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 victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal

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Service Authority after due enquiry shall decide the amount of assistance within two months, in accordance with provisions of this Scheme.

- (2) Assistance 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 assistance under sub-section (3) of section 357 of the Act, the victim/claimant shall remit an amount ordered equal to the amount of assistance, or the amount ordered to be paid under the said sub-section (3) of section 357 of the Act, whichever is less, an undertaking to this effect shall be given by the victim/claimant before the disbursal of the assistance amount.
- (3) The District Legal Service Authority shall decide the quantum of assistance to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on medical treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses etc. The assistance may vary from case to case depending on fact of each case.
- (4) The quantum of assistance to be awarded to the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.
- (5) Assistance 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 assistance amount under these rule and if the eligible assistance amount exceeds or is equivalent to the payments received by the victim from collateral sources mentioned above, then no assistance amount shall be acceptable by this scheme.
- (6) The cases covered under Motor Vehicle Act, 1988 (Act No. 59 of 1988) wherein assistance is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.
- (7) 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

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the officer-in-charge of the police station or Magistrate of the area concerned, or any other interim relief as it may deem fit.

Order to be placed on record

- 6. Copy of the order of assistance passed under this Scheme shall be mandatorily placed before the trial Court to enable the court to pass order of assistance under sub-section (3) of section 357 of the Act.

Limitation

- 7. 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 by the State or District Legal Service Authority:
 Provided that the State or District Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

Appeal

- 8. Any victim aggrieved of the denial of assistance by the District Legal Service Authority may file an appeal before the State Legal Service Authority within a period of ninety days;
 Provided that the State Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

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By Order,

Om Prakash

(Om prakash)

Principal Secretary.

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Sr.No.	Particulars of Loss or Injury	Maximum Limit of Assistance
1	2	3
1	✓ Rape	Rs. 2,00,000/- ✓
2	✓ Loss of injury causing severe mental agony to women and child victim in case like Human Trafficking.	Rs. 1,00,000/- ✓
3	✓ Loss of life	Rs. 2,00,000/- ✓
4	✓ Grievous hurt as defined in Section 320 of the IPC 1860	Rs. 20,000/- ✓
5	✓ Injury caused by acid attack	
	(a) If face/ head injured	Rs. 1,50,000/- ✓
	(b) If other organs injured	Rs. 30,000/- ✓
6	✓ Loss of any limb or part of body resulting 40% and below 80% handicap.	Rs. 50,000/- ✓
7	✓ Loss of any limb or part of body resulting below 40% handicap.	Rs. 10,000/- ✓
8	✓ Loss of any limb of part of body resulting 80% or above handicap	Rs. 1,00,000/- ✓
9	✓ Rape of Minor	Rs. 2,50,000/- ✓
10	✓ Rehabilitation	
	(a) In the case of rape victims	Rs. 1,00,000/-
	(b) In other cases	Rs. 20,000/-
11	✓ Simple Loss or injury to Child victim.	Rs. 10,000/- ✓

Om Prakash

(Om Prakash)
Principal Secretary.

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