



**GOVERNMENT OF TELANGANA
ABSTRACT**

The Code of Criminal Procedure, 1973 – The Telangana Victim Compensation Scheme, 2015 under section 357A of the Code – Notification - Orders - Issued.

LAW (LA, LA&J-HOME-COURTS.B) DEPARTMENT

G.O.MS.No. 9

Dated: 07.03.2015

Read the following :-

1. The Andhra Pradesh Re-organisation Act, 2014.
2. From the Inspector General of Police (FAC), Addl. DGP, CID, Telangana, Hyderabad, letters dated, 24.10.2014 and 07.01.2015.

ORDER:

Whereas, according to section 357A of the Code of Criminal Procedure, 1973 inserted by Criminal Procedure Code (Amendment) Act, 2008, every State Government is required to prepare 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, in co-ordination with the Central Government;

And whereas, the Ministry of Home Affairs, Government of India has been requesting the State Governments for preparation of the Scheme as required under section 357A of the Code of Criminal Procedure, 1973 and intimation of the same to them, so as to appraise the same to the Hon'ble Supreme Court of India in compliance with the directions issued by the Hon'ble Supreme Court of India.

And whereas, in pursuance of the Central Act first read above the State of Telangana has come to be formed w.e.f. 02.06.2014;

And whereas, the Inspector General of Police (FAC) in the letters second read above having taken into consideration the number of cases registered within the ten

districts of the Telangana State during the last three years and for the reasons stated therein, submitted the proposals for the Victim Compensation Scheme;

After careful examination, the Government have decided to frame a Scheme namely the Telangana Victim Compensation Scheme as contemplated under section 357A of the Code of Criminal Procedure, 1973 and in compliance with the directions and the orders of the Hon'ble Supreme Court of India;

Accordingly the following notification will be published in an Extra-ordinary Issue of the Telangana State Gazette.

NOTIFICATION

In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Telangana 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 :-

1. Short title, extent and commencement :-

- (1) This Scheme may be called the Telangana Victim Compensation Scheme, 2015.
- (2) It extends to the whole of the State of Telangana.
- (3) It shall come into force with effect from 01.04.2015.

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) "*Act*" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
- (c) "*Crime*" means illegal act of commission or omission or an offence committed against the human body of the victim;
- (d) "*Dependent*" includes wife, husband, father, mother, unmarried daughter and minor children of victim as determined by the authority empowered to issue dependency certificate or any other authority authorized by the Government in this regard and 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 constituted under paragraph-3;
- (g) "Government" means the State Government of Telangana;
- (h) "Legal Services Authority" means the State Legal Services Authority or the District Legal Services Authority in the State;
- (i) "Schedule" means Schedule appended to this Scheme;
- (j) "State" means the State of Telangana;
- (k) "Victim" means a person who has suffered any loss or injury caused by reason of the act or omission on the part of the accused and who requires rehabilitation under this Scheme and includes the guardian or legal heir of such person.

3. Victim Compensation Fund :-

- (1) There shall be constituted a Fund in the State by the Government namely the Victim Compensation Fund, under a separate Head of Account.
- (2) There shall be credited to the Fund,-
 - (a) the separate budget allotment made by the Government every year, for the purpose of the Scheme duly taking into account the expenses incurred during the previous year or the probable expenditure requested by the State Legal Services Authority;
 - (b) all grants, subventions, donations, gifts, contributions made by the State / Central Government, any local authority, Charitable Institutions, Organisations, National or International Philanthropists, or individuals.
 - (c) all other sums received by or on behalf of the Victim Compensation Fund from any other source whatsoever.
- (3) Except or otherwise directed by the Government all the moneys credited to the Victim Compensation Fund shall be invested in any Scheduled Bank.

4. Operation, Audit etc., of the Victim Compensation Fund :-

- (1) The Victim Compensation Fund shall be applied in carrying out the purposes of the Scheme.
- (2) The Victim Compensation Fund shall be operated by the Member Secretary, State Legal Services Authority.

(3) The State Legal Services Authority shall in respect of the Victim Compensation Fund be accountable for its functions, furnishing of periodical returns to the Government.

(4) The accounts etc. of the Victim Compensation Fund shall be got audited every year and a report shall be sent to the Government.

5. Application of the Scheme:-

(1) The crime on account of which the compensation which is to be paid under the Scheme should have occurred within the State of Telangana.

(2) The crime should have been reported by the victim or his dependants to the officer incharge of the Police Station or any senior police officer or Executive Magistrate or Judicial Magistrate of the area within 48 hours of the occurrence of crime:

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

(3) The Scheme shall be applicable to family whose income does not exceed Rs.4.50 lakhs per annum.

(4) The employees of State / Central Government, Boards, Corporations and Public Undertakings and Income Tax Payees shall not be eligible under this Scheme.

6. Eligibility for compensation under the Scheme, shall be,-

(a) on a recommendation made by the Court under sub-section (2) of section 357A of the Code;

(b) on a recommendation by the trial Court under sub-section (3) of section 357A of the Act for compensation at the conclusion of the trial, on satisfaction, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated;

(c) on an application made by the victim or his dependants to the Legal Services Authority for award of compensation under sub-section (4) of section 357A of the Act, where the offender is not traced or identified, and where no trial takes place;

(d) the victim or his dependants shall co-operate with the police and prosecution during the investigation and trial of the case.

7. Procedure for grant of compensation :-

- (1) Whenever a recommendation is made by the Court under sub-section (2); or a recommendation is made by the court under sub-section (3); or an application is made by any victim or his dependent under sub-section(4), 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 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 and by conducting due enquiry, the District Legal Services Authority shall award compensation within two months, in accordance with provisions of this Scheme.
- (2) 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 facts of each cases.
- (3) While granting compensation under this Scheme an undertaking from the victim or the claimants shall be obtained to the effect that in case of granting subsequent compensation by the Court under sub-section (3) of section 357 of the Act or under any other law, he shall remit the excess amount received as compensation under section 357(A) of the Act.
- (4) Compensation received by the victim from the State in relation to the crime in question, namely, insurance, ex-gratia and/or payment received under this Scheme or G.Os. passed to this effect shall be considered as part of the compensation amount under this Scheme. The victim/claimant who has received compensation amount from collateral sources mentioned above shall be deemed to be compensated under this Scheme and shall not be entitled to separate compensation under this Scheme. If the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount only shall be paid out of the Fund.
- (5) The State/District Legal Services Authority shall take into consideration the trauma undergone by a Victim of Commercial Sexual Exploitation and Trafficking (VOCSET) and the aspects of rehabilitation, reintegration and restoration of the VOCSET.
- (6) The cases covered under Motor Vehicles Act, 1988 (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, and cases covered under existing GOs and G.Os. issued by the Government from time to time shall not be covered under this 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 now 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.

- (8) The amount of compensation decided and awarded / granted under this Scheme shall be as per the Schedule and shall be disbursed to the victim or his dependants from the Fund.
- (9) The District Legal Services Authority shall, while making payment of amount towards compensation, ensure that all the provisions of this Scheme are strictly complied with.

8. Disbursement of compensation :-

- (1) Disbursement of compensation shall be through a Scheduled Bank.
- (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:

Provided that the amount of compensation kept in fixed deposits in exceptional cases may be withdrawn for educational or medical needs of the beneficiary by the competent person as decided by the District Legal Services Authority/Appellate Authorities.

9. Recovery From the wrong-doer :-

- (1) The District Legal Services Authority may, if it consider proper, institute proceeding before the competent court of law for recovery of the compensation granted and paid to the victim or his dependants from the person responsible for obtaining an order sanctioning compensation under this Scheme based on false, vexatious, fabricated complaint which is so held by the court, and the compensation paid shall be recovered with 12% interest per annum.
- (2) The District Collector shall implement the said order/award and collect the amount as arrears of land revenue and credit the same to the Victim Compensation Fund account of the respective District Legal Services Authority.

10. Dependency Certificate :-

The Tahsildar concerned or the Authority designated as competent authority by the Government in this behalf, from time to time, shall issue dependency certificate within a period of fifteen days from the date of application.

11. Order to be placed on record :-

- (1) 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.

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

(3) The State/District Legal Services Authority shall maintain the record as well as the copies of the awards passed, year wise, for the purpose of future verification and auditing.

12. Limitation :-

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 is satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

13. 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 appeal.

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

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

A.SANTHOSH REDDY
SECRETARY TO GOVERNMENT
LEGAL AFFAIRS, LEGISLATIVE AFFAIRS AND JUSTICE

To

The Registrar (General), High Court of Judicature at Hyderabad.

The Member Secretary, Telangana State Legal Services Authority.

The Secretary, Home Department, Telangana Secretariat, Hyderabad.

All the Principal Secretaries / Secretaries in the Secretariat.

The Director General of Police, Telangana, Hyderabad.

The Accountant General, Telangana, Hyderabad.

All the District Collectors in the State of Telangana.

All the District Judges, concerned.

The Addl. Director General of Police, CID, Telangana, Hyderabad.

The Deputy Inspector General of Police in State.

The Superintendent of Police, in the State.

The Commissioner of Police, concerned.

The Pay & Account Officer, Telangana, Hyderabad.

The District treasury Officers, concerned.

The Joint Secretary (CS), Ministry of Home Affairs, Government of India, New Delhi.

The Advocate-on-Record, New Delhi.

P.T.O

Copy to:

The Commissioner of Printing Stationery &
Stores Purchase (Ptg.Wing) Department.

P.S to Chief Minister, Government of Telangana, Hyderabad.

P.S to Minister for Home, Government of Telangana, Hyderabad.

P.S to Minister for Law, Government of Telangana, Hyderabad.

P.S to Chief Secretary, Government of Telangana, Hyderabad.

P.S to Secretary Law, Government of Telangana, Hyderabad.

Law (C) Department.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

**SCHEDULE
[Para 7 (8)]**

COMPENSATION TO VICTIMS FOR LOSS OR INJURY

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 up to 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 up to 60 years.	Rs. 1 lakh
		c.	Age above 60 years.	Rs.50,000/-
3.	Partial disability (Upto to 80%)	a.	Age 40 years or below 40 years.	Rs. 1 lakh
		b.	Age above 40 years and up to 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.3 lakhs, a sum of Rs.1 lakh 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. Union of India, dated: July 18, 2013 (W.P.(Crl.) No.129 of 2006).			Rs. 3 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/-

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