

GOVERNMENT OF KARNATAKA

No: HD 1 PCB 2011

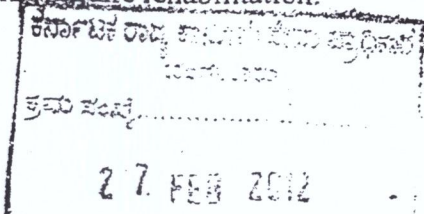
Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 22-02-2012

NOTIFICATION

Whereas sub-section (1) of section 357 of Code of Criminal Procedure, 1973 mandates for the State Government to prepare a scheme in co-ordination with the Central Government for providing funds for the purpose of compensation to the victims 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 Karnataka 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. **Title and Commencement.**- (1) This scheme may be called the Karnataka Victim Compensation Scheme, 2011.
(2) It shall come into force on the date of its publication in the Official Gazette.
2. **Definitions.**- In this scheme, unless the context otherwise requires:-
 - (a) "Act" means the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);
 - (b) "District Authority" and "State Authority" means the District Legal Service Authority and State Legal Service Authority as defined under the Legal Services Authorities Act, 1987 (Central Act 39 of 1987);
 - (c) "Schedule" means schedule appended to this scheme;
 - (d) "State" means the State of Karnataka.
 - (e) "Victim" means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes his dependents who had suffered loss or injury as a result of the crime and who require rehabilitation.



3. **Victims Compensation Fund.-** (1) There shall be a Fund called the Victims Compensation Fund.

(2) There shall be credited to the said fund, -

(i) all grants, subventions, donations and gifts made by the Central Government, State Government, any local authority or anybody, whether incorporated or not or any person;

(ii) all other sums received by or on behalf of the victims compensation from any source whatsoever.

(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 State Government Treasury.

4. **Application of the Victims Compensation Fund.-** The fund shall be applied for carrying out the purposes of this Scheme.

5. **Grant by the State Government.-** The State Government may every year make a grant to the fund of a sum equivalent to the expenses of the previous year or the probable expenditure requested by the State Legal Service Authority.

6. **Eligibility for Compensation.-** A victim shall be eligible for the grant of compensation if, -

(1) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply for grant of compensation under sub-section (4) of section 357-A of the Act.

(2) the victim/claimant report the crime to the officer-in-charge of the police station within 48 hours of the occurrence or any senior police officer or Executive Magistrate or Judicial Magistrate of the area;

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

(3) the victim/claimant 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 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 the victim and arising out of the reported criminal activity and the District Legal Service Authority may call for any other relevant information necessary in order to determine genuineness of the claims. After verifying the claim, the District Legal Service Authority shall after due enquiry award compensation within two months, in accordance with the provisions of this scheme.

(2) Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgement at a later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, is paid or recovered and paid to the victim/claimant shall remit an amount ordered equal to the amount of compensation, 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 compensation amount.

(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 such incidental charges as funeral expenses etc. The compensation may vary from case to case depending on fact of each case.

(4) The quantum compensation to be awarded to the victim or his dependents shall not exceed the maximum limit specified in Schedule I

(5) The amount of compensation decided under the Scheme shall be disbursed to the victim or his dependents as the case may be from the Fund through cheque. (mut - 12/1/75)

(6) Compensation 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 that includes compensation awarded by 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 exceeds the payments received by the victim from collateral sources mentioned above, the balance amount only shall be paid out of Fund.

(7) The Cases covered under Motor Vehicle Act, 1988, (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the Scheme.

(8) The District Legal Services Authority, to alleviate the suffering of the victims, 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 deems fit.

(9) The District Legal Service Authority shall not allow any participation or representation by a legal practitioner or any other person or institution or Non-Governmental Organisation on behalf of the victim/claimant.

(10) If a 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 trial Court, the compensation awarded shall be recovered with 15% interest per annum.

8. Order to be placed on record.- Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to pass order of compensation under sub-section (3) of section 357 of the Act.

9. 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 from the date of the crime.

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

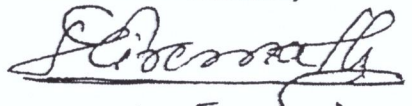
10. Appeal.- Any victim aggrieved of the denial of compensation by the District Legal Service Authority may file an appeal before the State Legal Service Authority within a period of ninety days:

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

SCHEDULE

Sl. No.	Particulars of Loss or Injury due to crime	Maximum limit of quantum of Compensation
1	Loss of life	Rs. 2.00 lacs
2	Loss of any limb or part of body resulting 80% or above handicap	Rs. 1.00 lacs
3	Loss of any limb or part of body resulting 40% & below 80% handicap	Rs. 50,000/-
4	Rape of Minor	Rs. 50,000/-
5	Rape	Rs. 40,000/-
6	Rehabilitation necessitated due to damage to house, vehicle etc.	Rs. 20,000/-
7	Loss of any limb or part of body resulting below 40% handicap	Rs. 20,000/-
8	Grievous injuries other than the injuries mentioned above	Rs. 10,000/-
9	Women and Child victims in cases like human trafficking, who themselves or their dependents have suffered separation, dislocation and disturbance	Rs. 10,000/-

By Order and in the name of the
Governor of Karnataka,



(M.M. HIREMATH)

Under Secretary to Government,
Home Department (Crimes)

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of Gazette and supply 200 copies to the undersigned.