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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Home Department

NOTIFICATION

No. 5299-PL dated 1st November, 2012.— In exercise of the powers conferred by section 357A by the Code of Criminal Procedure 1973 (2 of 1974) the Governor is pleased to declare the following Scheme for providing compensation to those victims of crimes or his/her dependents who have suffered loss or injury and who require rehabilitation, namely:—

Scheme

Short title and commencement.

1. (1) These Scheme may be called the West Bengal Victim Compensation Scheme, 2012;
- (2). This may come into force at once.

Definitions.

2. In these Scheme, unless the context otherwise required
 - (a) “Act” means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) “Dependents” mean a person who fully depends on the earnings of the victim;
 - (c) “Schedule” means Schedule appended to these Scheme;
 - (d) “State” means State of West Bengal;
 - (e) “Victim” means a person who himself has suffered loss or injury as a result of crime and requires rehabilitation and includes dependent.

Victim Compensation Fund

3. (1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under these Scheme shall be paid to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation,

- (2) The State Government shall allot a separate budget for the purpose of the Scheme every year,
- (3) The Fund shall be operated by the Secretary, State Legal Services Authority or the District Legal Services Authority, as the case may be,
- (4) The Fund will be maintained and audited as per existing Government rules.

Eligibility for Compensation

4. A victim of acid attack and sexual offences including rape and human trafficking shall be eligible for the grant of compensation if :—
 - (a) a recommendation is made by the Court for compensation under sub-section (2) of Section 357A of the Act;
 - (b) the Trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has been rehabilitated, makes recommendation for compensation under sub-section (3) of section 357(A) of the Act;
 - (c) the offender is not traced or identified, but the victim is identified and where no trial takes place, such victim or his dependent may apply for award of compensation under sub-section (4) of section 357A of the Act;
 - (d) they should not have been compensated for the loss or injury under any other scheme of the Central or State Government, Insurance Company or any other institutions.

Procedure for grant Compensation

5. (1) Whenever a recommendation is made by the Court of Compensation or an application is made by any victim or his dependent under sub-section (4) of section 357A of the Act to the State or the District Legal Services Authority, the State or the District Legal Services Authority shall examine the case and shall verify the contents of the claim with regard to the loss or injury caused to the claimant and also may call for any other relevant information necessary for consideration of the claim from the concerned victim or his dependent. After verifying the claim and after due enquiry the State or the District Legal Services Authority shall award compensation under sub-section (5) of section 357A of the Act.
- (2) The State or the District Legal Services Authority, as the case may be, 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.
- (3) The quantum of compensation to be awarded to the victim or his dependents shall not exceed from the maximum limit as per Schedule-I.
- (4) The amount of compensation as appended to these scheme by the State or the District Legal Services Authority shall be disbursed to the victim or his dependents, as the case may be, from the Victim Compensation Fund.
- (5) The cases covered under Motor Vehicles Act, 1988 (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under these Scheme.
- (6) The State or 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 the officer-in-charge of the police station or Magistrate of the area concern, or any other interim relief as it may deem fit.

limitations

6. Under these Scheme, no claim made by the victim or his dependents under sub-section (4) of section 357A of the Act shall be entertained after a period of six months of the Crime.

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

This Notification is issued with concurrence of Finance Department (Group D), vide their U.O. No. D 182/3 dated 07.03.2012 and with the approval of Cabinet held on 06.09.2012.

Schedule-I

Sl. No.	Particular of Loss or Injury	Maximum Limit 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. 50,000/-
3.	Loss of any limb or part of body resulting 40% & below 80% handicap	Rs. 20,000/-
4.	Rape of Minor	Rs. 30,000/-
5.	Rape	Rs. 20,000/-
6.	Rehabilitation	Rs. 20,000/-
7.	Loss of any limb or part of body resulting below 40% handicap	Rs. 10,000/-
8.	Loss or injury causing severe mental agony to women and child victims in cases of Human Trafficking	Rs. 10,000/-
9.	Loss or injury to Child victims	Rs. 10,000/-

By order of the Governor,

B. BANERJEE

Principal Secretary to the Government of West Bengal.