

HOME DEPARTMENT

World Trade Centre, Centre-1, 30th Floor,
Cuffe Parade, Mumbai 400 005, dated the 11th April 2014.

NOTIFICATION

CODE OF CRIMINAL PROCEDURE, 1973.

No. CPC.0211/C.R. 101/POL-7.—In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (II of 1974), the Governor of Maharashtra in co-ordination with the Central Government 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 a crime and who require rehabilitation, namely :—

1. *Short title.*—This Scheme shall be called the Maharashtra Victim Compensation Scheme, 2014.

2. *Definition.*—(1) In this Scheme, unless the context otherwise requires,—

(a) “Code” means the Code of Criminal Procedure, 1973 (II of 1974) ;

(b) “Schedule” means Schedule appended to this scheme ;

(c) “State” means the State of Maharashtra ;

(d) “Victim” means a person as defined in clause (wa) of section 2 of the Code of Criminal Procedure, 1973 (II of 1974) ;

(e) “dependents” means wife, husband, father, mother, unmarried daughter, minor children and includes other legal heirs of the victim who, on providing sufficient proof, is found fully dependent on the victim by the District Legal Services Authority.

(2) Words and expressions used herein and not defined but defined in the Indian Penal Code, 1860 (XLV of 1860) or the General Clauses Act, 1897 (X of 1897) have the same meanings respectively as assigned to them in the Indian Penal Code, 1860 and the General Clauses Act, 1897.

3. *Victim Compensation Fund.*— (1) There shall be constituted a fund, namely, “ the Victim Compensation Fund ” from which the amount of compensation under this scheme shall be paid to the victims or their dependents.

(2) The State Government shall allot a separate budget for the purpose of the Scheme every year.

(3) The Victim Compensation Fund shall consist of,—

(a) the receipt of amount of fines imposed under section 357 of the Code and ordered to be deposited by the courts in the Victim Compensation Fund ;

(b) the amount of compensation recovered from the wrongdoer or accused under clause 7 of the Scheme ;

(c) the donations or contributions from International, National, Philanthropist, Charitable Institutions or Organizations and individuals.

(4) The Victim Compensation fund shall be operated by the Secretary, Maharashtra State Legal Services Authority.

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

(6) The Maharashtra State Legal Services Authority shall be accountable for its functions under the Scheme and for furnishing periodical returns of the sums distributed to them by the State Government through the Nodal Department.

4. *Eligibility for Compensation.*— Victim or his dependents shall be eligible for the grant of compensation where,—

(a) recommendation is made by the Court under sub-section (2) and (3) of section 357A of the Code of the offender is not traced or identified but the victim is identified, and where no trial takes place, such victim or his dependents may apply for grant of compensation under sub-section (4) of the said section 357A of the Code ;

(b) the victim or the claimant reports the crime to the Officer-in-charge of the concerned Police Station or Executive Magistrate or Judicial Magistrate of the area within reasonable time :

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

(c) the victim or claimant co-operates with the police and prosecution during the investigation and trial of the case ;

(d) the victim is not compensated for the loss or injury under any other scheme of the Central or State Government or any other institution ;

(e) the loss of injury sustained by the victim or his dependents have caused substantial loss of income of the family making it difficult to meet their both ends without the financial aid or has to spend beyond his means on medical treatment of mental or physical injury ;

(f) the perpetrator of a crime is not traceable or goes unpunished after trial, but the victim is identifiable and has to incur a lot of expenses on physical and mental rehabilitation ;

(g) the Crime on account of which the compensation is to be paid under this Scheme has been occurred within the jurisdiction of Maharashtra State ; and

(h) the employees of the Central or State Government, Boards, Corporations and Public Undertakings and income tax payees shall not be eligible for compensation under this Scheme.

5. *Procedure for grant of compensation.*—(1) Whenever a recommendation is made by the Court under sub-sections (2) and (3) or an application is made by any victim or his dependents under sub-section (4) of section 357A of the Code to the District Legal Service Authority or the State Legal Service Authority, as the case may be, the District Legal Service Authority or the State Legal Service Authority, shall examine the case and verify the contents of the claims with regard to the loss or injury arising out of the victim or claimant and the loss or injury arising out of the reported criminal activity, and may call for any other relevant information necessary in order to determine the genuineness of the claim. After verifying the claim and due inquiry, the District Legal Service Authority or the State Legal Service Authority, as the case may be shall, award adequate compensation by completing the enquiry within two months, in accordance with the provisions of this Scheme.

(2) The District Legal Service Authority or the State Legal Service Authority, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of the loss caused to the victim, medical expenses 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 the facts of each case.

(3) Compensation 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 compensation under sub-section (3) of section 357 of the Code, the victim of the 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 Code, whichever is less. An undertaking to this effect shall be given by the victim or the claimant before the disbursal of the compensation amount.

(4) The quantum of compensation decided by the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall be disbursed to the victim or his dependents, as the case may be, from the Fund. While making payment of amount of compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall ensure that all the provisions of the Scheme are strictly complied with.

(5) Compensation received by the victim from the Central or State Government, Insurance Company or any other institution 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 a 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, the balance amount shall be paid out of the Fund.

(6) In fixing the quantum of compensation regard must be had to the minimum wages and the Schedule appended to the Motor Vehicles Act, 1988.

(7) The cases covered under the Motor Vehicles 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 quantum of compensation to be awarded to the victim or his dependents shall not exceed the maximum limit as per the Schedule.

(9) If a victim or his dependents have obtained an order sanctioning compensation under this Scheme based on false, vexatious or fabricated complaint which is so held by the trial Court, the compensation awarded shall be recovered with fifteen per cent interest per annum.

(10) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical treatment to be made available free of cost if a certificate of the police officer not below the rank of the Officer-in-charge of the police station or a Magistrate of the area concerned, has been produced to the medical authority concerned or any other interim relief as the appropriate authority, deems fit.

6. *Order to be placed on record.*—Copy of the order of compensation passed under this Scheme shall be placed on record of the trial Court to enable the court to pass an order of compensation under sub-section (3) of section 357 of the Code.

7. *Recovery of compensation awarded to the victim from wrongdoer or accused.*—The District Legal Services Authority, if deem fit proper, may institute proceedings before the competent court of law for recovery of the compensation granted to the victim or his dependent(s) from the person responsible for causing loss or injury as a result of the crime committed by him.

8. *Limitation.*—No claim made by the victim or his dependents under sub-section (4) of section 357A of the Code shall be entertained after a period of six months of the crime :

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

9. *Appeal.*—Any victim aggrieved by 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 Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

Schedule

[see 5 (8)]

Sr. No.	Particulars of loss or injury	Maximum limit of compensation
1.	Loss of Life	Rs. 2.00 lacs
2.	Permanent Disability	Rs. 0.50 lacs
3.	Acid Attack	Rs. 3.00 lacs

The following expenses shall be payable in addition to compensation outlined above :—

1.	Funeral expenses-Rs. 2,000.
2.	Medical expenses-Actual expenses incurred before death or on account of permanent disability by bills or vouchers but not exceeding Rs. 15,000.

By order and in the name of the Governor of Maharashtra,

DR. AMITABH RAJAN,
Additional Chief Secretary to Government.