

**Madhya Pradesh Crime Victim Compensation Scheme, 2015**

S.No. 1686-2015-two-C-1.—

In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 ( 2 of 1974), the State Government in co-ordination with the Central Government, hereby make the following scheme for providing funds for the purpose of compensation and deciding the quantum of compensation to the crime victims or their dependents, according to their financial status, who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:-

**1. Short title, extent and commencement. -**

- (a) This scheme may be called the Madhya Pradesh Crime Victim Compensation Scheme, 2015.
- (b) It shall extend to the whole State of Madhya Pradesh.
- (c) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

**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) "Code" means the Code of Criminal Procedure, 1973 (No. 2 of 1974);
- (c) "Fund" means the Victim Compensation Fund constituted under para 3 of the said Scheme;
- (d) "injury" means any injury specified in the Schedule appended to this Scheme;
- (e) "loss", includes loss to any property occurred as a result of an injury caused by reason of the criminal act or omission on the part of the accused;
- (f) "offence" means, any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (No. 1 of 1871);

- (g) "probation officer" means an officer appointed by the State Government as a Probation Officer under section 13 of the Probation of Offenders Act, 1958 (No. 20 of 1958);
- (h) "schedule" means the Schedule appended to this scheme;
- (i) "State" means the State of Madhya Pradesh;
- (j) "victim" means a person who has suffered any loss or injury caused by reason of the criminal 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, but does not include a person who is responsible for injury to such person;
- (k) "dependent" means and 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 Government in this regard;
- (l) all other words and expressions used herein and not defined, but defined in the Criminal Procedure Code, 1973 (No. 2 of 1974), Indian Penal Code, 1860 (No. 45 of 1860) or the Madhya Pradesh General Clauses Act have the same meanings respectively as assigned to them in the said Acts.

### **3. Constitution of Crime Victim Compensation Fund.-**

- (a) There shall be constituted a Fund to be called by the "Victim Compensation Fund"
- (b) The Victim Compensation Fund shall consist of: -
- (i) Budgetary allocation made in the annual budget by the State;
  - (ii) Receipt of amount of fines imposed-under section 357 of the Code;
  - (iii) Donations and contributions received from International or National Charitable Institutions, Organizations and individuals.
- (c) The amount in the Fund shall be deposited in Public Account under a new head of account.

- (d) The existing head of account in which the fines and fees are deposited as per section 357 of the Code have to be credited to the newly opened head of account.
- (e) The Home Department shall be the Nodal Department for regulating, administering and monitoring the said scheme.
- (f) The Member-Secretary of the Madhya Pradesh State Legal Services Authority shall operate the fund constituted under the Scheme.
- (g) The State Legal Service Authority shall be accountable for its functions under the scheme and also for furnishing periodical returns of the amounts allotted to them by the State Government through the Nodal Department.

**4. Monitoring of Scheme:-** For the purpose of monitoring the scheme the State and District level Committees shall be constituted and shall consist of the following:-

**State Level Committee**

- |       |   |   |           |
|-------|---|---|-----------|
| (i)   | Principal Secretary, Government of Madhya Pradesh<br>Home Department                        | - | Chairman  |
| (ii)  | Principal Secretary, Government of Madhya Pradesh<br>Law and Legislative Affairs Department | - | Member    |
| (iii) | State Legal Services Authority, Government of<br>Madhya Pradesh                             | - | Member    |
| (iv)  | Deputy Secretary, Government of Madhya Pradesh<br>Home Department                           | - | Secretary |

**District Level Committee**

- |       |   |   |           |
|-------|---|---|-----------|
| (i)   | District and Sessions Judge of the District       | - | Chairman  |
| (ii)  | District Magistrate of the District               | - | Member    |
| (iii) | District Superintendent of Police of the District | - | Member    |
| (iv)  | District Legal Services Authority                 | - | Secretary |

- (a) The State Level Committee shall hold quarterly meeting to review the pendency of applications and appeals.

- (b) The State Legal Service Authority, shall present state level data after collecting the data from the concerned district and shall submit to the State Level Committee.
- (c) The district level committee shall meet and review the pending cases in the first week of every month.

#### **5. Eligibility for Compensation.—**

The victim or his dependent shall be eligible for compensation under the scheme in the following cases, namely:-

- (1) Where a recommendation is made by the Court under sub-section (2) or sub-section (3) of section, 357 A of the Code, the District Legal Services Authority or State Legal Services Authority will decide the amount of compensation.
- (2) Where the trial Court makes a recommendation, on conclusion of the trial, when it is satisfied that the compensation awarded under section 357 of the Code is not adequate for such rehabilitation or where the case ends in acquittal or discharge and the victim has to be rehabilitated, or
- (3) Where the offender is not traced or identified, but the victim is identified and where no trial takes place or the Trial Court has not passed any order for award/compensation to the victim and in which case, the victim or his dependent may make an application to the District Legal Services Authority;
- (4) The crime, on account of which the compensation is to be paid under the scheme, should have been occurred within the State or crime started in the State.

**Exception.**—In case, the crime has occurred outside the State and the victim is found within the limit of the State, he shall be eligible for interim relief contemplated under sub-section (6) of section 357-A of the Code.

**6. Procedure for grant of compensation.—**

(1) On receipt of the recommendation by the trial court, Appellate Court, High Court or Court of Session when exercising its power on application under sub-section (4) of section 357-A of the Code, the State or the District Legal Services Authority shall, after due enquiry through appropriate authority as deemed fit by the State or the District Legal Services Authority, award adequate compensation by completing the enquiry within two months.

(2) The District Legal Services Authority shall examine and verify the contents of the claim with regard to the loss or injury caused to the victim and arising out of the crime. The Authority may call for any relevant information's necessary to determine the genuineness of the claim. After verifying the claim and conducting due enquiry, the District Legal Services Authority shall award adequate compensation within two months, in accordance with the provisions of the scheme.

(3) The District Legal Services Authority 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 an officer-in-charge of the police station or a Judicial or Executive Magistrate or a competent medical officer of the area concerned or any other interim relief as deemed fit by the Authority.

(4) The amount of compensation will be decided by the District Legal Services Authority based on the standard criteria given in the Schedule appended to the scheme.

(5) Compensation shall be paid as a single lump sum or in two installments as decided by the District Legal Services Authority.

(6) The District Legal Services Authority shall decide the quantum of compensation under sub-section (2) and (3) of section 357-A of the Code within sixty days of the receipt of the recommendation.

(7) The District Legal Services Authority shall decide the quantum of compensation on the basis of loss caused to the victim, medical expenses occurred on treatment, minimum sustenance amount required for rehabilitation.

(8) In the case of compensation to victim of rape/victim wider trauma, the matter shall be informed to the probation officer in the district concerned for effective rehabilitation and continuous evaluation.

(9) If the trial court, while passing judgment at a date later than the award of compensation, order the accused person to pay any amount by way of compensation under sub-section (3) of section 357 of the Code, the accused person shall remit an amount equal to the amount of compensation or the amount ordered to be paid under sub-section (3) of section 357 of the Code, whichever is less. An undertaking to this effect shall be given by the victim or his claimant before the disbursement of the compensation amount.

(10) The amount of compensation decided under the scheme shall be disbursed to the victim or his dependent from the Victim Compensation Fund. Compensation received by the victim from the State in relation to crime in question, namely, insurance whose premium has been paid by the State or Central Government, ex-gratia or payment received under any other Act or any other State scheme, shall be considered as part of the compensation amount under this scheme. The victim or his

dependent who has received compensation amount from collateral sources mentioned above shall be deemed to have been compensated under this scheme and shall not be entitled to separate compensation under this scheme. If the eligible compensation amount exceeds the payment received by the victim from collateral sources mentioned above, the balance amount shall be paid out of the Fund.

(11) The cases covered under the Motor Vehicles Act, 1988 ( 59 of 1988) wherein compensation is to be awarded by the Motor Accidents Claims Tribunal, shall not be covered under the scheme.

(12) If the annual income of the victim person, from all the sources of income, exceeds Rupees Five Lakh (Rupees 5 Lakh) then, the compensation as given in different categories of Schedule, amount payable would be 50 % (Fifty Percent only)

(13) Copy of the order of compensation passed by the District Legal Services Authority 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.

(14) The District Legal Services Authority, shall institute proceedings before the competent court of law for recovery of the compensation, granted to the victim or his dependent, from the accused if found ineligible later.

#### **7. Disbursement of compensation.-**

(1) Disbursement of compensation will be done, through the Aadhar linked bank account.

(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. In exceptional cases, the amount of compensation can be withdrawn for educational or medical needs of the beneficiary by the competent person as decided by the District Legal Services Authority / Appeal Authorities.

(3) In case of acid attack a sum of 1 lakh (one lakh) shall be paid to such victim within 15 days of such incidents.

### **8. Rejection, withholding or reduction of compensation.-**

The District Legal Services Authority may reject, withhold or reduce the award of compensation where the Authority considers that: -

(a) The applicant failed to inform the crime to the Police Officer without reasonable delay:

(b) The applicant failed to co-operate with the police officer or other Authority to bring the accused before justice;

(c) The applicant failed to give all reasonable assistance to the District Legal Services Authority or other related authorities in connection with the application.

(d) The eligibility of the victim as shown by the facts and circumstances of the case does not justify award of compensation.

### **9. Dependency Certificate.—**

The Tehsildar concerned or the authority designated as competent authority by the Government from time to time, shall issue Dependency Certificate within a period of fifteen days from the date of the application.



**10. Limitation.—**

No claim made by the victim or his dependent under sub-section (4) of section 357 A of the Code shall be entertained after a period of one hundred and eighty days from the occurrence of the crime. The District Legal Services Authority, if satisfied, for reasons to be recorded in writing, may condone the delay in filing the said claim.

**11. Appeal. —**

(1) Any victim or his dependents aggrieved by the rejection of his/her claim by the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of ninety days;

(2) A second appeal shall lie to Government in Home Department against the decision of 1st Appeal Authority, viz. State Legal Services Authority within a period of 30 days from the date of decision of the first Appeal Authority and the decision of second Appeal Authority shall be final:

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

(3) A decision made by the District Legal Services Authority and accepted by the applicant will normally be considered as final; The State Legal Services Authority/Government may, however, subsequently re-open a case where there has been such a material change in the medical condition of the victim that injustice would occur if the original assessment of compensation were allowed to stand, or where the victim has died in consequence of the injury.

**SCHEDULE**  
**COMPENSATION TO VICTIMS FOR INJURY/LOSS**

Note:- If annual income of the victim person, from all the sources of income, exceeds Rupees Five Lakh (Rupees 5 Lakh) then, the compensation amount payable would be 50 % of the limit prescribed.

Sl.No. (1)	Details of Loss or Injury (2)	Maximum limit of Compensation	
		(3)	(4)
1.	a. Loss of life (Death)	a. Death of an earning member	Maximum upto Rs. 4.00 lakh
		b. Death of a non earning member.	Maximum upto Rs. 2.00 lakh
	b. Loss of Fetus		Maximum upto Rs.50,000 and Free medical treatment in Government Hospitals
2.	In case of permanent disability being 100%	a. Victim being the earning member	Maximum upto Rs. 3.00 lakh (Free medical treatment in Government Hospital)
		b. Victim not being the earning member	Maximum upto Rs. 1.50 lakh (Free medical treatment in Government Hospital)
3.	In case of permanent disability being more than 40%	a. Victim being the earning member	Maximum upto Rs. 2.00 lakh (Free medical treatment in Government Hospital)
		b. Victim not being the earning member	Maximum upto Rs. 1.00 lakh (Free medical treatment in Government Hospital)

4.	(a) Loss of fertility (due to other criminal incident except rape)		Maximum upto Rs. 1.50 lakh (free medical treatment in Government hospitals)
	(b) Serious injury to vital part of body or surgery	a. Victim being the earning member	Maximum upto Rs. 50,000 (Free medical treatment in Government Hospital)
		b. Victim not being the earning member	Maximum upto Rs. 25,000 (Free medical treatment in Government Hospital)
5.	a. Gang Rape.	Maximum upto Rs. 3.00 lakh and Free medical treatment in Government Hospital	
	b. Sexual crime with minors	Maximum upto Rs. 2.00 lakh and Free medical treatment in Government Hospital	
6.	a. Acid attack leading to disfiguration of more than 40%	Maximum upto Rs. 3.00 lakh out of which Rs. 1.00 lakh to be paid within 15 days of intimation date and balance amount Maximum Rs. 2.00 lakh within 2 months and Free medical treatment in Government Hospital	
	b. Acid attack leading to disfiguration of less than 40%	Maximum upto Rs. 1.50 lakh out of which Rs. 50,000 to be paid within 15 days of intimation date and balance amount within 2 months and free medical treatment in Government hospital	

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
देव प्रकाश गुप्ता, सचिव.