



Government of Jammu and Kashmir
Home Department

NOTIFICATION

Jammu, the ~~23rd~~ 23rd April, 2013

SRO 229.-In exercise of the powers conferred by sub-section (1) of Section 545-A of the Code of Criminal Procedure Samvat, 1989 (Act No XXIII of 1989), the Government hereby makes 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. Short titled: This Scheme may be called the Jammu and Kashmir Victim Compensation Scheme, 2013.

Definitions: In this scheme, unless the context otherwise requires: -

- a) “**Act**” means the code of Criminal Procedure Samvat, 1989 (Act No XXIII of 1989);
- b) “**Schedule**” means Schedule appended to this notification.
- c) “**State**” means State of Jammu and Kashmir.
- d) “**Victim**” means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes dependent family members.

2. Victim Compensation Fund:

- i) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this 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.
- ii) The Government shall allot a separate budget for the purpose of the scheme every year.

- iii) The funds shall be operated by the Member Secretary, Jammu and Kashmir State Legal Services Authority.

Eligibility for Compensation:

A victim shall be eligible for the grant of compensation if:-

- a) 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 545-A of the Act;
- b) He/She should not have been compensated for the loss or injury under any other scheme of the Central/State Government, Insurance Company or any other Institution;
- c) The victim/claimant shall co-operate with the police and prosecution during the investigation and trial of the case.
- d) The compensation shall be provided to the victim/claimant only after filing of charge sheet or final report in the competent court of law.

3. Procedure for grant of compensation:

- 1) The victim/claimant shall report the crime to the Officer-in-charge of the Police Station or a Judicial Magistrate of the area within a period of six months of the commission of crime;
- 2) 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 545-A of the Act to the concerned 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 the victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Services Authority shall after due enquiry award compensation within two months, in accordance with provisions of this Scheme;
- 3) The compensation received by the victim/claimant under the scheme shall be recovered and credited to the victim compensation fund if he/she

resiles from the statement during trial of the case in the court of competent jurisdiction resulting in the acquittal/discharge of the accused;

- 4) Compensation under this scheme shall be paid to the victim/claimant 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 545 of the Act, 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), whichever is less. An undertaking to this effect shall be given by the victim/claimant before the disbursal of the compensation amount.
- 5) The concerned District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of losses 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 case. However, the quantum of compensation shall not exceed the amount mentioned in the Schedule-I appended to this scheme.
- 6) The quantum of compensation to be awarded under the Scheme shall be disbursed to the victim or his dependents as the case may be, from the Victim Compensation Fund.
- 7) 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, 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 shall be paid out of Victim Compensation Fund.
- 8) The cases covered under Motor Vehicle Act, 1988 wherein compensation is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under this Scheme.
- 9) 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 or any other interim relief as it may deem fit

on the production of a certificate of the police officer not below the rank of the Officer-in-charge of the police station or Magistrate of the area concerned.

4. Orders 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 enable the court to pass order of compensation under sub-section (3) of section 545-A of the Act.

5. Limitation:

No claim made by the victim or his dependents under sub section (4) of section 545-A of the act shall be entertained after a period of six months of the commission of crime;

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

6. Appeal:

Any victim aggrieved of the denial of compensation by the District Legal Services Authority, may file an appeal before the State Legal Services Authority within a period of 90 days;

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

By order of the Government of Jammu and Kashmir



(Suresh Kumar) IAS

Principal Secretary to the Government
Home Department

No: Home/ISA/OWP/115/2012 | 2383

Dated 23.04.2013.

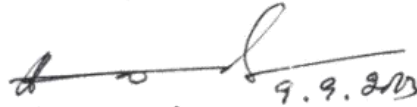
Copy to the: -

1. Principal Secretary to Hon'ble Chief Minister.
2. Director General of Police J&K, Jammu.
3. All Principal Secretaries to Government.
4. All Commissioners/Secretaries to Government.

5. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
6. Private Secretaries to all the Hon'ble Cabinet Ministers/Hon'ble Ministers of State.
7. OSD to Hon'ble Minister of State for Home.
8. Private Secretary to Principal Secretary to the Government, Home Department.
9. SRO/Stock File.

Schedule-I to Notification SRO 394 dated 09.09.2013.

S.No.	Particulars of loss or injury	Revised maximum limit of compensation
1.	Loss of life	Rs.2.00 lakh
2.	Death by torture in Police custody	Rs.3.00 lakh
3.	Loss of any limb or part of body resulting in 80% of above handicap.	Rs.2.00 lakh
4.	Loss of any limb or part of body resulting in 40% and below 80% handicap.	Rs.1.50 lakh
5.	Rape of minor or rape in Police custody	Rs.3.00 lakh
6.	Rape	Rs.2.00 lakh
7.	Acid victims: a. Complete damage/burns due to acid attack. b. partial damage/burns	Rs.3.00 lakh Rs.2.00 lakh
8.	Injury causing severe mental agony to women and child victims in case like Human Trafficking.	Rs.1.00 lakh


9.9.2013

Additional Secretary to the Government
Home Department