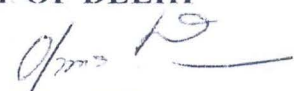


Copy for information and necessary action to:-

1. The Superintendent, GAD/CN, Government of NCT of Delhi for publication in Part-IV of Delhi Gazette, Extraordinary, two sets alongwith Hindi version.
2. Pr. Secretary to Hon'ble Lt. Governor, Raj Niwas, Delhi.
3. The Commissioner of Police, Police Headquarter, I.P. Estate, New Delhi.
4. Pr. Secretary to Hon'ble Chief Minister, GNCT of Delhi, Delhi Secretariat I.P. Estate, New Delhi.
5. Secretary to Hon'ble Minister (Home, Health, Power, PWD, Industries, Transport and Urban Development), Govt. of NCT of Delhi, Delhi Secretariat, I. P. Estate, New Delhi.
6. The Joint Secretary(UT), Govt. of India, Ministry of Home Affairs, New Delhi.
7. Pr. Secretary (H&FW), Health & Family Welfare Department, Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi.
8. Pr. Secretary, Law, Justice and LA, Govt. of NCT of Delhi, 8th Level, Delhi Secretariat, New Delhi.
9. Member Secretary, Delhi State Services Authority, Patiala House Court Complex, New Delhi - 110 001.
10. The Divisional Commissioner, Revenue Department, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi.
11. The Director (Information & Publicity), GNCT of Delhi, Delhi Secretariat, I. P. Estate, New Delhi.
12. OSD to Chief Secretary, GNCT of Delhi, Delhi Secretariat, I. P. Estate, New Delhi.
13. PS to Pr. Secretary (Home), GNCT of Delhi, Delhi Secretariat, I. P. Estate, New Delhi.
14. Dy. Secretary (IT), GNCT of Delhi with the request to upload the notification on the website of GNCT of Delhi.

**BY ORDER AND IN THE NAME OF THE LT. GOVERNOR
OF THE NATIONAL CAPITAL TERRITORY OF DELHI**


(O.P. MISHRA)
ADDL. SECRETARY(HOME)
HOME DEPARTMENT,
GOVT. OF NCT OF DELHI.

(TO BE PUBLISHED IN THE DELHI GAZETTE PART – IV EXTRAORDINARY)

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

HOME (POLICE-II) DEPARTMENT, 5TH LEVEL, 'C' WING,

DELHI SECRETARIAT, NEW DELHI

NOTIFICATION

Delhi, dated the 23/12/2016

F.No. 11/35/2010/HP-II/9544-57/459 - In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (2 of 1974), the Lt. Governor of National Capital Territory of Delhi in coordination with the Central Government hereby approves 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 TITLE AND COMMENCEMENT** — (1) This Scheme may be called the Delhi Victims Compensation Scheme, 2015.

(2) It shall come into force on the date of its publication in the Delhi Gazette.

(3) It shall apply to the victims and their dependent(s) who have suffered loss, injury, as the case may be, as a result of the offence committed and who require rehabilitation.

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

(a) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(b) "Dependent" includes wife, husband, father, mother, grandparents, unmarried daughter and minor children of the victim as determined by the Delhi State Legal Services Authority or District Legal Services Authority on the basis of report of Sub-Divisional Magistrate of the concerned area/Station House Officer/Investigating Officer or on the basis of material placed on record by the dependents by way of affidavit or on its own enquiry.

(c) "District Legal Services Authority" means the District Legal Services Authority (DLSA) constituted under section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) for a District of the National Capital Territory of Delhi;

- (d) "Form" means a form appended to this Scheme;
 - (e) "Fund" means the Victims Compensation Fund constituted under clause 3 of this Scheme;
 - (f) "Government" means "Lt. Governor of National Capital Territory";
 - (g) "Offence" means any of the offences mentioned in the Indian Penal Code, 1860 (45 of 1860) or in any other law for the time being in force;
 - (h) "Penal Code" means Indian Penal Code, 1860 (45 of 1860);
 - (i) "Schedule" means the Schedule appended to this Scheme;
 - (j) "State Legal Services Authority" means the Delhi State Legal Services Authority (DSLSA), as defined in the Legal Services Authorities Act, 1987 (39 of 1987)
 - (k) "Victim" means a person who has suffered loss or injury as a result of the offence and in the case of his death, the expression 'victim' shall mean to include his or her guardian or legal heir;
- (2) Words and expressions used in this Scheme and not defined, shall have the same meaning as assigned to them in the Code of Criminal Procedure, 1973 and the Indian Penal Code, 1860.

3. VICTIMS COMPENSATION FUND — (1) There shall be a Fund, namely, the Victims Compensation Fund from which the amount of compensation, as decided by the Delhi State Legal Services Authority or District Legal Services Authority, shall be paid to the victims or their dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.

(2) The 'Victims Compensation Fund' shall comprise the following:-

- (a) Budgetary allocation *in the shape of Grants-in-aid to DSLSA* for which necessary provision shall be made in the Annual Budget by the Government;
- (b) Receipt of amount of fines imposed (under section 357 of the Code of Criminal Procedure, 1973 (2 of 1974) and ordered to be deposited by the courts in the Victims Compensation Fund.

(c) Amount of compensation recovered from the wrongdoer/accused under clause 14 of the Scheme;

(d) Amount of compensation returned by the person receiving the compensation as per Form 'II' if any;

(e) Donations/contributions from International/National/Philanthropist/Charitable Institutions/ Organizations and individuals.

(3) The said Fund shall be operated by the Delhi State Legal Services Authority (DSLISA)

4. **ELIGIBILITY FOR COMPENSATION** — The victim or his/her dependent(s), as the case may be, shall be eligible for the grant of compensation after satisfying the criteria that he/she should not have been compensated for the loss or injury under any other scheme of the Central Government or the Government:

Provided that an affidavit of victim or his/her dependent(s), as the case may be, shall be sufficient unless the State or District Legal Services Authority, as the case may be, directs otherwise for the reasons to be recorded.

5. **PROCEDURE FOR MAKING APPLICATION BEFORE THE STATE OR DISTRICT LEGAL SERVICES AUTHORITY** — An application for the award of interim/ final compensation can be filed by the Victims and/or their Dependents or the SHO of the area and it shall be submitted in Form 'I' along with a copy of the First Information Report (FIR), medical report, death certificate, if available, copy of judgment/ recommendation of court if the trial is over, to the State or District Legal Services Authority.

6. **PLACE OF FILING OF APPLICATION** -- The application/recommendation for compensation can be moved either before the Delhi State Legal Services Authority or the concerned District Legal Services Authority. The Secretary of the respective DLSA shall decide the application/ recommendation moved before him/her as per Scheme. The DSLISA in turn can retain, enquire and decide the matters itself or may call for any application/recommendation moved before any of the District Legal Services Authorities for disposal.

FACTORS THAT MAY BE AWARDED BY THE STATE OR DISTRICT LEGAL SERVICES AUTHORITY—The State or District Legal Services Authority may award compensation to the victims or their dependents to the extent as specified in schedule hereto.

FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION - While deciding a matter, the Delhi State Legal Services Authority/District Legal Services Authority may take into consideration following factors relating to the loss or injury suffered by the victim:

- (1) Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
- (2) Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health of the victim, funeral, travelling during investigation/ inquiry/ trial (other than diet money);
- (3) Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (4) Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- (5) The relationship of the victim to the offender, if any;
- (6) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
- (7) Whether victim became pregnant as a result of the offence;
- (8) Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;
- (9) Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;
- (10) Any disability suffered by the victim as a result of the offence;
- (11) Financial condition of the victim against whom the offence has been committed so as to determine his/her need for rehabilitation.
- (12) In case of death, the age of deceased, his monthly income, number of dependents, life expectancy, future promotional/growth prospects etc.
- (13) Or any other factor which the DSLSA/DLSA may consider just and sufficient.

9. GROUNDS FOR DECLINING THE COMPENSATION — The State or District Legal Services Authority, as the case may be, may decline the compensation giving adequate reasons reduced in writing.

The award of compensation under this Scheme shall be subject to the condition that later on the trial court while passing the Judgment orders the accused person to be pay any amount by way of compensation under section 357 of the Code, the victim shall refund the amount of compensation awarded under this Scheme, or the amount of compensation received in pursuance of the order passed under section 357 of the Code, whichever is less. An Undertaking in Form "II" hereto shall be obtained by the Disbursing Authority from the victim before the disbursal of the compensation amount under this Scheme.

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

(6) The DSLSA/DLSA may call from any record or take assistance from any Authority/Establishment/Individual/Police/Court concerned or expert for smooth implementation of the Scheme.

(7) In case after the disbursement of compensation, at any stage it comes to the notice of DSLSA/DLSA that any relevant fact shared with it during the inquiry for compensation was false, the Authority can initiate proceedings for recovery of part/full compensation awarded after affording an opportunity of being heard to the beneficiary.

11. THE 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 so as to enable the trial Court to pass an appropriate order of compensation under section 357 of the Code.

12. METHOD OF DISBURSEMENT OF COMPENSATION — (1) The amount of compensation so awarded shall be disbursed by the DSLSA by depositing the same in a Nationalized Bank or if the branch of a Nationalized Bank is not in existence, it shall be deposited in the branch of a scheduled commercial bank, in the joint or single name of the victim/dependent(s). Out of the amount so deposited, 75% (seventy five percent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.

DEPENDENCY CERTIFICATE — The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended:

Provided that the DSLSA/DLSA, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant.

16. LIMITATION - Under the Scheme, no claim made by the victim or his/her dependent(s), under sub-section (4) of section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

17. REPEAL & SAVINGS —(1)The Delhi Victims Compensation Scheme, 2011 is hereby repealed.

(2) Nothing in this Scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.
