

The Union Territory Of Puducherry Victim Assistance Scheme, 2012

Amended / Modified as of Union Puducherry Victim Assistance (Amendment) Scheme, 2013.



LAWYER STATUTES

By P. Vairava Sundaram Advocate
25th October, 2013



Contents

THE UNION TERRITORY OF PUDUCHERRY VICTIM	2
ASSISTANCE SCHEME, 2012**	2
1. Short title and commencement.—	2
2. Definitions.—	2
3. Fund of the scheme.—	3
4. Eligibility for assistance.—	3
5. Procedure for grant of assistance.—	3
6. Order to be placed on record.—	4
7. Method of disbursement of assistance.—	4
8. Medical aid to the victim.—	5
9. Dependency certificate.—	6
10. Limitation.—	6
11. Appeal.—	6
12. Quantum of assistance.—	6

In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Lieutenant-Governor of the Union territory of Puducherry hereby makes the following scheme for providing funds for the purpose of assistance to be given to the victim or his/her dependents who have suffered loss or injury or both as a result of the crime and who require rehabilitation.

THE UNION TERRITORY OF PUDUCHERRY VICTIM ASSISTANCE SCHEME, 2012**

1. Short title and commencement.— (1) This scheme may be called the **Union territory of Puducherry Victim Assistance Scheme, 2012.**

(2) This shall come into force on the date of its publication in the official gazette of the Union territory of Puducherry. *a

[a] This Scheme came into effect from 07.02.2013.

*[**] Published in The Gazette of Puducherry., Extraordinary., Issue No.8 Pt.II., No.8 dt. 07.02.2013.*

2. Definitions.— In this scheme, unless the context otherwise requires,—

- (a) “**Act**” means the **Code of Criminal Procedure, 1973 (Act 2 of 1974)**;
- (b) “**Collector**” means the Collector of a District of the Union territory of Puducherry or any person authorised in this behalf;
- (c) “**dependent**” means wife or husband, father, mother, unmarried daughter and minor children of the victim as determined by the authority empowered to issue dependency certificate;



(d) “**District Legal Services Authority**” means the District Legal Services Authority for Puducherry region and the Taluk Legal Services Committee, Karaikal/Mahe/Yanam as defined in **Legal Services Authorities Act, 1987**.

(e) “**Schedule**” means the schedule appended to the **scheme**;

(f) “**Union Territory**” means the Union territory of Puducherry; and

(g) “**Union Territory Legal Services Authority**” means Union territory of Puducherry Legal Services Authority as defined in **Legal Services Authorities Act, 1987**.

(h) “**Victim**” means as defined in **clause (wa) of section 2 of the Code of Criminal Procedure, 1973**.

Author’s Note:- The Code of Criminal Procedure, 1973 (2 of 1974) - Sec. 2 (wa).- “Victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir; -

3. Fund of the scheme.— (1) Victim Assistance Scheme will be funded from the Consolidated Fund of India, as per requirements of the scheme. The funds for this scheme will be made available to the Union Territory by the Ministry of Home Affairs by way of grant under Grant No. ‘55’ Other Expenditure of Ministry of Home Affairs.

(2) Amounts of fines imposed under **section 357 of the Code of Criminal Procedure** and ordered to be deposited by the courts in the Victim Compensation/Assistance Fund will be deposited into the Consolidated Fund of India.

(3) The cost of the assistance shall be recovered from the wrongdoer / accused and shall be treated as public demand to be recovered in accordance with the relevant provisions of law.

(4) The said fund shall be operated by the Collectors of the Union territory of Puducherry.

4. Eligibility for assistance.- The victim or his / her dependants satisfying the following criteria shall be eligible for the grant of assistance, namely – he / she should not have received any assistance for the loss or injury under any other scheme of the Central Government or Union Territory Administration of this nature.

5. Procedure for grant of assistance.- (1) Wherever a recommendation is made by the court for assistance under **sub-section (2) of section 357-A of the Code** or an application is made by any victim or his / her dependants under **sub-section (4) of section 357-A of the Code** to the Taluk Legal Services Committees, Karaikal / Mahe / Yanam or Union territory of Puducherry State Legal Services Authority or the District Legal Services Authority for Puducherry region or as the case may be, shall examine the case and verify the contents of the claim with regard to the loss or injury or both and rehabilitation necessitated as a result of the crime and may also call for any other relevant information necessary for consideration of the claim from the concerned.

(2) The inquiry as contemplated under **sub-section (5) of section 357-A of the Code** shall be completed within a period of sixty days from the date of receipt of the recommendation or application.

(3) After completion of inquiry, the Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry region or



the Taluk Legal Services Committees, Karaikal / Mahe / Yanam as the case may be, upon its satisfaction, shall decide the quantum of assistance to be awarded to the victim or his dependents on the basis of loss or injury or both or for rehabilitation, medical expenses to be incurred on treatment and such incidental charges as funeral expenses, etc;

Provided that the quantum of assistance to be awarded to the victim or his dependents shall not be less or more than what is provided in schedule attached to the scheme and if at a later date, compensation awarded by the court is more than maximum limit, the amount of assistance already paid shall be adjusted.

Author's Note:- The Code of Criminal Procedure, 1973 (2 of 1974), Sec. 357A.- (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the Victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependants may make an application to the State or the State Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) 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 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 a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

6. Order to be placed on record.— The copy of the order of assistance shall be placed on record of the trial court to enable the court to pass order of compensation under **sub-section (3) of section 357-A of the Code.**

Author's Note:- The Code of Criminal Procedure, 1973 (2 of 1974).- Sec. 357A (3).- If the trial Court, at the conclusion of the trial, is satisfied that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

7. Method of disbursement of assistance.— (1) The amount of assistance so awarded shall be deposited in a nationalised bank or in scheduled bank where the branch of nationalised bank is not available in the single or joint name of the victim or the dependents and out of the amount so deposited, 75% of the same shall be in fixed deposit for a minimum period of three years and the remaining 25% shall be available for the utilisation and initial expenses by the victim or the dependents or petitioners, as the case may be, and in exceptional circumstances, the Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam after being



satisfied may allow withdrawal up to 50% for the welfare of the victim or the dependents or petitioners.

(2) In the case of a minor, 80% of the amount of assistance so awarded shall be deposited in the fixed deposit account and shall be withdrawn only on attainment of the age of majority, however, exception can be made for educational or medical needs of the beneficiary at the discretion of Union territory of Puducherry Legal Services Authority or the District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam.

(3) The interest on the amount of fixed deposit shall be credited directly by the bank in the savings account of the victim or the dependents on monthly basis.

8. Medical aid to the victim.— **a*[(1)]** The Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits or any other interim relief as deemed fit, to be made available free of cost to the victim, which shall not be adjustable against the amount of assistance.

a*[(2)] *In order to monitor the medical treatment, aftercare and rehabilitation of victims of acid attack, a committee under the chairmanship of Secretary (Health) shall be constituted with the following officers from Labour / Welfare Department for medical care / aftercare and rehabilitation:-*

<i>Secretary (Health)</i>	<i>...Chairman</i>
<i>Collector, Puducherry</i>	<i>...Member</i>
<i>Collector, Karaikal</i>	<i>...Member</i>
<i>Secretary (Labour)</i>	<i>...Member</i>
<i>Secretary (Welfare)</i>	<i>...Member</i>
<i>Labour Commissioner</i>	<i>...Member</i>
<i>Medical Superintendent of Government - General Hospital / Women and Children - Hospital, Puducherry</i>	<i>...Member</i>
<i>Director of Health and Family Welfare Services</i>	<i>...Member Secretary</i>

(3) *The quantum of assistance for acid victim for medical care and aftercare shall be decided by the committee constituted under sub-paragraph (2) and the quantum of assistance shall be as per the scale prescribed for the patients under the Pondicherry Medical Relief Society for Poor Patients issued vide., G.O. Ms. No. 52, dated 15.9.1998 of Health and Welfare Department (Health), Government of Puducherry.*

(4) *The steps and measures required to be taken for rehabilitation of the acid victim will also be taken care by the said committee constituted in sub-paragraph (2).]*

[a] Bracket and figure sub-paragraph (1) inserted and sub-paragraph (2) added by para.2 of - Union territory of Puducherry Victim Assistance (Amendment) Scheme, 2013, w.e.f. 21.5.2013.



9. Dependency certificate.— The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and in no case the period shall be extended and Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam as the case may be in case of non-issuance of dependency certificate by the authority within the said period of fifteen days, may proceed on the basis of an affidavit to be obtained from the claimant.

10. Limitation.— No claim of assistance shall be entertained after a period of **a*[six months]** from the date of commission of crime;

Provided that the Union territory of Puducherry State Legal Services Authority or District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam as the case may be, if satisfied for reasons to be recorded in writing, may entertain a claim after the said period of **a*[six months]**.

[a] Ins. by para. 3 of - Union territory of Puducherry Victim Assistance (Amendment) Scheme, 2013, w.e.f. 21.5.2013.

11. Appeal.— Any victim aggrieved of the denial of assistance by District Legal Services Authority for Puducherry region or the Taluk Legal Services Committees, Karaikal / Mahe / Yanam may file an appeal before the Union territory of Puducherry State Legal Services Authority within a period of ninety days:

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

12. Quantum of assistance.— The assistance shall be granted as per the schedule annexed to the scheme.

Sl No. (1)	Particulars of loss or injury (2)	Minimum limit of assistance in Rs. (3)	Maximum limit of assistance in Rs. (4)
1.	Loss of life	3 lakh	5 lakh
2.	Rape	2 lakh	3 lakh
3.	Loss of any limb or part of body resulting in 80% permanent disability or above.	2 lakh	3 lakh
4.	Loss of any limb or part body resulting in above 40% and below 80% permanent disability.	1 lakh	1.5 lakh
5.	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability.	60, 000	1 lakh
6.	Loss of any limb or part of body resulting in below 20 % permanent disability.	50, 000	50, 000
7.	Victims of human trafficking, child abuse and kidnapping.	50, 000	50, 000
8.	Simple loss or injury to child victim.	10, 000	10, 000
9.	Rehabilitation	20, 000	20, 000
10.	Victim in acid attack		
	(a) In case of disfigurement of face	2 lakh	3 lakh
	(b) Other cases of injury	50, 000	50, 000



Author / Compiler
P. Vairava Sundaram
Advocate
For Statutes Up date contact
Mobile No: 94436-76908
e-mail: vairamlaw@yahoo.co.uk

Statutes Up date:-

The Union Territory of Puducherry Victim Assistance (Amendment) Scheme, 2013.

Statutes Referred in this Scheme:-

1. Code of Criminal Procedure, 1973 (2 of 1974) - Sec. 2 (wa), 357 & 357A.
2. Legal Services Authorities Act, 1987.