



Bihar Victim Compensation Scheme, 2014 & 2018

How compensation is funded:

- Annual budget by the state
- Fines imposed under CrPC Sec. 357 Cr.P.C.
- Amount recovered from accused under Clause 7 of the Scheme
- Central Victim Compensation Fund 2015
- Amount of costs imposed by courts

Eligibility for compensation:

- Victim or their dependents/legal heirs who have suffered loss or injury as a result of crime and need rehabilitation.
- Crime occurred within Bihar and was reported to police or judicial magistrate within 48 hours

How to apply for compensation:

- Victim can make an application before the State or District Legal Services authority pursuant to CrPC Sec. 357A(4)
- Court can recommend compensation pursuant to CrPC Sec. 357A(2) and (3).

No requirement of accused being identified or trial:

- Victim entitled to compensation even if the accused has not been identified and where no trial takes place.

Right to interim relief:

- Victim/dependent or SHO of the area can file application for interim compensation by submitting FIR, medical report, and death certificate (if applicable) to SLSA/DLSA
- SLSA/DLSA to provide Rs. 5000 to 10000 immediately after the application for compensation is received.



- **Minor victims:** In case of orphaned minors, the interim compensation is disbursed to the bank account of the child if in a childcare institution or DDO/SDM as the case may be.

Compensation procedure:

- Must file within six months of crime
- Complete Form I under Scheme and file with SLSA or DLSA (if available, use online portal) with FIR, medical report, death certificate (if applicable) and judgment (if trial over)
- Secretary of DLSA decides on compensation and awards within two months

Amount of compensation:

- See Schedule below for minimum and maximum amounts.
- If victim is minor, limits of compensation shall be 50% higher

<u>S. No.</u>	<u>Particular of loss or injury</u>	<u>Minimum Limit of Compensation</u>	<u>Upper Limit of Compensation</u>
1.	Loss of Life	Rs. 5 Lakhs	Rs. 10 Lakhs
2.	Gang Rape	Rs. 5 Lakhs	Rs. 10 Lakhs
3.	Rape	Rs. 4 Lakhs	Rs. 7 Lakhs
4.	Unnatural Sexual Assault	Rs. 4 Lakhs	Rs. 7 Lakhs
5.	Loss of any limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakhs	Rs. 5 Lakhs
6.	Loss of any limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakhs	Rs. 4 Lakhs
7.	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakhs
8.	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakhs
9.	Grievous physical injury or any mental injury requiring rehabilitation.	Rs. 1 Lakh	Rs. 2 Lakhs
10.	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility.	Rs. 2 Lakhs	Rs. 3 Lakhs
11.	In case of pregnancy on account of rape.	Rs. 3 Lakhs	Rs. 4 Lakhs
12.	<u>Victim of Burning</u>		
a.	In case of disfigurement of case	Rs. 7 Lakhs	Rs. 8 Lakhs
b.	In case of more than 50%	Rs. 5 Lakhs	Rs. 8 Lakhs
c.	In case of injury less than 50%	Rs. 3 Lakhs	Rs. 7 Lakhs



d.	In case of less than 20%	Rs. 2 Lakhs	Rs. 3 Lakhs
13.	<u>Victim of Acid Attack.</u>		
a.	In case of disfigurement of face	Rs. 7 Lakhs	Rs. 8 Lakhs
b.	In case of injury more than 50%	Rs. 5 Lakhs	Rs. 8 Lakhs
c.	In case of injury less than 50%	Rs. 3 Lakhs	Rs. 5 Lakhs
d.	In case of injury less than 20%	Rs. 3 Lakhs	Rs. 4 Lakhs

Factors considered in awarding compensation amount:

- Gravity of offence
- Expenditures (medical, counselling, funeral, travelling during investigation/inquiry/trial)
- Loss of education opportunity
- Loss of employment
- Relationship of victim to offender
- Period of abuse
- Victim becoming pregnant
- Contracting STD/ HIV or disability because of offence

Disbursement of Compensation:

- Compensation disbursed into the bank account of the victim. If the victim is minor with a guardian, disbursed into joint account with guardian and if minor is in a childcare institution, joint account with the superintendent.

Right to appeal:

- If any victim or his/ her dependent is dissatisfied by the order of the DLSA, can file an appeal before the SLSA within 30 days from the date of order