



## **Bihar Women Victims/Survivors of Sexual Assault/Other Crimes Compensation Scheme, 2019**

### **How compensation is funded:**

- Budgetary allocation to State Legal Services Authority (SLSA) for Women Victim Compensation Fund
- Amount recovered from accused under Clause 7 of the Scheme
- Central Victim Compensation Fund 2015
- CSR from companies and donations

### **Eligibility for compensation:**

- Females who have suffered mental or physical injury as victims of sexual offenses, including IPC sections 376A-E, 354A-D, and 509.
- Females who have suffered injury as a result of any offence mentioned in the schedule, including IPC sections 304B, 326A, and 498A.
- Crime occurred within Bihar and was reported to police or judicial magistrate within 48 hours
- Victims and dependents (defined as husband, father, grandparents, unmarried daughter, and minor children) are eligible for compensation from multiple schemes but amounts received under state schemes will be taken into consideration when determining quantum of compensation under central scheme.
- Does not apply to POCSO victims (which is addressed in POCSO Rule 2019, Rule 9)

### **How to apply for compensation:**

- Victims can make an application before the SLSA or District Legal Services Authority (DLSA) 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 of an offence entitled to compensation even if the accused has not been identified, no trial takes place, or the trial results in acquittal or discharge. *See* Supreme Court judgments in Ankush Shivaji Gaikwad vs. State of Maharashtra, (2013) 6 SCC 770 and Suresh vs. State of Haryana reported as (2015) 2 SCC 227.



### **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 three years 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
- Special provisions for acid attack cases:
  - All acid attack cases decided by District Criminal Injury Compensation Board
  - Rs. 1 lakh paid to acid attack victim within fifteen days of notification of occurrence, Rs. 2 lakhs within two months, and remaining amount of compensation paid within three months from the date of payment of the second installment.
  - Victims of acid attacks also entitled to additional compensation under Prime Minister's National Relief Fund

### **Amount of compensation:**

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



S. No.	Particular of loss or injury	Minimum Compensation	Maximum Compensation
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 guardian, joint account with guardian and if minor is in child care institution, joint account with 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 District and Sessions judge within 30 days from the date of such order.