



West Bengal Victim Compensation Scheme, 2017

How compensation is funded:

- Compensation paid from Victim Compensation Fund and operated by Member Secretary of State Legal Services Authority (SLSA) and allocated yearly budget by state

Who is eligible for compensation:

- A victim or his/her family who sustained substantial loss of income due to a loss and injury.
- Victims must not have received compensation from any other Central Government or State Government Scheme, insurance company or any other institution.
- *Not covered:* Cases under the Motor Vehicles Act where the claims of compensation are addressed by the Motor Vehicles Claims Tribunal are not covered under this scheme.

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).
- *Minor victims:* Where the victim is minor, the guardian must apply for compensation on behalf of minor. Guardian must give an undertaking before receiving compensation that compensation will be deposited in a nationalized bank and used for the welfare of minor victims. The S/DLSA will only disburse compensation after verifying that compensation will be used for the benefit of the minor victim.

No requirement of accused being identified or trial:

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

Right to interim relief:

- The S/DLSA can order immediate medical benefits free of cost to the victim or any other interim relief based on the certificate of police personnel not below the rank of officer-in-charge of the police station or local Magistrate.



Compensation procedure:

- Application for compensation under 357(A)(4) must be filed within 180 days from the commission of the crime. However, S/DLSA can entertain applications after 180 days if satisfied that the victim had sufficient cause preventing filing application on time.
- Victim compensation granted by S/DLSA after verifying the contents of the claims regarding the extent of loss and injury sustained by the victim or any other information.
- Any order granting compensation to the victim under this scheme must also be submitted before the trial court to enable the trial court to pass appropriate order of compensation under section 357(3) of CrPC upon conclusion of trial.
- Compensation paid from Victim Compensation Fund to the bank account of the victim or dependent.
- For minor victim compensation released to the guardian of the minor upon recommendation by the Child Welfare Committee to the S/DLSA.

Amount of compensation:

- See Schedule below. If a victim is below the age of 14, the amount of compensation will be 50% more than the stipulated amount.

Sl. No.	Description of Injuries/Loss	Minimum amount of compensation
1.	Acid Attack	Rs. 3 Lakhs
2.	Rape	Rs. 3 Lakhs
3.	Physical abuse of minor	Rs. 2 Lakhs
4.	Rehabilitation of victim of human trafficking or other offences like witch hunting etc.	Rs. 1 Lakh
5.	Sexual Assault (excluding rape)	Rs. 50,000/-
6.	Death	Rs. 2 Lakhs
7.	Permanent Disability (80% or more)	Rs. 2 Lakhs
8.	Partial Disability (40% to 80%)	Rs. 1 Lakh
9.	Burns affecting greater than 25% of the body (excluding acid attack cases)	Rs. 2 Lakhs
10.	Loss of foetus	Rs. 50,000/-



11.	Loss of fertility	Rs. 1.5 Lakhs
-----	-------------------	---------------

- The amount of compensation will be decided by S/DLSA on the basis of loss caused to the victim, medical expenses to be incurred based on treatment required, minimum amount for sustenance required for rehabilitation, and other incidental charges such as funeral expenses, etc.
- If compensation is granted to the victim before commencement of trial and again after trial by way of an order for monetary penalty upon the accused to be payable towards compensation for the victim, the victim or dependents will refund the lesser amount of compensation.
- Any compensation received by victim or dependent from any insurance company or under any other Central or State Government scheme or any other voluntary payment from any institution for the same crime, shall be treated as compensation given under VC Scheme. If the amount from compensation received under any other scheme or insurance company is less than compensation stipulated under this scheme, then extra amount will be paid to the victim from the victim compensation fund.

Grounds for denial of compensation:

- Applicant fails to take all steps to inform the police or government authorities about commission of the crime
- Applicant fails to cooperate with the police or the Court to bring the accused to justice
- Applicant fails to give assistance to S/DLSA in deciding application for compensation
- Applicant makes a second application for compensation against the same crime although first application has been granted, rejected, or pending disposal.
- Applicant does not support the case of the prosecution in trial and wilfully becomes a hostile witness
- The alleged crime results from collusion and is not based on verifiable facts

Right to appeal:

- If the victim or dependent is dissatisfied by the order of DLSA, then can file an appeal before SLSA within 90 days from the date of such order.
- SLSA can admit appeal after expiry of 90 days if satisfied that the applicant had sufficient cause preventing filing the appeal on time.
- A decision or order passed by SLSA under this scheme is final.