

## Delhi Victim Compensation Scheme

- **Court on its own Motion Vs. Union of India through Secretary, Ministry of Home Affairs and Anr. W.P. (C) No. 7927/2012 (High Court of Delhi)**

In the above said matter Hon'ble High Court of Delhi has directed Govt. of NCT of Delhi to give wide publicity and make awareness about the implementation of Delhi Victim Compensation Scheme, 2011 It was further directed that there should be no delay at all in the disbursement of the compensation awarded by the said legal services authorities. At the most the Government of NCT of Delhi can take about two weeks time for the said disbursal.

**Vide order dated 10.01.2013, in paragraph 5, Hon'ble Court has stated that**

“With regard to the direction relating to the medical treatment to be offered to victims, particularly the victim in question and the safety measures which are to be taken to ensure the safety of victims of crime, particularly women, we will keep the petition pending for further consideration. In this context, we also refer that the Government of India, Ministry of Home Affairs, vide Notification dated 26.12.2012 has appointed a Commission of Inquiry with the following terms of reference:-

- (i) To inquire into various aspects of the shocking incident of rape and brutal assault of a young woman in Delhi on 16.12.2012; identify the lapse, if any, on the part of the police or any other authority or person that contributed to the occurrence; and fix responsibility for the lapses and negligence on the part of the police or any other authority or person.
- (ii) To suggest measures to improve the safety and security of women, particularly in National Capital Territory of Delhi and National Capital Region.”

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- **Suresh & Others Vs. State of Haryana** Criminal Appeal No. 420/2012  
(Supreme Court of India)

In the above said matter Hon'ble Court has directed the Haryana State Legal Services Authority to pay interim compensation of Rupees Ten Lacs. If the funds are not available for the purpose with the said authority, the State of Haryana will make such funds available.

**Vide order dated 28.11.2014, in paragraph 13**, Hon'ble Court has stated that that 25 out of 29 State Governments have notified victim compensation schemes. The schemes specify maximum limit of compensation and subject to maximum limit, the discretion to decide the quantum has been left with the State/District legal authorities. It has been brought to our notice that even though almost a period of five years has expired since the enactment of Section 357A, the award of compensation has not become a rule and interim compensation, which is very important, is not being granted by the Courts. It has also been pointed out that the upper limit of compensation fixed by some of the States is arbitrarily low and is not in keeping with the object of the legislation.

**In paragraph 14**, the Hon'ble Court further stated that it is the duty of the Courts, on taking cognizance of a criminal offence, to ascertain whether there is tangible material to show commission of crime, whether the victim is identifiable and whether the victim of crime needs immediate financial relief. On being satisfied on an application or on its own motion, the Court ought to direct grant of interim compensation, subject to final compensation being determined later. Such duty continues at every stage of a criminal case where compensation ought to be given and has not been given, irrespective of the application by the victim. At the stage of final hearing it is obligatory on the part of the Court to advert to the provision and record a finding whether a case for grant of compensation has been made out and, if so, who is entitled to compensation and how much. Award of such compensation can be interim. Gravity of offence and need of victim are some of the guiding factors to be kept in mind, apart from such other factors as may be found relevant in the facts and circumstances of an individual case. We are also of the view that there is

need to consider upward revision in the scale for compensation and pending such consideration to adopt the scale notified by the State of Kerala in its scheme, unless the scale awarded by any other State or Union Territory is higher. The States of Andhra Pradesh, Madhya Pradesh, Meghalaya and Telangana are directed to notify their schemes within one month.....

**In paragraph 15,** ..... in the present case, complainant filed Criminal Revision for compensation to the family members of the deceased. The same has been dismissed by the Hon'ble High Court without any reason. In fact even without such petition, the High Court ought to have awarded compensation. There is no reason as to why the victim family should not be awarded compensation under Section 357-A by the State. Thus, we are of the view that the State of Haryana is liable to pay compensation to the family of the deceased. We determine the interim compensation payable for the two deaths to be rupees ten lacs, without prejudice to any other rights or remedies of the victim family in any other proceedings.

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