# APPENDIX – I

**THE VICTIMS OF CRIME (PREVENTION, PROTECTION AND COMPENSATION) BILL, 2007**

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THE VICTIMS OF CRIME (PREVENTION, PROTECTION AND COMPENSATION) BILL, 2007

A BILL
to provide for the prevention of and protection against impact of victimization of crime victims and for compensation and for appointment of Crime Victims Vigilance Commissioner and District Crime Victims Vigilance Commissioners for investigation of such matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

SHORT TITLE AND COMMENCEMENT.

1. This Act may be called the Victims of Crime (Prevention, Protection and Compensation) Act, 2007.

DEFINITIONS.

2. In this Act, unless the context otherwise requires,—

(a) "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within State, including those laws proscribing criminal abuse of power.

(b) A person may be considered a victim, under this code, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

(c) The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.
(d) "District Crime Victims Vigilance Commissioner" means the District Crime Victims Vigilance Commissioner for crimes appointed under subsection (3) of section 38;

(e) "Government" means the Government of a State or the Government of a Union Territory, as the case may be;

(f) "prescribed" means prescribed by rules made by the Government under this Act;

(g) "Crime Victims Vigilance Commissioner" means the Vigilance Commissioner for Victims of criminal offences appointed under subsection (7) of Section 38; and

(h) words and expressions used herein and not defined but defined in the Indian Penal Code or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in these codes.

PRESUMPTION IN CRIMINAL OFFENCES INCLUDING DEATH OR INJURY.

3. (1) Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law in force, in a prosecution of an offender, for the purposes of awarding compensation under the present law conduct is considered to be a criminal act which meets the definition of a criminal act or its attempt according to the special part of the criminal law.

(2) The Court, in deciding whether or not to draw a presumption under sub-section (1), shall have regard to all the relevant circumstances including, in particular,

(a) the period of crime,

(b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence,

(c) the evidence of any medical practitioner who might have examined the victim, and

(d) evidence, if any, of any magistrate who might have recorded the victim's statement or attempted to record it.

CONDITIONS PRECEDENT TO ARREST.
4. A police officer arresting a person who has been concerned in an offence under any law must be reasonably satisfied, and must record such satisfaction, relating to the following matters, namely:–

(a) that the complaint, information or suspicion is not only in respect of an offence having been committed, but is also in respect of the complicity of the person to be arrested in that offence;

(b) that the arrest is necessary in order to bring the movement of the person to be arrested under restraint, so as to inspire a sense of security in the public or to prevent the person to be arrested from evading the process of law or to prevent him from committing similar offence or to prevent him from interfering with evidence or witnesses or from indulging in violent behaviour in general; and

(c) that the arrest, and not a service of notice of appearance under sub-section (1) of section 5, is absolutely necessary.

NOTICE TO APPEAR.

5. (1) A police officer may instead of arresting the person concerned, issue to him a notice of appearance requiring him to appear before the police officer issuing the notice at such place as may be specified in the notice and to co-operate with the police officer in the investigation of the offence mentioned in the notice.

(2) It shall be the duty of a person to whom notice has been issued under the subsection (1) to comply with the terms of the notice and so long as such a person continues to do so, he shall not be arrested in respect of the offence mentioned in the notice, unless for reasons to be recorded, the police officer is of the opinion that he ought to be arrested.

(3) Where a person to whom notice has been issued under sub-section (1), fails, at any time, to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned in the notice, subject to such orders as may have been passed in this behalf by a competent court.

RIGHT TO INTIMATION OF ARREST TO RELATIVE, FRIEND OR OTHER PERSON, AND CUSTODY MEMORANDUM.
6. (1) Whenever a person is arrested by a police officer, intimation of the arrest shall be immediately sent by the police officer (along with intimation about the place of detention) to the following person, namely:

(a) a relative or friend or other person known to the arrested person, as may be nominated by the arrested person;
(b) failing (a) above, the local legal aid committee.

(2) Such intimation shall be given by telephone or telegram or by any other method as may be convenient and as may convey the intimation fast enough and the fact that such intimation has been sent shall be recorded by the police officer under the signature of the arrested person.

(3) The police officer shall prepare a custody memorandum and body receipt of the person arrested, duly signed by him and by two witnesses of the locality where the arrest has been made, and deliver the same to the relative of the person arrested, if he is present at the time of arrest or, in his absence, send the same along with the intimation of arrest to the person mentioned in sub-section (1).

(4) The custody memo mentioned in sub-section (3) shall contain the following particulars:

(a) name of the person arrested and father's name or husband's name;
(b) address of the person arrested;
(c) date, time and place of arrest;
(d) offence for which the arrest has been made;
(e) property, if any, recovered from the person arrested and taken into charge at the time of the arrest; and
(f) any other relevant particular.

RIGHT TO LEGAL PRACTITIONER DURING INTERROGATION.

7. The person arrested shall have the right to have the presence and advice of a legal practitioner during interrogation and his legal practitioner shall be allowed to remain present and to advise him.

RECORD IN POLICE DIARY AS TO RIGHTS OF THE ARRESTED PERSON.

8. A police officer effecting an arrest shall inform the person arrested as soon as he is brought to the police station, of the rights of the arrested person under sections 6 and 7 and shall make an entry in the police diary about the following facts:

(a) the name of the person who was informed of the arrest;
(b) the fact that the person arrested has been informed of his rights under sections 6 and 7;
(c) the name of the legal practitioner of the person arrested; and
(d) the fact that a custody memorandum has been prepared as required by subsections (3) and (4) of section 6.

MAGISTRATES SATISFACTION AS TO COMPLIANCE WITH CERTAIN SECTIONS.

9. When an arrested person is produced before a Magistrate, the Magistrate shall satisfy himself that the provisions of sections 4, 5, 6, 7, 8 and sub-section (1) and (2) of section 10 have been duly complied with and shall further inform the arrested person of his right to medical examination under section 54 of the Code of Criminal Procedure, 1973.

INFORMATION OF CRIME AND PROCEDURE THEREAFTER.

10. (1) Every information relating to the commission of a crime or offence if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction and be read over to the informant and every such information whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in book to be kept by such officer in such form as may be prescribed in this behalf.

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant and shall also be forwarded immediately to the Crime Victims Vigilance Commissioner or the District Crime Victims Vigilance Commissioner as the case may be.

(3) Any person (including Legal Aid Centre or Non-Governmental Organisation or any friend or relative) aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may file a petition giving the substance of such information—
(a) before the Chief Judicial Magistrate in case of offences other than those involving death of the victim, or
(b) before the Sessions Judge in case of offence involving death.

(4) The person filing a petition under sub-section (3) shall also forward a copy of the petition to the Crime Victims Vigilance Commissioner or the District Crime Victims Vigilance Commissioner, as the case may be.
(5) The Chief Judicial Magistrate or the Sessions Judge, as the case may be, if satisfied on a preliminary enquiry that there is a *prima facie* case, may himself hold enquiry into the complaint made under sub-section (3) or direct other Judicial Magistrate or Additional Sessions Judge, as the case may be, to hold an enquiry and direct the ministerial officer of the Court to make a complaint to the Competent Court in respect of offence that may appear to have been committed.

(6) Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1973, the Competent Court shall on a complaint made under sub-section (5) take cognizance of the offence and try the same.

(7) The Chief Judicial Magistrate or the Sessions Judge, as the case may be, may obtain the assistance of the Crime Victims Vigilance Commissioner or the District Crime Victims Vigilance Commissioner or any public servant or authority as he may deem fit in holding the enquiry under subsection (5).

**VICTIMS RIGHTS**

11. Victim is someone whose rights or lawful interest had been violated or threatened by the crime.
   a. The victim has the right to generally be present at procedural act and to have access to documents that concern him/her.
   b. The victim has the right to make motions and comments at any stage of the procedure. His right to legal remedy is restricted, however, as the law specifically list cases where the right to remedy exists.
   c. The court, the prosecutor and the investigating authority is obliged to inform the victim of his rights and obligations.
   d. The victim may claim compensation for damages in the form of a civil claim during the criminal procedure. (In case of the inactivity of the authority or the prosecution, the law allows the victim to press auxiliary charges in certain cases.) In this case legal representation is mandatory.
   e. The charge will be represented by the victim as a private prosecutor in case of light bodily harm, violation of privacy, and violation of private correspondence, slander, libel and violation of the rights of the deceased. The victim may exercise his right through a representative, save cases where the law prescribes acting in person.
RIGHT TO RECEIVE INFORMATION

12. The victims in particular have access, as from their first contact with law enforcement agencies, by any means it deems appropriate and as far as possible in languages commonly understood, to information of relevance for the protection of their interests. Such information shall be at least as follows:
   (a) the type of services or organisations to which they can turn for support;
   (b) the type of support which they can obtain;
   (c) where and how they can report an offence;
   (d) procedures following such a report and their role in connection with such procedures;
   (e) how and under what conditions they can obtain protection;
   (f) to what extent and on what terms they have access to:
      (i) legal advice or
      (ii) legal aid, or
      (iii) any other sort of advice,
   if, in the cases envisaged in point (i) and (ii), they are entitled to receive it;
   (g) requirements for them to be entitled to compensation;
   (h) if they are resident in another State, any special arrangements available to them in order to protect their interests.

The victim who have expressed a wish to this effect are kept informed of:
   i. measures taken based on their complaint,
   ii. conduct of the criminal proceedings regarding the person prosecuted for offences
   iii. relevant factors enabling them, in the event of prosecution, to know the concerning them, expect in exceptional cases where the proper handling of the case may be adversely affected,
   iv. the court’s decision.

The Victim shall be ensured that, at least in cases where there might be danger, when the person prosecuted or sentenced for an offence is released, a decision may be taken to notify the victim if necessary.

RIGHT TO PROTECTION

13. 1. Victims shall be ensured a suitable level of protection and, where appropriate, their families or persons in a similar position, particularly as regards their safety and protection of their privacy, where the competent authorities consider that there is a serious risk of reprisals or firm evidence of serious intent to intrude upon their privacy.
2. To that end, Victim shall be guaranteed that it is possible to adopt, if necessary, as part of the court proceedings, appropriate measures to protect the privacy and photographic image of victims and their families or persons in a similar position.

RIGHT TO COMPENSATION IN THE COURSE OF CRIMINAL PROCEEDINGS

14. 1. Victims of criminal acts are entitled to obtain a decision within reasonable time limits on compensation by the offender in the course of criminal proceedings, except where, in certain cases, national law provides for compensation to be awarded in another manner.

2. Court shall take appropriate measures to encourage the offender to provide adequate compensation to victims.

PENAL MEDIATION IN THE COURSE OF CRIMINAL PROCEEDINGS

15. 1. Impact of Victimisation on victims shall be taken into account while seeking to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure.

2. State shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account.

VICTIMS RESIDENT IN ANOTHER STATE

16. 1. Victims shall be ensured through the competent authorities to take appropriate measures to minimise the difficulties faced where the victim is a resident of a State other than the one where the offence has occurred, particularly with regard to the organisation of the proceedings. For this purpose, its authorities should, in particular, be in a position:

   a) to be able to decide whether the victim may make a statement immediately after the commission of an offence,
   b) to have recourse as far as possible to the provisions on video conferencing and telephone conference calls for the purpose of hearing victims resident abroad.

2. The victim where he resides may make a complaint before the competent authorities of his State of residence if he was unable to do so in the State where the offence was committed or, in the event of a serious offence, if he did not wish to do so.
The competent authority shall transmit [the complaint] without delay to the competent authority in the territory in which the offence was committed. The complaint shall be dealt with in accordance with the national law of the State in which the offence was committed.

SPECIALIST SERVICES AND VICTIM SUPPORT ORGANISATIONS

17. 1. State shall, in the context of proceedings, promote the involvement of victim support systems responsible for organising the initial reception of victims and for victim support and assistance thereafter, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations.

2. State shall encourage action taken in proceedings by such personnel or by victim support organisations, particularly as regards:
   (a) providing victims with information;
   (b) assisting victims according to their immediate needs;
   (c) accompanying victims, if necessary and possible during criminal proceedings;
   (d) assisting victims, at their request, after criminal proceedings have ended.

TRAINING FOR PERSONNEL INVOLVED IN PROCEEDINGS OR OTHERWISE IN CONTACT WITH VICTIMS

18. 1. Through its public services or by funding victim support organisations, each State shall encourage initiatives enabling personnel involved in proceedings or otherwise in contact with victims to receive suitable training with particular reference to the needs of the most vulnerable groups.

2. Paragraph 1 shall apply in particular to police officers and legal practitioners.

PRACTICAL CONDITIONS REGARDING THE POSITION OF VICTIMS IN PROCEEDINGS

19. In the interest of achieving aims set forth in (1) and (2) of Sec.15 (criminal proceedings should attempt to prevent secondary victimisation and placing victims under unnecessary pressure), victims shall in particular have regard to different facilities within courts, police stations, public services and victim support organisations.
COMPENSATION

20. (I) Notwithstanding the provisions of section 357 of the Code of Criminal Procedure, 1973 where the court convicts an offender including an offence resulting in death or bodily injury, being an offence constituted by an act the provisions of this section shall apply,

When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;

(b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

(c) The establishment, strengthening and expansion of national funds for compensation to victims should be made. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

COMPENSATION WILL NOT BE AWARDED

21. Compensation will not be awarded, if the victim;
(1) a) was prosecuted against as co-defendant in the criminal proceedings conducted for the criminal act which resulted in damage to the health of the victim or was an accomplice to the criminal act.

b) did not give consent to the criminal prosecution of the person committing the criminal act in cases in which this consent is required for initiation of criminal prosecution or for continuation of proceedings, if
he/she withdrew such consent, or

(c) did not provide the bodies active in the criminal proceedings with the necessary cooperation, especially failure to report, without unnecessary delay, the criminal act for which compensation of damage is requested or exercised the right to refuse to testify as a witness in the criminal proceedings, referring to his/her relation to the offender.

(2) nor will the state award compensation unless the total assessment and investigation is completed.
22. The courts shall likewise take cognizance of the claim for compensation in respect of costs and damages on behalf of the crime. Unless otherwise stipulated, the legal relations in this law are governed by the Civil Code shall be maintained into the criminal injuries compensation fund or for the benefit of an institution whose objective it is to protect the interest of victims of criminal offences. The amount shall not exceed the maximum fine imposed for the offence as the amount to be set by the court.

1. Where a person is convicted for a criminal offence by a court, the court may impose an obligation upon him to pay to the State a sum of money for the benefit of the victim. The State shall remit the amount received to the victim without delay.

2. The court may impose this measure where and in so far as the defendant is liable towards the victim under private law for the damage caused by the criminal offence.

3. The measure may be imposed in conjunction with penalties and other measures.

4. Payments made by the convicted person to the state shall be used primarily to comply with the order and subsequently to comply with the increases introduced pursuant to paragraph 2.

5. The imposition of detention in lieu of payment shall not remove the obligation pursuant to the order concerning the payment of damages to the victim.

6. The registrar shall, of his own accord, provide a copy of the judgement to a victim who has joined the criminal proceedings. The victim shall himself have the judgement executed, in so far as it relates to his claim, in the way prescribed for judgements in civil cases. If the judgement has been passed orally, it shall be executed in the form of a notification by the registrar containing a copy of the judgement, and stating the names of the victim, the convicted person and the court which gave judgement, with the heading 'in the name of victim.'

23. In the criminal proceedings concerning the criminal act which resulted in damage to the health or death, the bodies active in the criminal proceedings are obliged to inform the victim about the conditions under which it is possible to apply for compensation.

i. An order for payment of compensation under this section may also be made by an appellate court or by the High Court or Court of Session when exercising its powers of revision.
ii. While rewarding compensation in any subsequent suit relating to the same matter, the civil court shall take into account any sum paid or recovered as compensation under this section.

iii. The amount awarded under this section not be less than:
(a) rupees twenty five thousand in case of bodily injury, not resulting in death;
(b) rupees two lakh, in case of death.

iv. In fixing the amount of compensation under this section, the court shall, subject to the provisions of sub-section (5) take into account all relevant circumstances, including (but not necessarily limited to) the following:
(a) the type and severity of the injury suffered by the victim;
(b) the mental anguish suffered by the victim;
(c) the expenditure incurred or likely to be incurred on the treatment and rehabilitation of the victim;
(d) the actual and projected earning capacity of the victim and the impact of its loss on the persons entitled to compensation and other members of the family;
(e) the extent, if any, to which the victim himself contributed to the injury;
(f) the expenses incurred in the prosecution of the case.

v. In case of the death or permanent disablement of the victim, the court may take into account the estimated annual income of the victim as multiplied by the number of years of his estimated span of life.

vi. Pending final determination of the proceeding, the Court may award, by way in interim relief, such compensation as it may think proper in the circumstances of the case at any stage of the case, even before judgement of conviction is passed.

vii. The Government may recover any amount paid by it as compensation under this section wholly or partly as it may think proper, from the delinquent person.

24. (1) The application must include the name and surname of the victim, date of birth, place of residence, birth certificate number and enclose the following documents:
a) the latest decision of the body active in the criminal proceedings concerning the criminal act or its announcement; unless the victim can enclose such decision, he/she must specify the body active in the criminal proceedings which was the last to conduct proceedings concerning the criminal act and to present the data about the person suspected of committing the criminal act if the same is known to him/her,
b) the information about the damage resulting from the criminal act and its extent, including any information about the extent to which the damage has already been compensated, and about the action undertaken by the victim to claim the damage,
c) the data concerning the applicant’s financial and earning status,
d) any documents the victim has that prove the data presented under b) and c). The documents about financial and earning status can be replaced by an affidavit.

(2) If, after filing the application for compensation, there are changes in the circumstances which affect consideration of the application for compensation and assessment of the amount of compensation to be awarded, especially if only partial compensation of the damage is made, the applicant is obliged to call the attention of the Ministry of Justice to these circumstances without delay.

25. (1) The victim to whom compensation has been awarded can be obliged, within five years from being awarded the compensation, to pay to the account of the Ministry of Justice the amounts received in compensation of damage will be an amount of the assistance awarded.

(2) Unless, within two years after the expiry of the term specified in paragraph 1, the right to recover the compensation awarded, its right expires against the state.

(3) On the basis of the application of the victim, the Ministry of Justice can on behalf of the State waive its right to recover the compensation awarded after expiration of the term specified in paragraph 1, if such a procedure is justified by the social situation of the victim, the total amount of damage incurred and the amount of compensation received by the victim.

STATE COMPENSATION TO THE VICTIMS OF VIOLENT CRIMES

26. (1) The victims of serious bodily injuries resulting directly from intentional acts of violence done either in the territory or in boats, as well as in case of death, persons to whom civil law gives the right to alimony,
may apply for the concession of a compensation by the State, although they do not or cannot be parts in the penal proceeding, according to the following requirements:

a) Resulting from the injury an absolute disability, a temporary disability for the work of 30 days at least or death;
b) Having the losses caused a trouble in the income level of the victim or the persons with the right to alimony;
c) Having got no effective reparation of the damage in the judgment execution related to the request made according to Penal Procedure Code, or if it is possible to foresee that the criminal and the civil responsibilities will not repair the damage without the possibility of getting effective and sufficient reparation from another source

(2) The right to compensation stands although one cannot know the identity of the author of intentional acts of violence or one cannot accuse or condemn him for any other reason.

(3) Those who voluntarily helped the victim or cooperate with the authorities in the prevention of the violence, prosecution or detention of the criminal, can also apply for a compensation, observed the requirements of a) to c) of number 1.

(4) The giving of compensation to the persons referred in the previous number does not depend on the giving of compensation to the victims of the injury.

(5) The present law will not be applicable when the damage is caused neither by a land motorised vehicle nor by employment related accidents.

AMOUNT OF THE COMPENSATION

27. (1) The amount of the compensation given by the State respects only material losses caused by injury and will be established in terms of equity, with the maximum per injured in case of death or injury. 
(2) It will be considered all the amount received from other sources, including the criminal or the social security;

EXCLUSION OR REDUCTION OF THE COMPENSATION

28. The compensation given by the State will be reduced or excluded according to the behaviour of the victim or the applicant occurred before, during or after the crime, his relationship with the offender or his environment, or if it is against the justice feeling or the public order.
FORFEITURE AND CONCESSION OF THE PROVISION

29. (1) On pain of forfeiture, the request of compensation by the State should be presented at the term of a year since the fact has occurred.
(2) If there is a criminal proceeding, the term just mentioned can be extended and ends at the term of a year since its final decision.
(3) In any case, the Minister of Justice can relieve the applicant from the effect of forfeiture, whenever the request is not made in time for moral or material reasons.
(4) In case of urgency, a provision can be applied for the compensation that will/cannot take part in the commission of crime.

APPLICATION FORM AND ATTACHED DOCUMENTS

30. (1) The concession of the compensation by the State depends on the applications of the persons mentioned in Sec.15 or of public prosecutors.
(2) The application must be followed by all the useful elements, such as:
   a) Indication of the amount of the wanted compensation.
   b) Copy of the income declaration related to the year preceding the practice of the facts;
   c) Indication of any amount already received as well as persons, public or private entities capable of doing payments, in all or partially, related to the damage.
(3) If a request of compensation is made, either in the penal proceeding or out of it, in the cases foreseen by law, the application must report if any compensation was given and if so which is its amount.
(4) In case of false declaration on the matter of the previous number, the State has the right to be reimbursed of the amount eventually paid to the applicants, and should exercise it by a law suit at the term of a year since the knowledge of falsity.

APPLICATION IN SPACE

31. If the crime mentioned in sec.15 have occurred abroad, and the injured person is an Indian, dispositions of the present law are applied if he has not the right to receive a compensation from the Government of the territory in which the damage took place.

SUBROGATION

32. The Government is subrogee in the rights of the injured against the author of intentional acts of violence and other persons responsible only in civil terms, within the limits of the given compensation.
REIMBURSEMENT

33. (1) Whenever the victim, after the payment of the provision or the compensation gets, at any title, a reparation or an effective compensation of the damage, the Minister of Justice, with the opinion of the commissioner mentioned in Sec. 38th, must claim the reimbursement, total or partial, of the received amounts, save the foreseen by number 2nd of Sec.16.
(2) It is possible to appeal against the decisions mentioned in the previous numbers, in general terms.

FALSE INFORMATION

34. According to the present law, those who get or try to get a compensation knowing it is based on false or Inexact information can be punished with prison through three years or fine.
   a. done for the execution of the present law.
   b. Costs

35. (1) The costs of the execution of the present law will be regarded as justice costs and supported by a special item inscribed every year in the budget of the Ministry of Justice, in a chapter named by "Government member offices and support services".
(2) Meanwhile the corresponding items are not inscribed in the Budget; the Financial Management Office of the Ministry of Justice will support them.
(3) In all the criminal condemnations in a criminal proceeding, the court will condemn the accused in the payment of an amount equivalent to 1% of the applicable justice tax, which will be regarded as a receipt of the General Fund of Courts.

PROCEEDING'S COSTS AND FREE DOCUMENTS

36. (1) The proceedings for the concession of the compensation by the Government are free of costs.
(2) Documents needed to the instruction of the request are free and must mention that they are

PUNISHMENT FOR KNOWINGLY DISOBEYING ANY DIRECTION OF LAW.

37. Whoever, being a police officer or a public servant—
   (a) knowingly disobeys any direction of any law prohibiting him from requiring the attendance at any place of any persons for the purpose of investigation into an offence or other matter, or
(b) knowingly disobeys any other direction of the law regulating the manner in which he shall conduct any investigation or arrest, to the prejudice of any Victim, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

CRIME VICTIMS VIGILANCE COMMISSIONER AND CRIME VICTIMS DISTRICT VIGILANCE COMMISSIONER.

38. (1) Every State Government and the Government of a Union Territory shall, by notification in the official Gazette, appoint a person to be known as the Crime Victims Vigilance Commissioner for Victims of crime.
(2) The Functions and powers of the Crime Victims Vigilance Commissioner shall be to—

(a) exercise superintendence over all investigations and prosecutions with respect to crime victimisations;
(b) give directions to the concerned officers in all matters relating to investigation of and prosecution for offenders;
(c) review the progress of investigations and prosecution with respect to offences where innocent poor victims are involved;
(d) tender advice to the Government on all matters relating to innocent victims of crime;
(e) call for information from any concerned officer or authority about offences and about action taken on his recommendation or advice;
(f) collect or cause to be collected such statistics or data and other information as may be necessary for appropriate and effective discharge of the functions of the Commission;
(g) hold any inquiry pursuant to sub-section (7) of section 10; and
(h) discharge any other function as may be prescribed.

(3) The Government may, in consultation with the Crime Victims Vigilance Commissioner, appoint by notification in the Official Gazette, a District Crime Victims Vigilance Commissioner for each District.

(4) The Government may authorise a District Crime Victims Vigilance Commissioner to have jurisdiction over another district also for which no separate District Crime Victims Vigilance Commissioner has been appointed.
(5) A District Crime Victims Vigilance Commissioner shall have such powers and perform such function as may be entrusted to him by the Crime Victims Vigilance Commissioner appointed under subsection(1) and shall discharge his duties subject to his directions.

(6) The qualification for appointment as Crime Victims Vigilance Commissioner or District Crime Victims Vigilance Commissioner and their terms and conditions of service shall be such as may be prescribed.

(7) The Government may, in consultation with Crime Victims Vigilance Commissioner; make rules with respect to strength of the staff of the Crime Victims Vigilance Commissioner or District Crime Victims Vigilance Commissioners and their conditions of service.

(8) The Government shall in making any rules or regulations governing matters relating to crime, consult its Crime Victims Vigilance Commissioner.

(9) All directions relating to recording and investigation of and prosecution for, criminal offences given by the Crime Victims Vigilance Commissioner or the District Crime Victims Vigilance Commissioner shall be binding upon the officer concerned.

(10) The Crime Victims Vigilance Commissioner shall present annually a consolidated report on his functioning and on the administration of this Act to the Government, and the Government shall cause a copy thereof, together with its memorandum, to be laid before each House of the State Legislature within four months from the date of the receipt of the report by the Government or till the Legislature meets, next, whichever is later.

POWER TO MAKE RULES.

39. (1) The State or the Union Territory Government, as the case may be, may by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of the Act.

(2) In particular, and without prejudice to the generality of the foregoing process, such rules may provide for all or any of the following matters, namely—
(a) the form of the register as to information in respect of crimes or offences maintained under section 10;
(b) the qualifications for appointment as Crime Victims Vigilance Commissioner or District Crime Victims Vigilance Commissioner and their terms and conditions of service under sub-section (6) of section 38;
(c) the strength of the staff and their conditions of service under sub-section (7) of section 38;
(d) any other power of function of the Crime Victims Vigilance Commissioner to be prescribed under clause (h) of sub-section (2) of section 38.

RULES TO BE LAID BEFORE LEGISLATURE

40. Every rule made by the Government under this Act shall be laid as soon as may be after it is issued or made, before each House of the Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.