

No. 24013/94/Misc./2014-CSR.III
Government of India/Bharat Sarkar
Ministry of Home Affairs

NDCC.II Building, Jai Singh road
New Delhi

Dated the 14th October, 2015

To

The Chief Secretaries
All State Governments/UT Administrations

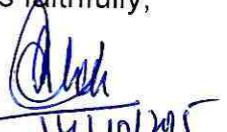
Subject: Central Victim compensation Fund Scheme (CVCF) Guidelines- Regarding
Sir/Madam,

This is to inform you that the Ministry of Home Affairs has decided to set up a Central Victim Compensation Fund (CVCF) with the following key objectives:-

- (i) To support and supplement the existing Victim Compensation Schemes notified by States/UT Administrations.
- (ii) To reduce disparity in quantum of compensation amount notified by different States/ UTs for victims of similar crimes.
- (iii) To encourage States/UTs to effectively implement the Victim Compensation Schemes (VCS) notified by them under the provisions of section 357A of Cr.P.C. and continue financial support to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking etc.

2. A copy of the Central Victim Compensation Fund Scheme's Guidelines is enclosed. You are requested to modify your State Victim Compensation Scheme (VCS) suitably. Implementation of State VCS may be speeded up, so that States can claim financial support from CVCF after closure of this financial year. A copy of the scheme is also available on the website of this Ministry viz www.mha.nic.in.

Yours faithfully,


(Kumar Alok)

Joint Secretary to the Govt. of India
Tel No. 23438100

Encl. As above

CENTRAL VICTIM COMPENSATION FUND (CVCF) GUIDELINES

1. **Short Title and Commencement:**

These will be called as the Central Victim Compensation Fund (CVCF) Guidelines and will come into force with effect from 21st August 2015.

2. **Objective of Setting up of the CVCF:**

- (i) To support and supplement the existing Victim Compensation Schemes notified by States/UT Administrations.
- (ii) To reduce disparity in quantum of compensation amount notified by different States/ UTs for victims of similar crimes.
- (iii) To encourage States/UTs to effectively implement the Victim Compensation Schemes (VCS) notified by them under the provisions of section 357A of Cr.P.C. and continue financial support to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking etc.

3. **Size of the CVCF:**

The CVCF will be set up with an initial corpus of Rs.200.00 Crore to be sanctioned by the Ministry of Finance.

4. **Source of Corpus Funds for CVCF:**

Out of the "*Nirbhaya Fund*", which is meant for tackling crime/violence against women, one-time Budgetary Grant of Rs. 200.00 crore as initial corpus fund for the CVCF has been sanctioned(*to be sanctioned*). The Corpus Fund shall also be supplemented with option of receiving contribution from Public.

5. **Empowered Committee and Composition:**

- (a) The CVCF shall be administered by an Empowered Committee chaired by the Additional Secretary (CS), MHA. The Empowered Committee shall consist of the following as Members :
 - (i) Joint Secretary, Department of Expenditure, Ministry of Finance
 - (ii) Joint Secretary, Ministry of Women and Child Development
 - (iii) Joint Secretary, Ministry of Social Justice and Empowerment
 - (iv) Chief Controller of Accounts, Home
 - (v) Director (Finance), Ministry of Home Affairs
 - (vi) Joint Secretary (UT Division) MHA.
 - (vii) Joint Secretary (CS Division) of MHA, Convenor.
- (b) In case of any exigencies, the Member may depute an officer of suitable seniority to attend the Empowered Committee, subject to prior approval of the Chairman. There should be minimum quorum of 4 nominees including the Chairman to consider and approve the proposals. The Chairman will have the power to invite any additional person to attend the meeting.

6. Secretariat:

Joint Secretary (CS Division) MHA shall be designated as the Administrator of the Fund. The Empowered Committee shall be assisted by the CS Division of MHA.

7. Essential Requirements to access funds from CVCF

- a. The State/ UT must notify the Victim Compensation Scheme as per provisions of Section 357A of CrPC
- b. The quantum of compensation notified should not be less than the amount mentioned in **Annexure I**.
- c. State/UT must first pay the compensation amount to the eligible victims of crime from its own Victim Compensation Fund and then seek reimbursement of funds from CVCF.
- d. Any expenditure incurred from the State Victim Compensation Fund to assist the victims will be treated to be first spent from the non-budgetary resource available in the State Fund. Budgetary grant received from the state Government/UT Administration will be used only after consuming the non-budgetary resource.
- e. Details of every victim compensated must be maintained electronically in 'Victim Compensation Module' in Citizen portal of CCTNS project

8. Admissible Activities of CVCF:

- a) To obtain a Corpus of funds in MHA.
- b) To supplement the Corpus in MHA through contributions from Corporates and the Public.
- c) To supplement and support the Victim Compensation Schemes notified by the States/UT Administrations on a matching share basis (to the extent of actual expenditure made from the State/UT Administrations Budget component to the State Victim Compensation Fund in that particular year).

{Explanation: It is expected that the State Victim Compensation Fund will consist of fees, fines, compensation amount paid/recovered from the perpetrators of crime and also budgetary support from the State Government/ UT Administration. Support from CVCF to the State/UT will be limited to the actual expenditure made from the State/UT Administration budget component of the State Victim Compensation Fund in the particular year and only if the victims of crime are being compensated as per the objectives of the state/UT victim compensation scheme. In case State/UT Budget Component is not fully spent in a particular year but carried forward and spent in the subsequent year, the State / UT will be eligible for recurring matching share from CVCF for this component of fund also subject to meeting other eligibility requirement}

- d) To provide special financial assistance up to Rs. 5.00 lakhs to the victims of Acid attack to meet treatment expenses over and above the compensation paid by the respective States/UT Administrations. Using this provision, a cashless treatment mechanism for victims of Acid Attack will be formulated in consultation with the states/UTs.

9. Approval and Release of Funds:

- a) States/UTs will first implement the victim compensation schemes notified by them and first pay compensation to the eligible victims following the procedure and timeframe provided in their respective schemes.
- b) The State Govts/UT Administrations shall submit proposals for seeking financial assistance from CVCF (preferably once a year after completion of the financial year) as per **Annexure- II** attached.
- c) The Empowered Committee shall normally meet once in every quarter, or sooner, if required, to assess and approve the proposals as received in **Annexure II**.
- d) UT Administrations shall route their proposals through UT Division, MHA.
- e) The Empowered Committee shall have the power and the Authority to approve/reject/return the proposals.
- f) In case a proposal is sanctioned, funds will be transferred electronically to the bank account of the State victim compensation fund as maintained either by the State Legal Services Authority (SLSA) or by the nodal department of the state Government
- g) Utilisation Certificate from the State Governments/UT Administrations shall be furnished as per provisions of GFR 19(A).

10. Bank Account and Receipt of Contributions from the Public:

- a) The Central Victim Compensation Fund (CVCF) will be created with an initial funding of Rs 200 crore to be provided by the Ministry of Finance through the Demand for Grants of the Ministry of Home Affairs. Further, funding would be done by the Ministry of Finance, if need arises.
- b) Contributions from Corporates and Public shall be received through a single Bank Account opened in the State Bank of India, Central Secretariat Branch, North Block, New Delhi, favouring "The Central Victim Compensation Fund (CVCF)". The Bank Account will be operated jointly by the Administrator of this Corpus Fund and the Chief Controller of Accounts, Ministry of Home Affairs.
- c) Donations into the Corpus Fund of CVCF could be received through online payments through Net Banking, or by Debit/Credit Cards or Cheque or Demand Draft. In such cases, the Donor shall receive an automated, digitalised signed receipt from the State Bank of India, Central Secretariat Branch, North Block, New Delhi.
- d) While efforts would be made to optimally utilise the funds available in the CVCF, any temporarily idle balance may be invested in fixed Deposits with the State Bank of India, with the prior approval of the Empowered Committee. Interest earned by the CVCF would be ploughed back and used for furthering its objectives.

11. Accounting and Auditing

- a. To ensure financial accountability, internal Audit shall be carried out by the Chief Controller of Accounts, Ministry of Finance (Department of Economic Affairs) once in every six months. In addition, statutory Audit shall be carried out annually by an Independent Auditor from a Board of Auditors appointed by the CAG. The reports and observations will be brought to the notice of the Central Government.
- b. The Chief Controller of Accounts, Ministry of Home Affairs, will maintain the accounts, including Receipts and Payments Accounts.

12. Information and Web Portal:

Information relating to all activities of the Corpus Fund along with the relevant FAQs will be uploaded on the Web site of the Ministry of Home Affairs and also by the State/UT Governments, in their respective Web sites. The respective Ministry/State Governments will answer RTI or other queries related to the implementation and utilization of funds made available to them for the activities under this scheme.

13. Monitoring:

The CS Division of the Union Home Ministry administratively concerned with the Corpus Fund shall monitor the utilization of funds received by the State Govt/UT Administrations and shall provide a Quarterly Report to the Empowered Committee headed by the Additional Secretary (CS).

14. Amendment of Guidelines:

After assessing the experience of administering the CVCF, the Empowered Committee may recommend amendment(s) in the guidelines, as and when required subject to approval of the Union Home Minister.

Minimum Amount of Compensation

Sl. No.	Description of Injures / 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	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
12	Women victims of cross border firing: (a) Death or Permanent Disability (80% or more) (b) Partial Disability (40% to 80%)	Rs. 2 lakhs Rs. 1 lakh

Note : If the victim is less than 14 years of age, the compensation shall be increased by 50% over the amount specified above.

{File Number}
Government of {State/UT}

Dated the

To,
The Joint Secretary
CS (Division)
Ministry of Home Affairs
Government of India

**Subject:-Request for reimbursement of funds from Central Victim Compensation Fund to
{Name of States/UT}**

Sir

Kindly find enclosed herewith a proposal to seek financial assistance from the CVCF to the victim compensation fund of {name of State/ UT}. During the financial { year}, we have disbursed {amount } to {number of victims}. The details of amount claimed, amount paid etc is given in the table below;

(Rs in Lakh)

	Financial Year	Formula	Amount
1	Opening balance in the State victim compensation fund (A)		
2	Amount received as fees/ fine (B)		
3	Amount received as compensation from perpetrators of crime in the year (C)		
4	Amount received from other sources (D)		
5	Amount carried forward from previous year as budgetary grant component from State/UT (E)		
6	Amount received as budgetary grant from State/ UT (F)		
7	Total non budgetary resource in State/UT VCF (G)	=A+B+C+D-E	
8	Total Budgetary and Non budgetary resource in SVCF (H)	=E+F+G	
9	Amount paid as compensation to the victims out of SVCF (I))		
10	Amount claimed from the CVCF if (I-G)>0	=(I-G)* or (E+F)*	
11	Amount claimed from the CVCF if (I-G)<0	0	
12	Closing balance in the State Victim Compensation Fund		
13	Total number of victims assisted		

*Support restricted to (I-G) or (E+F) whichever is lower

Details of victims assisted is given in the enclosed sheet. Accordingly, the Ministry of Home Affairs may kindly sanction Rs.____ {Amount in lakh} from CVCF to the State victim compensation fund of {name of State}. Utilisation certificate for the amount sanctioned in the previous year { name of Year} is enclosed.

Yours faithfully,

{HOME SECRETARY}
GOVERNMENT OF {NAME OF STATE/UT}

Encl.: As above

Annexure-II Contd.

Proforma for Claiming of amount of compensation from Central Victim Compensation Fund								
	1	2	3	4	5	6	7	8
Sl No.	Components of the Scheme	No. of Cases reported/ No of Victims	No of Cases charge sheeted	No of cases Convicted	No. of victims compensated by State Governments/ Courts/ Judicial Agencies/ Commissions/ Others	Amount recovered from perpetrators of crime	Amount released as compensation	Remarks
1	Rape cases							
2	Other sexual offence cases							
3	Acid attacks							
4	Crime against children cases (under POCSO Act)							
5	Human Trafficking Cases							
6	Victims of Cross border firing							
	Total							