



(63)

The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

Re. 1/- per page

VOL - XL Aizawl, Wednesday 14.12.2011 Agrahayana 23, S.E. 1933, Issue No. 556

NOTIFICATION

No. D-32019/1/2005-HM, the 5th December, 2011. In exercise of the powers conferred by Sec. 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Mizoram, in coordination with the Central Government, hereby frames the following Scheme for providing funds for the purpose of compensation to the victims of crime in particular acid attack victims or their dependants who have suffered loss or injury as a result of crime and who require rehabilitation as indicated hereunder:

Short Title:

1. This Scheme shall be called the 'Mizoram Victims of Crime Compensation Scheme, 2011.'

**Introduction &
Operation:**

2. The broad aim of the Scheme is to make fund provision for the purpose of compensation to the victims of crime or their dependants who have suffered loss or injury as a result of crime and who require rehabilitation.

Definitions :

3. In this Scheme, unless the context otherwise requires, -
 - (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) "Central Government" for the purpose of this scheme, the Central Government means Government of India, Ministry of Home Affairs;
 - (c) "Court" means a Court notified by the State Government under Section 3-6 with all the other enabling provisions of the Mizoram Civil Courts Act, 2005 and after consulting the Hon'ble Gauhati High Court;
 - (d) "Crime" for the purpose of the scheme, the term connote an unlawful act which is an offence against the public and renders the person guilty of the act or default liable to legal punishment under Indian Penal Code (45 of 1860);
 - (e) "Fund" means fund arranged by the State Government for the purpose of compensation to the victim or his dependants who suffered loss or injury as a result of the crime and who require rehabilitation;

64

- (f) "Injury" for the purpose of this scheme means physical wrong or burns or maiming or disfiguring or mental illness caused to the victim;
- (g) "Legal Service Authority" means the legal service authority notified by the State Government under Legal Services Authorities Act, 1987;
- (g) "Loss" property with which the owner involuntarily has parted through act of violence, coercion, etc.;
- (h) "State Government" for the purpose of this scheme, the State Government means Government of Mizoram;
- (i) "Victim" means a person who himself has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged ; and causing burns or maiming or disfiguring or disabling or causing grievous hurt as a result of acid attacks and require rehabilitation and the expression "victim" includes dependent family members.
- (j) "Rehabilitation" means a sum of money paid to the victims/ dependent family members from the Victim Compensation Fund.

Victim Compensation Fund :

- 4. (a) There shall be constituted a fund, namely, Victim Compensation Fund, from which amount of compensation under this Scheme shall be paid to the victims or their dependents who have suffered loss or injury as a result of crime and who require rehabilitation.
- (b) The State Government shall allot a separate budget for the purpose of the Scheme every year and the expenditure for such compensation shall be met from the head of accounts:

2014	-	Administration of Justice,
00	-	
114	-	Legal Advisers & Counsels
(03)	-	Legal Services Authority (NP)
00	-	
(50)	-	Other Charges
- (c) The Fund shall be operated by the Secretary, State Legal Services Authority.

Eligibility :

- 5. The victim or his dependent, satisfying the following criteria, shall be eligible for grant of compensation:
 - (a) where the perpetrator is not traced or identified or goes unpunished after trial, but the victim is identifiable and the victim has to incur a lot of expenses on physical and mental rehabilitation, such victim may apply for compensation under sub-section 4 of Section 357 A of the Act;
 - (b) the victim/claimant submits a report of the crime to the Officer-in-Charge of the nearest Police Station, Magistrate or Judicial Magistrate of the area, provided that the District Legal Services Authority, is satisfied, for the reasons to be recorded in writing may condone the delay in reporting;

- (c) the victim/claimant cooperates with the Police and prosecution during the investigation and trial of the case;
- (d) For the purpose of this Scheme, the dependants would mean husband/ wife, dependent children upto the age of 21 years (including legally adopted children) dependent parents, dependent daughter of any age and physically or mentally challenged children of any age.
- (e) The compensation would be given to the victim and his/her dependents in the event of loss of property worth more than Rs. 1.00 lakh and in the event of death or permanent incapacitation of the victim who was the sole bread-winner of the family through act of crime. The death/permanent incapacitation of either the husband or the wife irrespective of whether one or both were earning members, would entitle his/her dependent for compensation.
- (f) Only BPL family would be considered for eligibility under the Scheme.
- (g) The eligible claimant can file his/her claim within 6 (six) months of the relevant incident of crime. This can however be extended for another 6 (six) months for the reasons to be recorded in writing by the District Legal Services Authority.

Compensation 6 :

The following rate of compensation for disability under the scheme will be sanctioned to the victims and their kins/dependants as below-

- (a) Death/Permanent disability :
Rs. 1,00,000/-
- (b) Loss of two limbs or two eyes or two ears :
Rs. 1,00,000/-
- (c) Loss of one limb or one eye or one ear :
Rs. 50,000/-
- (d) Permanent loss/damage of part of the body :
Rs. 30,000/-
- (e) In case of hospitalization due to injury caused by a particular incident of crime.
Lump sum payment of Rs. 5,000/- subject to a maximum of Rs. 20,000/- :
Rs. 20,000/-
- (f) Rape :
Rs. 50,000/-
- (g) Loss or injury causing severe mental agony to women and child victim in case like human trafficking, kidnapping, etc :
Rs. 20,000/-

Procedure for grant of Compensation :

- 7. (a) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub section (2) of section 357-A of the Act to the District Legal Services Authority, the District Legal Services Authority shall examine the case and verify the contents of the claim with



regard to the loss or injury caused to victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Services Authority shall, after due enquiry, award compensation within two months, in accordance with provisions of this Scheme.

- (b) Compensation under this Scheme shall be paid subject to the, condition that if the trial court while passing judgement at a later date, orders the accused persons to pay any amount by way of compensation under sub-section (3) of section 357 of the Act, the victim/claimant shall remit an amount ordered equal to the amount of compensation, or the amount ordered to be paid under the said sub-section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim/claimant before the disbursal of the compensation amount.
- (c) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim, medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges as funeral expenses, etc. The compensation may vary from case to case depending on the facts of each case.
- (d) The quantum of compensation to be awarded to the victims/dependent(s) under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.
- (e) Victim or dependents who are in possession of property insurance policy and life insurance policy worth more the Rs. 1.00 lakh would not be entitled to receive compensation under the scheme.
- (f) The cases covered under Motor Vehicle Act, 1988 (59 of 1988) wherein compensation is to be awarded by the Motor Accident Claims tribunal, shall not be covered under the Scheme.
- (g) Victim or dependents would not be eligible to get compensation under the scheme if they have received any other assistance, by way of payment of ex-gratia or any other type of relief from the State Government or any other source.
- (h) In case employment is given to any family member of victim of crime, the family would not be entitled to assistance under the scheme. However, in case such employment is given after the release of assistance under the scheme, the assistance would not be withdrawn.
- (i) The perpetrators of crime or his/her dependants will not be entitled to any compensation under the scheme.

Order to be placed
on record :

8. Copy of the order of compensation passed under this Scheme shall be mandatorily placed on record of the trial Court to enable the Court to pass order of compensation under sub-section (3) of section 357 of the Act.

Limitation :

9. (a) No claim made by the victim or his dependents under subsection (4) of section 357-A of the Act shall be entertained after a period of six months of the crime:
(b) Provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

Appeal :

10. Under this Scheme, no claim made by the victim or his dependents under sub-section 4 of Section 357 A of the Act shall be entertained after a period of 2 (two) years.

K. Riachho,
Secretary to the Government of Mizoram,
Home Department