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GOVERNMENT OF ARUNACHAL PRADESH
HOME DEPARTMENT, ITANAGAR.

NOTIFICATION

Itanagar, the 24th Jan/2012

No.HMB(B)37/97 : In exercise of the powers conferred by section 357 A of the Code of Criminal Procedure, 1973 (Act No 2 of 1974), the Governor of Arunachal Pradesh in co-ordination with the Central Government is pleased to frame the following scheme of providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation

1. Title : These rules may be called the Arunachal Pradesh Victim Compensation Scheme 2011.

2. Commencement : They shall come into operation from their date of publication in the official Gazette.

3. Definitions : in this scheme, unless the context otherwise requires :

(a) "Act" means the Code of Criminal Procedure, 1973.

(b) "Schedule" means Schedule appended to this Scheme.

(c) "State" means State of Arunachal Pradesh.

(d) "Victim" means any person who himself or herself has suffered loss or injury as a result of crime and requires rehabilitation.

(e) "Dependent" means and includes those who at the time of the deceased's death was : either the spouse or a natural parent or a child of the deceased.

4. Constitution of Arunachal Pradesh Victim Compensation Fund : Under the scheme, the State Government shall provide from time to time such funds/ grants/ allocations to the Nodal Department to defray, on the recommendations of the Arunachal Pradesh State Legal Services Authority, all expenses to the victims under the Arunachal Pradesh Victim Compensation Scheme, 2011 for which a separate provision shall be made every year in the State Budget.

5. Eligibility for compensation : The victim or his dependent satisfying the following criteria shall be eligible for the receipt of compensation :

1. He/She should not have been in receipt of any compensation for such loss or injury from any Government authorities or any other scheme of the Central / State Government, for which the applicant or his dependents shall file a declaration to that effect along with the application form as set out in Annexure-II;

2. The loss or injury sustained by the victim or his dependents should have caused substantial loss to the income of the family making it difficult to make both ends to meet without the financial aid or which requires such expenditure beyond his means on medical treatment of such mental/physical injury to the victim;

3. Where the offender of the crime is untraceable or cannot be identified, but the victim is identifiable, the victim or his dependents may also apply for grant of compensation under sub-section (4) of section 357 A of the Act;

4. Where the trial court at the conclusion of the trial is satisfied that the compensation awarded under section 357 of the CrPc is not adequate for rehabilitation, or where the case end in acquittal or discharge and the victim is to be rehabilitated and has therefore recommended a higher compensation;

Arunachal

6. Procedure for grant of compensation:

(i) Under the scheme, the victim or his dependents shall, as soon as an FIR is filed, apply for compensation in the specified format as at Annexure-I to the area Superintendent of Police or the Judicial Magistrate along with the supporting documents, who shall on receipt of such application forward the same to the District Legal Services Authority certifying the eligibility of such claims.

(ii) On such application made by any victim or his dependents under sub-section (4) of section 357 A of the Code of Criminal Procedure, 1973 Act to the District Legal Services Authority, it shall examine the case and get verified the contents of the claim with regard to the assessment of such loss or injury caused to the claimant by a competent medical Board constituted for the purpose and it may also call for any other relevant as deemed necessary for consideration of the claim from the concerned authority. Thereafter, the District Legal Services Authority will submit its recommendations for compensation to the State Legal Services Authority.

(iii) The Medical Board as referred in Para (ii) above shall be constituted by the District Medical officer on the requisition of District Legal Services Authority and shall at least consist of not less than two medical officers possessing special knowledge in the subject.

(iv) The application so received by the District Legal Services Authority will be duly examined and forwarded to the State Legal Services Authority with its recommendations a period of 30 (Thirty) days or which may be liable to be extended in case of extreme necessity.

(v) The District Legal Services Authority may in urgent and extreme necessity in order to alleviate the suffering of the victim, order for immediate first aid facility or medical benefit to be made available free of cost on the certificate of the Police officer not below the rank of Superintendent of Police or such interim relief whether in cash or kind as it deem fit from its own resources which shall be deducted from the final amount of compensation to be awarded by the State Legal Services Authority.

(vi) The amount of compensation shall be decided by the State Legal Services Authority based on standard criteria given in the Schedule-I within a period of 30 (Thirty) days or which may be liable to be extended in case of extreme necessity.

(vii) Enhanced compensation if required on the recommendations of the trial courts may be awarded at the end of the trial for which the State Legal Services Authority may initiate actions accordingly.

7. Mode of payment:

All payments to the claimants or his/her dependents shall be invariably be made in Cheque / Draft to the Deputy Commissioner of the concerned district who shall disburse the same

8. Recovery of compensation awarded to the victim or his dependents:

(i) The State Legal Services authority, if deemed fit, may on receipt of the order the trial court if any as to the enhancement of the compensation of the victim or his dependent should be paid by the perpetrator of crime may in case, compensation is not instantly paid institute proceedings before a competent court of law in consultation with the office of the concerned public prosecutor for recovery of compensation granted to the victim or his dependents. The amount so recovered shall be deposited in the Victim Compensation Fund and thereafter be paid to the victim or his dependents, as the case may be.

(ii) The amount so recovered shall be deposited in the Victim Compensation Fund and thereafter be paid to the victim or his dependents, as the case may be.

9. Limitation : Under this scheme, no claims for compensation under this scheme by the victim or his dependents shall be entertained by the District Legal Services Authority after

the expiry of a period of one year from the occurrence of the crime.

Provided that the District Legal Services Authority, may if satisfied, for reasons to be recorded in writing, condone the delay in filing the claim.

10. Order to be placed on record :

The State Legal Services Authority after the award of compensation shall cause to transmit a copy of such order to the trial court to enable such court to pass order of compensation under Sub-section 3 of Section 357 of the Act.

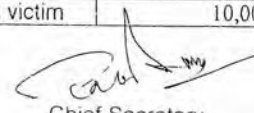
11. Appeal :

Any victim aggrieved by the denial of recommendation of his case by the District Legal Services Authority may file an appeal before the State Legal Services Authority within a period of 90 days and the State Legal Services Authority may take up his case afresh and after taking into consideration all relevant information may decide the quantum of compensation.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing may condone the delay in filing appeal.

Schedule - I

Sr. No.	Particular of Loss or Injury	Maximum Limit of Compensation
1.	Loss of Life	2,00,000/- ✓
2.	Rape	50,000/- ✓
3.	Acid Attack	100,000/- ✓
4.	Loss of any limb or part of body resulting 80% or above handicap	50,000/-
5.	Loss of any limb or part of body resulting 40% and below 80% handicap	20,000/- ✓
6.	Rehabilitation	20,000/- ✓
7.	Loss of any limb or part of body resulting below 40% handicap	10,000/- ✓
8.	Loss of injury causing severe mental agony to women and child victims in case like Human Trafficking etc.	10,000/- ✓
9.	Simple Loss or injury to Child victim	10,000/- ✓


Chief Secretary,
Govt. of Arunachal Pradesh
Itanagar

ANNEXURE-1APPLICATION FORM FOR ASSISTANCE TO THE VICTIM OR THE DEPENDENTS OF THE VICTIMS OF THE CRIMES UNDER SECTION 357A OF THE CODE OF CRIMINAL PROCEDURE, 1973. (see rule 6)**PART A****A. DETAILS OF THE VICTIM (to be filed in block letters)**

1.Name:
 2.age:
 3.Sex:
 4.Occupation:
 5.Father's name/Husband's name:
 6.Mother's name:
 7.Address:
 8.Identification Proof:

9.Effect of violence: (Plz Tick) i) Death ii) Rape iii) Acid Burns iv) Loss of any limb or part of body resulting in handicap of 80% or above v) above 40% and below 80%. vi) below 40% handicap vii) Rehabilitation viii) loss or injury due to mental agony to women and child victim of human trafficking ix) Simple loss or injury to child victim. (please enclose all relevant documents like FIR/Police Report and injury report, if any).

B. DETAILS OF FAMILY MEMBERS OF THE VICTIM:

Sl No	Name	Sex	Age	F/name or Husbands name	Relationship with the victim

**C. DETAILS OF THE BENEFICIARY.
(To be filed in block letters)**

1.Name:
 2.age:
 3.Sex:
 4.Occupation:
 5.Father's name/Husband's name:
 6.Mother's name:
 7.Address:
 8.Identification Proof:
 9.Relationship with the victim:

FORWARDING

This is to certify that the (victim applicant/dependents) are eligible for receipt of the compensation under the Arunachal Pradesh Victim Compensation Fund Scheme, 2011 and as such their case is recommended for consideration.

Date:

Place:

(Superintendent of Police / Judicial Magistrate)

ANNEXURE-II

D. RECOMMENDATION OF THE _____ (name of the concerned District Legal Services authority) DISTRICT LEGAL SERVICES AUTHORITY:

This is to certify that _____ (name of the victim/dependent claimant) aged _____ years, male/female, resident of _____, s/o w/o _____ is a victim of the crimes of _____ (here specify the nature of the crime and the result) and that _____ (name of the victim/dependent claimant) has been found eligible to receive compensation of Rs. _____ (Rupees _____) under the said scheme and as such, this Authority recommends the same.

Following documents have been submitted by the claimant/dependent:

- i. Police/FIR Report.
- ii. Death Certificate (if applicable)
- iii. Succession Certificate of the deceased victim (if applicable).
- iv. Recommendation of the District Legal Services Authority (with sig of members)

Date:
Place:

(Signature of the Chairman,
_____ District Legal Services Authority)