



MANIPUR GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 400

Imphal, Friday, August 5, 2011

(Sravana 13, 1933)

GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION

Imphal, the 1st August, 2011

No. 4/14(R-14)/2010-H(Reh).—In exercise of the powers conferred by section 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Manipur in co-ordination with the Central Government hereby frames the following scheme for providing funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation, namely:

1. Short title- This scheme may be called the Manipur Victim Compensation Scheme, 2011.
2. Definitions- In this scheme, unless the context otherwise requires,
 - (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
 - (b) "Schedule" means Schedule appended to this Scheme;
 - (c) "State" means State of Manipur;
 - (d) "Victim" means a person who himself has suffered loss or injury as a result of crime and require rehabilitation and includes dependent family members.
3. **Victim Compensation Fund:**
 - (1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation.
 - (2) The State Government shall allot a separate budget for the purpose of the scheme every year.
 - (3) The Fund shall be operated by the Secretary, State Legal Services Authority.

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4. Eligibility for Compensation :

A victim shall be eligible for the grant of compensation if, - (a) the offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply for grant of compensation under sub section (4) of section 357-A of the Act;

(b) the victim/ claimant reports the crime to the Officer-in-Charge of the concerned Police Station, Magistrate or Judicial Magistrate of the area provided that the District Legal Service Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting;

(c) the victim/claimant cooperate with the police and prosecution during the investigation and trial of the case.

5. Procedure for grant of compensation :

(1) 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 Service Authority, the District Legal Service 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 Service Authority shall after due enquiry award compensation within two months, in accordance with provisions of this Scheme.

(2) Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgment 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 disbursement of the compensation amount.

(3) The District Legal Service Authority shall decide the quantum of compensation to be awarded to the victim or his dependants 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 fact of each case.

(4) The quantum of compensation to be awarded in the Scheme shall be disbursed to the victim or his dependants, as the case may be, from the Fund.

(5) Compensation received by the victim from the State in relation to the crime in question, namely insurance, ex-gratia and/ or payment received under any other Act or

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State-run scheme, shall be considered as part of the compensation amount under these rule and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of the Fund.

(6) 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.

(7) The District Legal Services Authority, to alleviate the suffering of the victim, may order for immediate first aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the Officer-in-Charge of the police station or Magistrate of the area concern, any other interim relief as it may deem fit,

6. Order to be placed on record : 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.

7. Limitation - No claim made by the victim or his dependants under sub-section (4) of section 357 -A of the Act shall be entertained after a period of six months of the crime:

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

8. Appeal : Any victim aggrieved of the denial of compensation by the District Legal Service Authority may file an appeal before the State Legal Service Authority within a period of ninety days:

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

9. This issues in consultation with Law and Finance Departments and with the prior approval of the State Cabinet.

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SCHEDULE-I

Sl. No.	Particular of Loss or Injury	Maximum Limit of Compensation
1.	Loss of Life	Rs.1.00Lac
2.	Loss of any limb or part of body resulting 80% or above handicap.	Rs.50,000/-
3.	Victim of acid attack	Rs.50,000/-
4.	Loss of any limb or part of body resulting 40% & below 80% handicap.	Rs.20,000/-
5.	Rape of Minor	Rs.30,000/-
6.	Rape	Rs.20,000/- ✓
7.	Rehabilitation ✓	Rs.20,000/-
8.	Loss of any limb or part of body resulting below 40% handicap.	Rs.10,000/-
9.	Loss of injury causing severe mental agony to women and child victims in case like Human Trafficking.	Rs.10,000/-
10.	Simple injury to Child victim.	Rs.10,000/-

M. YAISKUL MEITEI,
Additional Secretary (Home),
Government of Manipur.