



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No.468 Dispur, Saturday, 20th October, 2012, 28th Asvina, 1934 (S.E.)

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL DEPARTMENT : DISPUR

## NOTIFICATION

The 18th October, 2012

**No. PLA.757/2010/123.**— In exercise of the powers conferred by Section 357 - A of Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Assam, in co-ordination with the Central Government is hereby pleased to make the following scheme for providing funds for the purpose of compensation to the victim or his/her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :-

### **1. Short title, extent and commencement -**

- (1) This scheme may be called the Assam Victim Compensation Scheme, 2012.
- (2) It shall extend to the whole of Assam.
- (3) It shall come into force on the date of its publication in the Official Gazette.

### **2. Definitions -**

In this scheme, unless the context otherwise requires, -

- (a) "Act" means the Code of Criminal Procedure, 1973(2 of 1974);
- (b) "Fund" means "the Victim Compensation Fund" constituted under para 3;
- (c) "Schedule" means Schedule appended to this Scheme;
- (d) "State Government" means the Government of Assam;
- (e) "The State Legal Services Authority" means the Assam State Legal Services Authority;
- (f) "Victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir;
- (g) "Department" means the Political Department of the Government of Assam;
- (h) "Nodal Officer" means an officer of the department authorized to handle the affairs relating to the scheme at Government level;
- (i) Words and expressions used herein and not defined; but defined in the Indian Penal Code (IPC), Code of Criminal Procedure (Cr. PC) and the Indian Evidence Act shall have the meanings respectively assigned to them in these Acts.

### 3. Victim Compensation Fund -

- (1) There shall be constituted a fund, namely, the Victim Compensation Fund from which amount of compensation under this scheme shall be paid to the victim or his/her dependents 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 member Secretary, State Legal Services Authority and he will place the funds at the disposal of District Legal Services Authorities as per requirement from time to time.
- (4) The expenditure will be made from the head of account to be created under the control of department and the Senior Most Secretary of department shall be the chief controlling authority of the fund
- (5) The State Legal Services Authority shall be responsible for maintaining the accounts and the fund will be audited by the Accountant General of Assam.
- (6) Department will release the fund to the State Legal Services Authority and the State Legal Services Authority will furnish periodical returns/accounts to the department.
- (7) All amounts shall be paid through bank transfers only. Cash payment of any amount shall not be made from the fund at any level.

### 4. Eligibility for Compensation -

The victim or his dependents satisfying the following criterion shall be eligible for grant of the compensation :-

- (1) 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 meet their both ends without the financial aid or has to spend beyond his means on medical treatment of mental/physical injury and a recommendation is made by the Court for compensation.
- (2) The victim/dependents report the crime to the Officer-in-Charge of Police Station or Judicial magistrate of the area promptly, provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting :
- (3) The victim/dependents co-operates with the police and prosecution during the investigation and trial of the case.
- (4) Where the perpetrator of heinous crime is not traceable or goes unpunished after trial, but the victim is identifiable and the victim has to be rehabilitated physically and mentally, such victim may also apply for grant of compensation under sub-section (4) of Section 357-A of the Act.

### 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 dependents under sub-section (2) of Section 357-A of the Act, to the State Legal Services Authority or the District Legal Services Authority, as the case may be, the said Authorities respectively 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 or the State Legal Services Authority, as the case may be, shall, after due inquiry, 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 later date, orders the accused persons to pay any amount by way of compensation under sub-section (1) (b) of Section 357 of the Act, the victim/dependents shall remit an amount of compensation, or the amount ordered equal to the amount of compensation or the amount ordered to be paid under sub-section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim/dependents before the disbursal of the compensation amount.

- (3) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or these 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 facts and circumstances of each case.
- (4) According to the Schedule of this Scheme, the quantum of compensation to be awarded under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.
- (5) Compensation received by the victim from the Central Government, State Government, Insurance Company or any other institution in relation to the crime in question namely, insurance, ex-gratia and/or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under this scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance shall be paid out of the Fund.
- (6) In fixing the quantum of compensation, regard must be had to the minimum wages and schedule to motor vehicle act, 1988.
- (7) The State or 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 concerned or any other interim relief as it may deem fit.
- (8) The compensation to the victim under this scheme shall not exceed the maximum amount prescribed in the Schedule.
- (9) State Government may review the maximum limit of compensation indicated in the Schedule by issuing official notification from time to time.

#### **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 order of compensation under sub-section (3) of Section 357 of the Act.

#### **7. Limitation -**

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 six months from occurrence of the crime :

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.

#### **8. Appeal -**

Any victim aggrieved of the denial of compensation by the District Legal Services Authority, may file an appeal before the State Legal Services Authority within a period of ninety days from the date of order of denial :

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

#### **9. Power to Remove Difficulties -**

If any difficulty arises in giving effect to any provision of this scheme, the State Government in the Political Department may make such order, not inconsistent with the provisions of the Act or this Scheme, as may appear to it to be necessary for the purposes removing the difficulty.

**Schedule****(See para 5)**

Sl. No.	Particulars of loss or injury	Maximum limit of compensation for rehabilitation
1.	Death	Rs. 2,00,000/-
2.	Rape	Rs. 75,000/-
3.	Rape of minor/Gang Rape	Rs. 1,00,000/-
4.	Loss of any limb or part of body resulting in 80% or above handicap	Rs. 25,000/-
5.	Loss of any limb or part of body resulting in 40% and below 80% handicap	Rs. 15,000/-
6.	Loss of any limb or part of body resulting less than 40% handicap	Rs. 10,000/-
7.	Loss or injury causing severe mental agony to women and child victims in cases like Human Trafficking, Kidnapping, Cruelty U/S 498(A) IPC etc.	Rs. 15,000/-
8.	Simple Loss/injury to child victim	Rs. 10,000/-
9.	Facial injury caused due to acid attack	Rs. 1,75,000/-

In any other case, not specifically mentioned in the Schedule, the maximum limit of compensation shall be Rs. 20,000/-.

**SAILESH,**

Principal Secretary to the Govt. of Assam,  
Home and Political Department.

GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR

PLA.149/2011/484

Dated Dispur, the 30<sup>th</sup> June, 2014

OFFICE MEMORENDUM

Sub : Communication to the Sub-Divisional Magistrate concerned on the FIR lodged in connection with acid attack incidents by the Police Station concerned and conduct of inquiry into the procurement of acid by the wrong doer by the jurisdictional Sub-Divisional Magistrates.

In pursuance of the direction of the Hon'ble Supreme Court as contained in para-9 of the order dated 03/12/2013 passed in WP (Crl.) No. 129/2006 (Laxmi -vs- Uol & Ors.), following instructions are hereby issued to all the Police Stations within the jurisdiction of the State of Assam and the respective District Magistrates and Sub-Divisional Magistrates for strict compliance :

1. As and when an FIR is lodged with the Police relating to acid attack, the concerned Police Station will send a communication to the jurisdictional Sub-Divisional Magistrate about receipt of such information with intimation to the District Magistrate of the district. However, in case of Sadar Sub-Division of the District, the information should be communicated to the District Magistrate who will ask the Sub-Divisional Magistrate (Sadar) concerned to take necessary action accordingly.
2. Upon receipt of such information, the jurisdictional Sub-Divisional Magistrate shall then make inquiry into the procurement of acid by the wrong doer and take appropriate action in the matter.

Sd/-

(G. D. Tripathi, IAS)

Commissioner & Secretary to the Govt of Assam,  
Home & Political Department

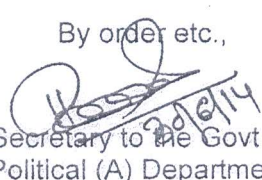
Memo No. PLA. 149/2011/484-A

Dated Dispur, the 30<sup>th</sup> June, 2014

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7.
2. The Commissioner & Secretary, Health & F.W. Department, Dispur.
3. The Commissioner & Secretary, Social Welfare Department, Dispur.
4. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati-7.
5. All District Magistrates. (..... District) for circulation of the same to all the jurisdictional Sub-Divisional Magistrates.
6. All Superintendents of Police. (..... Police District) for circulation of the same to all the Police Stations under their jurisdiction.
7. The Staff Officer to the Chief Secretary, Assam.
8. The PS to the Principal Secretary, Home & Political Department, Dispur.
9. The PS to the Commissioner & Secretary (PH), Home & Political Department, Dispur.
10. The PS to the Commissioner & Secretary (GDT), Home & Political Department, Dispur.

By order etc.,

  
Deputy Secretary to the Govt of Assam,  
Political (A) Department.

GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR

PLA.757/2010/236

Dated Dispur, the 15<sup>th</sup> July, 2014

OFFICE MEMORENDUM

ub : Mode of payment of compensation to the acid attack victims.

In pursuance of the direction of the Hon'ble Supreme Court as contained in para-13 of the order dated 18/07/2013 passed in WP (Cri.) No. 129/2006 (Laxmi -vs- Union of India & Ors.), following instructions are hereby issued to all concerned for strict compliance:

This is in continuation to the Notification issued by the Govt vide No. PLA. 757/2010/234 dated 15<sup>th</sup> July, 2014.

1. Out of the compensation of Rs. 3.00 (three) lakh payable to acid attack victims, a sum of Rs. 1.00 (one) lakh shall be paid to such victims within 15(fifteen) days of occurrence of such incident (or being brought to the notice of the appropriate authority as mentioned in the Assam Victim Compensation Scheme, 2012) to facilitate immediate medical attention and expenses in this regard.
2. The balance amount of Rs. 2.00 (two) lakh shall be paid as expeditiously as may be possible and positively within 2(two) month thereafter.

Sd/-

(G.D.Tripathi, IAS)

Commissioner & Secretary to the Govt of Assam,  
Home & Political Department

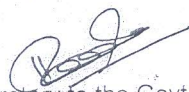
Memo No. PLA.757/2010/236-A

Dated Dispur, the 15<sup>th</sup> July, 2014

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7.
2. The Commissioner & Secretary, Health & F.W. Department, Dispur.
3. The Commissioner & Secretary, Social Welfare Department, Dispur.
4. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati-7.
5. All Deputy Commissioners. (..... District)
6. The Staff Officer to the Chief Secretary, Assam.
7. Guard File for record.

By order etc.,

  
Deputy Secretary to the Govt of Assam,  
Political (A) Department.


Memo No. PLA.757/2010/236-B

Dated Dispur, the 15<sup>th</sup> July, 2014

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati.
2. The Member Secretary, Assam Legal Services Authority, 2<sup>nd</sup> Floor, District Judges New Court Building, Panbazar, Guwahati-1 for information and necessary action. He is requested to distribute copies of this O.M. (30 copies enclosed) among all the District Legal Services Authorities for information and necessary action.

By order etc.,

  
Deputy Secretary to the Govt of Assam,  
Political (A) Department.