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**No. D-32019/7/2020-HM(CSWV)**  
**GOVERNMENT OF MIZORAM**  
**HOME DEPARTMENT**

Aizawl, the 18<sup>th</sup> June, 2020

**N O T I F I C A T I O N**

In exercise of the powers conferred by Sec. 357-A of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in compliance to the directions given by the Hon'ble Supreme Court of India in Writ Petition (C) No.565 of 2012 titled as Nipun Saxena Vs. Union of India & Ors., the Governor of Mizoram hereby frames the following scheme the purposes of providing funds to be given to women victims or their dependents who have suffered loss or injury or both as result of crime and who require rehabilitation.

**1. Short Title and commencement-**

- (i) This scheme shall be called the '**Mizoram Compensation for Women/Survivors of Sexual Assault/other Crimes, 2020**'.
- (ii) It shall come into force on the date of its publication in the Official Gazette of Mizoram.

**2. Definitions** - In this Scheme, under the context otherwise requires-

- (a) '**Code**' means the Code of Criminal Procedure, 1973(2 of 1974);
- (b) '**Central Fund**' means funds received from Central Victims Compensation Fund Scheme, 2015;
- (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) '**Dependent**' means wife or husband, father, mother, grandparents, unmarried daughter or minor children of the victim as determined by the State Legal Services Authority or District Legal Services Authority

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on the basis of the report of the Sub-Divisional Magistrate of the concerned area/Officer-in-Charge, Police Station/ Investigating Officer or on the basis of material placed on record by dependent by way of affidavit or on its own enquiry;

- (f) **‘District Legal Services Authority’** means District Legal Service Authority of Mizoram State notified by the State Government under Legal Services Authorities Act, 1987;
- (g) **‘Fund’** means fund arranged by the State Government for the purpose of compensation to the victims of or his dependants who suffered loss or injury as a result of the crime and who require rehabilitation;
- (h) **‘Government’** means ‘State Government’ whenever the State Victim Compensation Scheme or the State Victim Compensation Scheme is in context and ‘Central Government’ wherever Central Government Victim Compensation Fund Scheme is in context;
- (i) **‘Injury’** for the purpose of this scheme means physical wrong or burns or maiming or disfiguration or mental illness caused to the victims or any harm caused the body or mind of a female;
- (j) **‘IPC’** means Indian Penal Code, 1860 (45 of 1860);
- (k) **‘Minor’** means a girl child who has not completed the age of 18 years;
- (l) **‘Offence’** means offence committed against women punishable under IPC or any other law;
- (m) **‘Sexual Assault Victims’** means female who has suffered mental or physical injury or both as a result of sexual offence including Sections 376 (A) to (E), Section 354 (A) to (D), Section 509 IPC;
- (n) **‘State Legal Services Authority’** means Mizoram State Legal Service Authority notified by the State Government under Legal Services Authorities Act, 1987;
- (o) **‘Victim/Survivor of other crime’** means a woman who has suffered physical or mental injury as a result of any offence mentioned in the attached schedule including Section 304B, Section 326A, Section 498A IPC (in case of physical injury of the nature specified in the schedule) including the attempts and abetment;

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- (p) **'Women Victim Compensation Fund'** means a fund segregated for disbursement for women victim, out of State Victim Compensation Fund Central Fund.

### 3. **WOMEN VICTIMS COMPENSATION FUND-**

- 1) There shall be constituted a Fund, namely, Women Victims Compensation Fund from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, which shall be paid to the victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.
- 2) Within the State Women Victims Compensation Fund, a separate Bank Account shall be maintained as a portion of that larger fund which shall contain the funds contributed under Central Victim Compensation Fund Scheme by MHA, Govt. of India contributed from Nirbhaya Fund apart from funds received from the State Women Victims Compensation Fund which shall be utilised only for victims covered under this scheme.
- 3) The 'Women Victims Compensation Fund' shall comprise the following:-
  - (a) Contribution received from Central Victim Compensation Fund Scheme, 2015;
  - (b) Budgetary allocation in the form of Grants-in-aid to State Legal Services Authority for which necessary provision shall be made in the Annual Budget by the Government;
  - (c) Any cost amount ordered by Civil/Criminal Tribunal to be deposited in this Fund;
  - (d) Amount of compensation recovered from the wrong doer/accused under clause 13 of the Scheme;
  - (e) Donations/Contributions from International/ National/ Philanthropist/ Charitable Institutions/ Organisations and individuals permitted by State or Central Government;
  - (f) Contributions from companies under Corporate Social Responsibility (CSR);
- 4) The Fund shall be operated by the Member Secretary, Mizoram State Legal Services Authority.

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#### 4. **ELIGIBILITY FOR COMPENSATION-**

The victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 357-A Cr.P.C. shall be taken into account while deciding the quantum in such subsequent application.

#### 5. **PROCEDURE FOR GRANT OF COMPENSATION-**

##### 1) **Mandatory reporting of FIRs:-**

Station House Officer/Superintendent of Police/Deputy Commissioner of Police shall mandatorily share soft/hard copy of FIR immediately after its registration with State Legal Services Authority/District Legal Services Authority qua commission of offence covered in this scheme which include Section 326A, 354A to 354D, 376A to 376E, 304B, 498A IPC (in case of physical injury committed under this schedule), so that the State Legal Services Authority/District Legal Services Authority can, in deserving cases may suo moto initiate preliminary verification of the facts for the purpose of grant of interim compensation.

2) An application for the award of interim/final compensation can be filed by the victim and/or her Dependents or the Station House Officer of the area before concerned State Legal Services Authority or District Legal Services Authority. It shall be submitted in Form 'I' along with a copy of the First Information Report or criminal complaint of which cognizance is taken by the Court and if available Medical Report, Death Certificate, wherever applicable, copy of judgment/recommendation of the court, if the trial is over.

#### 6. **PLACE OF FILING OF APPLICATION-**

The application/recommendation for compensation can be moved either before the State Legal Services Authority or the concerned District Legal Services Authority or it can be filed online on a portal which shall be created by State Legal Services Authority. The Secretary of the respective DLSA shall decide the application/recommendation moved before him/her as per the scheme.

**Explanation:** In case of acid attack victim, the deciding authority shall be Criminal Injury Compensation Board as directed by Hon'ble Supreme Court of India in Laxmi Vs. Union of India W.P. CRML 129/2006 order dated 10.04.2015 which includes Ld. District & Sessions Judge, District Magistrate, Superintendent of Police, Civil Surgeon/Chief Medical Officer of the district.

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**7. RELIEFS THAT MAY BE AWARDED BY THE STATE OR DISTRICT LEGAL SERVICES AUTHORITY:-**

The State Legal Services Authority or District Legal Services Authority may award compensation to the victim or her dependents to the extent as specified in the schedule attached hereto.

**8. FACTORS TO BE CONSIDERED WHILE AWARDING COMPENSATION-**

While deciding a matter, the State Legal Services Authority/District Legal Services Authority may take into consideration the following factors relating to loss/injury suffered by the victim:

- i. Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;
- ii. Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, travelling during investigation/inquiry/trial (other than diet money);
- iii. Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- iv. Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
- v. The relationship of the victim to the offender, if any;
- vi. Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
- vii. Whether victim became pregnant as a result of the offence, whether she had to undergo Medical Termination of Pregnancy (MTP)/give birth to a child, including rehabilitation needs of such child;
- viii. Whether the victim contracted a sexually transmitted disease (STD) as a result of the offence;
- ix. Whether the victim contracted human immunodeficiency virus (HIV) as a result of the offence;
- x. Any disability suffered by the victim as a result of the offence;

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- xi. Financial condition of the victim against whom the offence has been committed so as to determine her need for rehabilitation and re-integration needs of the victim;
  - xii. In case of death, the age of deceased, her monthly income, number of dependents, life expectancy, future promotional/ growth prospects etc.
  - xiii. Or any other factor which the State Legal Services Authority or District Legal Services Authority may consider just and sufficient.

## **9. PROCEDURE FOR GRANT OF COMPENSATION-**

- (i) Wherever, a recommendation is made by the court for compensation under sub-sections (2) and/or (3) of Section 357A of the Code, or an application is made by any victim of her dependent(s), under sub-section (4) of Section 357A of the Code, to the State Legal Services Authority or District Legal Services Authority, for interim compensation it shall prima-facie satisfy itself qua compensation needs and identity of the victim. As regards the final compensation, it shall examine the case and verify the contents of the claim with respect to the loss/injury and rehabilitation needs as a result of the crime and may also call for any other relevant information necessary for deciding the claim;

Provided that in deserving cases and in all acid attack cases, at any time after commission of the offence, Secretary, State Legal Services Authority or Secretary, District Legal Services Authority may suo moto or after preliminary verification of the facts proceed to grant interim relief as may be required in the circumstances of each case.

- (ii) The inquiry as contemplated under sub-section (5) of Section 357A of the Code, shall be completed expeditiously and the period in no case shall exceed beyond sixty days from the receipt of the claim/petition or recommendation:

Provided that in cases of acid attack an amount of Rs. One lakh shall be paid to the victim within 15 days of the occurrence of such incident or the matter being brought to the notice of the District Legal Services Authority. The order granting interim compensation shall be passed by District Legal Services Authority within 7 days of the matter being brought to its notice and the State Legal Services Authority shall pay the compensation within 8 days of passing of the order. Thereafter, an amount of Rs. 2 lakhs shall be paid to the victim as expeditiously as possible and positively within two months of the first payment.\*

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Provided further that the victim may also be paid such further amount as is admissible under this Scheme.

- (iii) (a) After consideration of the matter, the State Legal Services Authority or District Legal Services Authority, as the case may be, upon its satisfaction, shall decide the quantum of compensation to be awarded to the victim or her dependant(s) taking into account the factors enumerated in Clause 8 of the Scheme, as per schedule appended to this scheme. However, in deserving cases, for reasons to be recorded the upper limit may be exceeded.
- (b) In case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the Schedule appended to this scheme.
- (iv) Victims of the Acid Attack are also entitled to additional compensation of Rs. one lakhs under Prime Minister's National Relief Fund vide memo No. 24013/94/Misc./2014-CSR-III/Government of India/Ministry of Home Affairs dated 09.11.2016.

Victims of Acid Attack are also entitled to additional special financial compensation upto Rs.5 Lakhs who need treatment expenses over and above the compensation paid by the State of Mizoram in terms of Central Victim Compensation Fund Guidelines-2016 No. 24013/94/Misc./2014-CSR- III/Government of India.

- (v) The State Legal Services Authority/District Legal Services Authority may call from any record or take assistance from any Authority/Establishment/Individual/Police/Court concerned or expert for smooth implementation of the Scheme.
- (vi) In case trial/appellate court gives findings that the criminal complaint and the allegation were false, then Legal Services Authority may initiate proceedings for recovery of compensation, if any, granted in part or full under this Scheme, before the Trial Court for its recovery as if it were a fine.

#### **10. THE ORDER TO BE PLACED ON RECORD:-**

Copy of the order of the interim or final compensation passed under this Scheme shall be placed on record of trial court to pass an appropriate order of compensation under Section 357 of the Code. A true copy of the order shall be provided to the Investigating Officer in case the matter is pending investigation and also to the victim/dependent as the case may be.

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## **11. METHOD OF DISBURSEMENT OF COMPENSATION:-**

- (i) The amount of compensation so awarded shall be disbursed by the State Legal Services Authority by depositing the same in a Bank in the joint or single name of the victim/dependent(s). In case the victim does not have any bank account, the District Legal Services Authority concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.
- (ii) Interim amount shall be disbursed in full. However, as far the final compensation amount is concerned, 75%(seventy five per cent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty five per cent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.
- (iii) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in a fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit.

Provided that in exceptional cases, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the State Legal Services Authority /District Legal Services Authority.

- (iv) The interest on the sum, if lying the Fixed Deposit Receipt form, shall be credited directly by the bank in the savings account of the victim/dependent(s), on monthly basis which can be withdrawn by the beneficiary.

## **12. MEDICAL AID & INTERIM RELIEF TO THE VICTIM:-**

The State Legal Services Authority or District Legal Services Authority, as the case may be, may order for immediate first-aid facility or medical benefits to be made available free of cost or any other interim relief (including interim monetary compensation) as deemed appropriate, to alleviate the suffering of the victim on the certificate of a Police Officer not below the rank of the officer-in-charge of the police station or a Magistrate of the area concerned or on the application of the victim/dependents or suo moto.

Provided that as soon as the application for compensation is received by the State Legal Services Authority /District Legal Services Authority, a sum



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of Rs. 5000/-(Five Thousand) only or as the case warrants upto Rs. 10,000/-(Ten Thousand) only shall be immediately disbursed to the victim through preloaded cash card from a Nationalised Bank by the Secretary, District Legal Services Authority, or Member Secretary, State Legal Services Authority.

Provided that the interim relief so granted shall not be less than 25 per cent of the maximum compensation awardable as per schedule applicable to this scheme, which shall be paid to the victim in totality.

Provided further that in cases of acid attack, a sum of Rs. One Lakh shall be paid to the victim within 15 days of the matter being brought to the notice of State Legal Services Authority /District Legal Services Authority. The order granting interim compensation shall be passed by the State Legal Services Authority/District Legal Services Authority within 7 days of the matter being brought to its notice and the State Legal Services Authority shall pay the compensation within 8 days of passing of order. Thereafter, an additional sum of Rs. 2 lakhs shall be awarded and paid to the victim as expeditiously as possible and positively within two months.

### **13. RECOVERY OF COMPENSATION AWARDED TO THE VICTIM OR HIS/HER DEPENDENT(S):-**

Subject to the provisions of sub-section (3) of Section 357A of the Code the State Legal Services Authority, in proper cases, may institute proceedings before the competent court of law for recovery of compensation granted to victim or her dependent(s) from person(s) responsible for causing loss or injury as a result of crime committed by him/her.

The amount, so recovered shall be deposited in Woman Victim Compensation Fund.

### **14. DEPENDENCY CERTIFICATE:-**

The authority empowered to issue the dependency certificate shall issue the same within a period of 15 days, in no case, this period shall be extended:

Provided that the State Legal Services Authority or the District Legal Services Authority, as the case may be, in case of non-issuance of Dependency Certificate, after expiry of 15 days may proceed on the basis of affidavit to be obtained from the claimant.

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**15. MINOR VICTIMS:-**

That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent, Child Care Institutions where the child is lodged or in absence thereof, Drawing and Disbursing Officer/Sub-Divisional Magistrate, as the case may be.

**16. LIMITATION:-**

Under the scheme, no claim made by the victim or her dependent(s), under sub section (4) of Section 357A of the Code, shall be entertained after a period of 3 years from the date of occurrence of offence or conclusion of the trial:-

Provided that in deserving cases, on an application made in this regard, for reasons to be recorded, the delay beyond three years can be condoned by the State Legal Services Authority/District Legal Services Authority.

**17. APPEAL:-**

In case any victim or her dependents are not satisfied with the quantum of compensation awarded by the Secretary, District Legal Services Authority, they can file appeal within 30 days from the date of receipt of order before the Chairperson, District Legal Services Authority.

Provided that, delay in filing appeal may be condoned by the Appellate Authority, for reasons to be recorded, in deserving cases, on an application made in this regard.

**18. QUANTUM OF COMPENSATION:—**

The compensation shall be granted as per the schedule annexed to the scheme.

**19. REPEAL & SAVINGS:-**

- (i) In case this Scheme is silent on any issue pertaining to Victim Compensation to Women, the provisions of Mizoram Victims of Crime Compensation Scheme, 2011 as amended from time to time would be applicable.

- (ii) Nothing in this scheme shall prevent Victims or their dependents from instituting any Civil Suit or Claim against the perpetrator of offence or any other person indirectly responsible for the same.

**Explanation:** It is clarified that this Scheme does not apply to minor victims under POSCO Act, 2012 in so far as their compensation issues are to be dealt with only by the Ld. Special Courts under sub section 8 of Section 33 of POSCO Act, 2012 and Rules (7) of the POSCO Rules 2012.

Sd/-LALBIAKSANGI  
Secretary to the Government of Mizoram  
Home Department

Memo No. D. 32019/7/2020-HM(CSWV) :: Aizawl, the 18<sup>th</sup> June, 2020

Copy to :

1. Secretary to Governor, Mizoram.
2. Addl. Chief Secretary to Chief Minister, Mizoram.
3. P.S. to Dy. Chief Minister, Mizoram.
4. P.S. to Speaker/Dy. Speaker, Mizoram Legislative Assembly.
5. P.S. to all Ministers/Ministers of State, Mizoram.
6. Sr. P.P.S to Chief Secretary, Government of Mizoram.
7. All Administrative Department, Government of Mizoram.
8. All Heads of Department, Government of Mizoram.
9. Director General of Police, Mizoram.
10. Member Secretary, Mizoram State Legal Services Authority.
11. The Controller, Printing & Stationery Department with 5 (five) spare copies for publication in the Official Gazette of Mizoram with a request to print 20 (twenty) copies of the Official Gazette.

  
(ZAHMINGTHANGA)

Under Secretary to the Government of Mizoram  
Home Department

## SCHEDULE (See Clause 18)

### SCHEDULE FOR PAYMENT OF COMPENSATION UNDER THE MIZORAM VICTIMS OF CRIME COMPENSATION SCHEME, 2020

Sl. No	Particulars of loss or injury	Minimum Limit of Compensation	Upper Limit of Compensation
1.	Loss of Life	Rs. 5 Lakh	Rs. 10 Lakh
2.	Gang Rape	Rs. 5 Lakh	Rs. 10 Lakh
3.	Rape	Rs. 4 Lakh	Rs. 7 Lakh
4.	Unnatural Sexual Assault	Rs. 4 Lakh	Rs. 7 Lakh
5.	Loss of any Limb or part of body resulting in 80% permanent disability or above	Rs. 2 Lakh	Rs. 5 Lakh
6.	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	Rs. 2 Lakh	Rs. 4 Lakh
7.	Loss of any limb or part of body resulting in above 20% and below 40% permanent disability	Rs. 1 Lakh	Rs. 3 Lakh
8.	Loss of any limb or part of body resulting in below 20% permanent disability	Rs. 1 Lakh	Rs. 2 Lakh
9.	Grievous physical injury or any mental injury requiring rehabilitation	Rs. 1 Lakh	Rs. 2 Lakh
10.	Loss of Fetus i.e. Miscarriage as a result of Assault or loss of fertility	Rs. 2 Lakh	Rs. 3 Lakh
11.	In case of pregnancy on account of rape	Rs. 3 Lakh	Rs. 4 Lakh
12.	<b>Victims of Burning:</b>		
	a. In case of disfigurement of face	Rs. 7 Lakh	Rs. 8 Lakh
	b. In case of injury more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
	c. In case of injury less than 50%	Rs. 3 Lakh	Rs. 7 Lakh
	d. In case of injury less than 20%	Rs. 2 Lakh	Rs. 3 Lakh
13.	<b>Victims of Acid Attack:</b>		
	a. In case of disfigurement of face.	Rs. 7 Lakh	Rs. 8 Lakh
	b. In case of injury more than 50%	Rs. 5 Lakh	Rs. 8 Lakh
	c. In case of injury less than 50%	Rs. 3 Lakh	Rs. 5 Lakh
	d. In case of injury less than 20%	Rs. 3 Lakh	Rs. 4 Lakh

(\*)Amount to be assessed by the District Legal Services Authority/State Legal Services Authority or Trial Court.

**Note :** *If a woman victim of sexual assault/acid attack is covered under one or more category of the schedule, she shall be entitled to be considered for combined value of the compensation.*

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**FORM – I**

**APPLICATION FOR THE AWARD OF COMPENSATION UNDER  
COMPENSATION SCHEME FOR WOMEN VICTIMS /SURVIVORS OF SEXUAL  
ASSAULT/OTHER CRIMES, 2018 FOR INTERIM/FINAL RELIEF FOR  
WOMEN**

1	Name of the Applicant Victim(s) or her Dependent(s)	
2	Age of the Victim(s) or her Dependent(s)	
3	a) Father's Name b) Mother's Name c) Spouse's name	
4	Address of the Victim(s) or her/their Dependent(s)	
5	Date and time of the Incident	
6	Whether FIR has been lodged?	
7	Whether medical examination has been done? If yes, enclose Medical Report/Death Certificate/P.M.E. Report	
8	Status of trial, if pending. If over, enclose copy of judgment and order on sentence	
9	Has the applicant been awarded any compensation by the trial court or any other Government agency? If yes give details.	
10	Give details of financial expenditure/loss incurred	
11	Have you instituted any civil suit/claim against the perpetrator of offence? If yes give details. Signature of the Victim/Dependent.	