

CHAPTER - XXII
GOVERNMENT OF NAGALAND

NOTIFICATIONS

On victim compensation under Nagaland Victim Compensation Scheme, 2012.

Dated Kohima, the 18th December, 2012.

No. CON-1/ G/ 6/ 2011 :: In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act-2 of 1974), the Governor of Nagaland in co-ordination with the Central Government is pleased to frame a scheme for providing funds for the purpose of compensations to the victims or his dependents who have suffered loss or injury as a result of crime and who require rehabilitation, namely:-

1. Short Title: This Scheme may be called the Nagaland Victim Compensation Scheme, 2012.
2. Definitions:—
 - 1) "Act" means the code of criminal Procedure, 1973 (2 of 1974).
 - 2) "Schedule" means schedule appended to this scheme.
 - 3) "State" means State of Nagaland.
 - 4) "Victim" means a person who himself has suffered loss or injury as a result of crime and requires 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 / her dependents who have suffered loss or injury as a result of crime and 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, Relief & Rehabilitation in Home Department.
4. Eligibility for Compensation:-

A victim shall be eligible for the grant of compensation if:-

- (1) The offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under sub-section (4 of the Section 357-A of the Act).
- (2) The victim/ claimant shall report the crime to the officer in charge of station Judicial Magistrate of the area; provided that such officers, if for the reasons to be recorded in writing may condone the delay in Reporting.
- (3) The victim/ claimant cooperates with the police and prosecution during 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 a of Section 357A of the Act to the District Legal Service Authority, the District Legal Service Authority shall examine the case and shall verify the contents of the claim with regard to the loss or injury caused to victim 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 the provisions of this Scheme.
- (2) Compensation under the scheme shall be paid subject to the condition that if the trial Court while passing judgment at later date, orders the accuse persons to pay any amount by way of compensation under sub-section (3) Section 357 of the Act, the victim/ claimant shall remit an amount 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 to the State Government Treasury challan. An undertaking to this effect shall be given by the victim/claimant before the disbursement of the compensation amount. (Format appended as Scheduled -II).
- (3) The District Legal Service Authority shall decide the quantum or 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 fact of each case. The basis on which the quantum of compensation has been fixed shall be specified in Writing.
- (4) 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. The District Legal Service Authority shall communicate the quantum of compensation awarded to the Secretary, Relief & Rehabilitation under Home Department, who shall pay the compensation from the fund so earmarked by the State Government.
- (5) Compensation received by the victim from the state in relation to the crime in question, namely, insurance, ex-gratia Cash Doles, cash relief and/or payment received under any other Act or State-run Scheme, shall be considered as part of the compensation amount under these Scheme 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 fund.

(6) The case 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 Service 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) A format for the certificate may be appended as schedule-(III)

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

(1) The State Legal Services Authority, if deem fit shall institute proceedings before the competent court of law in consultation with the concerned Public Prosecutor for recovery of the compensation granted to the victim or his dependents from the person responsible for causing loss or injury as a result of the crime committed by them.

(2) The amount so recovered shall be deposited in the Victim Compensation Fund.

SCHEDULE-I

Sl. No.	Particulars of Loss or Injury	Maximum Limit of Compensation
1.	Loss of Life	₹ 2,00,000/-
2.	Loss of any limb of part of body resulting 80% or above handicap.	₹ 1,00,000/-
3.	Loss of any limb or part of body resulting 40% & below 80% handicap.	₹ 75,000/-
4.	Rape of Minor.	₹ 1,00,000/-
5.	Rape.	₹ 50,000/-
6.	Rehabilitation.	₹ 50,000/-
7.	Loss of any limb or part of body resulting below 40% handicap.	₹ 75,000/-
8.	Loss of injury causing severe mental agony to Women and child victims in case like Human Trafficking.	₹ 1,00,000/-
9.	Simple loss or injury to child. victim	₹ 20,000/-

SCHEDULE – II

UNDERTAKING

I

, Shri/ Smti/ Kumari

S/o,D/o of

Town/Village being the victim of crime
under FIR No. and case No.

do hereby solemnly undertake the following. In the event of any Court of Law
in the country in its decision, pertaining to the above said case No.
adjudicates for granting compensation to me, the victim of the above said crime,
I shall re-imbrues an amount not greater than the compensation received by me
from the Victim compensation Fund.

(Victim / Dependent)

Signature with date :

Name :

Full Address :

:

:

:

Mobile No. (if any) :

SCHEDULE – III

MEDICAL CERTIFICATE

Name & Signature of the victim

I, Dr./Shri./Srnti./Kurnari
under sub-section 7 of the Section 5 of the Nagaland Victim
Compensation Scheme 2012, after careful personal observation, hereby
certify that Dr./Shri/ Smti/ Kumari
a victim of crime under FIR No. and Case No.
whose signature is given above suffered injuries and I consider that
immediate First Aid/Medical benefits is absolutely necessary for the
restoration of his / her health.

Signature with date :
Name of the Medical Officer :
Designation :
Station :
(SEAL)

**Witness if any:
OC (Police Station)/ Magistrate.**

Signature & Date :
Name :
Designation :
Station :
(SEAL)