

## SIKKIM

GOVERNMENT



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GOVERNMENT OF SIKKIM  
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## NOTIFICATION

In exercise of the powers conferred by section 357 A of the Code of Criminal Procedure, 1973 (2 of 1974), the Governor of Sikkim is hereby pleased to frame the following Scheme for providing funds for the purpose of compensation to the victims or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely: -

## Short title and commencement

1. (1) This Scheme may be called the Sikkim Compensation to Victims or his Dependents Schemes, 2011.
- (2) It shall come into force on the date of its publication in the Official Gazette.

## Definitions

2. In this Scheme, unless the context otherwise requires, -

- (a) "Code" means the Code of Criminal Procedure, 1973;
- (b) "Schedule" means the Schedule appended to this Scheme;
- (c) "State" means the State of Sikkim;
- (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.

Victim  
Compensation  
Fund

3. A Victim Compensation Fund shall be provided by the State Government to the State Legal Services Authority whenever, verified claims arise. A provision for the same shall be made every year in the State Budget.

Eligibility for  
Compensation

4. The victim or his dependent satisfying the following criteria shall be eligible for the grant of compensation, namely: -
  - (i) he/She should not have been compensated for the loss or injury under any other scheme of the Central or State Government or Insurance Company or any other institution.

## The Schedule

Sl.No.	Particular of Loss or Injury	Maximum Limit of Compensation
1.	Loss of life	Rs.2.00 lacs.
2.	Loss of any limb or part of body resulting 80% or above handicap.	Rs.1.00 lakh
3.	Loss of any limb or part of body resulting 40% & below 80% handicap.	Rs.80,000/=
4.	Assault on women disfiguring her face or any part of body by acid or any other weapon.	Rs.30,000/=
5.	Rape	Rs.50,000/=
6.	Rehabilitation	Rs.30,000/=
7.	Loss of any limb or part of body resulting below 40% handicap.	Rs.30,000/=
8.	Loss of injury causing severe mental agony to women and child victims in case like Human Trafficking.	Rs.25,000/=
9.	Simple Loss or injury to Child victim.	Rs.20,000/=

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- (ii) loss or injury sustained by the victim or his dependent 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 and physical injury.
- (iii) where the perpetrator of the heinous crime is not traceable or goes un-punished after trial, but the victim is identifiable and the victim has to incur a lot of expenses on physical and mental rehabilitation such victim may also apply for grant of compensation under sub-section (4) of section 357 A of the Code.

**Procedure for grant of compensation**

- 5.
- (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub-section (4) of section 357-A of the Code 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 the claimant and also may call for any other relevant information necessary for consideration of the claim from the concerned applicant. After verifying the claim, the District Legal Service Authority will make recommendations for compensation.
  - (2) The State Legal Service Authority shall decide the quantum of 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 the facts of each case.
  - (3) The quantum of compensation to be awarded to the victim or his dependents shall not exceed from the maximum limit as prescribed in Schedule-I.
  - (4) The amount of compensation as decided by the State Legal Service Authority shall be disbursed to the victim or dependents, as the case may be, from the Victim Compensation Fund.

**Recovery of compensation awarded to the victim or his dependents**

- 6.
- (1) The State Legal Service Authority, if deemed fit, may 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 him.
  - (2) The amount so recovered shall be deposited in the Victim Compensation Fund.

**Limitation**

7. Under this Scheme, no claim made by a victim or his dependent under sub-section (4) of section 357-A of the Code shall be entertained after a period of three years from the date of the crime.