

# SIKKIM STATE LEGAL SERVICES AUTHORITY

compliance with the directions of the Hon'ble Supreme Court in (i) Criminal Appeal No. 135 of 2010, Budhadev Karmaskar vs. State of West Bengal and Ors., and (ii) Writ Petition (Crl.) No. 129 of 2006, Laxmi vs. Union of India & Ors., the Notification issued by the Department of Home, Government of Sikkim with regard to the Scheme "Sikkim Compensation to Victim or his Dependent Schemes, 2011" (as amended) is hereby published for general information of the public.

## "GOVERNMENT OF SIKKIM HOME DEPARTMENT GANGTOK

Date: 24/06/2011

### NOTIFICATION

In exercise of the powers conferred by Section 357 A of the Code of Criminal Procedure, 1973 (2 of 1974), the State Government in coordination with the Central Government hereby makes the following schemes to further amend the Sikkim Compensation to Victims or his Dependents Schemes, 2011 namely:-

**Short title and commencement** 1 (1) These Scheme may be called the Sikkim Compensation to Victims or his Dependents Amendment Schemes, 2016  
(2) They shall come into force at once.

**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.  
(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 unpunished 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 Services Authority, the District Legal Services 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 Services Authority will make recommendations for compensation.

(2) The State Legal Services 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 Services 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 Services 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 III years from the date of the crime.

### The Schedule (\* amended)

Sl. No	Particular of Loss or Injury	Maximum limit of Compensation
1.	Acid Attack	Rs.3 lakhs
2.	Rape	Rs.3 lakhs
3	Physical Abuse of minor	Rs.2 lakhs
4.	Rehabilitation of victim of Human Trafficking	Rs.1 lakhs
5	Sexual Assault (Excluding rape)	Rs.50,000/-
6.	Death	Rs.2 lakhs
7.	Permanent Disability (80% or more)	Rs.2 lakhs
8	Partial Disability (40% to 80%)	Rs.1 lakhs
9.	Burns affecting greater than 25% of the body (excluding Acid Attack cases)	Rs.2 lakhs
10.	Loss of foetus	Rs.50,000/-
11.	Loss of fertility	Rs.1.5 lakhs

S.C. Gupta, IAS,  
ADDITIONAL CHIEF SECRETARY

Note (\*) Amended vide notification No.66/Home/2016 dated 08.11.2016.

It is also for the information of general public that in order to ensure speedy trial of offences against women (Section 376 IPC) a Judge has been appointed for a Fast Track Court to deal with the all the Cases under Section 376 IPC pending at Gangtok relating to East & North Districts and also at Namchi pertaining to South & West Districts w.e.f. 27/02/2013.

A VICTIM OF ANY KIND OF CRIME OR DISCRIMINATION IN NEED OF FREE LEGAL AID/SERVICES MAY CONTACT THE OFFICE OF THE SIKKIM STATE LEGAL SERVICES AUTHORITY, DEVELOPMENT AREA, GANGTOK, EAST SIKKIM.

PHONE NO. 03592-207753 Fax - 03592 - 207753 e-mail - sikkim\_slsa@live.com