

REVISED GUIDELINES OF 'CENTRAL SCHEME FOR ASSISTANCE TO CIVILIAN VICTIMS/FAMILY OF VICTIMS OF TERRORIST/COMMUNAL/LWE VIOLENCE AND CROSS BORDER FIRING AND MINE/IED BLASTS ON INDIAN TERRITORY.

1. Title of the Scheme

The Scheme will be called the 'Central Scheme for Assistance to civilian Victims of Terrorist/Communal/LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory.

2. Introduction and Objectives

The broad aim of the Scheme is to assist "civilian victims of Terrorist violence including militancy, insurgency, Communal/LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory.

3. Definitions

- a) **Communal Violence** would refer to planned and organized acts of violence by members of one community against members of another community with the intent of creating or expressing ill-will or hatred and leading to loss of life or injuries to people.
- b) **Cross Border Firing:** Cross border firing includes firing/shelling from across the International Boundary (IB)/Line of Control (LoC)/Line of Actual Control (LAC) by the armed forces of neighbouring countries.
- c) **LWE (Left Wing Extremism) Violence:** would refer to planned and organized acts of violence by Members of the CPI (Maoists), all its formations and front organizations, who have been declared a terrorist organization and banned under the Unlawful Activities (Prevention) Act, 1967 w.e.f. 22.06.2009.
- d) **Next of Kin (NoK):** would be the surviving spouse or dependent children or as certified by the District Collector/Magistrate/Deputy Commissioner.
- e) **Permanent Incapacitation:** means a disability of 50% and above suffered by the victim, which is of permanent nature and there are no chances of variation in the degree of disability and the injury/disability renders the victim unfit for normal life for the rest of his life.

- f) **Terrorism:** For purposes of this scheme, the term 'Terrorism' includes militancy and insurgency related violence and refers to acts as defined in Section 15 of the UAPA, 1967 (as amended in 2004).
- g) **Victim:** means a civilian person, who has suffered loss or injury as a result of the acts/omissions of Terrorist Violence including militancy, insurgency, communal/Left Wing Extremist, Cross Border Firing and Mine/IED blasts on Indian Territory. In the case of his/her death, the expression 'victim' shall mean to include his or her guardian or legal heir or Next of Kin (NoK).

The Central Scheme for Assistance to Civilian Victims of Terrorist and Communal violence is effective from 1st April, 2008 and from 22nd June, 2009 for the cases of LWE violence. It is effective for Cross Border Firing and Mine/IED blasts on Indian Territory (from the date of Cabinet's approval i.e. 24.08.2016).

4. **Eligibility**

- i. The financial assistance would be given to the family member(s) in the event of death or permanent incapacitation of the victim, in terrorist, communal or LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory.
- ii. Assistance would be given to the surviving spouse in case of death/ permanent incapacitation of the husband or the wife, as the case may be. However, if both the husband and the wife die in same incident of violence, the family would be entitled to get the assistance, in each case.
- iii. Families of the victims would be eligible to get assistance under the scheme even, if they have received any other assistance, by way of payment of ex-gratia or any other type of relief from the Government or any other source except when a similar scheme is already being implemented by the Central Government.
- iv. Next of Kin (NoK) of employees of Central Government, CPSEs, Autonomous Institutions and other Government Organizations including State Governments / State PSEs and similar organizations of State Governments will also be eligible to receive financial assistance of Rs.5 lakhs in case of death/ permanent incapacitation (50% and above) on account of incidents of terrorist/ communal/ LWE violence and Cross Border Firing and Mine/IED blasts on

Indian Territory.

- v. Foreign Nationals and NRIs shall also be eligible / covered under the scheme w.e.f. 01.04.2008 i.e. the date from which this scheme has been made effective.
- vi. Those permanently incapacitated, and the members of the family of the victims killed/permanently incapacitated in the terrorist, communal or LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory would be given a health card by the District Health Society, functioning under the National Rural Health Mission. This card would entitle them to free medical treatment in respect of injuries due to violence and all other major illnesses. Medical care will also be provided to the beneficiaries of the scheme as a special case under the on-going schemes of the Ministry of Health and Family Welfare, viz., Rashtriya Arogya Nidhi and the National Trauma Care Project.
- vii. Children in the family would continue to be entitled for assistance admissible under the project 'Assist', implemented by the National Foundation for Communal Harmony (NFCH) of the MHA.
- viii. No other criteria regarding income of the family would be considered for the eligibility under this scheme.
- ix. The perpetrators of violence or their family will not be entitled to any assistance under the scheme.
- x. The eligible claimants can file their claims in prescribed proforma (**Annexure-I**) within 3 years of the relevant incident of terrorist, communal or LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory through the concerned DM/State Government. The time limit, however, can be relaxed in deserving cases by the Central Government on the recommendations of the State Govt. or by the Central Government suo-moto.

5. Assistance

- i) An amount of Rs.5 lakhs would be given for each death or permanent incapacitation to the affected family under the scheme.
- ii) The amount of Rs.5 lakhs would be put in a fixed deposit account [Joint or Single in the name of the Family member(s)] in a Nationalized bank. (If there is no nationalized bank within the vicinity

of the beneficiary, account may be opened in any scheduled commercial bank.) It would have a minimum lock-in period of 3 years or if there are only minor children in the family, till the eldest child attains the age of majority, whichever is later.

- iii) The interest on the above sum would be credited directly by the bank to the beneficiary's saving account on a quarterly basis.
- iv) At the end of the lock-in period, the principle amount of Rs.5 lakh would be transferred directly to the saving account of the beneficiary, if the beneficiary is the spouse of the victim.
- v) In case of death or permanent incapacitation of the beneficiary, his or her Next of Kin (NoK) would operate the account.
- vi) In case of permanent incapacitation, the victim himself/herself would be the beneficiary. However, if he/she is not in a position to operate the account, then his/her nominee would operate the account.

6. Procedure to be followed at the District level

- i) A District level Committee, under the chairmanship of District Magistrate/Collector/Dy. Commissioner, and having as its members the District Superintendent of Police, District Medical Officer, District Social Welfare Officer, District Child and Women Development Officer and an officer, who may be nominated by the State Government would identify beneficiaries and verify their eligibility for assistance under the Scheme.
- ii) While examining eligibility claims, the District Committee would look into the Police Report/FIR, Death-cum-Postmortem Certificate in the event of death, and Medical Certificate in the event of permanent incapacitation, birth certificate of the Claimant (if minor), and any other documents as considered necessary for determining the legitimate claimant.
- iii) In case of permanent incapacitation, a certificate from the District Medical Officer would be required to show that the victim has suffered 50% and above disability, which is of permanent nature and there are no chances of variation in the degree of disability, and the injury renders the victim unfit for normal life for the rest of his life.
- iv) In choosing the beneficiary in the family, the NoK (Next of Kin) concept would be applied.
- v) The District Committee will satisfy itself that the victim has suffered /

died due to terrorist, communal or LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory, as the case may be, and the beneficiary has been identified as per the Scheme. It would also verify that the victim has not suffered / died due to any incident of crime or natural reasons.

vi) The District Committee would, so far as possible, make its recommendation in (**Annexure-II**) within 15 days of receipt of claim for assistance to victims/family of terrorist or communal violence/cross border firing and Mine/IED blasts on Indian Territory.

vii) The District Collector may, on his own, recommend assistance under the scheme with suitable justification.

viii) The processing of the application, as per the provisions of the Scheme, shall be completed within 3 weeks, including the recommendations of the District Committee.

ix) The sanction order will be issued by the DM/DC on behalf of the State Government. A copy of the sample sanction order, which is presently being issued by the MHA is at **Annexure-III**. A copy of the Sanction letter will be sent to the Home Department in the State. A copy of the sanction order will be endorsed to IS-II Division, Ministry of Home Affairs, New Delhi.

x) The DM/DC will issue the cheque in the name of the beneficiary. Whenever feasible, the assistance shall be disbursed by way of electronic transfer to the victim's/NoK bank account.

xi) The State Governments shall undertake to widely disseminate information about the Scheme, and to undertake its publicity.

7. Procedure to be followed after the issue of cheque

- i) The District Collector/District Magistrate/Dy. Commissioner, as the case may be, would deposit the cheque in the FD account of the beneficiary, with instructions to the Bank that no premature withdrawal may be allowed.
- ii) Standing instructions would be given to the Bank to credit the quarterly interest during the lock-in period and the principle amount after the lock-in period, directly into the account of beneficiary.

8. Procedure to be followed by the Ministry of Home Affairs

- i) After the DM/DC has made the payment to the NoK of the victims of

terrorist/communal/LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory under the Scheme, the State Government may submit the proposal to MHA for reimbursement in the prescribed proforma (**Annexure-IV**) on half-yearly basis (by 31st December & 30th June of each year).

- ii) The reimbursement will be considered on the basis of audited accounts in this regard. However, to ensure that the State does not suffer because of delay in audit of accounts, ad-hoc releases will be made on the basis of accounts furnished by the State Government and due scrutiny by IFD, MHA. These ad-hoc payments will be adjusted after final audited accounts are made available. The Central Government will make 70% payment immediately and balance 30% after receipt of audit verification report by the Internal Audit Wing of MHA.
- iii) The States shall ensure that the amount claimed under the 'Central Scheme for Assistance to civilian Victims of Terrorist, Communal and LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory is not claimed under any other scheme of the Government of India i.e. there shall not be duplication of the claim. The States shall give an undertaking/certificate that no reimbursement has been claimed for these items under any other scheme.
- iv) The revised guidelines are applicable from the financial year 2016-17.

9. Saving Clause

In case of any clarification required/ difficulty faced in implementation of the Scheme, suitable orders / clarifications will be issued by the Internal Security- II Division of the MHA.

ANNEXURE-I

Application form for assistance to the victims of the family of victims of the Communal/ Terrorist / LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory.

PART A

(To be filled in Block Letters)

A. DETAILS OF THE VICTIM

1. Name :
2. Age :
3. Sex :
4. Occupation :
5. Father's Name/ Husband Name :
6. Mother's name :
7. Address :
8. Identification Proof :
9. Effect of violence on the victim(Please tick) : Death/Permanent incapacitation (50% and above)
10. In case of 50% and above incapacitation :
 - a) % of disability :

B. DETAILS OF THE FAMILY MEMBERS OF THE VICTIM

S.No.	Name	Sex	Age	Father's/Husband's Name	Relationship with the victim

C. DETAILS OF THE BENEFICIARY:

1. Name :
2. Age (Date of Birth) :
3. Sex :

4. Occupation of the beneficiary, if dependent on victim :
5. Father's Name/Husband's Name :
6. Mother's Name :
7. Identification proof :
8. Relationship with the Victims of terrorist / communal violence/ LWE/ Cross Border Firing/ Mine/IED blasts on Indian Territory :

D. DETAILS OF THE INCIDENT

1. Place :
2. Date :
3. Time :
4. Details of the incident :
5. FIR No. and Date :
6. Police Station Area :

E. Undertaking : I undertake to utilize the assistance for the welfare of all the members of the family failing which the assistance may be withdrawn at any time without notice.

(Signature of Beneficiary)

ANNEXURE-II

This is to certify that _____ (name of the victim) aged _____ years, Male/Female, resident of _____, S/o /W/o _____ has been killed/permanently incapacitated (50%and above) in the _____ incident (communal/ terrorist/ militant/ insurgency/ LWE Violence and Cross Border Firing and Mine/IED blasts on Indian Territory) on _____ (Date and time) at _____ Mr./Mrs./Miss _____ (Name of the Beneficiary, _____ (Relationship) of _____ (Name of the victim), aged _____ years, Male/Female has been found eligible to receive compensation of Rs. 5 lakhs from the Central Scheme for assistance to victims of terrorist, communal and LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory. His/her name has been recommended by the District Committee. He/ she or anyone in the family has so far not been given any permanent job in the Government on compassionate ground on account of death in the present case of communal, terrorist and LWE violence/ Cross Border Firing and Mine/IED blasts on Indian Territory. It is certified that the victim has not suffered due to any other criminal incident or natural factors.

Following documents have been submitted by the claimant:

1. Police/FIR Report
2. Death cum Post Mortem Certificate (if applicable)
3. Medical Certificate (in case of incapacitation)
4. Any proof showing relationship of the beneficiary with the victim (Not required, if victim is the claimant)
5. Date of Birth Certificate (if Beneficiary is minor)
6. Recommendation of the District Committee (with signatures of the members)

The fixed Deposit in the name of the _____ (Name of Beneficiary) will be opened in _____ (Name of the Bank) for the period of _____

Date :

Place :

(Signature of the District Collector/
Magistrate or Deputy Commissioner
or any officer authorized by him/her)

Annexure – III

**Sample Draft Sanction Order issued by MHA
(to be adapted by State Government)**

F.No.....
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Internal Security Division-II/Aantrik Suraksha Prabhag-II

2nd floor, NDCC-II Building,
Jai Singh Road, Near Jantar Mantar,
New Delhi-10001

Dated:

To

The Pay & Accounts Office,
Ministry of Home Affairs,
New Delhi.

Sub: Grant of Central Scheme for Assistance to Victims of Terrorist / Communal / LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory incident took place during the year at (Place)

Sir,

I am directed to convey the sanction of the President, under 'Central Scheme for Assistance to Victims of Terrorist / Communal / LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory @ Rs. 5,00,000/- (Rupees five Lakhs only) each to victim's beneficiary i.e totally Rs./- (Rupees Lakh only). The victims were killed in the incident of Terrorist / Communal / LWE violence and Cross Border Firing and Mine/IED blasts in incident took place during The names of the victims and their beneficiaries are given below:-

Sl. No.	Name of the Victim/Late	Name of the beneficiary	Amount in lakhs (Rs.)
(1)	(2)	(3)	(4)
1.			
2.			
3.			
TOTAL			

2. The aforesaid re-imbusement of Rs. _____ to the Deputy Commissioner, _____, shall be made in the following manner as per the revised guidelines of the Central Scheme for Assistance to Victims of Terrorist / Communal / LWE violence and Cross Border Firing including Mine/IED blasts on Indian Territory:

- (a) A sum of Rs. _____, being 70% of the sanctioned amount of Rs. _____, shall be reimbursed forthwith.
- (b) A balance of Rs. _____, being 30% of the sanctioned amount, shall be made after receipt of audit verification report by the Internal Wing of MHA.

3. The expenditure incurred is debitable to the following Head of Account:

Major Head : 2235 – Social Security and Welfare
Sub-Major Head : 60-Other Social Security and Welfare Programmes
Minor Head : 60.200-Other Programmes
12 – Central Scheme for Assistance to Victims of Terrorist / Communal / LWE violence and Cross Border Firing including Mine/IED blasts on Indian Territory
12.00.31 – Grants-in-aid-General
Grant No.46, Other Expenditure of MHA for the year 2016-17.

4. This issues with the concurrence of the Integrated Finance Division of this Ministry vide C.F. No. _____ dated _____.

Yours faithfully,

(X.Y.Z.)

Under Secretary to the Government of India

Tel. No. _____

E-mail Id: _____

Copy forwarded for information and necessary action to:

- 1. The Deputy Commissioner, _____ District, Government of _____ w.r.t. their letter No. _____ dated _____ A sum of Rs. _____, being 30% of the sanctioned amount of Rs. _____, shall be made after receipt of audit verification report.

2. Cash-I Section, Ministry of Home Affairs, NDCC-II Building, Jai Singh Road, New Delhi, with two spare copies, is requested that a balance of Rs....., being 70% of the sanctioned amount of Rs....., may be drawn and paid through PFMS to the Deputy Commissioner,District, Government of under intimation to IS-II Division.
3. Ministry of Health & Family Welfare for extending medical facilities etc. to the surviving members of the family of the victim under Rural Health Scheme viz Rashtriya Arogya Nidhi and the National Truma Care Project. They may get in touch with the Collector and District Magistrate, South Baster District Dantewara, Chhattisgarh, for extending the benefits to the beneficiaries of the victims.
4. The Secretary, National Foundation for Communal Harmony, Ministry of Home Affairs, 9th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003. They may examine the desirability of extending assistance to the dependent children of the victims for their education as admissible under the project "Assist" implemented by them. They may get in touch with the Collector and District Magistrate concerned for extending the benefits to the beneficiaries of the victims.
5. Cash-II Section, MHA / Budget Division, MHA/ Integrated Finance Division (Fin.IV), MHA, North Block, New Delhi-110 001.
6. The Deputy Chief Controller of Accounts, MIS Section, Ministry of Home Affairs, North Block, New Delhi.
7. Guard File.

(X.Y.Z.)

Under Secretary to the Government of India

Annexure – IV

Brief details of incident including date/location	Category of Incident (Terrorist/ Communal / LWE violence and Cross Border Firing and Mine/IED blasts on Indian Territory.	Names of victim killed/permanent incapacitation of 50% disability & more	Names of beneficiaries & his/her relationship with the victim	Amount of assistance released by State Govt. on behalf of Central Government	Amount to be reimbursed by Central Government (MHA)
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