

REVISED GUIDELINES OF 'CENTRAL SCHEME FOR ASSISTANCE TO CIVILIANS VICTIMS / FAMILY OF VICTIMS OF TERRORIST, COMMUNAL AND NAXAL VIOLENCE

1. Title of the Scheme

The Scheme will be called the 'Central Scheme for Assistance to *civilian* Victims of Terrorist, Communal and *Naxal* violence.

2. Introduction and Objectives

The broad aim of the Scheme is to assist "*civilian* victims of Terrorist violence including militancy, insurgency, Communal and *Naxal* violence'.

3. Definitions

(a) **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).

(b) **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.

(c) ***Naxal 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) **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.

(e) **Next of Kin** would be as certified by District Collector/District Magistrate/Dy. Commissioner.

The revised guidelines in respect of terrorist and communal violence will be effective from 1st April 2008 and from 22nd June, 2009, in respect of the cases of naxal violence.

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 **naxal** violence.
- (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 of employees of Central Government, CPSEs, Autonomous Institutions and other Government Organizations including State Governments / State PSEs and similar organizations of State Governments would be eligible to receive financial assistance of Rs.3 lakhs in case of death/ permanent incapacitation (50% and above) on account of incidents of Terrorist/ communal/ naxalite violence.***
- (v) ***The total compensation amount, available in the SRE state/ districts would be Rs.4 lakhs (Rs.1 lakh from SRE and Rs.3 Lakh from the Central Scheme). In the other areas, the assistance would be limited to Rs.3 lakh.***
- (vi) ***Foreign Nationals and NRIs shall also be eligible / covered under the scheme w.e.f. 1.4.08 i.e. the date from which this scheme has been made effective.***
- (vii) Those permanently incapacitated, and the members of the family of the victims killed/permanently incapacitated in the terrorist, communal or **naxal** violence 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 and all other major illnesses caused due to violence. 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.

- (viii) 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.
- (ix) No other criteria regarding income of the family would be considered for the eligibility under this scheme.
- (x) The perpetrators of violence or their family will not be entitled to any assistance under the scheme.
- (xi) The eligible claimants can file their claims in prescribed proforma (Annexure – I) within 3 years of the relevant incident of terrorist, communal or **naxal** violence through the concerned DM/ State Government. The time limit can however be relaxed in deserving cases by the Central Government on the recommendations of the District Collector or on the recommendation of the Central Government itself.

5. Assistance

- i) An amount of Rs. 3 lakh would be given **for each death or permanent incapacitation** to the affected family under the scheme.
- ii) The amount of Rs. 3 lakh 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 principal amount of Rs. 3 lakh would be transferred directly to the saving account of the beneficiary.
- v) In case of death or permanent incapacitation of the beneficiary, his or her Next of Kin 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 and 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), the eligibility certificate issued by the District SP in the case of naxal violence 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 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 would send its recommendations (in Annexure -II) to the Joint Secretary, Ministry of Home Affairs (**IS.II Division**), **9th Floor, Lok Nayak Bhawan, Khan Market**, New Delhi-110003 in the prescribed form, with a copy to the Home Department of the State Government.
- vi) The District Committee while forwarding the case for assistance under the Scheme would certify that the victim has suffered / died due to terrorist, communal or **naxal** violence, as the case may be, and the beneficiary has been identified as per the scheme. It would also certify that the victim has not suffered / died due to any incident of crime or natural reasons.
- vii) The District Committee would, so far as possible, make its recommendation within 1 month of receipt of claim for assistance to victims/family of terrorist or communal violence.
- viii) The District Collector may, on his own, recommend assistance under the scheme with suitable justification.

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

- i) The MHA would examine the case in terms of fulfillment of conditions for grant of assistance under the scheme.
- ii) The MHA shall complete the processing of the application within **3** weeks, after its receipt from the District Committee and, if the application is found to be incomplete in any aspect, will communicate the deficiency to the District collector within 2 weeks.
- iii) The MHA would issue the cheque in the name of the beneficiary, and this would be sent to the District Magistrate/ District Collector /Dy. Commissioner, for further necessary action, as per the provisions of the scheme, together with a letter of sanction. Whenever feasible the assistance shall be disbursed by way of electronic transfer to the victim's bank account.
- iv) A copy of the Sanction letter would be sent to the Home Department in the State.

8. 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 received from the MHA, 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 by the District Committee, 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, as determined by the District Committee/ ***District Collector***.
- iii) The State Government would provide a consolidated report on quarterly basis, of the assistance given to the victims of terrorist violence in the State in Annexure – III.
- iv) The District Committee/ ***District Collector*** would send a Utilization Certificate in each case of assistance to the MHA, indicating the details of the beneficiary, Bank account, and the date on which money was deposited in the Bank Account, within a period of 3 months from the date of opening of the Fixed deposit account.

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-1

Application form for assistance to the victims of the family of victims of the Communal/ Terrorist / Naxal violence.

Photograph of the
Victim

Photograph of
Beneficiary.

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(Pl. tick) :Death/Permanent incapacitation
(50% and above)
10. In case of 50% and : _____.
above incapacitation
(a) % of disability

***specifically state whether the victims is from uniformed / police service or not.**

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 and communal violence

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/ naxal violence) 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. 3 lakhs from the Central Scheme for assistance to victims of terrorist, communal and naxal violence. 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 communal, terrorist and naxal violence. It is certified that the victim has not suffered due to any other Criminal incident or natural factors.

It is further certified that the applicant has neither received any assistance under SRE scheme nor applied to MHA for assistance under the SRE Scheme.

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 of 50% and above)
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/
Distt Magistrate/ Deputy Commissioner

Annexure - III

Quarterly Statement of Utilization of Assistance

Brief details of incident including date/ location	No. of Beneficiaries	Dates of Application (s) sent	Date of receipt of assistance	Date of Disbursement	If not disbursed, reasons	Total Assistance received in financial year	Assistance disbursed till date	If not fully disbursed, reasons thereof.