

Madhukar Gupta

Immediate

गृह सचिव
HOME SECRETARY
भारत सरकार
GOVERNMENT OF INDIA
North Block
New Delhi.

D.O.No.I-12020/42/2008 NCB

3rd June, 2008

Dear Chief Secretary,

6 JUN 2008

The Government of India have formulated a "Central Scheme for Assistance to Victims of Terrorist and Communal Violence". The broad aim of the scheme is to assist victims of terrorist violence (including militancy and insurgency) and communal violence.

2. A set of guidelines framed by the Central Government setting out the broad objective of the scheme, eligibility for award and kind of assistance available under the scheme, the procedure to be followed at District and Central level, etc., is enclosed for your ready reference and guidance.

3. In order that the benefits under the scheme could be made available to the eligible victims of terrorist violence, it will be necessary to publicize the broad provisions of the scheme among Government functionaries at the District/Block level charged with the responsibility of the implementation of welfare schemes in each State as well as among members of the public.

4. I shall be grateful if action as indicated above is taken expeditiously, so as to ensure that the intended beneficiaries of the Scheme can avail of the assistance available under it. Receipt of this letter may kindly be acknowledged.

With regards,

Yours sincerely,



(Madhukar Gupta)

Shri Johny Joseph,
Chief Secretary,
Government of Maharashtra,
Mumbai.

Encl: As above

GUIDELINES

1. Title of the Scheme

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

2. Introduction and Objectives

The broad aim of the Scheme is to assist victims of "Terrorist violence (including militancy and insurgency) and Communal violence".

3. Definitions

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.)

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.

Permanent Incapacitation : means a disability of not less than 50 % suffered by the victim which is of permanent nature, 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.

Next of Kin would be as certified by District Collector/Magistrate/Dy. Commissioner concerned.

The Scheme will come into operation with effect from 01st April 2008

4. Eligibility

- i) For the purpose of this scheme, the family would be deemed to be the unit for assistance. The word 'family' would include husband/wife, dependent children up to the age of 21 years (including legally adopted children), dependent parents, dependent daughters of any age and physically or mentally challenged children of any age.
- ii) The financial assistance would be given to the family member(s) in the event of death or permanent incapacitation of the victim, who was the bread-winner/householder of the family, in terrorist or communal violence. The death/permanent incapacitation of either the husband or the wife, irrespective of whether one or both were earning members, would entitle the family for assistance under the Scheme.
- iii) 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 terrorist violence, the family would be entitled to get the assistance.
- iv) 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.
- v) In case employment is given to any family member of a victim of terrorist violence, the family will not be entitled to assistance under the Scheme. However, in case such employment is given after the release of assistance under the scheme the assistance shall not be withdrawn.
- vi) Those permanently incapacitated, and the members of the family of the victims killed/permanently incapacitated in the terrorist or communal 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 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.

- i) 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 within 3 years of the relevant incident of terrorist or communal violence. This 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 to the affected family under the scheme, irrespective of the number of deaths in a family in a particular incident of terrorist violence. However, if the bread-winner and the householder of a family die/are permanently incapacitated in separate incidents/occasions, the family would be entitled to get assistance on each occasion.
- ii) The principal amount 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 residence 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 would be transferred directly to the saving account of the beneficiary, if the beneficiary is the spouse of the victim. However, if the beneficiary declared is someone other than the spouse of the victim, then the principal amount would be equally distributed among the family members.
- v) It would be open to the beneficiary to utilize the amount as per his/her free will after the 3 year lock-in-period.
- vi) In case of death or permanent incapacitation of the beneficiary, his or her Next of Kin would operate the account.
- vii) 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 rightful beneficiary/ the rightful claimant.
- iii) In case of permanent incapacitation, a certificate from the District Medical Officer would be required to show that the victim has suffered not less than 50% disability, which is of permanent nature, 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 to the Joint Secretary, Ministry of Home Affairs, (IS Division), North Block, New Delhi 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 due to terrorist or communal 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 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 it after its receipt from the District Committee and if the application is found to be incomplete in any substantive 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/Collector/Dy. Commissioner for further necessary action, as per the provisions of the scheme together with a letter or 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.
- v) The MHA shall widely disseminate information about the scheme and also advise the State Governments to undertake its publicity.
- vi) MHA may, considering the circumstances of each incident, decide at its own discretion and without waiting for recommendations of the District Committee, the grant of assistance under this scheme subject to the other eligibility conditions.

8. Procedure to be followed after the issue of cheque

- i) The District Collector/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

~~CONFIDENTIAL~~

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, if the beneficiary is the spouse, or into any other designated account as determined by the District Committee. However, if the beneficiary is a family member other than the spouse of the victim, the District Committee would issue instructions, atleast 3 months before the maturity of the Fixed Deposit, to the Bank to give equal share of the Principal amount to all the family members as determined by the District Committee. The bank may be asked to give a draft/pay order to each claimant of the designated amount.

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 Part C.

iv) The District Committee 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 difficulty in implementation of the scheme, suitable clarifications will be issued by the Internal-Security Division of the MHA.

* * * * *