



NEWSLETTER



SPECIAL ISSUE

on
3rd State Level Colloquium
on
Victim-Emancipation through Compensation

Prepared by

Jharkhand State Legal Services Authority

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GENESIS OF THE PROGRAMME

Supreme Court in SUO MOTU WRIT PETITION (CRIMINAL) NO. 24 OF 2014 (Coram: CJI P. SATHASIVAM, SHARAD ARVIND BOBDE, J and N.V. RAMANA, J has been pleased to observe that :

“No compensation can be adequate nor can it be of any respite for the victim but as the State has failed in protecting such serious violation of a victim’s fundamental right, the State is duty bound to provide compensation, which may help in the victim’s rehabilitation. The humiliation or the reputation that is snuffed out cannot be recompensed but then monetary compensation will at least provide some solace.” (Para-17)

Their Lordships have further held that “In 2009, a new Section 357A was introduced in the Code which casts a responsibility on the State Governments to formulate Schemes for compensation to the victims of crime in coordination with the Central Government whereas, previously, Section 357 ruled the field which was not mandatory in nature and only the offender can be directed to pay compensation to the victim under this Section. Under the new Section 357A, the onus is put on the District Legal Service Authority or State Legal Service Authority to determine the quantum of compensation in each case. However, no rigid formula can be evolved as to have a uniform amount, it should vary in facts and circumstances of each case.”

Union of India has framed Central Victim Compensation Fund Guidelines with clear provision that the States with provision of same or similar compensation amount shall be reimbursed intoto. State of Jharkhand also prepared its Victim Compensation Scheme in the year 2012. In the year 2014, Jharkhand framed Jharkhand Victim Welfare Fund Rules, 2014 with provision of 1/3rd remuneration of convicts going to the victims or their survivors. Jharkhand State Legal Services Authority organized State Level Colloquium on Victim-Emancipation through Compensation at Ranchi on 23rd January, 2016 in which large number of victims from all over the state got the compensation including three kids who lost their both parents. The State adopted them and the DLSA was made their legal guardian. They were admitted to residential school.

Statistical Data of Beneficiaries of Victim Compensation

No of Beneficiary under Victim Compensation scheme		No of Beneficiary under Victim Welfare Fund Rules	
on 21-1-2016	-- 91	on 21-1-2016	-- 50
Amount Paid: Rs 2391160/-		Amount Paid: Rs 866250/-	
on 20-2-2016	-- 70	on 20-2-2016	-- 18
Amount Paid: Rs 5770000/-		Amount Paid: Rs 435315/-	

The Victim Compensatory Jurisprudence is gaining momentum. There is urgent need to take due care of all the victims of the offence. **This 3rd state Level Colloquium on Victim-Emancipation is not only forpayment of compensation to some of the victims, but also for reassuring the victims of crime that their due is about to come to them.**

PROGRAMME SCHEDULE

- 09.30 AM : Registration of Participants
- 10.30 AM : Arrival of Hon’ble Dignitaries
- 10.35 AM : Arrival of Hon’ble Chief Guest and Guest of Honour
 - Traditional Welcome
- 10.40 AM : Arrival of Hon’ble Chief Guest, Guest of Honour and Hon’ble Dignitaries to the Auditorium
- 10.41 AM : Escorting Hon’ble Chief Guest, Guest of Honour and Hon’ble Dignitaries to the Dais
 - National Anthem
- 10.43 AM : Presentation of Book/Bouquet
- 10.44 AM : Deep Prajwalan & Welcome Song
- 10.50 AM : Introductory-cum-Welcome Address by Hon’ble Mr. **Justice D.N. Patel**, Judge, High Court of Jharkhand & Executive Chairman, JHALSA
- 10.55 AM : Address by Hon’ble Mr. **Justice P.K.Mohanty**, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA
- 11.05 AM : Release of Legal Awareness Pamphlet & Booklet on Victim Compensation.
 - Presentation of Cheques/Appointment Letters to the victims
- 11.15 AM : Keynote Address by Hon’ble Mr. **Justice S.A. Bobde**, Judge, Supreme Court of India
- 11.35 AM : Inaugural Address by **Sri Raghubar Das**, Hon’ble Chief Minister of Jharkhand
- 11.55 AM : Vote of thanks by Hon’ble Mr. **Justice H.C. Mishra**, Judge, High Court of Jharkhand & Chairman, HCLSC
- 12.00 PM : National Anthem Followed by High Tea

TECHNICAL SESSION

(12:20 P.M. – 01.45 P.M.)

Participants are Pr. DJs, DCs, SPs, and Secretaries of DLSAs of the State of Jharkhand

1. **Compensation to Victims under Jharkhand Victim Compensation Scheme, 2016**
2. **Compensation to Victims of offence under Jharkhand Victim Welfare Fund Rules, 2014**

Chair : Hon'ble Mr. **Justice S.A. Bobde**, Judge, Supreme Court of India

Co-Chair : Hon'ble Mr. **Justice D.N. Patel**, Judge, High Court of Jharkhand & Executive Chairman, JHALSA

Speaker : 1. **Sri S.K.G. Rahate**, Principal Secretary, Deptt of Home

2. **Ms. Suman Gupta**, I.G. (Prison), Jharkhand

12.20-12.45 P.M. : *Speaker: Sri S.K.G. Rahate*, Principal Secretary, Deptt of Home on Compensation to Victims under Jharkhand Victim Compensation Scheme, 2016

12.45-01.10 P.M. : *Speaker: Ms. Suman Gupta*, I.G. (Prison), Jharkhand Compensation to Victims of offence under Jharkhand Victim Welfare Fund Rules 2014

01.10 P.M. : Interactive Session (Questions are highly solicited)

01.30 P.M. : Summing up and way forward by the Hon'ble Chair

01.45 P.M. : **End of the Programme followed by Lunch**



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand inaugurating the programme by lighting of lamp.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India inaugurating the programme by lighting of lamp.

Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA



- Victim Compensation is mandatory and not a mercy at all.
- I welcome Hon'ble the Chief Minister Shri Raghubar Das Ji. He has been a great support to the Judiciary. Be it the Solar Power Project at Civil Court, Khunti, opening of 500 Legal Literacy Clubs in 500 Schools of Tribal Girls and Boys at a time or 3rd University Lok Adalat where more than Rs. 128 Crores were disbursed amongst more than 5537 employees of the Universities of Jharkhand. He has allocated 2.5 crores for the payment of compensation to the victims. This shows the commitment of State to the cause. Your presence ensures the rehabilitation of victim. I once again welcome you sir.
- I am delighted to welcome Hon'ble Mr. Justice Shri Sharad Arvind Bobde Ji, Judge, Supreme Court of India who is ever smiling and untiring personality. We are grateful to my Lord to accept our invitation and grace the occasion despite busy schedule of My Lord.
- In *Suo Moto Writ Petition (Criminal) No. 24 of 2014*, the Hon'ble Supreme Court - Bench comprising of CJI, S.A. Bobde and N.V. Ramana, JJ. has held.

- It is the duty of the State to formulate the scheme for the victim compensation.
- Mandatory is the duty of state to provide the compensation.
- It is the duty of the District Legal Service Authority to determine the compensation u/s 357A Cr.P.C.
- My Lord may I point out that the State of Jharkhand has complied all the three directions, firstly by drafting the Victim Compensation Scheme in 2012 and now in 2016 by adopting the Central Scheme. Second Scheme is Jharkhand Victim Welfare Fund Rules 2014 where by one third of convict's remuneration goes to victim. The third is Jharkhand Naxal Victim Compensation Scheme. Today we are going to give compensation under all three schemes.
- This time DLSAs have determined compensation to the more than 600 victims. Last time it was 229 victims. Last time compensation amount disbursed was Rs. 95 lacs. This time it is more than 2.5 crores. Last time four compassionate Appointments were given to Naxal Victims, this time we are giving eight compassionate appointments.
- My Lord is a great Author and Historian. My Lord has written book-Courts of Law. Past and Present, which contains great history of Indian judiciary. The book has more than 500 pages, 10 chapters and more than 1500 historical photographs.
- My Lord your presence has made this even more gracefule, I welcome you once again sir.
- I accord a genuine welcome to My Lord Hon'ble Mr. Justice P.K. Mohanty, the Acting Chief Justice of Jharkhand High Court and Patron-in-Chief, JHALSA. Sir you have constantly provided support and guidance, under Your Lordship's able leadership and guidance we are progressing leaps and bounds.
- I welcome all my esteemed broether Justices including My Lord Hon'ble Mr. Justice H.C. Mishra, the Chairman, High Court Legal Services Committee. Sir, your presence is encouraging all the participating candidates in this seminar, your presence symbolises the committment of Jharkhand Judiciary for Victim Compensation. I welcome all my Brother Judges of Jharkhand High Court.
- I welcome .. Advocate General, all three Addl. A.G.s, Registrar General and his team, Secretary Law, Director, Judicial Academy, Sr. Advocates, Advocates, PDJs, DGs and SPs. I also welcome silent workers Sri S.K.G. Rahate, Suman Gupta, Sri Sanjay Kumar, Pr. Secretary to C.M.
- I welcome you all.
- I hope today's seminar will take us to a new height.

Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand

- आज का दिन निश्चित रूप से हम कह सकते हैं कि पुण्य का दिन है।
- सरकार किसी की भी हो हमारी भारतीय संस्कृति में सरकार की जो धारणा है कल्याणकारी सरकार की। उसे हर सरकार को निभाना चाहिए और झारखण्ड सरकार झालसा के साथ मिलकर जो लोक कल्याणकारी सरकार का कॉन्सेप्ट है, उस कॉन्सेप्ट को जैसा कि सब जानते है कि लोकतंत्र में विधायिका, कार्यपालिका न्यायपालिका तीनों में समन्वय स्थापित कर जो विश्व में सबसे बड़ा लोकतंत्र का गौरव भारत को प्राप्त है उसे हमें और मजबूत करना है।
- मुझे खुशी है कि इस दिशा में झारखण्ड तेजी से बढ़ रहा है। मैं मानता हूँ कि राज्य सरकार की जिम्मेदारी राज्य में आधारभूत संरचना के साथ-साथ बिजली पानी, स्वच्छता के साथ उनका यह भी धर्म है अच्छी कानून व्यवस्था न्यायप्रणाली में भी बेहतर संरचना हो का भी एक महत्वपूर्ण अंग है तथा इसके अभाव में हम आधुनिक समाज कार्य नहीं कर सकते हैं। अच्छी



न्यायप्रणाली का अर्थ केवल कानून बना लेने तक ही सीमित नहीं है। बल्कि एक ऐसी व्यवस्था देना भी है जो बुनियादी मुद्दों का निष्पक्षता और कुशलतापूर्वक निपटारा करने में समक्ष हो।

- हम बात कहते हैं good governance की शासन अच्छी हो तो good governance की पहली शर्त यह है कि जनता का शासन के प्रति विश्वास हो।
- दूसरा good governance की सबसे बड़ी शर्त यह है कि सत्ता में बैठे जो लोग हैं उनके मन में भावना होनी चाहिए trusteeship की। कि हम trusteeship के माध्यम से सत्ता में बैठे हैं।
- राज्य की जनता ने जब हमें अमानत दी है उसे संभाल कर रखना है, सजाना है संवारना है।
- इस trusteeship के माध्यम से झारखण्ड की सरकार काम कर रही है। हमने देखा है कि राज्य में कितने गरीब है राज्य समृद्ध जरूर है लेकिन लोग गरीब, असहाय, लाचार, बेबस हैं हमें इस फिजा को बदलना है।
- संविधान में भी यह प्रावधान है कि जो गरीब है, जो दलित है, आदिवासी है, शोषित है, वंचित है उसका सहारा सरकार है और वही धर्म हम झालसा के साथ मिलकर उन गरीब को उन शोषित को उन वंचित को मिलकर काम करने का बीड़ा उठाए हैं और मैं आपको इस बात की ओर इंगितकर हमारे न्यायमूर्ति बोबडे साहब दण्ड प्रक्रिया संहिता की धारा 357A की ओर बता रहे थे कि राज्य सरकार और विधिक सेवा संस्थान victim को मुआवजा देने के लिए कदम से कदम मिलाकर चल रहे हैं और हमारी सरकार की जो प्राथमिकता है कि जो महिलाएँ बच्चे जो शोषित वंचित और समाज के अंतिम से अंतिम जाति के पायदान पर बैठा व्यक्ति को उसका हक दे दें और यहाँ हम झालसा के साथ मिलकर चल रहे हैं। मुझे यह कहते हुए खुशी हो रही है कि हाईकोर्ट के जितने भी हमारे न्यायधीशगण है हृदय से आभार प्रकट करता हूँ कि इस तरह के काम में हमारी हाईकोर्ट के जस्टिस का भी योगदान है इसलिए मेरा यह धर्म भी बनता है। चूंकि यह काम सरकार का है Justice करना जो शोषित है जो वंचित है।
- इस duty में कई लापरवाही होने के कारण, हमारे शासक अधिकारियों के कारण, उसको इंगित कराने का काम न्यायपालिका झालसा के माध्यम से कर रही है। इसलिए मैं हर काम में, गरीब के आँसू पोंछने के कोई भी काम में, रघुवर दास आपके साथ है। जो हमलोगों ने मुआवजा की राशी में जैसा आपलोगों ने कहा जो निश्चित रूप से ढाई करोड़ से पाँच करोड़ हमारी सरकार करेगी और जैसा आपने काफी अच्छे-अच्छे सुझाव दिए हैं। उन्हें निश्चित रूप से हमारी सरकार ग्रहण करेगी।
- हमारे सभी जिला के उपायुक्त, आरक्षी अधीक्षक बैठे हैं। शोषित वंचित गरीब की कोई भी घटना होती है, त्वरित कार्यवाही करके Recommendation त्वरित भेजे ताकि समय पर उसको दंडित भी हो, समय पर मुआवजा भी दे सकें। अगर किसी के साथ घटना हुई और देर से मुआवजा दे रहे हैं तो उस मुआवजा का कोई औचित्य नहीं रहता। इसलिए इस बात को ध्यान रखेंगे। हमारे जिला के अधिकारियों से अपील है कि हमारे अधिकारी संवेदनशील हो गरीबों के प्रति ताकि जो हमारे राज्य पर एक कलंक है कि समृद्ध राज्य होते हुए भी जो उसकी गोद में जो गरीबी पल रही है उसे सब मिलकर समाप्त कर सकें।

धन्यवाद!

Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India

- First time I am visiting Jharkhand, Ranchi & it is indeed pleasure to be here.
- This is an undiluted pleasure & I was feeling this when Chief Minister & all of us were giving this compensation to victim. In giving punishment to the accused only satisfying half of the heart the other half of the heart remained unsatisfied, can be satisfied to a large measure by this compensation.
- It is not only the cheque, expression on the victims that their sorrow, their misfortune have been acknowledged by the state & here the govt. & judiciary are the state. It is a recognition that the authorities, the state, wants my well being & wants me to go ahead with the life.



- This something I realised today because I have not, before, attended the function of this magnitude. It is, I must say, a tribute to the State of Jharkhand that you have a Chief Minister who takes so much personal interest.
- Justice Patel mentioned that last time the compensation was 55 lacs approx & this time it is 2.5 crores.
- Victim-Compensation's principles have evolved over centuries. Courts earlier were content with punishing the accused & forgetting the victim. This naturally create dis-satisfaction. Civil law was concerned with money & criminal law was meant to sent people to jail & that was the end of the matter.
- But you know injustice creates a pressure in society. That pressure is released in many ways. Some harmful way like violence and I am saying not to condone crimes but please remember if you talk to the people who have been convicted who have committed horrible crimes you will often find in the minds that sense of injustice they wanted to rectify & this is, an expression of perception that you have been wronged. The one of the ways of vacating the sense of injustice is compensation.
- There are many theories & arguments in law that you all know whether the death penalty is retribution by the state, is a revenge by the State & so on & so forth.
- Broadly justice means restoring the injured party to the position before the wrong was committed & this is the holy principle behind compensation & it has admirably been achieved by the introduction of 357A.
- You all know that whether you have been able to trace the accused, you have been able to pin point the source of the wrong, the wrong still exists, the injuries are still exist, it still hurts & 357A to my mind is one of the most progressive provision of law, it says that when the victim can be traced. Where accused can't be traced. Where the accused is acquitted in all such cases the victim is entitle to compensation. It is the responsibility of the state, no doubt, to arrest the accused, to find out the wrong doer & bring him to book but sometimes it can't be done, so the law has imposed a duty on the state & judiciary to ensure that the wrong is to some measure vacated, the victim gets some solatium for the offence & this is done by 357A, not only by setting up a central & state fund but by imposing this duty on DLSA to assess and to recommend & for the govt. to pay.
- I was talking to Justice Patel today about this & I am happy to mention this before august audience because you are depository of powers in the state that whenever an accident takes place, either a bus or train or even a car my belief is that an FIR is registered always & when it may not be registered then it should be registered because it is always a result of somebody's some rash and negligent act or a sabotage. If an FIR is registered it is a crime. If it is a crime why should we not consider the Legal Services Authority & the Govt. that Victim Compensation is released under 357A to the victims of an accident, this can be an addition to Chief Minister Relief Fund, this is something which can be & I believe that Jharkhand has a unique distinction of making compensation available not only from the state fund, but also from central govt. fund & many other funds.
- But if the fund is coming from the central govt. I do not see any reason why it should not be possible to give compensation which satisfy the victim. You cannot undo emotional trauma but you can help them to get on with life & it is only if you were a victim them you could realize what it means to a victim.
- I am happy to see degree of sensitivity shown by the JHALSA & the Chief Minister in this regard.
- This movement of compensation is extremely ancient in India. In India before the concept of separation of civil & criminal law, the standard practice was to require an offender to re-imburse the victim or his family for any wrong caused by offence. So it was taken as granted that the king would order the offender to re-imburse the victim. It was not only to compensate the victim but to protect the offender from violent retaliation by victim. These are orders of those days. One who killed another was obliged to give a thousand or hundred of cows for the purpose of removing the enmity between the parties depending upon the status of victim
- The Smriti of Brihaspati lays down that the award of punishment firstly regulated by a consideration of motive & nature of the offence, the time & place, the strength, the age, the conduct or duties, learning & monitory position

of the offender & by the fact that whether the offence is repeated. I am sure that we apply many of the factors today to award punishment. The interesting consequences that the same offence will not necessarily attract the same punishment because a murder is committed out of necessity or because a wrong done by the victim, the accused will not get same punishment to somebody who murder for sake of robbery or dacoity. This I bring out only for this reason that we in India have a very very long tradition of dealing with offences, punishments & compensation.

- All that I can say today at the end of this function, I am glad to see that it is very much alive. I once again congratulate the JHALSA, the Govt. led by this dynamic Chief Minister, H.C. of Jharkhand which I very pleasantly found to be young H.C. in the country in terms of the age of the Judges.

Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA

- It is a very prestigious occasion.
- On behalf of the High Court of Jharkhand, I extend a warm welcome to all present on the dias and off the dias.
- In the matter of Victim-Compensatory Jurisprudence, the recent Judgments of Hon'ble Supreme Court of India in Ankush Shivaji Gaekwad Vs. State of Maharashtra and in Suresh & Ors. Vs. State of Haryana, it was observed that Section 357A of the Cr.P.C. confers a duty on the court to consider providing compensation to victim in every criminal case. This necessary follows.
- The object and purpose of Section 357A of the Cr.P.C. is to enable the court to direct the state to pay Compensation to the victim if the compensation to victim under Section 357 is not adequate or case results in acquittal of accused and court thinks it necessary to rehabilitate the victims.
- It is the duty of the courts to adjudicate as to whether victim needs rehabilitation.
- Need of victim is amongst some of the factor to be kept in mind.
- Thus from the cumulative reading of the Section 357 and newly abled section 357A of the Code of Criminal Procedure, it is clear that Both-the Courts and District Legal Services Authorities as well as State Legal Services Authority have solemn duty to provide compensation to the victims in case of inadequacy of the compensation under section 357 or where the case results in acquittal or discharge of the accused and Court is of the view that victim needs rehabilitation.
- As the things stand, it is for the Courts to provide reliefs to the victims under rehabilitative laws. When the offender is in position to pay compensatio to the victim, then the Court may direct him to pay compensation depending on the facts of the case. If the offender is not in a position to pay, then the Court may take recourse to the Section 357A of the Cr.P.C. and direct the State to pay compensation.
- I am happy to learn that Jharkhand State is one of the Pioneer in this field. The State Government has been allotting budget for victim compensation.
- I hope that the Conference would be valuable for all the stake holders and the system.
- I am thankful to Hon'ble Chief Minister and Hon'ble Mr. Justice S.A. Bobde for their gracious presence in the conference.



Thankyou very much!

Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Chairman, High Court Legal Services Committee

- I feel honoured to propose the vote of thanks.
- As you know, this is our 3rd State Level Colloquium on Victim-Emancipation through Compensation.
- Shri Raghubar Das Ji, Chief Minister of Jharkhand takes keen interest in the matters related to Judiciary with a very positive attitude. We have never heard any proposal sent by High Court of Jharkhand to the Government headed by him disapproved. Even for the compensation to victim in this colloquium, he has been kind enough to allocate 2.5 crore. We have already decided the claims of more than five crores and we have been assured by Hon'ble Chief Minister to get a further fund of Rs. Five crore for payment of compensation to the victims. Shri Raghubar Das Ji has been tirelessly working for the development of the State. He has been kind enough to find time to attend our function today. I express my sincere thanks to Shri Raghubar Das Ji, the Chief Minister of Jharkhand on my behalf and on behalf of entire legal fraternity.
- My Lord Justice S.A. Bobde, Judge, Supreme Court of India has a deep concern for Justice. In State of Punjab vs. Jagjit Singh, sitting with Hon'ble the Chief Justice of India, their Lordships held the equal pay for equal work should be applicable. His Lordship takes very keen interest in the subject of Victim Compensation. In suo moto Writ Petition (Criminal) No. 24 of 2014, the bench headed by Chief Justice in which My Lord Justice S.A. Bobde was also a member, their Lordships have highlighted the need of victim compensation and reminded the State of its duty to provide Compensation to Victims. In spite of His Lordships busy schedule in the Supreme Court, My Lord has taken time out to visit the State of Jharkhand in his Lordship's pursuit to wipe out tears from the eyes of victims. I on my behalf and on behalf of entire legal fraternity, express our deep gratitude to His Lordship.
- My sincere thank goes to Hon'ble Acting Chief Justice cum Patron-in-Chief, JHALSA Hon'ble Mr. Justice P.K. Mohanty. My Lord has vast experience as Executive Chairman of Odisha SLSA and His Lordship has always been a guiding force in all the programmes of JHALSA. I on my behalf and on behalf of entire legal fraternity extend my sincere thanks to My Lord the Hon'ble Acting Chief Justice Hon'ble Mr. Justice P.K. Mohanty.
- Since the very date, Brother Justice D.N. Patel has assumed the charge of the office of Executive Chairman, JHALSA, he has been constantly and tirelessly burning midnight oil for various activities of JHALSA in spite of his busy schedule due to overburdened Board of the High Court. It is His Lordship's solitary effort that has placed the DLSA Ranchi as the best DLSA for two consecutive years. The success of today's function also owes solely to the efforts of brother Justice Patel. My sincere thank goes to Brother Justice Patel for all his endeavours.
- I thank all brother Justices of Jharkhand High Court for their actual involvement, participation and constant support to the activities of JHALSA including today's function, without which we would not have been able to achieve the success.
- My thank goes to the Advocate General and his team and all the senior Advocates and Panel Advocates for their active participation in the programme.
- We are very thankful to Sri S.K.G. Rahate, Principal Secretary, Home and Madam Suman Gupta, IG (Prisons) for taking keen interest in the activities of JHALSA and for finding time out from their busy schedule to address the technical session today.
- My sincere thank goes to PDJs, DCs, and SPs of the State of Jharkhand.
- Thank you all.





Seen in the picture are (L to R) Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India, Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand, Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA & Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Chairman, HCLSC releasing the legal awareness booklet & pamphlet on Victim Compensation.



TECHNICAL SESSION

Sri Navneet Kumar, Pr. Judicial Commissioner, Ranchi



- Introduction of Section 357A in Cr.P.C. is revolution in Criminal Justice Administrative System.
- There are three kinds of Victim Compensation Scheme. First is Jharkhand Victim Compensation Scheme, 2016. Second is Jharkhand Victim Welfare Fund Rules, 2014. Third is Jharkhand Naxal Victim Compensation Scheme.
- Section 357A Cr.P.C. successfully stops Mob Justice.
- Section 357A Cr.P.C. has nothing to do with conviction or acquittal of the accused.
- Victim identification is very important. That role has been assigned to DLSA.

Sri S.K.G. Rahate, Principal Secretary, Home

- The role of DLSA in Victim Compensation is very important and the salient feature of the scheme is that even if the accused is not traced or identified, but victim is identifiable then he gets the compensation.
- Based on Victims application, the DLSA verifies and examines and fix quantum of compensation with two funds.
- The entire scheme is focussed on victims.
- The compensation if not paid in time, loses its importance.
- All stakeholders must conclude all formalities within reasonable time frame.



Mrs. Suman Gupta, IG (Prison)



- Victim Welfare Fund Rules 2014 is entirely different from Victim Compensation Scheme 2016.
- Many states have framed their Rules. We give 33% of convicts' remuneration of their victims.
- We don't require any allotment preferred. We have almost five crores in our corpus and we have to only the identify the victim.
- The process is very simple. Jail Superintendent initiates the Process and Police & Probation Officer identifies the victim.
- Ranchi has 3841 cases pending for Police verification. We urge the police & PDJ to expedite the process.
- 1.08 crore rupees disbursed as of now under the scheme.
- The awareness programme should be organized at all levels for sensitizing the victims.
- We have list of PLVs for some of the districts but we don't have PLVs list for entire state. PLVs can be of great help in victim identification.



Seen in the picture are (L to R) Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India, Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand, Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA & Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Chairman, HCLSC in the Inaugural Session of the programme.

Glimpses of Interactive Session



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India answering the queries of the participants in the Interactive Session.



Hon'ble Mr. Justice Aparesh Kumar Singh, Judge, High Court of Jharkhand giving suggestion on the topic.



Sri S.K. Dubey, PDJ cum Chairman, DLSA, Deoghar raising his query in the session.



Sri D.M. Tripathy, Director Prosecution clarifying on the Victim Compensation Scheme, 2016



Sri Manoranjan Kavi, PDJ cum Chairman, DLSA, Jamtara expressing his opinion.



Sri Sanjay Prasad, PDJ cum Chairman, DLSA, Bokaro asking a question in the Interactive Session.



Sri S.K.G. Rahate, Pr. Secretary, Home, pointing out salient features of Victim Compensation Scheme.



Sri Sanjay Singh Yadav, Secretary, DLSA, Pakur expressing his view.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the appointment letter to the victim namely Santosh Tirkey of Gumla District, his mother was killed by Naxals. He was given appointment letter for the post of Police Constable.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the appointment letter to the victim namely Ramchandra Nayak of Gumla District, his brother was killed by Naxals. He was given appointment letter for the post of Police Constable.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the appointment letter to the victim namely Md. Zulfakar Ansari of Gumla District, his father was killed by Naxals. He was given appointment letter for the post of Police Constable.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the appointment letter to the victim namely Sri Kameshwar Sahu of Gumla District, his father was killed by Naxals. He was given appointment letter for the post of Police Constable.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the appointment letter to the victim namely Md. Sajauddin Ansari of Gumla District, his mother was killed by Naxals. He was given appointment letter for the post of Police Constable.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the appointment letter to the victim namely Ms. Namita Devi of Ranchi, her husband was killed by Naxals violence in 2016. She was given appointment letter for class-IV post in District Land Acquisition Officer, Ranchi



Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA giving the appointment letter to the victim namely Sri Vivek Kumar Gupta of Latehar District. His father was killed by naxals in 2009. He was handed over appointment letter for the post of Police Constable.



Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA giving the appointment letter to the victim namely Ms. Kiran Devi of Khunti District. Her husband was killed by naxals. She was handed over appointment letter for class-IV post in Khunti Collectorate.



Seen in the picture are Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India, Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA, Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA & Hon'ble Mr. Justice H.C. Mishra, Judge, High Court of Jharkhand & Chairman, HCLSC flaging off the Vidhik Jagrukta Padyatra from Nyaya Sadan, JHALSA Premises, Ranchi on 4th March, 2017.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the cheque to the victim namely Veena Kumari (G.R. Case No. 947/16 of Giridih District). She is an acid attack victim. She was handed over cheque of Rs. 3,00,000/-.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the cheque to the victim namely Suraj Kumar Rana of Giridih District. His father murdered his mother in 2014 (Session Trial No. 163/2014). Compensation amount of Rs. Two Lacs was given.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the cheque to the victim namely Niranjan Kumar and his children of Giridih District. Wife of Niranjan Kumar was killed in 2008. Cheque of Rs. Two Lacs was given to them.



Shri Raghubar Das, Hon'ble Chief Minister, Jharkhand giving the cheque to the victim namely Rahul Kumar of Ranchi. He is an acid attack victim. He received 80% acid burn injury. Cheque of Rs. 3,00,000/- was given to him.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Sukumar Khalkho of Ranchi. His mother was killed on the pretext of witch-hunting in 2015. As interim compensation, he was given cheque of Rs. 50,000/-.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Pardesia Mahto of Ranchi District. His both daughters (both minors) were raped and killed. As interim compensation, he was given cheque of Rupees One Lac.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Seema Kumar (name changed) of Dhanbad. She was given cheque of Rs. 2,50,000. Earlier she had been given interim compensation of Rs. 50,000/-



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Rita Devi of Dhanbad District. She is a daily-wage earner. Her husband was killed in property dispute. She has four minor children. She was given cheque of Rs. 1,85,000/-. Earlier she had been given Rs. 15,000/- as interim compensation.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Lalita Devi of Dhanbad. She is a mason. Her husband was poisoned to death in 2003. She has five children, all minor. She was given cheque Rs. 1,90,000/- Earlier she had been given Rs. 10,000/- as interim compensation



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the cheque to the victim namely Rita Devi of Dhanbad District. She is a daily-wage earner. Her husband was killed in property dispute. She has four minor children. She was given cheque of Rs. 1,85,000/-. Earlier she had been given Rs. 15,000/- as interim compensation.



Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA giving the cheque to the victim namely Laldeo Oraon of Lohardaga District. Three members of his family were burnt alive in witch hunting crime. Compensation of Rs. 4,00,000/- was given.



Hon'ble Mr. Justice P.K. Mohanty, Acting Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA giving the cheque to the victim namely Birasmuni Kumar (13) and Saniyars Kumar (7) of Gumla District. Parents of children were killed on the pretext of witch hunting. DLSA Gumla got the children admitted in Residential school.

No. of Appointment to Naxal Violence Victims	8
No. of persons identified as victims and sanctioned for payment of compensation	(6 persons appointed on the post of Police Constable and 2 persons where appointed on Class - III post in District Collectorate, Ranchi and Khunti respectively).
No. of Victims given compensation on 04.03.2017	600 (Total amount of Rs. 5 Crore approximately)
Total Compensation Amount Paid	307 2.5 Crores.

Opening of Legal Services Clinics in Tribal Areas & Flagging Off Vidhik Jan Jagran Sah Jagrukta Cycle Yatra at Khunti



Seen in the picture are Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India & Hon'ble Dr. Justice S.N. Pathak, Judge, High Court of Jharkhand & Administrative Judge, Khunti Judgeship on the dias in Opening of Legal Services Clinics in Tribal Areas of Khunti District.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India addressing the participants at Khunti on the role and responsibility of Legal Services Institutions for ensuring Access of Justice to marginalized section of society.



Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA addressing the participants at Khunti



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India giving the Letter of Deputation to Panel Lawyers and PLVs for Legal Services Clinics to be established in Tribal Areas of Khunti District.



Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA giving the Letter of Deputation to Panel Lawyers and PLVs for Legal Services Clinics to be established in Tribal Areas of Khunti District.



Hon'ble Dr. Justice S.N. Pathak, Judge, High Court of Jharkhand & Administrative Judge, Khunti Judgeship giving the Letter of Deputation to Panel Lawyers and PLVs for Legal Services Clinics to be established in Tribal Areas of Khunti District.



Hon'ble Mr. Justice S.A. Bobde, Judge, Supreme Court of India, Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA & Hon'ble Dr. Justice S.N. Pathak, Judge, High Court of Jharkhand & Administrative Judge, Khunti Judgeship flagging off the Vidhik Jan Jagran Sah Jagrukta Cycle Yatra from District ADR Centre, Khunti on 4th March, 2017.



SUCCESS STORIES OF VICTIM COMPENSATION COLLOQUIUM DT. 4th March, 2017

- 1) **District-Giridih**
Victim - Veena Kumari (victim of acid attack)
GR case no. - 974/16 (**occurrence is of the year 2016**)
Facts - Minor girl Veena Kumari was sleeping in her hostel of Kasturba Gandhi Balika School, Dumri, Giridih and at about 3.00 am acid was poured over her lower face and neck. Compensation amount - 3 lacs has been paid.
- 2) **District - Giridih**
Victim - Suraj Kumar Rana and Ashish Kumar, both minors, Sessions trial no.-163/2014 (**occurrence is of the year 2014**), Facts-Father of the children namely Suraj Kumar Rana and Ashish Kumar murdered their mother. Children are with her maternal grand mother. Compensation amount of Rs. 2 lacs given.
- 3) **District - Giridih**
Occurrence is of the Year 2008.
Victim-Niranjan Kumar, Bharat Kumar, minor, Lakshmi Kumari, Facts-Mother of the children was murdered when they were minor. Compensation amount of Rs. 2 lacs given.
- 4) **District - Ranchi**
Victim-Rahul Kumar, acid attack victim. **Occurrence is of the Year 2012**
Facts-Rahul Kumar, aged about 30 years was pursuing his career to become a Chartered Accountant. In the occurrence, he received 90% acid burn injury on his body. Compensation of Rs. 3 lacs has been awarded to him.
- 5) Victim-Sukumar Khalko, Ashish Khalko, Sibi Khalko, Suna Khalko and Matius Khalko
Occurrence is of the Year 2015
Facts-5 women were killed on the pretext of witch hunting. Interim compensation of one lac each to C.B. Khalko, Suna Khalko and Matius Khalko, interim compensation of Rs. 50000/- each to Sukumar Khalko and Ashish Khalko given.
- 6) Victim-Pardesia Mahto
Occurrence is of the Year 2013
Facts-His both daughters were raped and killed. Both were minors. Interim compensation of Rs. One lac given.
- 7) **District - Dhanbad**
Offence of the Year 2008
Victim- Seema Kumari (name changed) (victim of rape,) is a victim of offence. She was given Rs. 50000/- as compensation u/s 357 and 250000/- remaining under victim compensation scheme for her rehabilitation on the direction of the Hon'ble High Court of Jharkhand.
- 8) Victim-Rita Devi
Occurrence is of the Year 2013
Facts-Deceased Husband of victim was killed with lathi blows in the field due to property dispute. Victim has four minor children and she is a daily wage earner.
Compensation Amount of Rs. 15000 rupees awarded by court and further Rs 185000/- has been given.
- 9) Victim-Lalita Devi is a mason.
Her husband Dasrath Das was poisoned to die on 2-4-2003 by the culprits. She has 5 children. She received Rs. 10000/- from Government and compensation amount of Rs. 190000/- given.
10. **District : Chaibasa**
Occurrence is of the year 2013
Victims are (1) Sukhmati Munduiya (9 years) and (2) Sumitra Munduiya (7 years). Their father was killed and mother left them and remarried. They are with their grandmother. Compensation of Rs 200000/- has been given.
11. **District : Chaibasa**
Victims : Smt Chandmani Das 33 years old and her three minor children namely Sonali Das(12), Amar Das (8) and Ganesh Das (5). Husband of Chandmani Das was killed in 2015. Compensation of Rs 200,000/- given. DLSA is taking steps for admission of Ganesh Das in DAV school and other two children are being given scholarship of Rs 700/- each.

12. **District : Chaibasa**
Victims : Sandhya Kumari(17) and Tapas Khilar(11). Their father killed their mother in the Year 2014. Compensation of Rs 5000/- by court order and further Rs 195000/- given as compensation.
13. **District : Chaibasa**
Victims : Shani @ Soni Mundari(11) and Chandu Mundari(8) and Langri @ Changi Mundari (7). Their father killed their mother in the year 2010. Compensation of Rs 10000/- by court order and compensation of Rs 190000/- given to them.
14. **District : Chaibasa**
Victims ; Four Minor Children namely Chariba Bhumij (13), Indrajeet Bhumij (12), Mani Bhumij (9) and Sombari Bhumij(4). Their parents were killed in 2014. Compensate of Rs 220000/- granted. DLSA is taking steps for admission of Chariba Bhumij in Kasturba school and other children in another school.
15. **District : Chatra**
Occurrence is of the Year 2013.
Victim : Arti Devi is differently abled person and can't walk. Her husband killed her son. She has three minor children to take care of. Compensation of Rs 150000/- given.
16. **District : Lohardaga**
Victim : Laldeo Oraon. In witch hunting crime, three persons were burnt to death in 2016. Compensation of Rs 400000/- is has been given.
17. **District : Gumla**
Victim : Birasmuni Kumari(13) and Saniyaro Kumari (7)
Occurrence is of the 26- 8-2016.
In witch hunting crime the parents of victims were killed. Secretary DLSA has been made Legal Guardian of the children in accordance with law and Children have been admitted in a Residential School by the DLSA. Compensation amount Rs 4 lacs has been given.

Appointment to the victims of Naxal Violence : GUMLA

1. **Santosh Tirkey**
His mother was killed by naxals. As per the Scheme of Compensation to Naxal Violence victims, he has been appointed as police constable.
2. **Ramchandra Nayak**
His brother was killed by naxals. As per the Scheme of Compensation to Naxal Violence victims, he has been appointed as police constable.
3. **Md Julfakar Ansari**
His father was killed by naxals. As per the Scheme of Compensation to Naxal Violence victims, he has been appointed as police constable.
4. **Sri Kameshwar Sahu**
His father was killed by naxals. As per the Scheme of Compensation to Naxal Violence victims, he has been appointed as police constable.
5. **Sajauddin Ansari**
His father was killed by naxals. As per the Scheme of Compensation to Naxal Violence victims, he has been appointed as police constable.
6. **District : Latehar**
Victim: Vivek Kumar Gupta, **Father of Victim was killed by Naxals in 2009.** Victim has been given appointment as Police Constable .
7. **District : Ranchi**
Victim : Namita Devi, Her husband was killed in Naxal violence in 2016. As per the Scheme of Compensation to Naxal Violence victims, she has been appointed as class III employee in Land Acquisition Office, ranchi and also cheque of Rs One lac is being given.
8. **Kiran Devi**
District : Khunti
Husband of Kiran Devi was killed by Naxals. As per the the State Govt.'s scheme for compensation to Naxal – violence victims, she has been given appointment as class-III employee in Khunti Collectorate.

sunday pioneer
WEDNESDAY, MARCH 5, 2017

As JHALSA hands out, CM doubles budget for victims

Compensation not mercy to victims but mandatory, spine Judges

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

Govt to create corpus of ₹5cr for victims of violence

CM Distributes Job Letters To LWE Victims' Kin

जनजातीय न्याय परंपरा को अपनाने की जरूरत

उच्चतम न्यायालय के न्यायाधीश एसए बोवडे ने दिया सुझाव

Compensation to violence- hit victims to be doubled: CM

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

सहायता राशि का आवंटन दोगुना करने की घोषणा

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

पीड़ितों को मुआवजा देने में देर न करें

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

हिंसा प्रभावितों की सहायता के लिए पांच करोड़

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

Help for sisters who saw parents murdered

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किसी को नया जीवन, तो किसी को जीने का आधार मिला

Chief Minister Nara Chandrababu Naidu has announced that the state government will double the budget for compensation to victims of violence from Rs 25 crore to Rs 50 crore from next year. He also asked officials to ensure that the compensation is distributed to the victims as soon as possible.

Prepared by

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