

Report On State Level Colloquium on "Victim Emancipation through Compensation"

organized On 23rd January, 2016 at Nyaya Sadan, Ranchi by Jharkhand State Legal Services Authority

JHARKHAND STATE LEGAL SERVICES AUTHORITY

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A State Level Colloquium on "Victim Emancipation through Compensation" was organized on 23rd January, 2016 (Saturday) at 10:30 AM at Jharkhand State Legal Services Authority (JHALSA) Auditorium, Nyaya Sadan, Doranda, Ranchi by Jharkhand State Legal Services Authority, Ranchi in three sessions including Inaugural Session, Technical Session I and Technical Session II.

Genesis of Colloquium: "Victim – Emancipation through Compensation"

The victims set the Criminal Law into motion and then goes into oblivion. The Judiciary has been assigned with the task of protecting the right to life and personal liberty of people. As a consequence, the Hon'ble Apex Court forged new tools, devised new methods and adopted new strategies for the purpose of striving to reinstate the state of victim as it were before the occurrence of the crime. The emergence of compensatory jurisprudence in the light of human rights philosophy is a positive signal.

The Law Commission of India in its 154th report in the year 1996 delved into the concept of **Victimology** and the importance of compensation. It observed how the attention of criminologists, penologists and reformers of criminal justice system has been increasingly directed to victimization and protection of victims of crimes.

The **Widgery Committee** in Britain has listed several views about the rationale of the concept of compensation, namely, "benefit to the victims, possible deterrent effect on the offender or on the public, the possible educative or preventive effect on public morality, the possible reformative effect on offender, its effect on depriving the offender of ill gotten gains and the view that compensation has an "intrinsic moral value of its own".

The General Assembly of the United Nations in its 96th plenary meeting in the year 1985 made a Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, recognizing that millions of people throughout the world suffer harm as a result of crime and the abuse of power and that the rights of these victims have not been adequately recognized and also that frequently their families, witnesses and others who aid them are unjustly subjected to loss, damage or injury.

The other day in **Ankush Shivaji Gaikwad v. State of Maharashtra** (2013) 6 SCC 770 and in **Suresh and Another v. State of Haryana** (2015) 2 SCC 227, Hon'ble Apex Court observed: "Sec. 357 Cr.pc confers a duty on the Court to apply its mind to the question of compensation in every criminal case. It necessarily follows that the Court must disclose that it has applied its mind to this question in every criminal case."

"The object and purpose of **Section 357 A** is to enable the Court to direct the State to pay compensation to the victim where the compensation under Section 357 was not adequate or where the case ended in acquittal or discharge and the victim was required to be rehabilitated." Under this provision, even if the accused is not tried but the victim needs to be rehabilitated, the victim may request the State or District Legal Services Authority to award him or her compensation."

"It is the duty of the courts, on taking cognizance of a criminal offence, to ascertain

whether there is 'tangible material to show commission of crime, whether the victim is identifiable and whether the victim of crime needs immediate financial relief. Gravity of offence and need of victim are some of the guiding factors to be kept in mind, apart from such other factors as may be found relevant in the facts and circumstances of an individual case."



Chief Guest : Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India &

Executive Chairman, NALSA,

Guests of Honour: Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand

cum Patron-in-Chief, JHALSA and Hon'ble Mr. Justice Vineet Saran,

Judge, High Court of Karnataka.

Special Guests: Hon'ble Mr. **Justice D.N. Patel**, Judge, High Court of Jharkhand & Executive

Chairman, JHALSA, Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC and Hon'ble Judges of High Court of

Jharkhand.

Dignitaries: The Colloquium was also attended by Sri Alok Agarwal, Member Secretary,

NALSA, learned Advocate General, Chairman, Bar Council, Assistant Solicitor General, Additional Advocate General, Dr. Mrinal Satish, Associate Professor of Law & Executive Director, National Law University, Delhi, as a Resource Person, Smt. Suman Gupta, IPS,I.G. (prison), Jharkhand, Sri Abu Imran, IAS, Joint Secretary, Home Department, Govt.

of Jharkhand.

List of Participants of 12 Districts of Jharkhand namely :- Ranchi, Bokaro, Deoghar, Dhanbad, Dumka, Garhwa, Giridih, Godda, Hazaribagh, Jamshedpur, Palamau and Gumla

Principal	Deputy	Secretary,	Supdt of	Jail Super-	Public	Probation	Para Legal	Legal
District	Commission-	DLSAs	Police	intendent	Prosecutors	Officers	Volunteers	Services
Judges cum	ers cum Vice							Panel
Chairman,	Chairman,							Lawyers
DLSA	DLSA							
12	12	12	12	12	12	12	5	10

In the Introductory-cum-Welcome address by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA, His Lordship welcomed the Chief Guest, Guests of Honour, Special Guest and other dignitaries present. In his remark, His Lordship stressed on the need to concentrate on the rights of the victims and said that justice remains incomplete without adequate compensation to the victims. He



further said that there is a need to have judicial sensitization and legal awareness on our part. His Lordship also quoted various sections of Cr.P.C. relating to the Victim Compensation. His Lordship also cited success stories relating to Victim Compensation. His Lordship further apprised that 41 Rape Cases, 21 Murder Cases and 29 POCSO cases have been identified and His Lordship acknowledged Ms. Suman Gupta, I.G. (prison) for identification of cases with her help. Lastly, His Lordship hoped that the conference would be valuable for all the Stakeholders of criminal Justice System and said that in the present Colloquium 12 Districts are participating and the same kind of programme is likely to be organized in the month of February, 2016 for the rest of the Districts of Jharkhand namely Chatra, Chaibasa, Jamtara, Khunti, Koderma, Latehar, Lohardaga, Pakur, Ramgarh, Sahebeganj, Seraikela and Simdega.



Hon'ble Mr. Justice Vineet Saran, Judge, High Court of Karnataka participating as Special Guest said that JHALSA under the able leadership of Hon'ble Mr. Justice Virender Singh, Chief Justice, Jharkhand High Court & Patron-in-Chief, JHALSA and Hon'ble Mr. Justice D.N. Patel, Judge, Jharkhand High Court & Executive Chairman, JHALSA has taken a lead in spreading awareness of the law. His Lordship further said that as Sections 357 and 357 A of Cr.PC have been there in

the statute book since long but despite various judgements of Supreme Court of India and the High Courts, the implementation of this Section has not been satisfactory. His Lordship further apprised that Section 357A of Cr.PC provides victim can be rehabilitated and that can be done through the Legal Services Authority. He further said that time and again the Supreme Court has reminded the Judicial Officers as well as the victims of their right with regard to payment

of compensation which needs to be actually invoked but because of lack of awareness it is not being done. His Lordship stressed on spreading awareness in this regard to ensure adequate compensation to the victims.

Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand cum Patron-in-Chief, JHALSA is his address said that behind each crime there is a victim and



behind each victim there is a trauma, suffering not for that particular victim but of his entire family also. His Lordship further said that our criminal justice system takes care of the suspect which takes care of the accused also and we have to take care of the victim also. His Lordship cited some cases like **Ankush Shivaji Gaikwad vs. State of Maharastra** AIR 2013 SC 2454 & **Suresh Vs. State of Haryana** (2015) 2 SCC 227. He further said that it is the duty of the court to take care of the victim even if the accused is discharged or acquitted, therefore what is required here is that we must follow all these statutory provisions in its letter and spirit. His Lordship added that compensation is the legal right of the victim and advised the judges to keep this fact in mind while judging a case.



Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India & Executive Chairman, NALSA in his Key Note address got impressed with the efforts of JHALSA, its PLVs and prison authorities in identifying and compensating victims of rape, murder and of child harassment cases. His Lordships emphasized that "I salute govt officers, social workers and Judicial officers engaged in such work." His Lordship added that

"Jharkhand is not a under-developed State but it is the most advanced and developed State when human sensitivity comes and where the state takes care and look after the victims". His Lordship further said that we all have sympathy with the accused but nobody thinks about the victims and it is the real difficulty. He said that it is the time when we should think about their legal rights enshrined in the code of Criminal Procedure. He further said that even in *Manusmriti* it is said that whenever a person is injured or harmed he must be compensated. His Lordship also stressed on the need to have some basic facilities in jails also and cited some examples in this regard.



Release of Compendium on Compensatory Relief to the Victims of Crime in Criminal Justice System

At last Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand & Chairman, HCLSC proposed Vote of Thanks to the Chief Guest, Hon'ble Mr. Justice Anil R. Dave Judge, Supreme Court of India & Executive Chairman, NALSA, Guests of Honour Hon'ble Mr. Justice Virender Singh, Chief Justice, High Court of Jharkhand-cum- Patron-in-Chief, JHALSA, and Hon'ble Mr. Justice Vineet Saran, Judge, High Court of Karnataka, Special Guests, Hon'ble Mr. Justice D.N.



Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA for participating the said Colloquium and blessing the occasion. His Lordship also thanked all the Hon'ble Judges of High Court of Jharkhand and all the dignitaries present for attending the programme, media persons and general public.

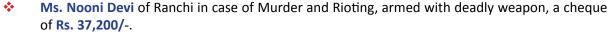
Statistical Data of Beneficiaries of Victim Compensation on 23-1-16

SI No.	Name of DLSA	Number of Cases identified by DLSA under Victim Compensation Scheme 2012	Compensation Amount	Number of cases under Victim Welfare Fund Rules 2014	Compensation Amount
1	Bokaro	4 (U/s 376)	170000		
2	Deoghar	6 (U/s 376)	105000		
3	Dumka	11 (U/s 302)	112480		
4	Garhwa	2 (POCSO)	100000		
5	Giridih			15	
6	Godda	1(U/s 376)	40000		
7	Hazaribagh	15 (10 U/s 302 and 5 U/s 376)	413680		
8	Jamshed- pur	1(POCSO)	250000	6	101410
9	Palamau	-		11	441910
10	Gumla	1	200000		
11	Ranchi	50 (26 POCSO, 24 Adult rape)	1000000	18	323200
12	Total	91	2391160	50	866250

Total =141 Cases Amount=3257410

Some of the details of cheques distributed to the victims as compensation during the programme and some of such victims are:

- Jaggu Mahli, aged 10 years, Rina Kumari, aged 8 years and Anuj Mahli 8 years old of Rs. 2 Lakhs in the matter of double murder of their parents.
- Ms. Teejan Devi of Ranchi in case of Murder and Rioting, armed with deadly weapon, cheque of Rs. 45,000/-.
- Ms. Sahchari Devi of Ranchi in case of Murder and Rioting, armed with deadly weapon, cheque of Rs. 41,000/-.





- ★ Ms. Geeta Devi of Ranchi in Murder case, a cheque of Rs. 26,000/-.
- Ms. Saraswati Kacchap of Ranchi in Murder case, a cheque of Rs. 24,000/-.
- Ms. Majiran Khatoon of Ranchi in Murder case, a cheque of Rs. 24,000/-.
- ❖ Ms. Eitwari Devi W/o Late Kamarsingh Munda of Ranchi in Murder case, a cheque of Rs. 23,000/-.
- Ms. Videshi Kumari in case of Rape and abducting woman to compel marriage, a cheque of

Rs. 15,000/-

- Mr. Willaim Tirki of Ranchi in Murder case, a cheque of Rs. 14,000/-.
- Ms. Sushma Lakra of Ranchi in Murder case, a cheque of Rs. 11,000/-.
- Ms. Reena Kachhap of Ranchi in case of Murder, Mischief and offence under Witch Craft Act, a cheque of Rs. 11,000/-.
- Ms. Lalita Devi of Ranchi in case of Murder and Rioting, armed with deadly weapon, cheque of Rs. 10,000/-.
- Mr. Manoj Mumda alias Koka Munda of Ranchi in Murder case, a cheque of Rs. 9,000/-.
- Ms. Nisha Tirki of Ranchi in Rape case, a cheque of Rs. 9,000/-.
- Ms. Eitwari Devi W/o Paresh Nath of Ranchi in case of Murder and Rioting, armed with deadly weapon, a cheque of Rs. 9,000/-.





- Ms. Mamta alias Pammi Kumari of Ranchi in case of dowry death, a cheque of Rs. 7,000/-.
- Ms. Rekha Singh of Ranchi in Murder case, a cheque of Rs. 5,000/-.
- Ms. Sorai Mahto of Ranchi in Kidnapping case, a cheque of Rs. 3000/-.

Programme Schedule

Inaugural Session - (9:30 A.M.- 12:30 P.M.)

09.30-10.30 AM : Registration of Participants
10.30 AM : Arrival of Hon'ble Dignitaries

10.35 AM : Arrival of Hon'ble Chief Guest Hon'ble Mr. Justice

Anil R. Dave, Judge, Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice Virender Singh, Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice Vineet Saran, Judge, High Court

of Karnataka

10.36 AM : Arrival of Hon'ble Chief Guest and Hon'ble Dignitaries

to the Auditorium

10.37 AM : Escorting Hon'ble Chief Guest and Hon'ble Dignitaries

to the Dais

10.38 AM : Presentation of Book/Bouquet

10.39 AM : Deep Prajwalan

10.40 AM : Introductory-cum-Welcome Address by Hon'ble Mr.

Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, JHALSA

11.05 AM : Address by the Sri N. N. Pandey, IAS, Home Secretary,

Govt. of Jharkhand

11.10 AM : Address by Hon'ble Mr. Justice Vineet Saran, Judge,

High Court of Karnataka

11.20 AM : Address by Hon'ble Mr. Justice Virender Singh, Chief

Justice, Jharkhand High Court-cum-Patron in Chief,

JHALSA

11.30 AM : • Release of Pamphlets related to Victim Compensation Schemes & "9 Point Strategic management" for effective implementation of

Victim Compensation Schemes

Followed by Cheque Distribution

11:40 – 12.15 PM : • Key Note Address by Hon'ble the Chief Guest Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India and Executive Chairman, NALSA

• Presentation of Mementoes

 Vote of Thanks by Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand & Chairman. HCLSC

National Anthem

12.15- 12.30 PM : Followed by High Tea

TECHNICAL SESSION- I (12:30 P.M. - 01:30 P.M.)

- 1. Victim and Criminal Justice System
- 2. Compensation to Victims of offence under various Laws and Schemes
- 3. Identification of Road Blocks and removal thereof
- 4. Victim Compensation Fund Rules, 2014 & Issues Relating to identification of Victim or his/her successors in time bound manner

Chair : Hon'ble Mr. Justice Vineet Saran, Judge, High Court of Karnataka

Co-Chair : 1. Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand and Executive Chairman, JHALSA.

Sri Alok Agarwal, Member Secretary, National Legal Services Authority (NALSA)

Speaker : 1. Dr. Mrinal Satish, Associate Professor of Law, and Executive Director, National Law University, Delhi

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

12:30 to 1:00 P.M. Speaker: Dr. Mrinal Satish, Associate Professor of Law, and Executive Director, National Law University, Delhi

on Victim and Criminal Justice System, Compensation to Victims of offence under various Laws and Schemes as well as Identification of Road Blocks and removal

thereof.

1:00 to 01:10 P.M. Speaker: Ms. Suman Gupta, IPS, I.G. (Prison), Jharkhand

to Victim Compensation Fund Rules, 2014 & Issues Relating to identification of Victim or his successors in

time bound manner

01:10 to 01:35 P.M. Open House Discussion (Queries on the topic is highly

solicited)

 $01{:}35\ to\ 01{:}45\ P.M.$ Concluding Remarks by Chair and Co-Chair

01:45 to 2:30 P.M. LUNCH

TECHNICAL SESSION- II (02:30 P.M. – 04:30 P.M.)

- Rights of Victim and Duties of State towards victim in Criminal Justice System
- 2. Tools and Techniques for quick and effective implementation of various Schemes for Compensation to Victim of offence
- 3. Locating the Victim in Criminal Justice System
- Role of Court and other Stakeholders in effective implementation of various Schemes for Compensation to the victims of offence

Chair : Hon'ble Mr. Justice Rongon Mukhopadhyay, Judge, Jharkhand High Court

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 Sri A.V. Singh, Principal Judicial Commissioner-cum-Chairman, DLSA, Ranchi and

2. Dr. Mrinal Satish, Associate Professor of Law, and Executive Director, National Law University, Delhi

: 1. Sri A.V. Singh, Principal Judicial Commissioner-cum-Chairman, DLSA, Ranchi

2. Smt. Anubha Rawat Chaudhary, Advocate, Jharkhand High Court

3. Sri Digvijay Mani Tripathi, Director Prosecution, Govt. of Jharkhand, Ranchi

Sharing of Experience:

Co-Chair

Speaker

- Sri Pankaj Srivastava, Principal District Judge-cum-Chairman. DLSA. Garhwa.
- Sri Ambuj Nath, Principal District Judge-cum-Chairman, DLSA, Dhanbad
- 3. Sri Sajjan Kumar Dubey, Principal District Judge-cum-Chairman, DLSA, Deoghar
- 4. Dr. Amitabh Kaushal, IAS, Deputy Commissioner, East Singhbhum, Jamshedpur
- 5. Sri Manoj Kumar, IAS, Deputy Commissioner, Ranchi

02:30 to 2:50 p.m.

Speaker: Sri A.V. Singh, Principal Judicial Commissionercum-Chairman, DLSA, Ranchi to highlight Locating the Victim in Criminal Justice System & Role of Court and other Stakeholders in effective implementation of various Schemes for Compensation to the victims of offence.

02:50 to 03:00 p.m. Speaker: Smt. Anubha Rawat Chaudhary, Advocate,
JHC to highlight Right of Victim and Duties of State
towards victim in Criminal Justice System

03:00 to 3:10 p.m. Speaker: Sri Digvijay Mani Tripathi, Director Prosecution,
Govt. of Jharkhand, Ranchi on Tools and Techniques for
quick and effective implementation of various Schemes

for Compensation to Victim of offence
03:10 to 03:15 p.m. Sharing of Experience by Sri Pankaj Srivastava, Principal
District Judge-cum-Chairman, DLSA, Garhwa

03:15 to 03:20 p.m. Sharing of Experience by Sri Ambuj Nath, Principal District Judge-cum-Chairman, DLSA, Dhanbad

03:20 to 03:25 p.m. Sharing of Experience by Sri Sajjan Kumar Dubey,
Principal District Judge-cum-Chairman, DLSA, Deoghar

03:25 to 03:30 p.m. Sharing of Experience by Dr. Amitabh Kaushal, IAS, Deputy Commissioner, East Singhbhum, Jamshedpur

03:30 to 03:35 p.m. Sharing of Experience by Sri Manoj Kumar, IAS, Deputy Commissioner, Ranchi

03:35 to 04:15 p.m. Open House Discussion (Queries on the topic is highly solicited)

 $04{:}15\ to\ 04{:}30\ p.m.\$ Concluding Remarks by Chair and Co-Chairs

 $\ \, \text{End of the Programme Followed by Tea} \\$

Next day on 24th of January, 2016 a Workshop for distribution of cheques to the victims of crimes and a programme for sensitizing the stakeholders of Criminal Justice System related to Victim Compensation Schemes was organized for the 2 adjacent Districts namely; Bokaro and Dhanbad at Bokaro.

Cheques were also distributed to victims of District Courts of Dhanbad and Bokaro.

The Chief Guest Hon'ble His Lordship Justice Anil R. Dave, Judge, Supreme Court of India and Executive Chairman, NALSA expressed his satisfaction with the obligation of Legal Services Institution u/s. 357A of Cr.pc are



society in renabilitation activities to help victims' return to normal life. "It also becomes the duty of the society to see that victims are suitably compensated," said the Supreme Court Judge.

being discharged in its true letter and spirit in all the Districts of the State of Jharkhand and expressed his view that such compensation to the victims should be a routine process in the dispensation of Criminal Justice System within the ambit of Law.

And as such the 1st State Level Colloquium on "Victim Emancipation through Compensation"

cases were given compensa-tion to facilitate their rehabili-tation in society. As the com-pensation scheme took off at



Victims formented by crim-inals in 41 Rape Cases, 21 Murder Cases and 29 POCSO

for 12 Districts in the first phase concluded and it was viewed that the next phase of the rest 12 Districts namely; Chatra, Chaibasa, Jamtara, Khunti, Koderma. Latehar, Lohardaga, Pakur, Ramgarh, Sahebegani, Seraikela and Simdega are likely to be held in the next month i.e. Feb., 2016.

JHALSA, Ranchi

SUCCESS STORY - DISTRICT LEGAL SERVICES AUTHORITY, GUMLA, JHARKHAND

It is a case for award of compensation where the Para Legal Volunteer, namely; **Sri Bhikhari Oraon** attached to **District Legal Services Authority, Gumla** played a pivotal role.

The case for award of compensation arose in the wake of brutal murder of the parents, namely, Antu Mahli and Tetri Mahli, who were killed by some unknown criminals. They left behind 3 minor children, namely; Jaggu Mahli- aged 10 years, Reena Kumari- aged 8 years



and Anuj Mahli-aged 6 years. All the 3 children became orphan after the murder of their parents and they were living with their step brother Sukra Mahali, who was a rickshaw puller and unable to look after them.

The **PLVs namely Sri Bhikhari Oraon** of DLSA, Gumla (a remote naxal violence infected district of Jharkhand) approached to the Chairman, DLSA, Gumla, who took the steps for awarding of Compensation of Rs. 2 lakhs under the Jharkhand Victim Compensation Scheme 2012 formulated under section 357A of Cr.pc, 1973.

In short, the necessary steps taken by **District Legal Services Authority, Gumla** for the grant of compensation right from the identification of the aforesaid victims to the disbursement of compensation amount of Rs. 2 Lakhs were as under:-

18.12.15	The occurrence of heinous murder took place.
10.01.16	Report received from the PLV Sri Bhikhari Oraon in this regard.
12.01.16	An application of Jaggu Mahli (eldest son of the deceased parents) received along with application of Sukra Mahli, step brother of the 3 victims received in the office of DLSA, Gumla
12.01.16	Meeting was held at DLSA, Gumla where it was decided to admit the children for education in <i>Rajkiya Anusuchit Janjati Awasiya Balika Madhya Vidhalaya, Gumla</i> and <i>Anusuchit Janjati Awasiya Balak Uchh Vidyalaya, Gumla</i> . It was also resolved to take steps <i>to provide Rs. 2,00,000/- as compensation to the victims</i> and the said amount shall be deposited under fixed deposit scheme till they attain majority.
13.01.16	Letter written by the D.C. Gumla to the Director, Prosecution Jharkhand for allotment of Rs. 2,00,000/- out of Jharkhand Victim Compensation Scheme, 2012.
13.01.16	Jharkhand State Legal Services Authority took initiative with the Department of Home, Govt. of Jharkhand to disburse compensation amount to Gumla and a meeting was held by Hon'ble Executive Chairman Hon'ble Mr. Justice D.N.Patel with Principal Secretary, Department of Home, Jharkhand and D.G.P., Jharkhand for disbursement of compensation amount to the Districts who have identified Victims and worked out the compensation amount.
23.01.16	Accordingly, in the colloquium on "Victim-Emancipation through Compensation" at Nyaya Sadan, JHALSA, Ranchi, the said cheques were handed over to the victims by Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India & Executive Chairman, NALSA.

