

Government of Himachal Pradesh
Department of Social Justice & Empowerment
(Section-B)

No: SJE-B-A(8)-2/2013

Dated: Shimla-171002, the 29th, September, 2017



NOTIFICATION

6/10/2017
50/00/103
In partial modification of this Department Notification of even number dated 20th. July, 2015 the Governor, Himachal Pradesh is pleased to amend the rates of compensation, relief and rehabilitation to the Scheduled Castes and Scheduled Tribes, who are the victims of atrocities as provided in the said rule as per the Schedule Annexure-I attached herewith.

2. The expenditure on this account shall be debited to the major Head "2225-Social Security and Welfare of Scheduled Castes and Scheduled Tribes".

6/10/2017
This issues with the prior concurrence of the Finance Department obtained vide their U.O.letter No.Fin(C)-B(15)-3/2016-L dated 19-09-2017.

By order

R.D.Dhiman

Pr. Secretary (SJ&E) to the
Government of Himachal Pradesh.

Endst. No. As above Dated Shimla-171002, the 29th, September, 2017
Copy forwarded to :-

1. The Director (SCD), Ministry of Social Justice & Empowerment, Government of India, Shastri Bhawan, New Delhi.
2. All the Additional Chief Secretaries/Principal Secretaries/Secretaries to the Government of H.P. Shimla-2.
3. The Principal Secretary to the Hon'ble Chief Minister, H.P. Shimla-2.
4. The Sr.Private Secretary to Chief Secretary, HP , Shimla-171002.
5. The Secretary to the Governor, Himachal Pradesh, Shimla-171002.
6. The Principal Accountant General (A&E)/Accountant General (Audit), Himachal Pradesh, Shimla -171003.
7. All the Divisional Commissioners/HODs/DCs in Himachal Pradesh.
8. The Director, Empowerment of SCs, OBCs, 'Minority & Specially Abled, HP, Block No.33, SDA Complex Kasumpti, Shimla-9, H.P
9. All the District Welfare Officer in Himachal Pradesh.
10. All Private Secretaries of the Ministers/CPS in H.P. Sectt. Shimla-2.
11. The Controller, Printing and Stationary, H.P. Government Printing Press Shimla-5 for publication in the Gazette as the same has been upload on e-Gazette.
12. Guard file.

Deputy Secretary (SJ&E) to the
Government of Himachal Pradesh.

(See rule 12(4))

NORMS FOR RELIEF AMOUNT

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Name of the Offences	Minimum amount of Relief
1. Putting any inedible or obnoxious substance (section 3(1)(a) of the Act)	Rs. 1,00,000/- (One lakh rupees) to the victim. Payment to the victim be made as follows:
2. Dumping excreta, sewage, carcasses or any other obnoxious substance. (section 3(1)(b) of the Act)	(i) 10 % at FIR stage for serial numbers 2, 3 and 25% at FIR stage for serial numbers 1, 4 and 5;
3. Dumping excreta, waste matter, carcasses with intent to cause injury, insult or annoyance (section 3(1)(c) of the Act)	(ii) 50% when the charge sheet is sent to the Court;
4. Garlanding with footwear or parading naked or semi-naked (section 3(1)(d) of the Act)	(iii) 40% when the accused are convicted by the lower Court for serial numbers 2, 3 and likewise 25% for serial numbers 1, 4 and 5.
5. Forcibly committing acts such as removing clothes, forcible tonsuring of head, removing moustaches, painting face or body. (section 3(1)(c) of the Act)	
6. Wrongful occupation or cultivation of land (Section 3(1)(f) of the Act)	Rs. 1,00,000/- to the victim. The land or premises or water supply or irrigation facility shall be restored where necessary at Government cost by the concerned State Government or Union territory Administration. Payment to the victim be made as follows: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
7. Wrongful dispossession of land or premises or interfering with the rights, including forest rights. (section 3(1)(g) of the Act)	
8. Begar or other forms of forced or bonded labour (section 3(1)(h) of the Act)	Rs. 1,00,000 to the victim. Payment to be made as follows: (i) Payment of 25% at FIR state.
9. compelling to dispose or carry human or animal carcasses, or to dig graves (section 3(1)(i) of the Act)	(ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
10. Making a member of the Scheduled Castes or the Scheduled Tribes to do manual scavenging or employing him for such purpose (section 3(1)(j) of the Act)	
11. Performing, or promoting dedication of a Schedule Caste or a Scheduled Tribe woman as a devadasi. (section 3(1)(k) of the Act)	

12.	Prevention from voting, filling nomination (section 3(1)(l) of the Act)	Rs.85,000/- to the victim. Payment to be made as follows: (i) 25 % at FIR stage; (ii) 50 % when the charge sheet is sent to the court; (iii) 25 % when the accused are convicted by the lower court.
13.	Forcing, intimidating or obstructing a holder of office of Panchayat or Municipality from performing duties (section 3(1)(m) of the Act)	
14.	After poll violence and imposition of social and economic boycott (section 3(1)(n) of the Act)	
15.	Committing any offence under this Act for having voted or not having voted for a particular candidate (section 3(1)(o) of the Act)	
16.	Instituting false, malicious or vexatious legal proceedings (section 3(1)(p) of the Act)	Rs. 85,000/- to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i)25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
17.	Giving false and frivolous information to a public servant (section 3(1)(q) of the Act)	Rs. 1,00,000/- to the victim or reimbursement of actual legal expenses and damages, whichever is less. Payment to be made as follows: (i)25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
18.	Intentional insult or intimidation to humiliate in any place within public view (section 3(1)(r) of the Act)	Rs. 1,00,000/- to the victim. Payment to be made as follows: (i)25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
19.	Abusing by caste name in any place within public view. (section 3(1)(s) of the Act)	
20.	Destroying, damaging or defiling any object held sacred or in high esteem (section 3(1)(t) of the Act)	
21.	Promoting feelings of enmity, hatred or ill-will. (section 3(1)(u) of the Act)	
22.	Disrespecting by words or any other means of any late person held in high esteem. (section 3(1)(v) of the Act)	

23.	Intentionally touching a Scheduled Caste or a Scheduled Tribe woman without consent, using acts or gestures, as an act of sexual nature. (section 3(1)(w) of the Act)	Rs. 2,00,000/- to the victim. Payment to be made as follows: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
24.	Section 326B of the Indian Penal Code (45 of 1860)—Voluntarily throwing or attempting to throw acid.(Section 3(2)(va) read with Schedule to the Act)	(a) Rs. 8,25,000/- to the victim with burns exceeding and 2% and above burns on face or in case of functional impairment of eye, ear, nose and mouth and or burn injury on body exceeding 30%; (b) Rs. 4,15,000/- to the victim with burns between 10% to 30% on the body; (c) 85,000/- to the victim with burns less than 10% on the body other than on face. In addition, the State Government or Union territory Administration shall take full responsibility for the treatment of the victim of acid attack. The payment in terms of items (a) to (c) are to be made as follows: (i) 50% at FIR stage; (ii) 50% after receipt of medical report.
25.	Section 354 of the Indian Penal Code (45 of 1860)—Assault or criminal force to woman with intent to outrage her modesty. (section 3(2)(va)read with schedule to the Act)	Rs.2,00,000/- to the victim. Payment to be made as follows: (i) 50% at FIR stage; (ii) 25% when the charge sheet is sent to the Court. (iii) 25% on conclusion of trial by the lower Court.
26.	Section 354A of the Indian Penal Code (45 of 1860) – Sexual harassment and punishment for sexual harassment. (section 3(2)(va)read with schedule to the Act)	Rs. 2,00,000/- to the victim. Payment to be made as follows: (i) 50% at FIR stage; (ii) 25% when the charge sheet is sent to the Court. (iii) 25% on conclusion of trial by the lower Court.
27.	Section 354B of the Indian Penal Code (45 of 1860)—Assault of use of criminal force to woman with intent to disrobe (section 3(2)(va)read with schedule to the Act)	Rs.2,00,000/- to the victim. Payment to be made as follows: (i) 50% at FIR stage; (ii) 25% when the charge sheet is sent to the Court. (iii) 25% on conclusion of trial by the lower Court.

28.	Section 354C of the Indian Penal Code (45 of 1860) – Voyeurism.(section3(2)(va)read with schedule to the Act)	Rs. 2,00,000/- to the victim. Payment to be made as follows: (i) 10% at FIR stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 40% when the accused are convicted by the lower Court.
29.	Section 354 D of the Indian Penal Code (45 of 1860)—Stalking. (section3(2)(va)read with schedule to the Act)	Rs. 2,00,000/- to the victim. Payment to be made as follows: (i) 10% at FIR stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 40% when the accused are convicted by the lower Court.
30	Section 376B of the Indian Penal Code (45 of 1860)—Sexual intercourse by husband upon his wife during separation (section3(2)(va) read with schedule to the Act)	Rs.2,00,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report; (ii) 25% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
31.	Section 376C of the Indian Penal Code (45 of 1860)—Sexual intercourse by a person in authority. (section3(2)(va) read with schedule to the Act)	Rs.4,00,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report; (ii) 25% when the charge sheet is sent to the Court. (iii) 25% on conclusion of trial by the lower Court.
32.	Section 509 of the Indian Penal Code (45 of 1860)—word, gesture of act intended to insult the modesty of a woman. (section3(2)(va) read with schedule to the Act)	Rs.2,00,000/- to the victim. Payment to be made as follows: (i) 25% at FIR Stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
33.	Fouling or corrupting of water (section 3(1)(x) of the Act)	Full cost of restoration of normal facility, including cleaning when the water is fouled, to be borne by the concerned State Government or Union Territory Administration. In addition, an amount of Rs. 8,25,000/- shall be deposited with the District Magistrate for creating community assets of the nature to be decided by the District Authority in consultation with the Local Body.
34.	Denial of customary right of passage to a place of public resort or obstruction from using or accessing public resort (section 3(1)(y) of the Act)	Rs. 4,25,000/- to the victim and cost of restoration of right of passage by the concerned State Government or Union Territory Administration. Payment to be made as follow:

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	<p>(i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.</p>
<p>35. Forcing or causing to leave house, village, residence desert place of residence (section 3(1)(z) of the Act)</p>	<p>Restoration of the site or right to stay in house, village or other place of residence by the concerned State Government or Union Territory Administration and relief of Rs. 1,00,000/- to the victim and reconstruction of the house at Government cost, if destroyed. Payment to be made as follow: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.</p>
<p>36. Obstructing or preventing a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to-</p> <p>(A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage (section-3(1)(za)(A) of the Act).</p> <p>(B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions (section 3(1)(za)(B) of the Act)</p>	<p>(A) Restoration of the right using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, any public conveyance, any road, or passage equally with others, by the concerned State Government or Union Territory Administration and relief of Rs. 1,00,000/- to the victim. Payment to be made as follows: (i) 25% at FIR Stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.</p> <p>(B) Restoration of the right of mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions, equally with others by the concerned State Government or Union territory Administration and relief of Rs. 1,00,000/- to the victim. Payment to be made as follows:</p>

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C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out , any religious, social or cultural processions including jattras.
(section3(1)(za)(C)of the Act)

(D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public
(section3(1)(za)(D)of the Act)

(E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to
(section3(1)(za)(E)of the Act)

- (i) 25% at FIR Stage;
- (ii) 50% when the charge sheet is sent to the Court.
- (iii) 25% when the accused are convicted by the lower Court.

(C) Restoration of the right of entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out any religious, procession or jattras, as is open to the public or other persons professing the same religion, social or cultural processions including jattras, equally with other persons, by the concerned State Government or Union territory Administration and relief of Rs. 1,00,000/- to the victim. Payment to be made as follows:

- (i) 25% at FIR Stage;
- (ii) 50% when the charge sheet is sent to the Court.
- (iii) 25% when the accused are convicted by the lower Court.

(D) Restoration of the right of entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public, equally with other persons by the concerned State Government or Union territory Administration and relief of Rs. 1,00,000/- to the victim. Payment to be made as follows:

- (i) 25% at FIR Stage;
- (ii) 50% when the charge sheet is sent to the Court.
- (iii) 25% when the accused are convicted by the lower Court.

(E) Restoration of the right of practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to, by the concerned State Government/ Union territory Administration and relief of Rs. 1,00,000/- to the victim. Payment to be

		made as follows: (i) 25% at FIR Stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
37.	Causing physical harm or mental agony on the allegation of being a witch or practicing witchcraft or being a witch (section 3(1)(zb) of the Act)	Rs. 1,00,000/- to the victim and also commensurate with the indignity, insult, injury and defamation suffered by the victim. Payment to be made as follows: (i) 25% at FIR Stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
38.	Imposing or threatening a social or economic boycott. (section 3(1)(zc) of the Act)	Restoration of provision of all economic and social services equally with other persons, by the concerned State Government or Union territory Administration and relief of Rs. 1,00,000/- to the victim. To be paid in full when charge sheet is sent to the lower Court.
39.	Giving or fabricating false evidence (section 3(2)(i) and (ii) of the Act)	Rs. 4,15,000/- to the victim. Payment to be made as follows: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
40.	Committing offences under the Indian Penal Code punishable with imprisonment for a term of 10 years or more. (section 3(2) of the Act)	Rs. 4,00,000/- to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
41.	Committing offences under the Indian Penal Code (45 of 1860) specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences. (section 3(2)(va) read with the Schedule to the Act)	Rs. 2,00,000/- to the victim and or his dependents. The amount would vary if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25% at FIR Stage; (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.

42.	Victimization at the hands of a public servant (section 3(2)(vii) of the Act)	Rs. 2,00,000/- to the victim and or his dependents. Payment to be made as follows: (i) 25% at FIR state. (ii) 50% when the charge sheet is sent to the Court. (iii) 25% when the accused are convicted by the lower Court.
43.	<p>Disability: Guidelines for evaluation of various disabilities and procedure for certification as contained in the Ministry of Social Justice & Empowerment, Notification No. 16-18/97-NI dated 01-06-2001. A copy of the Notification is at-II.</p> <p>(a) 100% incapacitation</p> <p>(b) where incapacitation is less than 100% but more than 50%.</p> <p>(c) where incapacitation is less than 100 %</p>	<p>Rs. 8,25,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report. (ii) 50% when the charge sheet is sent to the Court.</p> <p>Rs. 4,50,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report. (ii) 50% when the charge sheet is sent to the Court.</p> <p>Rs. 2,50,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report. (ii) 50% when the charge sheet is sent to the Court.</p>
44.	<p>Rape or Gang rape.</p> <p>(i) Rape (Section 375 of the Indian Penal Code (45 of 1860))</p> <p>(ii) Gang Rape (Section 376D of the Indian Penal Code (45 of 1860))</p>	<p>Rs. 5,00,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report; (ii) 25% when the charge sheet is sent to the court; (iii) 25% on conclusion of trial by the lower Court.</p> <p>Rs. 8,25,000/- to the victim. Payment to be made as follows: (i) 50% after medical examination and confirmatory medical report; (ii) 25% when the charge sheet is sent to the court;</p>

		(iii) 25% on conclusion of trial by the lower Court.
45.	Murder or Death.	Rs. 8,25,000/- to the victim. Payment to be made as follows: (i) 50% after post mortem report; (ii) 50% when the charge sheet is sent to the Court.
46.	Additional relief to victims of murder, death, massacre, rape gang rape, permanent incapacitation and dacoity.	In addition to relief amounts paid under above items, relief may be arranged within three months of date of atrocity as follows:- (i) Basic Pension to the widow or other dependents of deceased persons belonging to a SC and ST amounting to Rs.5,000/- per month as applicable to a Government servant of the concerned State Government or Union territory Administration, with admissible dearness allowance and employment to one member of the family of the deceased and provision of agricultural land an house, if necessary by outright purchase. (ii) Full cost of the education up to graduation level and maintenance of the children of the victims. Children may be admitted to Ashram, schools or residential schools, fully funded by the Government; (iii) Provision of utensils, rice, wheat, dals, pulses etc. for a period of three months.
47.	Complete destruction or burnt houses.	Brick/stone masonry houses to be constructed or provided at Government cost where it has been burnt or destroyed.
