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NOTIFICATION

No. C. 17015/1/2021 -HMJ, the 5th June, 2023. As per para 15.51 of the Mizoram Prisons Manual, 2017 and in pursuance of the National Human Right Commission Proceedings dated 9th February, 2022, the Governor of Mizoram is pleased to frame a policy for payment of compensation to the victim(s) who met with accidents resulting in physical or mental disability, serious injury, death or loss of health due to occupational diseases and to the family(ies)/next of kin or legal heirs(s), whichever is applicable, of prisoners who met with accidents resulting in physical or mental disability, serious injury, death or loss of health due to occupational diseases and unnatural death as certified by the Chief Medical Officer concerned at the following rates:

1. The Compensation will not be admissible in the following cases -
 - (a) In case of natural deaths including illness.
 - (b) In the case of unnatural deaths:
 - (i) If the death occurs during escape from jails or from lawful custody outside the jails; and
 - (ii) If the deaths occurs due to any natural disaster/calamity.
2. Compensation will be paid to the Prisoner(s)/Victim(s) in case of accidents and to the next of kin or legal heir(s) of prisoner(s) on account of unnatural deaths in the following categories with the amount indicated below:

(a) Death due to injury by prison staff	:	Rs. 2.00 lakh
(b) Death due to negligence in duty by Prisons/Medical staff	:	Rs. 2.00 lakh
(c) Death due to fight among prisoners	:	Rs. 2.00 lakh
(d) (i) Accidents/serious injury (not self-inflicted) resulting in physical or mental disability upto 81% -100%	:	Rs. 1.00 lakh
(ii) Disability from accident not self-inflicted upto 51 % - 80%	:	Rs. 0.90 lakh
(iii) Disability from accident not self-inflicted upto 21% - 50%	:	Rs. 0.60 lakh
(e) Loss of health due to occupational diseases (recognized)	:	Rs. 0.50 lakh
3. The Superintendent of Jails concerned shall send detailed report along with copy of Magisterial Enquiry Report, postmortem report, dead summary/final cause of death, medical history at the time of admission in Jail and detail of medical treatment, if any, given to the prisoners prior to his custodial death, to the Inspector General of Prisons, Mizoram for onward submission to the State Government for grant of appropriate compensation.
4. The compensation shall be payable only on the following conditions -
 - (a) The compensation in relation to death shall be made on the basis of Magisterial Enquiry Report, Death Certificate issued by Medical Authorities concerned, dead summary/final

- cause of death, medical history at the time of admission in Jail and detail of medical treatment, if any, given to the prisoners prior to his custodial death.
- (b) The compensation in relation to disability shall be made on the basis of authentic medical documents/certificates issued by the Medical Authorities concerned.
 - (c) The categories of compensation recommended by Inspector General of Prisons after careful and due deliberation of the case with relevant documents depending upon the nature of disability and the cause of death.
 - (d) The claim for compensation shall be submitted to Inspector General of Prisons by Superintendent of Jails concerned as per prescribed format at Appendix.
5. Secretary to the Government of Mizoram, Home Department is authorized to sanction the compensation.
 6. This Order shall come into force with immediate effect and until further orders.

This is issued in pursuance of the decision of the Council of Ministers in its meeting held on 18.05.2023.

H. Lalengmawia,
Commissioner & Secretary to the Govt. of Mizoram,
Home Department.

APPENDIX

CLAIM FORM FOR COMPENSATION

1. Details of the deceased or injured person(s):
 - (a) Name(s) : _____
 - (b) Name of father/mother/wife/husband/legal guardian : _____
 - (c) Name of next of kin in case of death : _____
 - (d) Address : _____
 - (e) Occupation : _____
2. Date & time of death/accident : _____
3. Place of accident . : _____
4. Categories of death/accident (to be filled by IG Prisons) : _____
5. Amount claimed (to be filled by IG Prisons) : _____
6. Details of Bank Account of the claimant : _____
7. Documents enclosed:
 - (a) All relevant Medical Certificates/reports as per claim.
 - (b) Magisterial Inquiry Report in case of claim for compensation in case of death.
 - (c) Certificate to prove that the claimant is legal heir to the deceased in case of death.
 - (d) Proof of guardianship (Aadhaar, Birth Certificate, etc. and *Hriatpuina* from LC/VC/YMA/YLA/MTP/YCA) Certificate in case of minor.
 - (e) Consent Affidavit notarized by Notary Public assured that he/she shall not approach Court/NHRC/SHRC for enhancement of compensation.
8. The amount of Compensation duly recommended by IG Prisons, after careful and due deliberation of the case with relevant documents.

Signature of claimant(s)

(_____)
Name of the Claimant in Capital Letter.