

Kerala azette No. 19 dated 12th May,1981.

PART I

GOVERNMENT OF KERALA

Abstract

**FOREST DEPARTMENT SCHEME FOR PAYMENT OF COMPENSATION TO VICTIMS OF
ATTACK BY WILD ANIMALS- RULES- FINALISATION OF – ORDERS ISSUED.**

AGRICULTURE (FOREST MISC.)DEPARTMENT

G.O. RT. No. 1062.81. Forest.

Dated, Trivandrum, 10th April 1981

Read: 1. G.O. (Ms) 256.80.AD dated 15.7.1980.
2. Letter No. WL2- 7826/80 dated 3.9.198. form the Chief Conservator of Forests (WL).
Trivandrum.

ORDER

In the Government Order read as 1st paper above sanction was accorded to a scheme for payment of compensation to victims of attack by wild animals. For the successful implementation of the scheme, Government have decided to prescribe the rules under the title “The Kerala Rules for payments of compensation to victims of attack by Wild Animals, 1980”. The Rules approved by Government are appended herewith.

By Order of the Governor,
K.V. VIDHYADHARAN,
Special Secretary.

To

The Chief Conservator of Forests (WL)
All Collectors
Accountant General, Trivandrum (This issues with the concurrence of the Finance Department)
The Director of Public Relations for giving wide publicity
The Finance Department (vide U.O. No. 10045/AW.B2/80/Fin. dated 17.23.1981)
The Stock file.

Appendix

**THE KERALA RULES FOR PAYMENT OF COMPENSATION TO VICTIMS OF ATTACK BY
WILD ANIMALS, 1980**

1. Short title and commencement.- These rules shall be called the Kerala Rules for payment of compensation to victims of attack by Wild Animals 1980. They shall come into force with effect on and from 15.7.1980.
2. Definition- In these rules, unless the context otherwise requires:
 - (a) ‘Wild animal’ means wild animals only such species of Wild Life (Protection) Act, 1972 (53 of 1972).
 - (b) “Legal heirs” means a person who in law is entitled to inherit the estate of the deceased, if he had left any estate at the time of his death and also includes any legal heir of the deceased and the executor or administrator of the deceased and the executor or administrator of the deceased.
3. (a) Compensation shall be paid to those who sustained injury or loss to life and property on account of attack by wild animals in manner prescribed below on the basis of the G.O. MS. No. 256/80/AD dated 15.7.1980. Every person who is

incapacitated, injured or suffered losses only will be compensated under the scheme.

(1) Loss to human life.- An amount of Rs. 5,000(Five thousand only) shall be paid to the legal heirs of the deceased, if human life is lost on account of account of attack by wild animals.

(2) Incapacitated permanently.- An amount up to Rs. 5,000(Rupees five thousand) shall be paid to the persons who become permanently incapacitated on account of attack by wild animals

(3) Lost of cattle, crops damages to hopuses huts etc.- The Compensation the loss or damage to property such as houses/huts, crops, cattle et., shall be limitedto50 per cent of the loss/ subject to a maximum of Rs. 2,00 (Rupees two thousand only).

(4) Injuries caused to persons.- When a injury is caused to a person by the attack of wild animals, compensation payable shall be up to Rs. 1,000(Rupees one thousand only) on the basis of the seriousness of the injury.

(b) Compensation shall be paid only in genuine cases after satisfying on the bona fide of the claim and the extent of injury/ damage caused.

4. Award of compensation.- (a) The application for compensation with necessary detail such as place time nature of injury extent of damage, loss etc. shall be addressed to the Divisional Forest Officer/Game Warden/Wild Life Preservation Officer who has jurisdiction over the area.

(b) The party desirous of applying for compensation shall make his, her application in the prescribed form (appendixI) within a period of three months form the date of occurrence of the incident by the victim or in the case of death by the legal heirs with necessary certificates in support of the claim to the Forest Range Officer or the Assistant Wild Life preservation Officer, who has jurisdiction over the area for onward transmission to the Divisional Forest Officer/game Warden/Wild Life Preservation Officer concerned.

(c) The Forest Range Officer /Assistant Game Warden Assistant Wild Life Preservation Officer on receipt of application shall conduct enquiry personally and forward the application with his recommendations to the Divisional Forest Officer/ Game Warden/Wild Life Preservation Officer who has jurisdiction over the area. The Enquiry Officers should bear in mind the reservations in Rule 5.

(d) The Divisional Forest Officer/Game Warden/Wild Life Preservation Officer shall after such further enquiry as found necessary pass an order within 15 days of receipt of recommendation from the Range Officer. The Enquiry on the claim for compensation.

(f) A person who has become permanently incapacitated or injured on account of attack by wild animals shall produce a Medical Certificate from a Medical Officer not below the rank of Civil Surgeon in Kerala Government Service in support of his claim.

(g) The payment of compensation under rule 3 shall be made only once in a year to a particular individual.

5. Persons not eligible for compensation.- (a) Persons either convicted or involved in an offence connected with Wild Life (Protection) At, 1972 or Kerala Forest Act shall not be eligible for compensation.

(b) No compensation shall be paid to the encroachers of Forest land and also in cases where loss or injury is sustained while attempting to smuggle forest wealth or enter reserve forests premises without authorization Loss to crops grown or improvements made in forest land will not be compensated under the rules.

(c) No one shall be eligible for any compensation for loss of crop if a gun licence is provided, to the owner of the land for the protection of the crop.

(d) No compensation shall be paid to the victims or case or incidents caused by Wild Animals kept in captivity.

6. Sanctioning authority.- The Divisional Forest Officer/Game Warden/ Wild Life Preservation Officer having jurisdiction over the area where the accident/ incident occurred shall be the sanctioning authority.
7. Appeal.- Those aggrieved by the decision of the Divisional Forest Officer/Game Warden/Wild Life preservation Officer may prefer an appeal on the award of compensation within 30 days from the date of receipt of the order. In all cases of appeal; the decision of the appellate authority shall be final.
8. the decision of the sanctioning authority in regard to the award of compensation ion each case to individuals shall be intimated to the Conservator of Forests concerned and Chief Conservator of Forests (Wild Life).
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**FORM OF APPLICATION FOR COMPENSATION
(Se Rule 4 (a))**

To

The Divisional Forest Officer,
Game Warden /Wild Life preservation Officer,

I.....son/daughter /wife/widow of.....residing at
.....having been injured hereby apply for the grant of compensation for the injury/ loss sustained by the attack of wild animals.

Necessary6 particulars in respect of injury, crop damage, loss of property etc., are given below:

I.....son/daughter wife widow ofresiding at
.....hereby apply as a legal representative/ agent for the grant compensation on account of death/ibjry sustained by Shri/Kumari/Shrimathi.....son /daughter/wife/widow of Shri/ Shrimati.....who died/was injured by the attack of wild animals.

Necessary particulars in respect of the deceased /injured are given below:

1. Name and address of the applicant
2. Name of the person injured/dead
3. Relationship with the deceased/injured
4. Full address of the person injured/dead
5. Age of the person injured dead
6. Occupation of the person injured/dead
7. Monthly income of the person injured dead
8. Particulars showing the extent of damages to crop, houses, hut etc.
9. Place, date and time of the accident
10. Name and address of Police Station in whose Jurisdiction the accident took place or was registered
11. Was the person in respect of whom compensation is claimed residing or moving about in forest, location and time of the incident
12. nature of injuries/ loss sustained
13. Name and address of the Medical Officer/ Practitioner, if any, who attended on the injured/dead.
14. Period of treatment and expenditure, if any, incurred thereon (to be supported by documentary6 evidence).
15. Disability for work, if any, caused.

16. Brief description of the wild animal and nature of encounter.
17. Address of the Custodian/Forest Officer in charge of the forest.
18. Address of the Village Officer having jurisdiction
19. Address of the Forester/Game Guard having jurisdiction.
20. Title to the property of the deceased/injured
21. Amount of compensation claimed
22. Particulars of loss and expenses
23. Other particulars, if any, which the applicant wishes to give.

I.....solemnly declare that the particulars given above are true and correct to the best of my knowledge.

Place: (Signature or the thumb
Date: Impression of the applicant)

For Office Use

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|----|-----|---|-------------|--|
| A. | (a) | Loss of earning from | to | |
| | (b) | Partial loss of earnings from | to | |
| | | At the rate of Rs. | A day/week. | |
| | (c) | Transport to hospital and other incidental expenses. | | |
| | (d) | Extra nourishment, if any | | |
| | (e) | Damage to clothing and articles | | |
| | (f) | Other items, if any: | | |
| | (g) | Compensation for pain and suffering | | |
| | (h) | Compensation for continuing on
Permanent disability, if any. | | |
| | (i) | Compensation for the loss of earning power. | Total | |

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- B. Whether the application is made within the time limit prescribed?
- C. (i) Whether the injured/deceased had been involved in any other similar accident earlier (in case he was, state details).
- (ii) Whether the injured/deceased had preferred a claim for damages in any case earlier, if so, with what result?
- D. Any other information that may be necessary or helpful in the disposal of the claim.
(Here furnish a brief account of how the accident occurred and state how the applicant is entitled to claim compensation and how the respondent is liable to pay the compensation claimed).
- E. Recommendation of the Reporting Officer

Place: Signature with Office Seal.
Date: