

3(i) *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 15th July 1980.

2. Definitions

In these rules, unless the context otherwise requires :

- (a) "Wild Animal" means only such species of wildlife as listed under Schedule I and Part II of Schedule II of Indian Wildlife (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 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 the manner prescribed below on the basis of the G.O. (Ms.) No. 256/80/AD, dated 15th July 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. 5000 (Rs. five thousand only) shall be paid to the legal heirs of the deceased, if human life is lost on account of attack by wild animals.

2. Incapacitated permanently

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

3. Loss of cattle, crops, damages to houses, huts etc.

The compensation for the loss or damage to property such as houses, hut, crops, cattle etc. shall be limited to 50 per cent of the loss / subject to a maximum of Rs. 2000 (Rs. two thousand only)

4. Injuries caused to persons

- a) When an injury is caused to a person by the attack of wild animals, compensation payable shall be upto Rs. 1,000 (Rupees one thousand only) on the basis of the seriousness of the injury.
- b) Compensation shall be payed only in genuine cases after satisfying on the bonafide of the claim and extent of injury/damage caused.

4. Award of compensation

- (a) The application for compensation with necessary details such as place, time, nature of injury extent of damage, loss etc. shall be addressed to the Divisional Forest Officer / Game Warden / Wildlife 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 (Appendix 1) within a period of three months from 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 Wildlife Preservation Officer, who has jurisdiction over the area for onward transmission to the Divisional Forest Officer / Game Warden / Wildlife Preservation Officer concerned.
- (c) The Forest Range Officer / Assistant Game Warden / Assistant Wildlife Preservation Officer on receipt of application shall conduct enquiry personally and forward the application with his recommendations

* Amended on 1999 Vide G.O. (P) No. 430/99 F&WLD dt. 30-10-1999 and 2005 Vide G.O.(R) No. 41/2005 F&WLD dt. 20-1-2005

to the Divisional Forest Officer / Game Warden / Wildlife 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 / Wildlife 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 Officers should bear in mind the reservations in Rule 5.
- (e) The legal heirs of the victim who claim compensation for the loss of life shall be required to produce heirship certificate during the course of 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 Wildlife (Protection) Act, 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 authorisation. 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 victims or cases or incidents caused by wild animals kept in captivity.

6. Sanctioning Authority

The Divisional Forest Officer / Game Warden / Wildlife 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 / Wildlife Preservation Officer may prefer an appeal on the award of compensation within 30 days from the date of receipt of 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 in each case to individuals shall be intimated to the Conservator of Forests concerned and Chief Conservator of Forests (Wildlife).

FORM OF APPLICATION FOR COMPENSATION

[See Rule 4 (a)]

To

The Divisional Forest Officer /
Game Warden / Wildlife Preservation Officer

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

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

I, son / daughter / wife / widow of
residing at hereby apply as a legal representative / agent for the grant of
compensation on account of death / injury sustained by Shri / Kumari / Shrimathi
son / daughter / wife / widow of Shri / Shrimathi 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 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 extend of damages to crops, houses, huts, 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 land ?
If so, give name of the reserve 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 documentary 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 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 :
Date :

(Signature or the thumb impression
of the applicant)

For Office Use

- 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

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 :
Date :

Signature with Office Seal