

CENTRAL SCHEME FOR ASSISTANCE TOWARDS DAMAGED IMMOVABLE/MOVABLE PROPERTY DURING ACTION BY CPMFs AND ARMY IN JAMMU & KASHMIR.

1. Presently as per State Government of J&K's Order dated 10th July 1990, ex gratia relief for damage of immovable property (due to bomb blast or other kind of sabotage) is granted equal to 50% of loss or Rs.1 lakh, whichever is less. The present quantum of relief provided by the State Government is inadequate. Accordingly, the Scheme for enhancement of the ex gratia relief has been formulated with the objective to provide adequate relief for damage caused to the immovable/movable property during action by CPMFs/Army and in which there has been no involvement of the owner/tenant in subversive activities.
2. This Scheme will come into operation with effect from 3rd June, 2010.
3. The amount of relief payable under this Scheme will be to the extent of the total loss/damage assessed by the District Level Committee and subject to an upper ceiling of Rs. 10 lakhs (Rupees Ten lakhs) in total. The ceiling of Rs. 10 lakhs will be apportioned and subject to an upper ceiling of Rs.7 lakhs in respect of immovable property and Rs. 3 lakhs in respect of movable property respectively. The apportionment is to make provision for loss suffered during action by CPMFs/Army on household goods which includes Refrigerator, T.V., Computer, Laptop, Washing machine, furniture etc., as may be determined by the Assessing Officer. The relief with the ceiling limits of Rs. 7 lakhs and Rs. 3 lakhs towards immovable and movable property would be considered by the District Level Committee based on the certificate received from the concerned Revenue authorities not below the rank of Tehsildar and subject to technical assessment by a Registered Civil Engineer of Government/Public Sector. Relief given by the Government of J&K on this count will be deducted from the final assessed amount.

4. The claim for assistance is to be made by the owner/tenant of the immovable property in the prescribed form (enclosed) within 30 days from the date of occurrence of the incident and submitted to Deputy Commissioner of the concerned District. In cases where the application has been submitted beyond the prescribed period, the Deputy Commissioner of the District may, on reasonable grounds and for reasons to be recorded in writing, condone the delay upto 60 days and accept the applications for consideration by the District Level Committee. Beyond 60 days the delay has to be condoned by the State Government.
5. In cases where the property is occupied by tenant(s), 70% of sanctioned amount would be payable to the owner of the property and the balance 30% to the tenant(s). In cases where there are more than one claimant among the owners/tenants the share of the respective claimants shall also be decided by the District Level Committee out of approved amount in each category.
6. A District Level Committee under the Chairmanship of the Deputy Commissioner of the District concerned and consisting of the following members viz. (i) SSP/SP of the District (ii) Executive Engineer or any other equivalent Officer of PWD; (iii) Representative of Army and (iv) Representative of CPMF, shall verify the assessment of the damage to the immovable/movable property by making such inquiry and visit, as may be required and arrive at the final award. If necessary, the Chairman may also co-opt any other member from any of the Department in the District, on a case to case basis.
7. The meeting of the District Level Committee shall be held within 60 days from the date of receipt of application from the claimant.
8. The District Level Committee shall send its recommendations to the FC(Home), Government of J&K, who shall then forward it to Joint Secretary (K), Ministry of Home Affairs, North Block, New Delhi with a copy to the Home Department of J&K along with a copy of FIR, revenue record showing ownership details, assessment report of PWD, non-involvement report in respect of the of owner given by Police and local Army formation and with details, if any, on the ex-gratia relief granted by the State Government/District Administration.

9. The District Level Committee shall, as far as possible, make its recommendations within 30 days of the receipt of claim from the claimant.
10. The MHA shall examine the case and complete the processing of application within 30 days, after its receipt from the District Level Committee. If the case forwarded by the District Committee is found to be incomplete, the papers will be referred to Financial Commissioner(Home), for reconsideration by the District Level Committee.
11. The MHA shall continue to book the expenditure under the relevant Budget Head i.e. SRE (R&R) and a cheque issued in the name of the claimant would be sent to the Deputy Commissioner for further necessary action along with a copy of the sanction letter.
12. A copy of the sanction letter would also be sent to the Home Department in J&K Government.
13. In case of any difficulty in implementation of the Scheme, suitable clarifications will be issued by the J&K Division of MHA.
14. This issues with the approval of Department of Expenditure vide ID No. 49(8)/PF-I/2010 dated 3rd June 2010.

Application form for assistance towards damaged immovable property during action by CPMFs/Army.

AFFIX
PHOTOGRAPH

Part – I (To be filled by the claimant)

A) PERSONAL PARTICULARS OF THE CLAIMANT(S)

1. Name :
2. Age :
3. Gender :
4. Occupation :
5. Father/Husband's Name :
6. Residential Address :
7. Identification proof :

B) PARTICULARS OF THE IMMOVABLE PROPERTY

1. Type of Immovable property :
(House/Shed/Industrial Unit etc.)
2. Location/Address of the property :
3. Ownership/Tenancy details :
(Copy of revenue record/
rental/lease agreement
to be attached)
4. Extent of damage(As certified by :
District Level Committee based on
assessment by CPWD/authorized
Engineer).

5. Whether any ex-gratia relief :
received from the Govt. of J&K.
If yes, then indicate the amount
of relief received.

C) DETAILS OF THE INCIDENT

1. Date & Time of Occurrence :
2. FIR No. and date :
(attach copy of FIR)
3. Police Station Area :
4. Whether claimant(s) non-involvement :
in subversive activities certified by competent :
authority (Police/Army).
(If Yes, copy of the certificate to be attached)

UNDERTAKING

I state that the above particulars given by me are true and I am liable in case any of the above information is found incorrect.

Date:

(Signature of the Claimant)

Part – II
(For office use)

1. This is to certify that (Name of the Claimant)
aged years, resident of
.....
S/o/W/o is the owner of the immovable
property
which got damaged in action by CPMF/Army following the incident on
..... (Date & Time).
2. He / She has not been involved in this subversive incident.
3. As per the field verification and valuation report, the damage to the
immovable property has been estimated to be Rs.
The details of the loss / damage is given in the valuation report (Copy of
the report to be enclosed).
4. He / She has not received any ex-gratia relief from the State Government
for this case. (or) He / She has received ex-gratia relief of Rs.
..... from the State Government (Copy of sanction
order to be enclosed). ***
5. Following documents have been submitted by the Claimant:
 - a) Copy of revenue / ownership record of the immovable property.
 - b) Copy of FIR.
 - c) Copy of Non-involvement certificate.
 - d) Identity proof (Ration Card / Driving License etc.).
6. Recommendation of the District Level Committee: (with signatures of
the members).

Date:

Signature of the Deputy Commissioner
of the District with Seal.

*** Strike out whichever is not applicable.