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Bill No. 12 of 2022

THE MARTYRS (PAYMENT OF ADEQUATE
COMPENSATION) BILL, 2022

By

SHRI DILESHWAR KAMAIT, M.P.

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BILL

*to provide for payment of adequate compensation by the Central Government to
the dependents of deceased personnel of the Indian Armed Forces,
Paramilitary Forces, Central Armed Police Forces and the
State Armed Police Forces, who sacrifice their
lives in the line of duty.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India
as follows:—

1. (1) This Act may be called the Martyrs (Payment of Adequate Compensation)
Act, 2022.

Short title
and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Central Armed Police Forces” means the Border Security Force, Central Reserve Police Force, Central Industrial Security Force, Indo-Tibetan Border Police and the Sashastra Seema Bal and shall include such other Central Armed Police Forces as may be notified by the Central Government;

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(b) “dependent” in relation to a martyr shall include his spouse, son, unmarried daughter, parents, minor brother, unmarried sister, widowed sister, widowed daughter, widowed daughter-in-law, minor child of a pre-deceased son, minor child of a pre-deceased daughter if no parent of that child is alive and paternal grandparent;

(c) “Indian Armed Forces” means the Indian Army, the Indian Navy, the Indian Air Force and the Indian Coast Guard;

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(d) “martyr” means a person serving in the Central Armed Police Forces, Indian Armed Forces, Paramilitary Forces and State Armed Police Forces and who dies in the performance of his duties, which shall include death on duty in a specified high altitude or in inaccessible border posts on account of natural disasters and extreme weather conditions;

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(e) “Paramilitary Forces” mean the Assam Rifles, and the Special Frontier Force and shall include such other Paramilitary Forces as may be notified by the Central Government; and

(f) “State Armed Police Forces” mean State police units constituted for dealing with serious law and order situations requiring a higher level of armed expertise and known by the names like Special Armed Police, Armed Constabulary, Provincial Armed Constabulary or Pradeshik or State Military Police.

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3. (1) The Central Government shall pay to the dependents of every martyr such amount of money as compensation as it may deem adequate to enable the dependents to sustain a dignified life:

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Provided that the compensation to be paid to the dependents shall, in no case, be less than fifty lakh rupees.

(2) The Central Government shall, from time to time, revise the amount of compensation in accordance with the cost of living.

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(3) For the purpose of computing the amount of compensation under sub-section (1), the Central Government shall take into account the following factors, namely:—

- (i) age of the martyr;
- (ii) total period of service for which the martyr had been recruited;
- (iii) period of service completed by the martyr;
- (iv) period of service left; and
- (v) number of dependents of the martyr.

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Central Government to pay adequate compensation to the dependents of martyrs.

Power to make rules.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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(2) Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of that the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

The Indian Armed Forces, Paramilitary Forces, the Central Armed Police Forces and the State Armed Police Forces, despite being under the control of different bodies such as the Ministry of Defence, the Home Ministry and the respective State Governments, are all called upon to render variety of services connected with maintaining law and order in the country. Many of these forces are deployed to combat insurgents, *naxals*, *maoists*, *Jehadi* or such other violent forces having fissiparous tendency. They are also often deployed in unison of local police and as part of the same contingent performing the same duties. This has often resulted in laying down of their life in the line of duty.

No amount of compensation ever prescribed can meet the true spirit of their sacrifice or hope to even partly compensate the loss caused to their dependents. It is felt that there is no clear cut transparent compensation norms and common benchmark for determining the amount to be paid to dependents of martyrs. This has resulted in varying degrees of *ex-gratia* payment to their families. The differences in payouts have raised a serious debate over uniformity in compensation amounts. In case of both, a policeman or armed forces personnel, there is no parity in the relief amount given to their families, despite both having made the supreme sacrifice under the same and/or similar circumstances.

This Bill, therefore, seeks to prescribe a minimum uniform amount as compensation to be paid to the families and dependents of martyrs in order to enable them to live a dignified life.

Hence this Bill.

NEW DELHI;
November 29, 2021.

DILESHWAR KAMAIT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall pay adequate compensation to the dependents of martyrs. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Dileshwar Kamait, M.P.)