

**Bill No.170 of 2022**

THE VICTIMS OF RIOTS, COMMUNAL VIOLENCE AND VIOLENT  
PROTESTS (EQUAL COMPENSATION) BILL, 2022

By

SHRI RAMESH CHAND BIND, M.P.

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BILL

*to provide for equal compensation to victims of riots, communal violence and violent protests and for matters connected therewith or incidental thereto.*

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 Victims of Riots, Communal Violence and Violent Protests (Equal Compensation) Act, 2022.

Short title,  
extent and  
commencement.

5 (2) It extends to the whole of India.

(3) 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) “appropriate government” means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) “communal violence” means and includes unexpected and undesirable incident creating internal disturbance within any part of the State which threatens the secular fabric, unity, integrity or internal security of the country; 5

(c) “compensation” means financial assistance provided by the Central Government to the victim or his dependent;

(d) “Claims Tribunal” means a Claims tribunal constituted under section 7;

(e) “damage” means loss, injury, or deterioration, caused by any act or omission by any person to another person or property thereof; 10

(f) “dependent” means the parents, spouse, children or siblings of a victim;

(g) “Fund” means the Victims of Riots and Communal Violence Compensation Fund constituted under section 10;

(h) “mischief” shall have the same meaning as assigned to it in section 425 of the Indian Penal Code, 1860; 15  
45 of 1860.

(i) “prescribed” means prescribed by rules made under this Act;

(j) “person” shall have the same meaning as in section 11 of the Indian Penal Code, 1860; 45 of 1860.

(k) “private property” means a movable or an immovable property owned and controlled by any person or any religious body, society or trust or waqf, which is not public property, or firms over which their owners have exclusive and absolute legal right; 20

(l) “public property” means any property, whether movable or immovable and includes any machinery which is owned by, or in the possession of, or under the control of — 25

(i) Central Government; or

(ii) State Government; or

(iii) any local authority; or

(iv) any corporation or a company as defined under Companies Act, 2013, established by or under a State Act; or 30  
18 of 2014.

(v) any institution, concern or undertaking which the State Government may, by notification in the Gazette, specify in this behalf.

Provided that the State Government, shall not specify any other institution concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or 35

indirectly by the State Government or any other State Government or partially by the State Government and partially by the Central Government or any other State Government;

(m) “riot” means an unexpected and undesirable incident by a group of people resulting in injury or death of a person or persons or damage to public property or property belonging to private individuals;

(n) “victim” means a person killed or injured during riots, communal violence or violent protests; and

(o) “violent protest” means the protest in which a group of person use violence, destruction or such other means to put a threat to life and profits of other person.

**3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, after taking into consideration the loss or injury sustained, pay equal amount of compensation to the victims or their dependants in such manner as may be prescribed.**

Equal Compensation to victims of riots, communal violence and violent protests.

4. On receipt of the report of concerned police station which is based on First Information Report of the incident and other information gathered in the meanwhile, the District Magistrate or Commissioner of Police or the Head of Office shall take immediate steps to file claim petition before the Claims Tribunal for compensation, preferably within three months of the date of causing of damage to public property.

Claim Petition for Public Property.

5. The District Collector or the Commissioner, as the case may be, shall review the conduct of claim cases filed for compensation on a quarterly basis and forward its report to the appropriate Government.

Review of Cases.

6. The owner of private property may, whose property has been damaged in a riot, communal violence or violent protest, after getting a copy of such report from the concerned authority file or claim petition for compensation in such manner as may be prescribed.

Claim Petition for Private Property.

**7. (1) The appropriate Government shall, by notification in the Gazette, constitute one or more Claims Tribunal for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of damages to any public property or private property or both and to perform the functions assigned to it under this Act.**

Constitution of Claim Tribunal.

**(2) The Claims Tribunal shall consist of such number of members as the appropriate Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairperson thereof.**

(3) A person shall not be qualified for appointment as:—

(a) chairperson to a Claims Tribunal unless he has been a retired District Judge; and

(b) Member of Claims Tribunal unless he is an officer of rank Additional Commissioner.

(4) Where two or more Claims Tribunals are constituted for any area, the appropriate Government, may by general or special order, regulate the distribution of business alongwith jurisdiction amongst them.

Function and powers of the Claims Tribunal.

8. (1) It shall be the duty of the Claims Tribunal to determine the damages caused to a public or a private property in riots, communal violence and violent protests and to award suitable compensation related thereto. 5

(2) **The Claims Tribunal may, if it thinks fit, appoint a Claims Commissioner to estimate the damages and investigate liability to assist it in holding the inquiry.**

(3) **The Claims Tribunal may, also appoint one Assessor in every district as the case may be to assist the Claims Commissioner who is technically qualified to asses such damage from the panel appointed by the appropriate Government in such manner as may be prescribed.** 10

(4) **The remuneration, to be paid the person or persons under sub-sections (2) and (3) shall in every case be determined by the appropriate Government in such manner as may be prescribed.** 15

(5) The Claims Commissioner and the Assessor may seek instructions from the Claims Tribunal to summon the existing video or other recordings from private and public sources to find out the damage and establish relationship with the perpetrators of the damage in such manner as may be prescribed.

(6) The Claims Commissioner shall make a report to the Claims Tribunal within a period of three months of within the extended time, if any, granted by the Claims Tribunal. 20

(7) The Claims Tribunal shall determine the liability after hearing the parties.

(8) The Claims Tribunals may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(9) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and 25

(10) the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 30 2 of 1974.

Procedure for Claim Tribunal.

9. The appropriate Government shall, by notification in the Official Gazette, specify rules pertaining to the procedure of the Claims Tribunal.

Constitution of Victims of Riots and Communal Violence Compensation Fund.

10. (1) **The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Victims of Riots and Communal Violence Compensation Fund for carrying out the purposes of this Act.** 35

(2) **The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.**

(3) Such other sums as may be received by way of donations or contributions from domestic and international institutions shall also be credited to the Fund.

**11.** The Fund shall be administered by a Board to be known as the Victims of Riots and Communal Violence Compensation Board, consisting of:—

Members of the Board for the fund.

- 5 (i) The Prime Minister — Chairperson *ex-officio*;
- (ii) The Chief Minister of every State and Lieutenant Governor or Chief Administrator of Union territories — Member, *ex-officio*;
- (iii) Leader of Opposition in the House of the People — Member *ex-officio*;
- (iv) Chief Justice of India — Member *ex-officio*;
- 10 (v) **two retired judges of Supreme Court to be appointed by the Central Government in such manner as may be prescribed; and**
- (vi) Vice-Chairman, NITI AAYOG.

**12. (1) The appropriate Government shall constitute a task force to implement the provisions of this Act within their jurisdiction.**

Constitution of task force by the appropriate Government.

15 **(2) The task force shall consist of ten members to be appointed by the appropriate Government in such manner as may be prescribed.**

**(3) The salary and allowances payable to and other terms and conditions of service of members of the task force shall be such as may be prescribed.**

(4) The task force shall —

- 20 (i) visit the riots, communal violence and violent protest site and collect information relating to the victims;
- (ii) submit the incident related information to the Victims of Riots and Communal Violence Compensation Board;
- 25 (iii) ensure that the victims receive the compensation within time-limit prescribed under this Act; and
- (iv) undertake any other work that may be assigned to it by the Victims of Riots and Communal Violence Compensation Board.

**13. (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may by a notified order, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:**

Power to remove Difficulties.

Provided that no such order shall be made after the expiry of three years from the coming into force of this Act.

35 **14. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.**

Power to make rules.

(2) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(3) Every rule made under this Act 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 the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the 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. 5 10

## STATEMENT OF OBJECTS AND REASONS

India has a culturally diverse diaspora of population with citizens from different castes, creed and religious and linguistic backgrounds residing in the country. However, such differences which place India on the map for its diversity and harmonious religious congruence, often results into communal clashes and riots resulting in loss of life and property — both public and private. India holds a dismal 72nd rank in the Global Peace Index (GPI). The economic cost of violence is as much as 6% of its GDP as per the Global Peace Index Report.

The Constitution provides right to equality to every citizen as a Fundamental Right. Under articles 14 to 16, there is provision for equality and non-discrimination and for social equality under articles 17 and 18 of the Constitution. The Right to Equality provides that all the citizens of India should get equal protection under the law and should be treated equally in similar situations.

In case of riots, communal violence and violent protests which lead to loss of life and property, financial assistance must be provided as compensation to affected persons. In most of the situations, these victims have to knock the doors of court for equal compensation which is unfortunate. There is no clear policy aimed at providing equal compensation to all victims affected by riots or communal violence. Everything depends upon administrative decisions, which took long time and usually results into no compensation to the victims or his/her dependents.

The present Bill aims to constitute a fund administered by a Board for Compensation to be provided to victims of riots, communal violence and violent protests. The Bill further aims to establish Claims Tribunal for fast redressal of compensation claims of victims of such unfortunate events. The Bill is a method to provide justice and equality to victims of riots and help them regain their life and personal liberty as provided under article 21 of Constitution.

Hence this Bill.

NEW DELHI;  
7 July, 2022.

RAMESH CHAND BIND

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to victims or their dependents. Clause 7 provides for Constitution of one or more Claims Tribunal. It further provides for appointment of Chairman and other Members of the Tribunal. Clause 8 of the Bill empowers the claim tribunal to appoint the Claims Commissioner and Assessors. Clause 10 provides for constitution of the victims of Riots and Communal Violence Compensation Fund. It further provides for contribution in the Fund by the Central Government and State Governments. Clause 12 provides for constitution of a task force by the appropriate Government.

The Bill, therefore, if enacted, will involve as such no expenditure from the Consolidated Fund of India. However, it is estimated that recurring expenditure of about rupees one hundred crore would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the appropriate 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 Ramesh Chand Bind, M.P.)*