

Bill No. 195 of 2022

THE VICTIMS OF ACCIDENT (EQUAL COMPENSATION)
BILL, 2022

By

SHRI SUNIL KUMAR SINGH, MP

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BILL

*to provide for equal compensation to victims of accidents by the Government and
for matters connected therewith and 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 Accident (Equal Compensation)
Act, 2022.

Short title,
extent and
commencement

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

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

(a) “accident” means an unexpected and undesirable incident resulting in injury or death of a person during travel by road, railway or air or due to natural disasters, or terrorist or extremists activities or stampede; 5

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

(c) “compensation” means financial assistance provided by the Central Government to the victim or his dependent; 10

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

(e) “Fund” means the Victims of Accident Compensation Fund constituted under section 4;

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

(g) “qualified medical practitioner” means any person declared by the appropriate Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purposes of this Act; and 15

(h) “victim” means a person killed or injured in any accident.

Equal compensation to victims of accidents.

3. (1) **The Central Government shall after taking into consideration the loss or injury sustained, pay equal amount of compensation to every victim in such manner as may be prescribed.** 20

(2) **The amount of compensation shall be as follows:—**

(i) where death results from the accident, the dependents of the victim shall be paid rupees twenty lakhs;

(ii) where permanent disability results from the accident, the victim shall be paid rupees ten lakh; 25

(iii) where temporary disability results from the accident, the victim shall be paid rupees four lakh; and

(iv) where ordinary injury results from the accident, the victim shall be paid rupees one lakh. 30

(3) **The nature of injury suffered by a victim shall be examined and reported by a qualified medical practitioner, in such manner as may be prescribed.**

(4) **The compensation amount shall be disbursed to the victim or to his dependent within one week from the date of receipt of report of the qualified medical practitioner under sub-section (3).** 35

Constitution of Victims of Accident Compensation Fund.

4. (1) **The Central Government shall constitute a Fund to be known as the Victims of Accident Compensation Fund for carrying out the purposes of this Act.**

(2) **The State Governments shall contribute to the Fund in such proportion as may be prescribed.**

(3) **Such other sums as may be received by way of donation or contribution both from domestic and international institutions shall also be credited to the Fund.** 40

(4) **The Fund shall be administered by a Board to be known as the Victims of Accident Compensation Board, consisting of:—**

(i) the Prime Minister — *ex-officio* Chairperson;

(ii) the Chief Ministers of every State and Lieutenant Governor or Chief Administrators of Union territories — *ex-officio*; and 45

(iii) ten retired judges of High Court to be appointed by the Central Government in such manner as may be prescribed as members.

5 **5. The Central Government may require a State Government to furnish such statistical and other information as may be necessary for implementation of the provisions of this Act, in such form and within such period as may be prescribed.**

State Government
to furnish
statistical information.

6. (1) The appropriate Government shall constitute a Special Team to effectively implement the provisions of this Act within their jurisdiction.

Constitution of
a special team by
the appropriate
Government.

10 **(2) The Special Team shall consist of ten members of which five shall be appointed by the Central Government and five by the State Government in such manner as may be prescribed.**

(3) The Special Team shall—

(i) visit the accident site and collect information relating to the victims;

(ii) submit the accident related information to the Victims of Accident Compensation Board;

15 (iii) ensure that the victims receive the compensation within the time limit prescribed under this Act; and

(iv) undertake any other work that may be assigned by the Board.

20 (v) The salary and allowances payable to, and other terms and conditions of service of members of the special Team appointed under sub-section (2) shall be such as may be prescribed.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central
Government
to provide
adequate funds.
Savings.

25 **8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act.**

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

Power to
make rules.

30 (2) 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.

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STATEMENT OF OBJECTS AND REASONS

The Constitution provides right to equality to every citizen as a Fundamental Right. There is a provision for equality and non-discrimination before law under articles 14 to 16 and for social equality under articles 17 and 18 of the Constitution. The right to equality provided by the Constitution provides that all persons within the territories of India should get equal protection under the law and should be treated equally in similar situations. In case of accident financial assistance is provided as compensation to affected persons. However in case of death of the accident affected person the relatives of the deceased have to go to court for justice which is unfortunate. Thousands of suits are filed in courts for similar compensation in similar situations. In many cases, courts have also given decisions to provide for equal amounts. Despite this, there is no clear policy of the Government. Everything depends on the administrative decision. Now, the time has come to formulate a law providing for payment of fixed amounts as compensation to the next kin of deceased and to the injured in accidents.

Hence this Bill.

NEW DELHI;
7 March, 2022

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for equal compensation to accident affected persons. Clause 4 provides for constitution of a Victims of Accident Compensation Fund. Clause 6 provides for the appropriate Government to constitute Special Team to implement the provisions of this Act. It also provides for appointment of five members to each special Team by the Central Government. Clause 7 provides that the Central Government shall provide adequate funds to carry out provisions of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty five thousand crore per annum will be involved.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 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 details only, the delegation of legislative power is, therefore, of a normal character.

LOK SABHA

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(Shri Sunil Kumar Singh, M.P.)