

Bill No. 48 of 2021

THE PAYMENT OF COMPENSATION TO VICTIMS OF
WILDLIFE ENCOUNTERS BILL, 2021

By

ADV. DEAN KURIAKOSE, M.P.

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BILL

*to provide for constitution of an Authority for determining and
payment of compensation to the victims of wildlife encounters and
for matters connected therewith.*

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

1. (1) This Act may be called the Payment of Compensation to Victims of Wildlife
Encounters Act, 2021.

Short title and
commencement.

(2) It shall come into force on such date, not later than six months from the date on which it receives the assent of the President, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) “Authority” means the Compensation Claim Payment Authority for the Victims of Wildlife Encounters constituted under section 3; 5

(b) “Fund” means the Victims of Wildlife Encounters Welfare Fund constituted under section 7;

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

(d) “victim of wildlife encounter” refers to any person residing within the forest area or in the vicinity of forest area and who suffers loss of life or bodily injury or damage to his crops, property or livestock due to attack or otherwise by wild animals. 10

Constitution of the Compensation Claim Payment Authority for the Victims of Wildlife Encounters.

3. (1) **The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Compensation Claim Payment Authority for the Victims of Wildlife Encounters for determining and payment of compensation to the victims of wildlife encounters.** 15

(2) **The Authority shall consist of —**

(a) **a Chairperson, who shall be a retired judge of the High Court; and**

(b) **four other members having such qualifications as may be prescribed,**

to be appointed by the Central Government in such manner as may be prescribed. 20

(3) **The Authority shall have its office in the capital of each State.**

(4) **The Central Government shall make available to the Authority such administrative and other staff, as it may consider necessary for the efficient functioning of the Authority.** 25

Functions of the Authority.

4. (1) The Authority shall—

(i) entertain the application from victims of wildlife encounter;

(ii) assess the loss suffered by victims;

(iii) determine the compensation to be paid to the victims;

(iv) ensure timely payment of compensation to victims; and 30

(v) payment of interest, if any, for delay in payment of compensation.

(2) The Authority shall perform such other functions in respect of compensation claims under this Act as the Central Government may assign to it, from time to time.

(3) The Authority shall, while determining compensation, take into consideration the following factors— 35

(a) loss of life;

(b) extent of injury;

- (c) loss of livestock;
- (d) damage to crops; and
- (e) damage to property.

5 **5. (1)** An application for claiming compensation shall be made by the victim of wildlife encounter or any of the person referred to in sub-section (2), to the office of the Authority in the State in which the victim ordinarily resides or became subject to wildlife encounter. Application for compensation.

(2) The application for compensation under sub-section (1) may also be made by—

- 10 (a) next kin of the victim who has lost his life; or
- (b) any person duly authorized by the victim of wildlife encounter and in case of death of victim, by next kin of the victim.

(3) The application for compensation shall be made in such form and manner as may be prescribed.

15 **6. Notwithstanding anything contained in any other law for the time being in force, minimum compensation to be paid to a victim of wildlife encounter under this Act shall be—** Payment of compensation to victims of wildlife encounters.

(i) rupees twenty lakh, in case of death;

(ii) rupees five lakh, in case of an injury;

20 (iii) rupees fifteen lakh per hectare in case of damage to crops;

(iv) rupees two lakh, in case of loss of livestock; and

(v) rupees five lakh, in case of damage to property.

25 **7. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Victims of Wildlife Encounters Welfare Fund to which the Central Government and State Governments concerned shall contribute every year in such ratio as may be prescribed. Constitution of Victims of Wildlife Encounters Welfare Fund.

(2) The Fund shall be administered by the Authority.

(3) The Fund shall be utilized for payment of compensation to the victims of wildlife encounters.

30 **8. (1)** The Authority shall pay the compensation to the applicant within a period of fifteen days from the date of determination of compensation, failing which an interest at the rate of eighteen per cent. per annum shall be paid to him. Payment of interest for delay in payment of compensation.

(2) The Authority shall be at liberty to recover the interest part from the officer responsible for delay in payment of compensation.

35 **9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.

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

40 (2) Every rule made under this section shall be laid, as soon as may be after it is made, before 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

STATEMENT OF OBJECTS AND REASONS

In India, human-animal conflict is one of the significant contentious issues among conservation initiatives. Lack of locally acceptable law, which ensures protection and adequate compensation to the farmers and persons residing in areas vulnerable to wildlife attack and their crop, is profoundly felt. Usually, the human-animal conflict takes place in agricultural villages adjacent to forest areas. Crop raiding by wildlife has a significant impact on farmer's livelihoods and lives. It is, therefore, important to treat any human-animal conflict issue within the context of farmer's social-economic lives and not as an isolated phenomenon. Effective mitigation strategies must be taken into account regarding the degree to which wildlife conflicts impact crop yields and household economics. Crop losses can also aggravate other costs to farmers, including an increased need to guard agriculture land from further attacks and increased risk of injury from wildlife.

There are many Acts to punish farmers who are compelled to attack wild animals for self defense or safety of their crops. But there is no provision to ensure adequate compensation for them if wild animals attack farmers, their livestock, and cause damages to their agriculture crops and other properties. Most of the time, the farmers who are deprived of their precious crops or properties or who suffer bodily injuries or whose dependents die on account of wild life attack, are forced to be satisfied with some meager solatium announced by State Government or local self governments. Sometime even this solatium will remain as paper announcement and the victim of wild life attack may not get it at all or gets in a belated stage. Hence there must be an effective mechanism to ensure payment of compensation to the victims of wildlife encounters. Further, it must also be made sure that the compensation so determined is distributed to the victim within a reasonable time. Therefore, it is inevitable to initiate a Bill, namely, 'The Payment of Compensation to Victims of Wildlife Encounters Bill, 2021', which shall make sure that the victims of wildlife encounters are compensated expeditiously for the loss they have suffered in wildlife encounters.

Hence this Bill.

NEW DELHI;
January 25, 2021

DEAN KURIAKOSE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Compensation Claim Payment Authority for the Victims of Wildlife Encounters for determining and payment of compensation to the victims to the wildlife encounters. Clause 6 provides for payment of minimum compensation to the victims for bodily injury or damage to crops or properties or livestock by wild animals. Clause 7 provides for constitution of the Victims of Wildlife Encounters Welfare Fund. Clause 8 provides for payment of interest at the rate of eighteen per cent. to victims of wildlife encounters if there is delay in payment of compensation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred and fifty crore per annum.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 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.

LOK SABHA

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(Adv. Dean Kuriyakose, M.P.)