

Bill No. 71 of 2022

THE PAYMENT OF COMPENSATION TO VICTIMS OF ATTACK
BY WILD ANIMALS BILL, 2022

By

SHRI DEVJI M. PATEL, M.P.

A

BILL

*to provide for compensation to the victims of attack by wild animals and
for matters connected therewith.*

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

1. (1) This Act may be called the Payment of Compensation to Victims of
Attack by Wild Animals Act, 2022.

Short title and
extent.

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

Definitions.

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

(a) “crop raid” means an act of entering into a cultivated area by wild animals and causing damage to the entire crop;

(b) “Tribunal” means the Compensation Claims Tribunal constituted under section 4; and

(c) “wild animal” shall have the same meaning as assigned to it under the provisions of the Wild Life (Protection) Act, 1972.

Payment of
Compensation
in case of
attack by wild
animals.

3. (1) **Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act, compensation on death of, or grievous hurt to, persons, or in respect of cropraid or loss of livestock resulting from attack by wild animals.**

(2) Subject to the provisions of this Act, there shall be paid as compensation,—

(a) in respect of the death of any person resulting from attack by wild animals, a fixed sum of two lakh rupees or such higher amount, as the Compensation Claims Tribunal may deem appropriate, to the legal heir of the victims, or;

(b) in respect of grievous hurt to any person resulting from attack by wild animals, a fixed sum of fifty thousand rupees or such higher amount as the Compensation Claims Tribunal may deem appropriate to the victim.

(c) in case of loss of crop or livestock, an amount equivalent to the market rate of such crop or livestock, as the case may be.

Compensation
Claims
Tribunals.

4. (1) The Central Government may, by notification in the Official Gazette, constitute one or more Compensation Claims Tribunals for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of the death of, or bodily injury to, persons or cropraid or loss of livestock arising out of attack by wild animals.

(2) **The Claims Tribunal shall consist of such number of members as the Central 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 member of Claims Tribunal unless he—

(a) is, or has been, a Judge of a High Court, or

(b) is, or has been, a District Judge, or

(c) is qualified for appointment as a Judge of a High Court.

Application for
Compensation.

5. An application for payment of compensation as specified in section 3 may be made to the Tribunal—

(a) by the person who has sustained the injury or suffered loss of crop or livestock; or

(b) where death has resulted from the attack by wild animals, by all or any of the legal representatives of the deceased; or

5

53 of 1972

10

15

20

25

30

35

40

(c) by an agent duly authorized by the person injured or by all or any of the legal heirs of the deceased, as the case may be:

5 Provided that where all the legal heirs of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal heirs of the deceased and the legal heirs who have not so joined, shall be impleaded as respondents to the application.

6. On receipt of an application for compensation made under section 5, the Tribunal shall hold an inquiry into the claim and may make an award determining the amount of compensation which appears to it to be just and specifying the person or persons to whom compensation shall be paid and in making the award the Tribunal shall specify the amount which shall be paid by the Central Government.

Award of the Compensation Tribunal.

7. Notwithstanding anything contained in section 3, no compensation shall be payable to a person or his legal heirs, as the case may be, if that person is attacked by wild animals under any of the following circumstances:—

Compensation not payable in certain circumstances.

- (i) if he goes to a forest area or an area generally inhabited or frequented by wild animals for the purpose of hunting or capturing a wild animal alive;
- (ii) if he attacks a wild animal except in self-defence;
- 20 (iii) if he strays into an area which is exclusively specified for wild animals;
- (iv) if he commits any act which appears to have been done for hurting or torturing or inflicting cruelty on or exploiting a wild animal.

8. 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.

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.

(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 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.

STATEMENT OF OBJECTS AND REASONS

Due to increase in the population of wild animals and due to loss of forest cover the wild animals are encroaching into human habitations. The farmers have stopped growing crops like groundnuts and sugarcane etc. in the areas around the national parks. In order to take care of other crops, the farmers have to leave the house in chilling cold and stay on the fields. If there is a slight mistake, the wild animals devour the whole crop or cause injury to farmers. The right of the farmers to protect their crops from wild animals has also been taken away in the Wild Life (Protection) Act, 1972. There is a provision for life imprisonment for hurting and killing any wild animal, while there is no law to compensate for the loss of crops. Wild animals are protected to preserve the biodiversity and save the earths ecosystem.

The life of the farmer and his livestock are threatened due to attack by wild animals. Till now many people lost their lives untimely due to attack of wild animals.

Therefore, it is required to enact a law to provide for proper compensation to citizens who are victim of attack by wild animals.

Hence this Bill.

NEW DELHI;
18 *January*, 2022.

DEVJI M. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide for payment of compensation to the persons attacked by wild animals or loss of crop or livestock due to animal attack. Clause 4 provides for the constitution of compensation Claims Tribunal for settlement of sum of compensation by attack of wild animal. Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum.

No non-recurring expenditure is 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 detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to provide for compensation to the victims of the attack by wild animals and
for matters connected therewith.

(Shri Devji M. Patel, M.P.)