

The Prevention of Communal Riots And Rehabilitation of Victims Bill, 1992

Introduced in the Rajya Sabha by S.S.Ahluwallia

A

Bill

To provide for prevention of communal riots by providing deterrent punishment for those persons involved in communal riots or who preach communalism and for the payment of financial assistance to the victims of communal riots and for their rehabilitation by the State for matters connected therewith.

Be it enacted by Parliament in the Forth-third Year of the Republic of India as follows:--

Short title, extent and commencement.

1. (1) This Act may be called the Prevention of Communal Riots and Rehabilitation of Victims Act, 1992.
- (2) It extends to the whole of India.
- (3) It shall be deemed to have come into force on the 1st day of January 1984.

Definitions.

2. In this Act unless the context other wise requires, -----
 - (a) “appropriate Government” means in relation to any of the matters falling within the purview of a state, the Government of that State and in relation to any other matter, the Central Government.

- (b) “communal riot” means outbreak of lawlessness on the part of a crowd caused by religious, communal or caste hatred or fervor resulting in death and injuries to the citizens and destruction of movable and immovable properties therein;
- (c) “commissioner” means Commissioners for payment of financial assistance to the victims of communal riots appointed under section 9;
- (d) “dependent” means any of the relatives or dependents as defined in section 2 of the Workmen’s Compensation Act, 1923.
- (e) “prescribed” means prescribed by rules made under this Act.

Government to present communal riots.

- 3. It shall be the duty of the appropriate Government to present the occurrence of communal riots in any part of its jurisdiction.

Certain disqualification for persons found guilty in a communal riot or preaching communalism or abetting communal riot.

- 4. (1) Notwithstanding anything contained in the Representation of the Peoples Act, 1951 or any other law for the time being in force, any person found guilty of taking part in a communal riot or found preaching communalism or abetting a communal riot, shall be disqualified from holding any office under the Union Government or the Government of a State or from voting or contesting any election to any local body, Legislature of a State and to Parliament.

- (2) The provision of sub-section (1) shall be in addition to the punishment provided for the said offences in the Indian Penal Code, 1860 or any other law for the time being in force.

Financial assistance to dependents of victims of communal riot.

5. (1) The appropriate Government shall pay financial assistance of rupees two lakhs in one lump sum to a dependent of a person killed in any communal riot in any part of its territory.

(2) The provision of sub-section (1) shall be in addition to and not in derogation of any other law for the time being in force, regulating the matters mentioned in sub-section (1).

Employment to one member of a victim's family.

6. any person killed in a communal riot was the sole earning member of his family the appropriate Government shall provide suitable employment to at least one eligible member of the family of the victim within a period of six months of the occurrence of such riot.

Financial assistance for injury to the person.

7. If injury is caused to a person in the course of a communal riot the appropriate Government shall pay financial assistance to the said person, according to the nature and effect of the injury as may be prescribed.

Financial assistance for loss of property.

8. If a person loses his property during a communal riot the appropriate Government shall pay financial assistance to him and the amount of financial assistance for loss or damage of property shall be calculated on the basis of substitution or replacement cost of market value, as the case may be, of the property.

Appointment of Commissioner

9. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a Commissioner, as soon as may be, for the purposes of this Act.

(2) The Commissioner to be appointed under sub-section (1) shall be a person who has been or is qualified to be a judge of a High Court or who is and has exercised the power of a District Judge.

Inviting claims.

10. (1) The Commissioner shall, as soon as may be, invite and entertain claims from all persons who are entitled to receive financial claims assistance under this Act.

(2) The Commissioner shall notify a date by which the claims under this Act shall be filed specifying the particulars and the nature of the supporting documents required to be filed by the claimant :

Provided that the claims arising from riots which took place between the first day of January, 1984 and the commencement of this Act may be filed within such period as may be prescribed after the commencement of the this Act.

Disposal of claims.

11. The Commissioner shall dispose the claims filed with him within sixty days of the date of filing thereof.

Time within which financial assistance be paid

12. The appropriate Government shall pay the financial assistance within thirty days of the clearance of the claim by the Commissioner.

Recovery of improper payments.

13. Where the Commissioner is of the opinion that the financial assistance in any case under this Act has been obtained by any person by fraud or impersonation or any other improper means, any amount so paid to or received on behalf of such person may be recovered in such manner as may be prescribed.

Provided that no order for recovery shall be passed without giving reasonable opportunity of being heard to the person concerned.

District authorities to submit particulars of communal riot to Commissioners.

14. The Commissioner may, if he thinks fit, require, through a notice to the District administration authorities of the district wherein the communal riot takes place to submit to him within such period as may be specified in the notice, a Statement giving the circumstances leading to the communal riot and extent of the loss of life, limbs and property in such riot.

Provision of Committee.

15. (1) The Commissioner may, if he thinks fit, requisition the services of one or more persons possessing special knowledge of any matters relevant to the claims to assist him in discharge of his functions under this Act.

(2) The Commissioner may also, if he thinks fit, appoint a committee of local citizens to verify the claims filed with him under this Act.

Appeal

16. Any person aggrieved by the order or decision of the Commissioner may appeal to the High Court of the State wherein the riot has taken place.

Saving of other laws.

17. The provisions of this Act shall be in addition to, and not derogation of any other law for the time being in force regulating any of the matters dealt with in this Act but pending in any court shall be dealt with and decided by such court, so far as may be, as if they had been originally instituted under this Act.

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Ours is a secular State and the Constitution has given freedom of religion to its citizens. But experience shows that this freedom of religion has consistently been misused by the communal forces in the Country. These Communalists use religion as a means of spreading communal hatred and ill-will between various religions and communities for their selfish gains. As a result large scale communal riots are occurring throughout the country even after 44 years of independence. The Muslims have regularly witnessed communal riots between Hindus and Muslims, but November, 1984 saw the Sikh community being sacrificed on a large scale, at the altar of communal riots throughout the country. This kind of special violence has thus assumed an endemic form and virulent dimension in our country. It has given rise to deaths and injuries to persons and destruction of property on a mass scale.

The Communal riots leave behind scores of orphans, widows, homeless and indigent persons. Government and administrative machinery appears to be helpless in the face of such disturbances, unable to preempt the outbreak or to control it by timely and effective action. The country has also witnessed active involvement of the police force and leaders of political parties in acts of violence directed against one community or another. Sometimes this has put a question mark both on the efficiency and the impartiality of the state itself.

After the communal riots generally the Administration starts relief work for the victims which remains nominal or inadequate and on a much smaller scale. The relief is not even comparable to the compensation which is given to the victims of railway accidents what to speak of air accidents. Even this nominal relief is not given in many cases. In fact what little is done is done as an act of charity or of patronage.

The State has a moral duty to compensate and rehabilitate the victims of communal riots. Generous rehabilitation would heal the wounds and pave way for reconciliation between the communities concerned. Communal riots are very often motivated by a desire to cause economic losses. If adequate compensation is given to the victims it would deter such motivation. It is high time to provide for deterrent punishment to those political leaders who are involved in communal violence and who preach communalism by depriving them of the privileges provided under the Constitution. These politicians should be barred from holding any office or from contesting any election. In this bill an attempt has been made to provide for certain action which may help in preventing communal riots to a great extent.

Hence this Bill

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