

Bill No.001 of 2024

The Secularism, Communal Harmony and Victim Compensation Act, 2025

ensure the preservation of secularism and communal harmony in India, to provide for equal and uniform compensation to victims of social communal unrests, to establish effective claims tribunal mechanisms for expeditious relief and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Secularism, Communal Harmony and Victim Compensation Act, 2024.

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

(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.

(p) "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;

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

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 dependents in such manner as may be prescribed.

Claim Petition
for Public
Property.

4. (1) It shall be the duty of every citizen of India to preserve the secular character of the nation as envisaged in the Constitution and to maintain communal harmony in the country.

(2) It shall equally be the duty of the State and every public official to take all reasonable measures to promote secular values and to prevent any act that disturbs communal harmony.

Duty to
preserve
secularism
and
communal
harmony.

5. (1) No person shall, by words (whether spoken or written), by signs or visible representations, by electronic communication, or by any other action, cause or attempt to cause disharmony or feelings of enmity, hatred, or ill-will between religious, linguistic, caste, or other communities.

(2) Whoever indulges in any such act that disturbs the secular character of the nation or causes a breach of communal harmony shall be punished with rigorous imprisonment for a term which shall not be less than three years.

Prohibition of
acts threatening
communal
harmony.

6. (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.

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

Function and powers of the Claims Tribunal.

- (4) The Central Government shall, after taking into consideration the loss of life, injury, or damage sustained by persons due to any riot, communal violence, or violent protest, pay an equal amount of compensation to all victims or their dependents, in such manner as may be prescribed.

Constitution of Victims of Riots and Communal Violence Compensation Fund.

7. (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.

- (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.

Constitution of task force by the appropriate Government.

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

- (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.

Power to remove Difficulties.

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

Power to make rules.

- (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 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.

10. 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.

STATEMENT OF OBJECTS AND REASONS

India is a diverse nation with a pluralistic society comprising different religions, languages, cultures, and traditions. While this diversity is a source of strength, it has also, on occasion, led to communal tensions, riots, and violent protests, resulting in loss of life and destruction of property. The absence of a uniform policy for victim compensation has often led to delays and disparities in relief measures.

This Bill seeks to establish a uniform framework for compensation to victims of communal violence, ensuring prompt, adequate, and fair relief, irrespective of the identity or location of the victims. It further aims to uphold the constitutional values of secularism and equality by ensuring that all victims are treated equitably.

The establishment of Claims Tribunals will ensure expeditious processing of compensation claims, reducing bureaucratic delays and providing swift justice to affected individuals. These Tribunals will have powers akin to civil courts, ensuring efficiency in adjudicating claims related to damage to life, limb, and property.

The Bill also provides for the creation of a Victims of Riots and Communal Violence Compensation Fund, financed jointly by the Central and State Governments. This Fund will serve as a dedicated financial reserve to meet the compensation requirements under this Act, preventing undue delays in disbursement.

The preservation of communal harmony and secularism is of paramount importance. This Bill introduces penal provisions to deter individuals or groups from engaging in activities that disrupt communal peace. It also emphasizes the role of government authorities in proactively maintaining harmony and ensuring that victims receive justice.

By integrating international best practices in victim compensation, this legislation aligns with global standards for human rights and victim protection while remaining rooted in the constitutional framework of India.

This Bill is a step towards ensuring justice, fairness, and equality for all citizens, reinforcing the commitment of the Indian State to uphold the principles enshrined in the Constitution. It aims to create a transparent, effective, and responsive mechanism for dealing with communal violence and its aftermath.

Hence this Bill.

NEW DELHI;
3rd February, 2024.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to victims or their dependents. Clause 6 provides for Constitution of one or more Claims Tribunal. It further provides for appointment of Chairman and other Members of the Tribunal. Clause 7 of the Bill empowers the government to set up a Victims of Riots and Communal Violence Compensation Fund. It further provides for contribution in the Fund by the Central Government and State Governments. Clause 8 provides for constitution of a task force by the appropriate Government.

The Bill, therefore, if enacted, will involve a recurring expenditure of about one thousand crores from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 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.

