

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:293  
ANSWERED ON:30.11.2010  
COMPENSATION TO VICTIMS  
Azad Shri Kirti (Jha)

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the National Human Rights Commission (NHRC) has investigated the violent incidents which took place in various parts of the country and ordered the disbursement of compensation to the victims;
- (b) if so, the details thereof during each of the last three years and the current year, State-wise;
- (c) whether there are reports of nondisbursement of such compensation to the victims including in West Bengal;
- (d) if so, the details thereof and the steps taken thereon; and
- (e) the follow up action taken by the Government on the investigation reports submitted by the NHRC during the said period?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) to (e) OF LOK SABHA STARRED QUESTION NO. 293 FOR 30.11.2010

(a) & (b): During the last three years, the National Human Rights Commission (NHRC) has carried out investigation into the following violent incidents in States of Orissa, West Bengal and Chhattisgarh:-

1. The NHRC had during the period 23rd September, 2008 to 3rd October, 2008 carried out spot investigation in 32 villages and 15 relief camps in Kandhamal and other districts of Orissa after the violence on Christians which took place in Orissa. The team submitted its report dated 31/12/2008 to NHRC containing ten recommendations.

It was also informed by the State Government that application of next of kin of deceased for availing assistance under Central Scheme of assistance to victims of terrorist/naxal violence was prepared and sent to Ministry of Home Affairs, Government of India. The Ministry of Home Affairs sanctioned ex-gratia payment of rupees three lakhs each to next of kin of six victims and rupees two lakhs each was paid to the next of kin of 14 persons killed, from the Chief Minister's Relief Fund.

2. During December 2007, a team of NHRC carried out spot investigation into violent incidents in Nandigram, West Bengal and submitted a report to the Commission. It was mentioned by the team that the relief announced by the State Government for those whose houses had been destroyed was grossly inadequate. While considering the above report vide its proceedings dated 8/2/2008 and 9/4/2008, NHRC made recommendations for compensation regarding damaged houses.

Pursuant to the directions of the High Court, while the State Government of West Bengal paid rupees five lakhs each to the next of kin of deceased who were killed in the incident of March, 2007, the State Govt. had declined to pay compensation to the next of kin of those who were killed or injured in the incident of November, 2007 on the same scale as the victims of incident of March, 2007.

3. Pursuant to an order dated 16/4/2008 by the Hon'ble Supreme Court in Writ Petition (Civil) No. 250/2007, a team from the Commission carried out spot investigation into the incident of serious human rights violation in Dantewada district of Chhattisgarh and the suffering of villagers and tribals in particular on account of violence by Maoists as well as violence by Salwa Judum.

The report of the team was submitted before the Hon'ble Supreme Court for its consideration. The team considered an incident of firing by CRPF personnel in the night of 22/23-5-2008 resulting in violation of human rights by CRPF personnel, since innocent persons were killed and injured. The team therefore recommended that the Union Government may be directed to compensate to the next of kin of deceased and the injured persons. The Commission issued show cause notices to the State Government of Chhattisgarh and recommended additional relief of Rs. 1.5 lakh each for the next of kin of two deceased as well as additional relief of Rs. 40,000/- each for the three injured.

(c) & (d): The Government of West Bengal has not accepted some of the recommendations relating to compensation for next of kin of the deceased and injured in the incident of November 2007 as well as compensation for damaged houses.

(e): 'Police' and 'Public Order' are State subjects under the Constitution of India. The prevention, detection, registration, investigation and prosecution of crimes including payment of compensation to the victims of the crimes is the primary responsibility of the State Governments.