

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:5609
ANSWERED ON:10.05.2012
SPECIAL COURTS
Panda Shri Baijayant;Pradhan Shri Nityananda

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Apex Court has ordered that special courts be set up to try offences that result in stir with damage to properties during various processions being organized in the country;
- (b) if so, the details thereof; and
- (c) the details of such courts that have since been set up in individual States/regions in the country?

Answer

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) & (b): No, Madam; However, the Supreme Court of India has, in its judgement dated 16th April, 2009, in Writ Petition (Crl.) No. 77 of 2007, considered the recommendations of Justice K.T.Thomas Committee and Mr. F.S.Nariman Committee and laid down the following guidelines:

- i. Wherever a mass destruction to property takes place due to protests or thereof, the High Court may issue suo motu action and set up a machinery to investigate the damage caused and to award compensation related thereto.
- ii. Where there is more than one state involved, such action may be taken by the Supreme Court.
- iii. In each case, the High Court or Supreme Court, as the case may be, appoint a sitting or retired High Court judge or a sitting or retired District judge as a Claims Commissioner to estimate the damages and investigate liability.
- iv. An Assessor may be appointed to assist the Claims Commissioner.
- v. The Claims Commissioner and the Assessor may seek instructions from the High Court or Supreme Court as the case may be, to summon the existing video or other recordings from private and public sources to pinpoint the damage and establish nexus with the perpetrators of the damage.
- vi. The principles of absolute liability shall apply once the nexus with the event that precipitated the damage is established.
- vii. The liability will be borne by the actual perpetrators of the crime as well as organisers of the event giving rise to the liability - to be shared, as finally determined by the High Court or Supreme Court as the case may be.
- viii. Exemplary damages may be awarded to an extent not greater than twice the amount of the damages liable to be paid.
- ix. Damages shall be assessed for:
 - (a) damages to public property;
 - (b) damages to private property;
 - (c) damages causing injury or death to a person or persons;
 - (d) cost of the actions by the authorities and police to take preventive and other actions
- x. The Claims Commissioner will make a report to the High court or Supreme Court which will determine the liability after hearing the parties.
- (c) Does not arise.