

Objectives and Essential Features of the Proposed Bill

Statement of Objectives:

An Act to ensure action by and accountability of public authorities, including all State Governments and the Central Government, for the prevention and control of communal violence which threatens the physical, social, economic, cultural, political, and human security of citizens and the unity and secular fabric of the nation; the speedy investigation, prosecution and punishment of those engaging in communal crimes; justice and security to victims and survivors; and guarantee of the rights of victims and survivors to comprehensive rescue, relief, rehabilitation, compensation, restitution and reparations.

Essential Features:

1. Broaden title and applicability of the law to include 'communal and sectarian violence'.
2. Shift from empowering the State to seeking accountability of State/ Public Authorities;
3. Ensure accountability and criminal liability of public officials for acts of omission and commission, for preventing or controlling communal & sectarian violence, or extending timely and adequate rescue, relief and rehabilitation.
4. Framework of the law must not rest on the concept of declaring disturbed areas all over the country.
5. Need for an independent statutory National Authority to ensure effective compliance with the law without disturbing the federal structure, or diluting direct responsibility of local authorities to act under current provisions of the law.
6. Incorporation of the doctrines of command and superior responsibility for both state and non-state actors.
7. Definition of communal and sectarian violence to cover both isolated incidents as well as mass crimes, against people based on religious, caste, linguistic, regional and other identities.
8. Inclusion and definition of new crimes such as sexual assault, enforced disappearances, torture, long-lasting social and economic boycott, and genocide, among others.
9. Prevent hate propaganda / hate speech through appropriate amendments to the Indian Penal Code.
10. Statutory obligation to lay down national standards and norms for the entire spectrum of provisions for victims - including rescue, relief, compensation, rehabilitation, resettlement, restitution, reparation and recognizing the rights of internally displaced persons.
11. Ensure implementation according to these norms.
12. Cash compensation amounts to be specified in terms of national norms under the law, and revised periodically.
13. Need for amendments in CrPC and Indian Evidence Act to meet extraordinary circumstance of communal & sectarian violence to protect victims' rights.
14. Specific provisions for victim-witness rights.