



Standing Committee Report Summary

The Communal Violence (Prevention, Control, and Rehabilitation of Victims) Bill, 2005

- The Standing Committee on Home Affairs submitted its 122nd Report on The Communal Violence (Prevention, Control, and Rehabilitation of Victims) Bill, 2005 on 13th December 2006. The Chairperson of the Committee was Smt. Sushma Swaraj.
- The Bill seeks to empower the government to prevent and control communal violence, provide for speedy investigation and trial of offences and rehabilitate victims.
- The Bill defines communal violence as any act that is a scheduled offence and punishable under section 19 of the Code of Criminal Procedure (CCP). The Committee recommends the definition be amended to include any act of 'omission or commission which threatens the secular fabric, integrity, unity, or internal security of the Nation.'
- The Bill allows an area to be notified as communally disturbed when communal forces cause death. The Committee observes that this does not include other heinous crimes. They recommend including areas where violence results in grievous harm or property damage.
- Under the Bill, an area may be notified as communally disturbed for no more than thirty days the first time. The government may issue new notifications if public peace and tranquillity are still disturbed. The committee recommends that a notification shall not extend beyond six months unless warranted.
- When area has been notified as communally disturbed, the competent authority may direct persons to deposit all arsenal regardless if the person has a licence. The Committee recommends deleting this provision.
- States may request the central government to send armed forces to control communally disturbed areas. The Committee recommends that if violence is not controlled within seven days, states are required to request the central government to deploy armed forces.
- The Bill allows the central government to direct the state government to take immediate action. If the central government believes that the state government is ignoring directions, the centre may declare an area as communally disturbed and deploy forces to control the violence. The Committee believes that this should be retained in order to maintain the internal security.
- If the district magistrate has reason to believe that a communal situation may break out, he may prohibit any act which may incite the situation. In order to prevent misuse, the Committee recommends adding the phrase 'or he has received information.'
- The Bill provides punishments for individuals who disobey orders, commit prohibited activities, or have committed offences under the Bill in communally disturbed areas. Anyone who commits an act of communal violence is subject to imprisonment of no less than five years. The Committee believes that a sentence of no less than three years is a sufficient deterrent.
- The punishment for public servants who fail to perform their duties shall be punished with imprisonment up to one year. The Committee believes the offence should be made uniform with other punishments and recommends imprisonment of up to three years.
- The Bill states that an owner of a goods transport vehicle with more persons than permitted in a communally disturbed area shall be subject to imprisonment, a fine, or both. The Committee believes the all vehicles should be included and recommends deleting the word 'goods'.
- The Bill allows state governments to establish a special investigation team if it feels an initial investigation of an offence was not properly done. The Committee notes that the CCP contains a similar clause and suggests its deletion.
- The Bill stipulates that the state government shall establish a special court and appoint a public prosecutor to try offences committed in communally disturbed areas. A public prosecutor must have practiced law or hold a law related post in the government for at least seven years. The Committee believes that eligibility for appointment should be based solely on legal experience.
- The Bill requires state governments to establish a State Communal Disturbance Relief and Rehabilitation Council. The Committee believes the Council should have at least one woman representative from community and religious organisations.

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