

To:
Mr. Arvind Kejriwal
Chief Minister
Government of National Capital Territory of Delhi

Subject: URGENT ISSUES ON COMPENSATION FOR VIOLENCE AFFECTED PERSONS

Date: March 11, 2020

Dear Mr. Kejriwal,

1. This is with reference to Revenue Department, GNCT of Delhi order F.1(87)/Relief/Building Collapse2010/2663 (dated 05.03.2020). We are sharing here some concerns regarding this order.
2. The clarification of different compensation rates, according to degree of damage, and recognizing floor-wise units for compensation of destroyed residential property is a welcome step towards developing compensation norms that respond to the tragic ground situation of survivors, by the Delhi Government. However, an amendment to this order must specify the floor area for which these rates have been determined, and allow for flexibility and additional compensation, as warranted, on the basis of actual assessment of destroyed properties.
3. There is also an urgent need to enhance compensation under other heads, taking into account the quantum given to violence affected persons in earlier incidents in India and adjusting it for inflation and higher cost of living in an urban metropolis like Delhi.
4. Specific suggestions on the enhancements required to respond to other real needs of survivors so that they can rebuild their lives, are outlined below:

A. ENHANCE EX GRATIA COMPENSATION:

i. Death (Major)

The compensation announced to next of kin of those who have died in the Delhi violence is 10 lakhs.

Compensation of Rs. 13 lakh was given 7 years ago, by the Uttar Pradesh government after the Muzaffarnagar riots in 2013, for survivors in a rural economy. Adjusting for inflation and cost of living in an expensive urban metropolis like Delhi the ex-gratia amount must be **enhanced to 25 lakhs**.

ii. Compensation for other categories must be enhanced accordingly as follows:

- Death (minor): 25 lakhs (the compensation for loss of life should be uniform)
- Permanent incapacitation: 8 lakhs
- Serious Injury: 3 lakhs
- Minor injury: Rs. 30,000

- Orphaned children: 3 lakhs compensation is too low, and inadequate to enable such a child to build a life, without parents. This must be enhanced to Rs. 10 lakhs, which should be paid over and above the compensation for death of parent(s) and disbursed through a process suggested in para G below.

iii. **Create new category:**

Forms of sexual violence, recognized under the Indian penal code, including rape, assault or criminal force to outrage modesty or intent to disrobe, must be added to the categories of injury with a compensation amount of 5 lakhs.

B. LOSS OF MOVEABLE PROPERTY (IN RIOTS):

- i. **Existing categories:** Only 3 types of moveable property and compensation amounts are mentioned in this order.

- Animals, including buffalo, cow, sheep, horses, camel, oxen (5000)
- E-Rickshaw/E-scooty (50,000)
- Normal rickshaw (25,000)

ii. **Create additional categories:**

There is a need to add several other categories, including motorbikes, cars, auto rickshaws, cycles, sewing machines, rehdis (thelas), and other categories based on ground assessment.

Note: Insurance policies for cars and motorbikes do not in most cases cover destruction during “riots”. Delhi government must step in to meet this loss.

iii. **Enhance Amount:**

The amount of compensation for animals (5000) must be greatly enhanced to reflect the approximate current cost of the animals as follows:

- Buffalo: 50,000
- Cow: 30,000
- Male goat: 10,000
- Compensation for burnt E-Rickshaw (50,000) must be enhanced to reflect its current cost of approximately 1,30,000

Compensation amounts for **additional categories** (para ii above) must also reflect their current market rate, since people will have to buy these items afresh.

C. ENHANCE DAMAGE TO UNINSURED COMMERCIAL PROPERTY/ COMMERCIAL ARTICLES:

- The order provides for only 50% of the loss up to a maximum of 5 lakhs.
- There must be 100% compensation by the government.
- Further, the cap of 5 lakhs must be removed.
- There is a need for on-ground assessment of loss to these enterprises with cost to be calculated at prevailing market rates, including for showrooms, shops, bakery units, godowns, home-based work, electrical spare-part units, die-making units, tailoring units and others, and fair compensation slabs determined.

D. CREATE ADDITIONAL CATEGORIES

i. Exceptional cases: case by case assessment

There are exceptional cases of loss, that do not fit into the categories of the government order. For example, families that were planning marriages of their daughters, have lost several lakhs of their life-savings in this violence, including white goods, jewelry, and clothes. The government must create a window for a case by case assessment and compensate these families for their losses.

ii. Lost employment opportunities

Workers: The destroyed, looted and shut-down economic units employed scores of workers who have been rendered jobless, and do not qualify under any existing compensation head in the GO. These workers need to be compensated for “lost opportunities of employment” and for this government must announce slabs based on a sample assessment.

iii. Evicted Tenants

Tenants have been evicted at short notice and even over-night following the violence. They must be compensated until they can find alternative accommodation.

E. DAILY SURVIVAL EXPENSES:

- i. The order does not mention any amount for daily survival costs, including food, medicines for people suffering a range of conditions, children’s needs, accommodation for families forced to flee with nothing but the clothes on their back. We do not know yet when and if these families will return to their homes.
- ii. The immediate relief of 25,000 must be therefore considered daily survival cost for one month per family.
- iii. This amount must be renewed for families that are still unable to return at the end of 30 days from February 24th, 2020, until their final return or resettlement in new locations.
- iv. This amount must not be deducted from the ex-gratia amounts above.

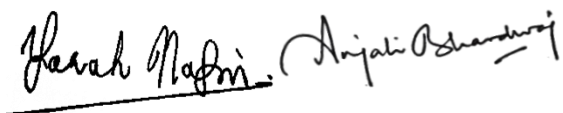
F. INTERNAL DISPLACEMENT:

- i. Government must issue an order recognizing the category of internally displaced persons (IDPs), as persons who are unable to return to their original place of dwelling.
- ii. A long-term rehabilitation plan must be drawn up in consultation with survivors, and a separate order issued for IDPs, resettling them in new habitation of their choice and with their full participation, ensuring that they are restored to levels of housing, habitat, means of livelihood and economic standards including all social and civic facilities, which are at par or better than those that they enjoyed before they were displaced.

G. PROCESS OF COMPENSATION DISBURSEMENT:

- i. Procedures for time-bound disbursement of compensation must be clearly written and disseminated in the form of a leaflet by the government to all affected persons, whether in relief camps, or private homes. There is much anxiety and confusion on the ground on the process.
- ii. It should be clarified that there is no time-limit on making compensation claims, since many people have left Delhi after this violence and may need to come back in order to make these claims.
- iii. Since forms were distributed without giving any receipt number, government must to urgently digitize and make public the full list of compensation claims filed, so that people can check online to see that their form is not lost and that it is being processed
- iv. The survival relief of 25,000 must be released immediately to each family. Today, over 2 weeks to the violence, many families we spoke to have not received this amount.
- v. Compensation assessment for loss to properties, movable and immovable, must be completed within 21 days of the submission of compensation claim form.
- vi. The results of the assessment must be made available to each affected person who has made a claim in the form of a written certificate.
- vii. The affected person, if not satisfied, must be given 7 days within which to appeal against the assessment.
- viii. Revised assessment must be made, and all claims disbursed within 30 days of the submission of compensation claim form.
- ix. In the case of a minor, the ex-gratia compensation should be released by way of a process worked out in consultation with the Delhi Commission for Protection of Child Rights.
- x. In case of any default in the timely disbursal of compensation persons shall have the right to complain to the Deputy CM's office, which should have a designated officer and widely publicized phone number to monitor these complaints till final resolution of claims.

Signed/-



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Enclosure:

1. Annexure 1- Suggested revision of compensation package in tabulated form

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1. Mr. Manish Sisodia, Deputy Chief Minister

Annexure 1: Suggested revision of compensation package announced by Delhi government for violence affected persons

	Category	Compensation announced by GNCTD	Suggested revision	Basis for suggested revisions
1.	Damage to residential unit	Three rates, for total damage, substantial damage and minor damage	Specify floor area, and allow for enhanced compensation for units of greater floor area	All units are not of the same size, and therefore survivors will incur different costs to rebuild them to their original condition
2.	Death (major)	Rs. 10 lakh	Rs. 25 lakh	13 lakh was the compensation, for surviving family members in a rural economy, 7 years ago in the Muzaffarnagar riots of 2013. The suggested revision is based on inflation, and higher cost of living in Delhi.
3.	Death (minor)	5 lakhs	25 lakhs	Principle of uniform compensation for loss of life should be adopted
4.	Permanent Incapacitation	5 lakhs	8 lakhs	The suggested revision is based on high cost of living in Delhi.
5.	Serious Injury	2 lakhs	3 lakhs	“
6.	Minor Injury	20,000	30,000	“
7.	Orphaned children	3 lakhs	10 lakhs	This compensation must be paid over and above the amount for loss of life of parent(s).
8.	New Category: Sexual violence	-	5 lakhs	Sexual violence must not be overlooked
9.	Loss of moveable property: Animal (Buffalo, Cow, Sheep)	5000	Buffalo – 50,000 Cow – 30,000 Goat – 10,000	Current market rate, since they will need to purchase afresh
10.	Loss of moveable property: E-rickshaw	50,000	1,30,000	Current market rate, since they will need to purchase afresh

11.	Additional categories of moveable needed: Vehicles, means of livelihood	Motorbikes, cars, auto rickshaws, cycles, sewing machines, rehdís (thelas) etc.	Amount to be determined on the basis of current market rates	Reflect real losses on the ground
12.	Damage to uninsured commercial property/commercial articles	50% of loss upto maximum of 5 lakhs	Compensate 100% of loss on assessment of actual cost	To enable people to re-start their businesses and lives compensation should cover actual cost of re-establishing showroom, shops, bakery units, godowns, home-based embroidery units, electrical spare part units, die-making units, tailoring units.
13.	Create new categories: Exceptional cases (marriage in the family)		Compensate 100% of loss	Families that were planning marriages of their daughters, have lost several lakhs of their life-savings in this violence, including white goods, jewelry, and clothes. Compensation on case by case basis.
14.	Create new categories: Lost employment opportunities: for workers rendered jobless		Create slabs for compensation based on a sample assessment	Scores of workers have been rendered jobless, and do not qualify under any existing compensation head in the GO. These workers need to be compensated for “lost opportunities of employment”.
15.	Create new categories: Evicted tenants		Actual cost of alternative rental accommodation	Tenants have been evicted at short notice and even overnight following the violence. Compensation should be based on rental costs, until they can find alternative accommodation.
16.	Daily survival expense	Immediate relief of 25,000	25,000 for every 30 days until they can return or are rehabilitated in new settlements.	For daily survival costs, including food, medicines, children’s needs, accommodation for families forced to flee with nothing but the clothes on their back. We do not know yet when and if these families will return to their homes. This amount <u>must not</u> be deducted from the ex-gratia amounts.

17.	Internal Displacement: Recognize rights of IDPs		Actual cost of resettling IDPs in new habitation of their choice	Some people may never be able to return. Delhi Government must ensure their full resettlement in new locations, with their participation while ensuring restoration of levels of housing, habitat, means of livelihood and economic standards including all social and civic facilities.
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Procedure: Procedure for disbursement of compensation must be time-bound and transparent and should be widely publicised. Since no proof of submission of compensation form was not provided to affected persons, there is an urgent need to digitise and publish on the website the details of forms received in order to enable people to check whether their claim has been registered. There is much anxiety and confusion on the ground on the process.