



**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI**

**FIRST REPORT
COMMITTEE ON WELFARE OF MINORITIES
(2020-21)
(SEVENTH ASSEMBLY)**

**SUBJECT: REVIEW OF COMPENSATION PAID TO THE
VICTIMS OF THE NORTH EAST DELHI RIOT (2020)**

**(PRESENTED ON 11.03.2021)
(ADOPTED BY THE HOUSE ON 12.03.2021)**

COMMITTEE ON WELFARE OF MINORITIES
Legislative Assembly,
Old Secretariat,
Delhi -- 110054

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COMMITTEE ON WELFARE OF MINORITIES

COMPOSITION

SHRI AMANATULLAH KHAN	CHAIRPERSON
SHRI ABDUL REHMAN	Member
HAJI YUNUS	Member
SHRI JARNAIL SINGH	Member
SHRI PARLAD SINGH SAWHNEY	Member
SHRI PRAVEEN KUMAR	Member
SHRI JITENDER MAHAJAN	Member
SHRI SAHI RAM	Member
SHRI SHOAIB IQBAL	Member

ASSEMBLY SECRETARIAT:

Shri C. Velmurugan	Secretary
Shri Sadanand Sah	Deputy Secretary
Shri Subhash Ranjan	Section Officer

Preface:

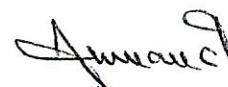
The Committee on Welfare of Minorities received representations from the Delhi Waqf Board, MLAs and general public of the constituencies of the North East Delhi months after the riots of 2020 with complaints of non-payment and inadequate payment of the compensation in lieu of the loss/damage suffered by the victims during the riots.

The Committee examined these issues in detail in its meetings held on 20.07.2020, 24.07.2020, 07.08.2020, 14.08.2020, 02.09.2020, 16.09.2020, 07.10.2020, 28.10.2020, 03.12.2020, 18.01.2021.

The observations of the Committee on the above matter have been included in the Report.

I would like to thank all the Members of the Committee for their continued guidance.

The Committee places on record its profound appreciation for the valuable assistance rendered by Sh. Sadanand Sah, Deputy Secretary, Sh. Subhash Ranjan, Section Officer, Ms. Tajally Sheheryar, Ms. Ilma Mirza, Ms. Aqsa Anis, Associate Fellows, Delhi Assembly Research Centre (DARC) and other staff of Assembly Secretariat in preparation of this report.



(Amanatullah Khan)

CHAIRPERSON

Committee on Welfare of Minorities

GENESIS

December 2019 witnessed protests in Delhi and various other parts of the country against the provisions of Citizenship Amendment Act and National Population Register which were perceived to be against the interests of some sections of the society.

Amidst the tension in the country, on the eve of February 23, violence erupted, allegedly between anti-CAA and pro-CAA sections in the North East District of the National Capital. The violence immediately took a communal turn resulting in the death of more than 50 people over the course of 4 days.

Hundreds were rendered homeless in the biting cold of February as fear-struck victims ran away to protect themselves and their families from the riots, loot and arson in their neighborhood which smelled of smoke even after a week of the unfortunate incident. Hundreds of the families were provided shelter in the relief camps established by the Delhi Government in the neighboring areas to assure safety, security and immediate medical assistance.

Government of NCT of Delhi immediately swung into action to provide relief and rehabilitation. It issued orders to pay Rs.20,000 to all injury cases, and Rs.1,00,000 for death cases as interim relief. Full and final compensation of Rs.2,00,000 to major injury cases, Rs.5,00,000 to permanent incapacitation & death of a minor and Rs.10,00,000 for the death of an adult were sanctioned. Teams were formed to assess the property damage so as to compensate the loss of the victims adequately.

As the cases of COVID-19 started increasing around the same time in Delhi, and the country saw first of its kind lockdown in March 2020, the process of disbursement of the compensation amount was affected. Such cases were brought to the notice of the *Committee on the Welfare of Minorities* for redressal. The Committee decided to take cognizance of the matter related to inadequate compensation and other related issues in the proceedings thereafter.

PROCEEDINGS AND OBSERVATIONS:

The Committee on Welfare of Minorities sought details from the office of the Divisional Commissioner, Department of Revenue, regarding the compensation paid in lieu of the loss/damage of life and property during the Delhi riots of 2020, vide letter dated 29.07.2020.

Information received from the office of the District Magistrate North-east Delhi, on 31.07.2020 disclosed the following details:

Sl. No.	Category of loss	No. of applications received	Approved and fully paid	Pending	Rejected
1	Death cases	53	46 (2 being govt. servants were paid Rs.1 cr. each)	7 (incomplete documentation and/or unresolved dispute)	Nil
2	Injury cases	372	244	118 (nature of injury not confirmed)	10 (duplicate)
3	Residential damage	1323	552	189 (incomplete documentation and/or verification)	582 (duplicate or no damage found)
4	Damage of uninsured commercial property/shops	1529	816	437 (incomplete documentation and/or verification)	276 (duplicate or no damage found)
5	Loss of moveable property	27	10	10 (incomplete verification)	7 (not covered under scheme)
6	Damage of school	05	3	2 (under dispute)	Nil
7	Damage of Jhuggies	22	22	Nil	Nil

A total of 1693 claims were settled till the date of this submission and Rs.22,58,97,967/- were disbursed for the same. As per the information given by

the DCP (North-East) to the office of DM North-East, approximately 750 FIRs were registered.

The Committee was informed in this submission that the pendency of the applications was mainly due to imposition of lockdown soon after the riots and incomplete verification of the damages as the additional Sub Divisional Magistrates (SDM) deployed in the district were relieved back to their original place of posting.

It was also brought to the Committee's notice, that the pending injury cases were not processed due to incomplete assessment of the nature of the injury, i.e. minor, major or permanent incapacitation. An order to expedite the process of categorization was sent to the concerned hospitals by the DM (North-East) after the Committee's intervention.

The Committee would like to put on record that the 7 pending death cases were prioritized after the Committee's intervention and 6 out of those 7 are now settled with full and final compensation paid. The one case left has been put on hold by the concerned SDM due to a dispute in the family of the deceased. The Committee has been assured that this particular case shall be settled as soon as the kin of the deceased resolve the dispute and provide the necessary documents for further procedure.

On 19.08.2020 the Committee wrote to the Principal Secretary, Department of Home seeking the following information:

- A. List of persons who have been detained/arrested/lodged in jail in connection with the Delhi Riots, 2020.
- B. Copy of all the FIRs pertaining to incidents of death and serious/ major injuries with details thereof.
- C. Details of persons who have been booked under UAPA for their alleged involvement in anti CAA/NRC protests and Delhi riots, 2020.
- D. Status report of the pending cases in which FIRs have not been filed till now.

Relevant part of the response received from the Department of Home GNCTD, dated 31.08.2020 is as follows:

"A total of 754 FIRs have been registered in connection with North-East riots. Chargesheet have been filed in more than 200 cases. However, Supplementary investigation is still going on in most of these cases. In other cases also investigation is in process. All 754 FIRs have been classified as sensitive. Disclosure of any information pertaining to arrests/content of FIRs at this stage may hamper the investigation of these cases. Hence, information as per s.no (A) to (C) of the reference cannot be shared at this stage..."

The Committee would like to place on record its appreciation for the Department of Home GNCTD for providing full support throughout the course of meetings. However, the Committee's objective of ensuring prompt relief for the victims was dependent on the full cooperation of the Delhi Police, which was not forthcoming. Delhi Police's reluctance to share information seriously hampered the functioning of the Committee. The Committee is hopeful that in future meetings the situation would improve.

In the following sittings of the Committee, it was brought to the notice of the Hon'ble members that a large number of victims who were paid the compensation were dissatisfied with the amount of compensation money received as it was not in proportion to the loss incurred. Many cases where the claim for compensation was rejected by the verification team were also brought to the notice of the Hon'ble Members with a request of reassessment. Similar discrepancy was highlighted in few apparently major injury/ permanent incapacitation cases which were categorized as minor injuries at the time of assessment. Consequently, the Committee sought details of cases of permanent incapacitation, major injuries and minor injuries from the office of the Divisional Commissioner, further details of cases where compensation had been sanctioned or paid with details of the amount claimed by the victim, amount recommended/assessed by the verification team and the final amount paid/sanctioned in their name along with a revised list of all rejected cases with reasons of rejection were also sought.

In the same sitting, few cases were presented before the Committee where incorrect assessment was alleged. Like in one case where the victim lost his right hand and two fingers of his left hand during the riots was paid a sum of Rs. 20,000/- only which is the amount sanctioned for minor/simple injuries. Similarly, another case of a garment seller in his twenties who was shot at and brutally beaten during the riots and lost vision in one eye with heavy damage in the other was wrongly categorized as a case of major injury instead of permanent incapacitation. The representatives of the office of the Divisional Commissioner agreed to review these cases on priority.

The Committee would like to put on record that the timely intervention in the above-mentioned cases helped the victims receive the correct amount of compensation. However, on the basis of submissions received in response to the other cases sent, it was observed by the Committee, many cases were rejected as the assessment team could not ascertain the occurrence of damage. This was observed mainly in loot and vandalism incidents.

Consequently, the Committee in its following sittings forwarded all the complaints received by the Delhi Waqf Board (a total of 218 cases) from the victims for reassessment (due to either no compensation received or inadequate compensation received) to the office of the Divisional Commissioner. As the responses were received from the office of the Divisional Commissioner in the following sittings, it was observed by the Committee that the cases were perhaps not reassessed but merely the previous remarks provided by the verification team at the time of first verification were sent across. As a result, the Committee requested Hon'ble Member Shri Haji Yunus, who is also the MLA from Mustafabad assembly constituency (one of the severely affected constituencies during the riots) to visit and physically verify the extent of damage in cases where discrepancy in the compensation claimed and received is evident. A list of these cases was prepared and presented before the Committee by Shri Haji Yunus with evidences in the form of videos and still photographs documenting the extent of damage of property in various cases where compensation was either rejected or inadequate

amount was paid to the victims. The compiled list was then sent to the office of the Divisional Commissioner to be reassessed on priority.

The Committee requested the Department of Health to take cognizance of complaints where, in the Committee's opinion, injuries were not assessed properly resulting in awarding of the compensation not commensurate with the degree of the injuries suffered. It was also suggested that a medical team may be constituted to assess and re-examine such cases in coordination with the concerned authorities of the Revenue Department.

The relevant portion of the response received from Medical Director Guru Teg Bahadur Hospital, dated, 23.10.2020 is as follows:

"It is informed that during the riots in February, 2020, 365 patients/victims were received at GTB Hospital. Out of these, 29 patients/victims were brought dead and 14 patients/victims expired during treatment. Post mortem proceedings have already been done for these "Brought dead/ Expired during treatment" patients/victims.

For the rest of the 322 patients, injury reports have been finalized for 290 patients/victims and duly forwarded to area DM/SDM for further consideration regarding compensation etc.

Thus 32 patient's/ victim's Injury Report is pending at GTBH, for the want of recall of the patient for re-examination. But no patient/victim has been brought to GTB Hospital by the respective Investigating Officers for re-examination. Patient/ victim has to be brought to GTBH by the respective Investigating Officer, thus the delay on this part is beyond the control of GTBH."

The Committee was informed about this aspect during the course of sittings and the DM and the concerned SDMs were requested to coordinate with the hospital team to expedite the process.

The Committee desires to put on record that disbursement of compensation had significantly improved. The compensation disbursement and approvals in

North East District of Delhi, as on 14.09.20, as submitted by the office of the Divisional Commissioner:

Category	Total complaints	Approved	Approved, sanctioned to be issued	Rejected / Duplicate	Compensation paid	Pending
Death	45*	41	3	1	3,96,00,000	0
Injury	328	203	28	97	1,36,00,000	0
Residential	1442	582	137	723	7,36,07,499	0
Commercial	1490	887	272	331	8,78,79,593	0
Animal / E-rickshaw	24	12	0	12	4,42,875	0
Jhuggies	22	22	0	0	5,50,000	0
School	5	3	0	2	11,00,000	0
Vehicles	52	0	0	52	0	0
Grand total	3408	1750	440	1218	21,67,79,967	0

The compensation disbursement and approvals in North East District of Delhi, as on 18.01.21, as submitted by the office of the Divisional Commissioner:

Category	Total complaints	Approved	Compensation sanctioned (in Rs.)	Rejected / Duplicate	Reopened cases which could not be contacted earlier	Pending
Death	45*	44	4,25,00,000	1	0	0
Injury	330	233	1,75,40,000	97	0	0
Residential	1447	731	8,51,27,499	712	4	0
Commercial	1500	1176	11,28,18,042	306	18	0
Animal / E-rickshaw	24	12	4,42,875	9	3	0
Jhuggies	22	22	5,50,000	0	0	0
School	5	3	20,00,000	2	0	0

Vehicles	52	0	0	52	0	0
Grand Total	3425	2221	26,09,78,416	1179	25	0

*total death cases from the district North East are 47, 2 out of which were of Government employees. The kin of the Government employees were paid a compensation of Rs. 1cr. each.

Apart from the above cases from District North East of Delhi, Shahdara District recorded a total of 6 death cases, all of which are duly settled.

The efforts of the office of the Divisional Commissioner are appreciated for taking cognizance of the matters discussed during the Committee sittings which resulted in a significant change in the lives of those victims who were stuck in the abyss of incomplete documentation or incorrect assessment of their loss. The Committee is especially grateful to both the DMs and all the concerned SDMs for prompt responses and redressals of cases highlighted by the Hon'ble members of the Committee.

It is pertinent to mention that the Committee is deeply indebted to its Hon'ble members and the Delhi Waqf Board for putting in strenuous efforts to bring up unresolved cases and helping the victims in any way possible. It would have been impossible to address various cases without their proactive approach and honest intention to serve the public.

RECOMMENDATIONS

No amount of monetary relief can compensate for the loss of life and livelihood. However, in such times of distress the prompt relief and rehabilitation measures from the Government provides some succor to the victims and their families and sends a strong message that the Government is sensitive to their hardships.

The Committee is of the opinion that even now many victims are still running door-to-door in order to receive their due compensation. Undoubtedly, the standstill in official proceedings due to the unavoidable lockdown added to the misery of the already distressed riot victims. However, a year after the riots, no victim should have been struggling to receive the compensation they deserve. On various occasions the Committee, through its members and from the Delhi Waqf board received requests for reassessment of the cases. The Committee has also come across various cases where the remarks provided by the officers in-charge of the verification and the evidence provided by the Hon'ble members do not match. The Committee believes there could have been negligence on the part of the first verification team or it could have been a simple error of judgement. Either way, this should not affect the proceedings of awarding due compensation to those who have been badly impacted in the riots. The Committee also believes, further delay in redressal of these issues would lead to mistrust in the Government/system among the victims. Therefore, in order to give a fair chance of reassessment to the victims who have complained of inadequate compensation or rejection of the claim to compensation, **a new team comprising of representatives from the office of the Divisional Commissioner, the Delhi Waqf Board and MLAs of the affected constituencies be created to conduct a physical survey of such cases.**

It is also recommended that the process of filing the compensation forms should also be resumed, only for those who could not apply for compensation last year. An effective mechanism should be put in place to avoid duplication of entries in order to save effort and time.

Action Taken Report on the recommendations should be submitted by the Divisional Commissioner within a month of adoption of this Report by the House.

Date: 10.03.2021
Place: Delhi



(AMANATULLAH KHAN)

CHAIRPERSON

Committee on welfare of minorities