

AS INTRODUCED IN THE RAJYA SABHA
ON THE 18TH DECEMBER, 2009

Bill No. XLIII of 2009

THE NAXALITE AFFECTED AREAS (SPECIAL PROVISIONS)
BILL, 2009

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BILL

to provide for framing of a national policy providing for special grants and development of areas affected by Naxalites in the country particularly in Chhattisgarh, Jharkhand, Orissa, Andhra Pradesh, West Bengal and Madhya Pradesh and relief and rehabilitation to the victims of Naxalism and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Naxalite Affected Areas (Special Provisions) Act, 2009. Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Naxalite" means a member of an extreme Maoist group employing tactics of agrarian terrorism and causing violence, kidnapping, arson, etc. in various forms.

(b) "prescribed" means prescribed by rules made under this Act.

(c) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meaning respectively assigned to them in those Acts. 45 of 1860.
2 of 1974.
37 of 1967.

National Policy for areas affected by Naxalites.

3. (1) The Central Government shall, within six months of the enactment of this Act, in consultation with the Governments of the States affected by naxalite, frame a National Policy for areas affected by Naxalites.

(2) For the purposes of implementation of the policy framed under sub section (1) of section 3, the Central Government shall provide special grants by due appropriation made by the Parliament in this behalf, to the areas and States affected by Naxalite violence:

Provided that the special grant provided under sub section (2) of section 3 shall not be less than fifty per cent of the revenue generated from the Naxalite affected areas.

Central Government to notify the Naxal affected areas.

4. The Central Government shall, within one month of the enactment of this Act, in consultation with the State Governments of States affected by Naxalites, notify the districts affected by Naxalites or the States which are affected by Naxalite violence or are under threat of Naxalite violence, in such manner as may be prescribed.

Special force to counter Naxalite violence.

5. For the purposes of countering the violent attacks by Naxalites, the Central Government shall in consultation with the State Governments, raise a special paramilitary force and provide them necessary equipments and training for the purpose.

Employment and other incentives to Naxalities, who give up violence.

6. The Central Government shall as soon as may be, in consultation with the State Governments, which are or whose areas are notified under section 4, make all efforts and frame schemes for those Naxalites who intends to given up violence and return to the mainstream of the country *inter alia* providing them with employment and other incentives as may be deemed necessary.

Compensation to the dependents of persons killed by Naxalites.

7. Notwithstanding anything contained in any other law for the time being in force, the dependents of a citizen who loses his life in Naxalite violence shall be given relief by the Central Government by paying,—

(i) an *ex-gratia* grant in the form of compensation of such amount which shall not be less than five lakh rupees in such manner as may be prescribed; and

(ii) financial assistance at the rate of two thousand rupees per month for such period as may be prescribed.

***Explanation*—For the purposes of this section "dependents" include spouse, children and aged parents who are dependent on the deceased.**

Compensation to survivors of Naxal attack.

8. Any person who is attacked by Naxalites but survives the attack and receives severe injuries thereby permanently incapacitating him or seriously injuring him, the Central Government shall,—

(i) bear the entire costs of his medical treatment; and

(ii) pay an *ex-gratia* grant as compensation of not less than two lakh rupees in such manner as may be prescribed.

Miscellaneous provisions.

9. (1) Where the dwelling unit of any family is destroyed or damaged due to torching or bombing by the Naxalites, the Central Government shall,—

(a) provide a dwelling unit to such family in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit.

(2) Where the livestock of a person is eliminated or killed or his standing crop is destroyed by the Naxalites, the Central Government shall pay adequate compensation to the owner of the livestock or the crop, as the case may be, in such manner as may be prescribed.

10. The Central Government shall provide, after due appropriation made by Parliament by law in this behalf, adequate funds to the States affected by Naxalite violence for carrying out the purposes of this Act. Central Government to provide funds.

11. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act to have overriding effect.

12. The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Many parts of our country are in the grip of Naxalite violence. It is being estimated that Naxalite activities have spread over 180 districts of the country across 10 to 13 States covering around forty per cent of the geographical area of the country. The worst affected States are Chhattisgarh, Jharkhand, parts of Orissa, Andhra Pradesh, West Bengal and Madhya Pradesh. These Naxalite groups are operating with different names and recruiting the desperate youth of the areas in their force. They are specially concentrated in the area called 'Red Corridor'. Thousands of people including police and paramilitary personnel have been killed in the Naxalite violence year-after-year. In 2008, 938 persons were killed in Naxalite violence and the number is increasing every year. These Naxal groups are running amok in the affected areas and the people there are living under constant threat and fear. These Naxalites do not spare even women, children and the poor. They are running parallel Government and collecting illegal money from the people of the affected areas. There is no denying the fact that the backwardness and uneven distribution of resources are main causes for the growth of Naxalite activities in the country. Minerals and iron ore in huge quantities worth millions of rupees are dug out from these places and in return nothing is spent from the revenue earned from these areas for its development. But at the same time, it is also true that with the kind of violent activities are being perpetuated by these persons, it is nearly impossible to develop these areas in the normal course. It is also a proven fact that brute force cannot solve this problem. Even the Hon'ble Prime Minister has described it as the biggest threat to India. There is an urgent need that a national policy to tackle the problem should be framed and special efforts are made to bring the directionless youth into the mainstream of the country. These youth should be given amnesty and provided with employment and other incentives.

The situation is grave and is turning ugly with every incident of violence. If proper attention is not given to this problem, it may cause a severe loss to the nation. Therefore, it is high time that a law should be enacted to solve the issues relating the Naxalite violence and provide relief and rehabilitation to the persons affected by these violence.

Hence this Bill.

MABEL REBELLO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide special grants to the areas affected by Naxalite. Clause 5 provides for raising a special force for countering Naxalite violence. Clause 6 provides for employment and incentives for youth shunning violence. Clause 7 provides for compensation to the dependent of persons killed by Naxalites. Clause 8 provides for compensation to person wounded in Naxalite violence. Clause 9 provides for Miscellaneous provisions or Clause 10 makes it mandatory for the Central Government to provide funds for carrying out the purposes of this bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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(Ms. Mabel Rebello, M.P.)