

Bill No. LIX of 2010

THE VICTIMS OF NAXALITE ACTS OF VIOLENCE (RELIEF
AND REHABILITATION) BILL, 2010

A

BILL

*to provide for the financial compensation, monthly allowance, relief and other
rehabilitation measures and facilities to the dependents of citizen killed in
naxalite acts of violence and those losing their property, crops,
houses etc. due to such violence in the country and for
matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Naxalite Act of Violence (Relief and Rehabilitation) Act, 2010.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

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

Definitions.

(a) "appropriate Government" means in the case of a State, Government of that State and in other cases the Central Government;

(b) "family" include husband, wife and dependent children and aged parents;

(c) "prescribed" means prescribed by rules made under this Act;

(d) 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 meanings respectively assigned to them in those Acts. 5 45 of 1860
2 of 1974
37 of 1967

Payment
Compensation
to the family
of persons
killed by
naxalites.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the family of a citizen who is killed due to naxalite act of violence shall be paid compensation by the appropriate Government as specified hereinafter, namely:—

(a) an *ex-gratia* grant of such amount which shall not be less than five lakh rupees in such manner as many be prescribed; 10

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

(2) In case the citizen killed by naxalite acts of violence referred to in sub-section (1) above was the only earning member of a family, the appropriate Government shall,— 15

(i) pay family pension at the rate of four thousand rupees per month to the family;

(ii) provide gainful employment to any one eligible member of the family;

(iii) provide free education including vocational education to the children of the citizen killed;

(iv) provide such other assistance to the family of the citizen killed as it may deem necessary for the welfare of the family. 20

(3) The provisions of sub-section (2) shall be in addition to the provisions of the sub-section (1) thereof.

Compensation
to persons
wounded by
naxalites
violence.

4. Any citizen who receives severe injuries thereby permanently incapacitating him or seriously injuring him with deep wounds, the appropriate Government shall; 25

(a) provide him appropriate medical care and bear the entire costs of his medical treatment or outdoor as well indoor medical treatment;

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

Compensation
for other
losses due to
naxalite
violence.

5. (1) Where any citizen or family losses the dwelling unit having been destroyed or damaged due to torching or bombing by the naxalities, the appropriate Government shall,— 30

(a) provide an alternate dwelling unit to such citizen or family, as the case may be, in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit in case it is repairable; 35

(2) where the citizen losses his livestock or his standing crop or orchard or poultry farm or piggery farm due to naxalite act of violence, the appropriate Government shall pay adequate compensation to such citizen in such manner as may be prescribed.

(3) where any citizen losses his business establishment or shop or kiosk or hawking or vending apparatus due to destruction thereof due to naxalite acts of violence, the appropriate Government shall pay adequate compensation to the loser citizen in such manner as may be prescribed. 40

6. (1) The Central Government shall, as soon as may be, in consultation with the Government of the States affected by naxalite violence, formulate a national policy—
- (i) to curb the spread of naxalite menace and eliminate the naxalite insurgents in the manner it is deemed necessary;
- (ii) to grant general amnesty and rehabilitation of those naxalities who wish to surrender arms and shun violence and return to the mainstream of the nation under the Constitution of India by providing them gainful employment assistance for self employment and such other measures as the Central Government may deem necessary and expedient to do so in the overall national interest.
- (2) The appropriate Government may, if it deems necessary, fit and expedient to do so in the public interest, promote village level security system by way of constituting teams of volunteers of village youth for the protection of their village from naxalite violence and provide such volunteers with necessary training, weapons and ammunition and necessary aids from time to time in such manner as may be prescribed.
- 7. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, the requisite funds to the States affected by acts of naxalite violence for carrying out the purposes of this Act.**
8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction, as the case may be, shall be final.
9. The provisions of this Act and 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 dealing with the subject matter of this Act.
10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

National Policy for Naxal violence.

Central Govt. to provided funds.

Power to remove difficulty.

Overriding effect of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and insurgency is not a new phenomenon in the country but of late many parts of the nation are in the grip of naxalite violence who are openly challenging the authority of the State and are virtually running parallel governments in some parts of the country. The naxalities who are mostly the youth are known by different names such as naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoists, etc. are active on a substantial scale in Chhattisgarh, Jharkhand, parts of Andhra Pradesh, Orissa, Maharashtra, Bihar, Madhya Pradesh, Uttar Pradesh, West Bengal, Karnataka, Tamil Nadu etc. apart from the insurgents in North-East. The naxalities are killing thousands of innocent people, policemen, personnel of paramilitary and armed forces just to create panic. They torch or blow up houses, shops and other establishments. They kidnap people for ransom and hang many after conducting people court. They even loot the police stations their weapons and blow them up with police personnel. The naxalites indulge in extortions, collect illegal taxes and in the naxalite occupied areas people remain indoors after the sunset.

Though, many precious lives are lost due to acts of violence of the naxalities but the victims are not duly compensated by the States. A paltry amount is given to the victims that too with much hassles. The families of people losing lives are not taken care of nor those who are critically injured or losing their houses livestock, crops, business establishments, etc. In a democratic country like ours, it is the sacred duty of the state to protect the life and property of its citizens and eliminate the extremists. If the State fails in its duty, then the affected citizens have to be duly compensated by the State. The youth join these outfits of variety of reasons and they have to be brought back to the mainstream of the nation by giving them amnesty, employment opportunities and incentives and suitable rehabilitation. But those defying, despite best efforts, should be eliminated under a national policy.

Hence, this Bill.

RAJEEV CHANDRASEKHAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to the family of persons killed by naxalites. Clause 4 provides for compensation to persons wounded by naxalites. Clause 5 provides for compensation for other losses. Clause 7 makes it obligatory for the central government to provide requisite funds for carrying out the purposes for the Bill. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is difficult to quantify the same but it is estimated that a sum of rupee one thousand crore may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers 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.

RAJYA SABHA

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BILL

to provide for the financial compensation, monthly allowance, relief and other rehabilitation measures and facilities to the dependents of citizens killed in naxalite acts of violence and those losing their property, crops, houses etc. due to such violence in the country and for matters connected therewith and incidental thereto.

(Shri Rajeev Chandrasekhar, M.P.)