“THE VICTIMS OF NAXALITE ACTS OF VIOLENCE (RELIEF AND REHABILITATION) BILL, 2015” - A CRITICAL ANALYSIS

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ABSTRACT
The Naxal terrorism continues to pose a serious challenge to the Internal Security of the country. The Naxals use terror as a tool for political ends. The Naxals are the members of those revolutionary groups who could not adjust with the parliamentary form of Government and continued to organise subversive and violent activities against the Government. There are different provisions under the Indian legal system that directly deal with the victims of crime in general but there are no specific provisions for providing relief to the victims of acts of Naxalism. Few of our Parliamentarians had made an effort to provide them some relief in the shape of, “The Victims of Naxalite Acts of Violence (Relief and Rehabilitation) Bill, 2015”, but the bill is still pending.

Keywords: Terrorism, Naxalism, rehabilitation

INTRODUCTION
The Naxal terrorism continues to pose a serious challenge to the Internal Security of the country. The Naxals use terror as a tool for political ends. The Naxals are the members of those revolutionary groups who could not adjust with the parliamentary form of Government and continued to organise subversive and violent activities against the Government. The supreme goal is to change the structures of the society through revolutionary means. It appeared in the West Bengal in 1967 and from there spread to Bihar, Orissa, Kerala, Andhra Pradesh, Tamil Nadu and Tripura. Government of India deals with it purely as a problem of law and order. The Naxal terrorists have committed various acts of violence and large numbers of criminal cases have been registered against them for offences including possession of arms and ammunition, extortion, abduction, bomb blasts etc. On the night of November 13, 2006, hundreds of Naxals attacked Jehanabad district prison in Bihar and freed more than 300 prisoners. Again, early morning of March 4, 2006, more than 300 well-armed Naxals rampaged through Udayagiri town, storming an Orissa State armed police camp and a sub divisional jail to free forty prisoners. In another shocking incident on the night of March 13, 2006, the Barwadih-Mughalsarai passenger train was hijacked by the armed Naxals in Jharkhand, but was released on March 15 without any damage to the passengers. Besides, on March 15, 2007, at least 55 securities personal were killed when armed Maoists stormed a police
camp at Rani Bodli in Dantewada district in South Bastar of Chattisgarh, which shocked the people of entire country.¹

Maintenance of peace, order and safety is one of the most important functions of the welfare State without which modern civilization cannot sustain itself. Maintenance of order involves punishment to the offenders and protection to the victims of crime. The offenders were considered enemies of the society and very harsh punishment was meted out to them. Later on a view was taken that criminals are pushed into the alleys of crime because of certain social factors. Therefore, they should be treated as sick persons requiring treatment. From international forum also concern was voiced to ensure basic Fundamental Rights to under trials as well as convicts. In our anxiety to ensure basic Fundamental Rights to the criminal or the offenders we ignored the sufferings of the victims of the crime. These persons were losers in the society, therefore, required more compassion.²

There are different provisions under the Indian legal system that directly deal with the victims of crime in general but there are no specific provisions for providing relief to the victims of acts of Naxalism. Our Parliamentarian had made an effort to provide them some relief but the bill is still pending.

“The Victims of Naxalite Acts of Violence (Relief and Rehabilitation) Bill, 2015”

Firstly the bill was introduced by Shri R.K. Anand, titled “Dependants of Victims of Naxalite and other Terrorism (Compensation, Rehabilitation and Miscellaneous provisions) Bill, 2005”, but it was not passed. Secondly, again it was introduced in Lok Sabha by Shri Baijayant Panda, renamed as “The Persons Affected by Naxalite Terrorism (Relief and Rehabilitation) Bill, 2009”, it was lapsed. At third time again this Bill was introduced by Shri Rajeev Chandrasekhar in 2010, titled as “The Victims of Naxalite Acts of Terrorism (Relief and Rehabilitation) Bill, 2010”. This bill was introduced in the Rajya Sabha on 9th August, 2012 titled “The victims of Naxalite Acts of Violence (Relief and Rehabilitation) Bill, 2012” but didn’t get through. And again introduced in 2015 by Shri Sunil Kumar Singh, (M.P.) under same title but still pending in Lok Sabha.

OBJECTIVES AND REASONS OF THE BILL³

“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 violence let loose by the Naxalities, who are openly challenging the authority of the State and are virtually running parallel Governments in some parts of the Country. The Naxalites are mostly the youth known with different names such as Naxalites, Peoples War Group (PWG), Maoists, Leninist-Maoists etc.., They 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 insurgencies in North East. The Naxalites are killing thousands of innocent people, policemen, personnel of paramilitary and armed forces just to create panic and spread terror. They torch up or blow up houses, shops and

other establishments with bomb and other ammunition. They do not spare even the huts of the poor and crops of the farmers. They kidnap people for ransom and hang many of them after conducting people’s 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 infected areas people are virtually forced to remain indoors after the sunset.”

“Although many precious lives have been lost due to Naxalites acts of violence but the victims of naxalism are not duly compensated by the States. A very less amount is given to the victims that are also after much difficulty. The victims’ families losing lives are not taken care of nor those who are critically injured or lose 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. At the same time it has again proved that the youth join these outfits for 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.”

“The objective of the bill is to provide for the financial compensation, monthly allowance, relief and other rehabilitation measures and facilities to the dependents of persons 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.”

**SOME IMPORTANT PROVISIONS OF THE BILL**

1. **Compensation Scheme**
   a) It is provided that if the is killed then family of the victim get the amount not less than of Five lakh rupees and financial assistance of two thousand rupee per month.
   b) If any person killed by Naxalite acts of violence was the only bread earner of the family then the concerned government will provide free education to the children which includes vocational education and can also provide employment and also give then such other assistance for the welfare of the family as is required.
   c) If a victim had suffered severe injuries and get permanently incapacitation or seriously injured with deep wounds then the concerned Government shall give him adequate medical care as well as bear the entire costs of the medical treatment it may be a indoor or outdoor medical treatment and will pay him the amount which can be four lakh rupees.

2. **Loss of Dwelling Unit**
   a) In case Naxalities torch or burnt the residential house of the victim then the concerned government provide another residential unit or repair the damaged or destroyed unit.

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4 Ibid.
5 Section 3, The Victims of Naxalite Acts of Violence (Relief and Rehabilitation) Bill 2015.
b) If the victim losses livestock, standing crop, orchard, poultry farm or piggery farm because of Naxalite act of violence, adequate compensation to be given to such victim by the Government.

c) If in any case citizen loses his business establishment, shop, kiosk, hawking or vending apparatus because of destruction of Naxalite acts of violence the Government pay adequate compensation to the person who has suffered.\(^6\)

d) In case house of the victim is destroyed because of bombing or torching by Naxals the concerned government can give him the another unit to such victim or family and shall also bear the whole expenses of repairs.

3. **Loss of Earning:**

   If the victim loses livestock or his standing crop or orchard or poultry farm or piggery farm due to act of violence, the concerned Government shall pay adequate compensation to such victim.\(^7\) If any victim loses his business establishment, shop, kiosk, hawking or vending apparatus due to destruction due to Naxalite acts of violence, the concerned Government shall pay adequate compensation to the victim.\(^8\)

4. **Formulation of National Policy:**

   The Central Government by consulting with the affected States by Naxal Violence can formulate a National Policy\(^9\)-

   a) To control the problem of Naxalism and to eliminate the insurgents take any measure as they think necessary.

   b) “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.”

   “The concerned Government may, if it thinks 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.”\(^10\)

**ANALYSIS OF THE BILL**

In the above pending bill which is drafted for the purpose of protecting the victims of Naxalism the following loopholes are discussed as under:

\(^6\) Ibid, Section 4.

\(^7\) Ibid, Section 5(2).

\(^8\) Ibid, Section 5(3).

\(^9\) Ibid, Section 6(1).

\(^10\) Ibid, Section 6(2).
1. **Narrow Definition of Victim:** Definition of the victim is very narrow. It covers only the victims who are killed or got more than 50% injuries in the acts of Naxalism. It does not cover victims of other crimes such as kidnapping, extortion or robbery etc.

2. **Provisions against illegal detentions:** Persons who are illegally detained and tortured in police custody on the suspicion of their being terrorist should also get the same benefits as the other victims.

3. **Lack of Witness Protection:** It is very important to protect the persons who act as witness to the act of terrorism or who suffered due to it. Although there are provisions under other laws like TADA but there is no such provision under this bill for the protection of witnesses. Clear cut provision should be added in this bill to make it a complete code.

4. **Complicated Procedure of Compensation:** Procedure of claiming compensation is very complicated like to which authority the application of the claim will be addressed, how the victim is to prove that he is the victim or the dependent of the victims who suffered the harm. What is the fixed amount of compensation or how the authorities will decide as to that what amount should be paid to the particular victim?

5. **Lack of Medical Assistance:** Section 3(ii) (a) of the bill deals with provisions regarding medical help, which is not clear. Persons who suffered physical harm get the medical assistance but how long? In cases when the person goes into coma or who suffered psychological harm is the fit case for this category.

On the basis of analysis of the pending Bill titled “The Victims of Naxalite Acts of Violence (Relief and Rehabilitation) Bill, 2015” in Chapter V the following suggestions should be considered to make it a complete code:

1. **Narrow Definition of Victim:** Definition of the victim is very narrow. It covers only the victims who are killed or got more than 50% injuries in the acts of Naxalism. It does not cover victims of other crimes such as kidnapping, extortion or robbery etc. these categories should also be considered and included in the list of victims.

2. **Provisions against Illegal Detentions:** Persons who are illegally detained and tortured in police custody on the suspicion of their being terrorists should also get the same benefits as the other victims.

3. **Lack of Witness Protection:** It is very important to protect the persons who appear as witness in the courts or who suffered because of acts of terrorism. Although there are provisions under other laws like TADA but there is no such provision under this bill for the protection of witnesses. Clear cut provision should be added in this bill to make it a complete code.

4. **Complicated Procedure of Compensation:** Procedure of claiming compensation is very complicated. It is not very clear as to with which authority the application of the claim will lie, how the victim is to prove that he is the victim or the dependent of the victims who suffered the harm. The amount of compensation should be fixed and proper terms and conditions should be formulated to decide the amount of compensation to be paid to the particular victim. It should be made more clear and easy by involving local bodies in it because local bodies are easy to approach.
5. **Lack of Medical Assistance:** Provisions regarding medical help are not clear. Persons who suffered physical harm get the medical assistance but how long; say if the person goes into coma or who suffers psychological harm how they would be treated. There should be added provisions that in such rare cases victims be given the free medical aid until his full recovery.

**CONCLUSION**

Our Criminal Justice Delivery System emphasis more on accused and his rights that he should be given fair trial, speedy justice, free medical etc., but victims of crime has been always ignored. Rights of the victims of crime are highlighted by the strong efforts of Judiciary and some of the Public spirited people through many landmark judgments. But even then nothing worth has been done so far except few general provisions for the victims of crime. Many International Conferences and meeting had been held in the last decade but still there is no specific law for the rehabilitation of victims of terrorism made so far. Some of the parliamentarians also made efforts in this regard but still bills on victims of terrorism pending. It is a high time for the legislature to make laws for welfare of the victims of terrorism.

The victims of Naxalism are at the mercy of government; they promise them compensation and jobs but always fail to perform their part. It is a duty of the welfare State to protect the rights of its citizens such as right to life. Our Criminal Justice Delivery System emphasis more on accused and his rights that he should be given fair trial, speedy justice, free medical etc., but victims of crime has been always ignored. Rights of the victims of crime are highlighted by the strong efforts of Judiciary and some of the Public spirited people through many landmark judgments. But even then nothing worth has been done so far except few general provisions for the victims of crime. Some of the parliamentarians also made efforts in this regard but still bills on victims of terrorism pending. It is a high time for the legislature to make laws for welfare of the victims of Naxalism.