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HOME DEPARTMENT

NOTIFICATION

The 21st February 2012

SUBJECT—Revised Scheme for Surrender and Rehabilitation of Left Wing Extremists

**S. R. O. No. 85/2012**—In order to wean away the misguided youths, who have joined the Communist Party of India (Maoist) and its front organisations, bring them back to mainstream and rehabilitate them, the State Government had approved a Scheme for Surrender and Rehabilitation of Left Wing Extremists vide Home Department Notification No. 2756-C., dated the 20th June 2006. In the mean time, the Ministry of Home Affairs, Government of India have also issued vide their letter No. 1-18015-32/2007-NM-III, dated the 26th August 2009 a revised guideline for Surrender and Rehabilitation of L.W.E. with financial assistance and provision for employment and entrepreneurial opportunity to the surrendered naxalites under the Security Related Expenditure (S.R.E.) Scheme.

In order to dovetail the provisions of the Central Scheme into the State Scheme and make it attractive the State Government have decided to revise its scheme as follows :

## 1. Objectives :

The objective of the scheme is to contain violence by Left Wing Extremists by weaning away misguided youth and hardcore naxalites who have strayed into the fold of Left Wing Extremism and find themselves trapped in their net. The Scheme seeks to ensure that naxalites, who have surrendered, do not revert back to extremism by providing them gainful employment and entrepreneurial opportunities. The Scheme also seeks to discourage tactical surrenders by those elements who try to make use of benefits extended by the Government under this Scheme to further their interest.

## 2. Definition :

- (i) “Left Wing Extremists” / “Naxalite” / “Militants” / “Maoists” mean the cadres or/and members or/and activists or/and operatives of those organisation(s)/outfit(s) declared as unlawful by the State Government under Section 16 of the Criminal Law Amendment Act, 1908 or by Government of India under the Unlawful Activities (Prevention) Act, 1967 as the case may be.
- (ii) State Government means the Government of Odisha
- (iii) Reference to “he” or “his” shall mean “she” or “her” also

### 3. Eligibility :

- (i) The Scheme is applicable only to those militants/extremists/naxalites who either have criminal records or known to be important office bearers or known cadres of the banned organisations (as explained in "Definition") and are willing to surrender with or without firearms.
- (ii) The surrendered extremist shall be categorised as "A" or "B" category taking into consideration his position in the party and involvement in crime. Important leaders/office bearers or known hardcore cadres of the rank of Dalam member and above will come under "A" category; other identified active members of extremist organisations and identified Left Wing Extremist elements involved in heinous crimes will come under category "B".
- (iii) Every surrendered extremist, to become eligible for assistance for rehabilitation, should satisfy the following criteria:
  - (a) He should reveal the real names and identity of the activists/members/associates of the militant organisation(s) in which he was working/operating.
  - (b) He should reveal the real names of financiers, harbourers, couriers etc. and other details of the organisation including source of arms and ammunition.
  - (c) He should make a clear confession of the entire criminal acts committed by him. He should give all the relevant details of the violent incidents he had participated in, like the names of planner and other participants, firearms/ammunition or property looted, distribution of arms and disposal of the property etc.
  - (d) He should make a public statement/confession of his voluntary surrender through the media.

### 4. Process of surrender :

- (a) An extremist can surrender before the Additional Director-General of Police (Intelligence)/ Inspector-General of Police (Operations)/Inspector-General of Police (Intelligence)/ Deputy Inspector-General of Police (Intelligence)/Range Inspector-General of Police/ Deputy Inspector-General of Police/District Magistrate/Superintendent of Police/Sub-Divisional Magistrate (S.D.M.)/Subdivisional Police Officer/Inspector In-charge or Officer In-charge of a Police Station and Central Armed Police Force (C.A.P.F.) officers not below the rank of Assistant Commandant and any other officer nominated by State Government in Home Department.
- (b) The officer, on receiving the surrenderee, shall send the details, as revealed by the surrenderee, to the Surrender and Rehabilitation (S. & R.) Officer and to the Screening Committee of the concerned District. The officer receiving the surrenderee will also provide immediate security to the surrenderee and send him to the Transit Camp to be maintained by the Surrender and Rehabilitation (S. & R.) Officer or Superintendent of Police of the concerned District.
- (c) The decision about the acceptance of the surrenderee or otherwise should be taken within 15 days.
- (d) Each of the Central Armed Police Force (C.A.P.F.) deployed will identify one officer of the rank of Deputy Inspector-General of Police or equivalent officer as Nodal Officer for co-ordinating matters relating to surrender and rehabilitation of naxalites.

- (e) Director (Intelligence) will be the Surrender and Rehabilitation Officer (S. & R.) Officer under the Scheme.

#### **5. Screening Committee :**

Each surrenderee will be screened by a District Level Screening Committee comprising District Magistrate, Superintendent of Police, a representative of the Intelligence Department to be nominated by Director, Intelligence, a representative of Central Armed Police Force (C.A.P.F.) (where C.A.P.F. is deployed) for accepting the surrender or otherwise. The Screening Committee shall clearly mention the category of surrenderee, i.e., category "A" or category "B" while recommending for rehabilitation package to District Rehabilitation Committee.

District Superintendent of Police will be the Nodal Officer of the Screening Committee

#### **6. Rehabilitation Committee :**

There shall be a District Level Rehabilitation Committee in each district comprising of District Magistrate, Superintendent of Police, Project Director, District Rural Development Agency and District Employment Officer. The Committee will finalise the rehabilitation package for each surrendered extremist—

- (a) The Rehabilitation Committee will sanction rehabilitation package according to the category of surrenderee, i.e., category "A" or category "B", as recommended by the Screening Committee.
- (b) District Superintendent of Police shall be the Nodal Officer of the Rehabilitation Committee.
- (c) The rehabilitation package will be sanctioned within a month
- (d) The Committee will scrutinise each case of surrender falling under its respective jurisdiction and finalise the rehabilitation package for each surrendered extremist by taking into consideration the following aspects :
  - (i) Socio-economic background of the extremist
  - (ii) His age
  - (iii) His general education and technical qualification
  - (iv) His preference for the kind of rehabilitation
  - (v) Viability of the rehabilitation package in his case.
- (e) After the surrenderee has been thoroughly debriefed and examined and his eligibility is established, the District Rehabilitation Committee shall sanction the rehabilitation package. A monthly statement on rehabilitation sanctioned shall be sent by the Superintendent of Police of the District to the Government in Home Department through the Surrender and Rehabilitation Officer.
- (f) The Rehabilitation Committee will meet once in three months to monitor the progress of the package till all the benefits are extended and submit a report on the progress to the Home Department.

## 7. Rehabilitation Package :

The Rehabilitation Package for surrenderee coming under category “A” will consist of one or more of the following benefits :

- (i) Payment up to Rs. 25,000 for surrendering with the arms in working condition, live ammunition and explosives, calculated at the following rates—

Sl. No.	Type of firearms/explosives	Amount of reward
(1)	(2)	(3)
(i)	AK-47/56/74 Rifles	Rs. 15,000.00 per weapon
(ii)	UMG/GPMG/Picca/RPG/Sniper Rifle	Rs. 25,000.00 per weapon
(iii)	Pistols/Revolvers	Rs. 3,000.00 per weapon
(iv)	Rockets	Rs. 1,000.00 per rocket
(v)	Grenade/Hand Grenade/Stick Grenade	Rs. 500.00 per grenade
(vi)	Remote Control Device	Rs. 3,000.00 each device
(vii)	Ammunition of all types	Rs. 3.00 per round
(viii)	IED	Rs. 1,000.00 each
(ix)	Mines	Rs. 3,000.00
(x)	Explosive material	Rs. 1,000.00 per Kg.
(xi)	Wireless Sets :	
	(a) Short range	Rs. 1,000.00 per each set
	(b) Long range	Rs. 5,000.00 per each set
(xii)	SAM Missiles	Rs. 20,000.00
(xiii)	Satellite Phone	Rs. 10,000.00
(xiv)	VHF/HF communication sets	Rs. 5,000.00
(xv)	Electronic Detonator	Rs. 50.00
	Other Detonator	Rs. 10.00

NOTE—The incentive given for surrender of the aforesaid arms shall be deposited in the form of a fixed deposit in joint names of surrenderee and Nodal Officer of the District and may be given to the surrenderee at the time of completion of 3 years after surrender and subject to good behaviour by the surrenderee.

- (ii) Provision of cash equivalent of 04 decimal homestead land as per the Resettlement & Rehabilitation (R. & R.) Policy (Rs. 25,000.00 at the current rate), as admissible and variable from time to time.
- (iii) Payment of House Building Grant at par with Indira Awas Yojana (currently Rs. 45,000.00) as admissible and variable from time to time.
- (iv) Payment of a sum of Rs. 3,000.00 per annum for pursuing studies. In case the surrenderee is too old for studying in the formal school, the option of studying through National Institute of Open Schooling should be explored.

- (v) In case the surrenderee opts for marriage, an incentive of Rs. 25,000.00 only will be granted for his marriage, if there is no surviving spouse. This amount will be paid either at the time of marriage or after the marriage has been solemnised.
- (vi) He will be paid Rs. 2,50,000.00 on acceptance of his surrender. Out of this, Rs. 50,000.00 will be given to him in cash to meet his immediate need. The remaining amount of Rs. 2,00,000.00 will be deposited in Fixed Deposits in favour of surrenderee and the Nodal Officer of the District, out of which Rs. 50,000.00 will be released after one year and the balance amount of Rs. 1,50,000.00 after three years subject to the satisfactory conduct of the surrenderee. This money can also be utilised as co-lateral security/ margin money against loans to be availed of by the surrenderee from any Bank for self-employment.

In event of a surrenderee been able to secure any Government job, this amount shall not be given to the surrenderee.

If the surrenderee carries on his head any Reward Money declared by Government of Odisha for his apprehension, he will be paid either the financial assistance of Rs. 2,50,000.00 or the declared reward amount whichever is higher.

- (vii) He/she will be imparted training in a trade/vocation of his/her liking or befitting his/her aptitude. A stipend of Rs. 2,000.00 per month will be given for a maximum period of three years as per the guidelines of Government of India. However, if the surrenderee secures any employment in Government or any gainful self-employment, the monthly stipend will be discontinued. Project Director, District Rural Development Agency will take steps for the training. Steps should be taken to impart training to the surrenderee through State Employment Mission.

**8. The Rehabilitation Package for surrenderee coming under Category “B” will consist of one or more of the following benefits :**

- (i) Payment up to Rs. 25,000 for surrendering with the arms in working condition, live ammunition and explosives, calculated at the following rates—

Sl. No.	Type of firearms/explosives	Amount of reward
(1)	(2)	(3)
(i)	AK-47/56/74 Rifles	Rs. 15,000.00 per weapon
(ii)	UMG/GPMG/Picca/RPG/Sniper Rifle	Rs. 25,000.00 per weapon
(iii)	Pistols/Revolvers	Rs. 3,000.00 per weapon
(iv)	Rockets	Rs. 1,000.00 per rocket
(v)	Grenade/Hand Grenade/Stick Grenade	Rs. 500.00 per grenade
(vi)	Remote Control Device	Rs. 3,000.00 each device
(vii)	Ammunition of all types	Rs. 3.00 per round
(viii)	IED	Rs. 1,000.00 each
(ix)	Mines	Rs. 3,000.00
(x)	Explosive material	Rs. 1,000.00 per Kg.

(1)	(2)	(3)
(xi)	Wireless Sets :	
	(a) Short range	Rs. 1,000.00 per each set
	(b) Long range	Rs. 5,000.00 per each set
(xii)	SAM Missiles	Rs. 20,000.00
(xiii)	Satellite Phone	Rs. 10,000.00
(xiv)	VHF/HF communication sets	Rs. 5,000.00
(xv)	Electronic Detonator	Rs. 50.00
	Other Detonator	Rs. 10.00

NOTE—The incentive given for surrender of the aforesaid arms shall be deposited in the form of a fixed deposit in joint names of surrenderee and Nodal Officer of the district and may be given to the surrenderee at the time of completion of 3 years after surrender and subject to good behaviour by the surrenderee.

- (ii) Provision of cash equivalent of 04 decimal homestead land as per the Resettlement & Rehabilitation (R. & R.) Policy (Rs. 25,000.00 at the current rate), as admissible and variable from time to time.
- (iii) Payment of House Building Grant at par with Indira Awas Yojana (currently Rs. 45,000.00) as admissible and variable from time to time.
- (iv) Payment of a sum of Rs. 3,000.00 per annum for pursuing studies. In case the surrenderee is too old for studying in the formal school, the option of studying through National Institute of Open Schooling should be explored.
- (v) In case the surrenderee opts for marriage, an incentive of Rs. 25,000.00 only will be granted for his marriage, if there is no surviving spouse. This amount will be paid either at the time of marriage or after the marriage has been solemnised.
- (vi) He will be paid Rs. 1,00,000.00 on acceptance of his surrender. Out of this, Rs. 50,000.00 will be given to him in cash to meet his immediate need. The remaining amount of Rs. 50,000 will be deposited in Fixed Deposits in favour of the surrenderee and the Nodal Officer of the district and will be released after one year subject to the satisfactory conduct of the surrenderee. This money can also be utilised as co-lateral security/ margin money against loans to be availed of by the surrenderee from any Bank for self-employment.

In event of a surrenderee been able to secure any Government job, this amount shall not be given to the surrenderee.

If the surrenderee carries on his head any Reward Money declared by Government of Odisha for his apprehension, he will be paid either the financial assistance of Rs. 1,00,000.00 or the declared reward amount whichever is higher.

**9.** The benefits fo the Scheme shall be applicable to a surrenderee who has surrendered on or after dated the 26th August 2009.

**10.** In case both husband and wife surrender, both shall be taken as one unit for sanction of the rehabilitation package, whether they surrender together or separately, except for the purpose of payment for surrender of arms, live ammunition, explosives etc. mentioned in the table of Paras. 7 & 8 above, and for the payment of reward on their heads declared, if any.

**11.** The accrued assets shall automatically be forfeited to the State Government, in case the surrenderee reverts back to extremist activities. These assets shall also be forfeited, if he is found to be secretly assisting the extremists. Decision of the Government, regarding whether he is secretly assisting or not shall be final and cannot be challenged.

**12. Custody of surrendered weapons :**

The Superintendent of Police of the concerned district will be the custodian in respect of safe storage of weapons and ammunition surrendered by the Naxalites.

**13. Criminal Cases :**

Heinous crimes committed by the surrenderee will continue in the Courts. State Government may, however, consider withdrawing cases pending against minor offences committed by the surrenderee. State Government may provide free legal services/advocate to the surrendered Naxalite. Fast Track Courts may be constituted by the State Government for speedy trial of cases against the surrenderee.

**14.** The benefits of this Scheme will be extended retrospectively to the Naxalites who have already surrendered.

**15.** The State Government may review the working of this Scheme annually and may modify its provisions as considered necessary.

[ No. 484—EXT-9/2012-C. ]

By order of the Governor

U. N. BEHERA

Principal Secretary to Government