

The salient provisions of the Bill are:—

- (i) Stringent punishments for perpetrators, abettors and harbourers of organised crime;
- (ii) Offences to be tried by Special Courts;
- (iii) Confessions made before a Police Officer not below the rank of Superintendent of Police to be admissible in the trial;
- (iv) Provisions for protection of identity of witnesses;
- (v) Attachment and forfeiture of property earned through organized crime;
- (vi) Powers to Police Officers to order attachment of property;
- (vii) Presumption of offence in certain circumstances unless the contrary is proved.

(d) and (e) The following State Legislations on control of organised crime have been assented to by the President in accordance with the then policy of the Government:—

1. The Maharashtra Control of Organised Crime Bill, 1999 — 23.04.1999
2. The Andhra Pradesh Control of Organised Crime Bill, 2001. (valid for three years 16.10.2001)
3. The Karnataka Control of Organised Crime Bill, 2000 — 22.12.2001

(f) The State Legislations are examined from three angles viz. (a) repugnancy with Central Laws, (b) deviation from National or Central Policy and (c) legal and Constitutional validity. Whenever necessary, the State Government are advised to modify/amend provision of such legislations keeping the above in view. With a view to expeditiously arriving at a decision, discussions are also held with State Governments and Ministries/Departments of the Governments of India. Hence no time-frame can be fixed in this behalf.

Gorkhaland Territorial Administration Accord

1164. SHRI M. VENKAIAH NAIDU:

SHRI SAMAN PATHAK:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the Government of India, the Government of West Bengal and Gorkhaland Janmukti Morcha (GJM) came to an agreement and a Gorkhaland Territorial Administration (GTA) Accord was signed;

(b) if so, the salient features of the Accord; and

(c) whether all the concerned stakeholders have been taken into confidence?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI JITENDRA SINGH): (a) to (c) Yes, Sir. An agreement has been signed on 18.7.2011 between Government of India, Government of West Bengal and Gorkha Janmukti Morcha. The salient features of the agreement are as under:—

1. An autonomous body titled Gorkhaland Territorial Administration (GTA) will be constituted in place of Darjeeling Hill Gorkha Council by way of direct election.
2. There shall be a GTA Sabha for the GTA which shall consist of 45 elected members and 5 members to be nominated by the Governor to give representation to members of SC, ST, women and minority communities. The terms of GTA shall be 5 years.
3. The power to frame rules/regulations under the State Acts to control, regulate and administer the departments/offices and subjects transferred will be conferred upon the GTA.
4. The administrative, executive and financial powers in respect of the subjects transferred will be vested in such a way that the new Body may function in an autonomous and effective way.
5. The Government of India will provide financial assistance of Rs. 200 crore per annum for 3 years for projects to develop the socioeconomic infrastructure in GTA over and above the normal plan assistance to the State of West Bengal.
6. The GTA will have the power of creating Group B, C and D posts with the approval of Governor. The recruitment will be done through a Subordinate Service Selection Board to be set up for this purpose.
7. Since the formation of new authority will take some time and since the developmental works in the hills, which have already suffered badly, cannot be allowed to suffer further, there will be a Board of Administrators in DGHC which would be fully empowered to exercise all the powers and functions of the Chief Executive Councilor under the DGHC Act, 1988 and to decide on the much needed developmental works in the hills.
8. The GJM agrees to ensure that peace and normalcy will be maintained in the region.
9. The Government of West Bengal shall repeal the DGHC Act, 1988 alongwith formation of GTA to be constituted by an Act of the legislature.