

# **LOKSABHA DEBATES**

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**TENTH LOK SABHA**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

# CONTENTS

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No. 14, Saturday, December 18, 1993/Agrahayana 27, 1915 (Saka)

COLUMNS

Public Accounts Committee	
Fifty-fourth and Fifty-sixth Reports — <i>Presented</i>	15
Transplantation of human organs Bill—Extension of time for Presentation of Report of the Select Committee	15–16
Business of the House	16–18
Statutory Resolution re: Disapproval of Protection of Human Rights Ordinance; AND	
Protection of Human Rights Bill	18–82
Motion to consider	
Shri A. Charles	19
Shri Syed Shahabuddin	21
Dr. (Shrimati) K.S. Soundaram	32
Shrimati Dil Kumari Bhandari	35
Shri Sudhir Sawant	37
Shri Hari Kishore Singh	41
Shri P.C. Thomas	44
Shri Jagmeet Singh Brar	46
Shri S.B. Chavan	50
Statutory Resolution re: Disapproval of Protection of Human Rights Ordinance— <i>Negatived</i>	67
Protection of Human Rights Bill	
Clauses 2 to 43 and 1	68
Motion to pass, as amended	
Shri S.B. Chavan	71
Inland Waterways Authority of India (Amendment) Bill	82–84
Motion to consider	
Shri Jagdish Tytler	82
Clauses 2, 3 and 1	82
Motion to Pass, as amended	
Shri Jagdish Tytler	84

	COLUMNS
Jute Manufactures Development Council (Amendment) Bill	84–94
Motion to consider	
Shri Mukul Wasnik	84
Shri Syed Shahabuddin	85
Shri Syed Masudal Hossain	88
Clauses 2 and 1	92
Motion to pass, as amended	
Shri Mukul Wasnik	93
Sick Industrial Companies (Special Provisions) Amendment Bill	94–95
As passed by Rajya Sabha	
Motion to consider	
Dr. Abrar Ahmed	94
Discussion Under Rule 193	
Increasing Population in the Country	95–114
Shrimati Malini Bhattacharya	95
Dr. Kartikeswar Patra	110

# LOK SABHA DEBATES

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## LOK SABHA

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*Saturday, December 18, 1993/  
Agrahayana 27, 1915 (Saka)*

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*The Lok Sabha met at Five minutes past  
Eleven of the Clock.*

[MR. SPEAKER *in the Chair*]

[*English*]

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Sir, as a bonus for being present you should allow us in Zero Hour.

[*Translation*]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, with great distress I wish to raise a question in this House. This question was also raised here earlier. The Bihar Congress(I) leader and former legislator Shri Pankaj Kumar Singh was kidnapped by Kashmir terrorists during the summer of this year. He could not be got released from the militants till date. The members of his family have been threatened by militants and they have put a simple condition. It is a matter of somebody's release. I do not know what

the Government is doing but many hon. Members of Parliament from Bihar had requested the hon. Minister of State in the Ministry of Home Affairs Shri Rajesh Pilot on personal basis in this regard. The Bihar Chief Minister Shri Laloo Prasad Yadav has also contacted the Hon. Minister of Home Affairs twice. Yesterday also he again contacted him. That person must be saved. Through you I would like to urge upon the Government that all possible measures should be taken in this regard. As he belongs to the weaker section of the society so he is being ignored. Had he belonged to an affluent family or had been a big leader, the Government would have made a deal for getting him released. I am not pleading for him. I would like to submit only this much that his life is very precious for us as he is a very popular leader of Nalanda district. Therefore, all out efforts should be made for his release. The hon. Minister of Home Affairs is sitting here. It will provide a great relief to the people of Bihar and the members of his family if the Minister of Home Affairs can assure something in this regard.

SHRI HARI KISHORE SINGH (Sheohar): Mr. Speaker, Sir, I would like to make a request to you. The Hon. Members of Parliament from Bihar are not present here. On behalf of them as well as on my own behalf I would like to state that it has got a human aspect. The

[Shri Hari Kishore Singh]

previous Governments also had got the kidnapped persons released in exchange for release of not one but several militants. With utmost responsibility and distress I appeal that the hon. Minister of State in the Ministry of Home Affairs should take effective measures in order to get Shri Pankaj Kumar Singh released.

SHRI SURAJ MANDAL (Godda): I also would like to make my submission in this regard.

MR. SPEAKER: If ten hon. Members speak on a issue, other hon. Members cannot speak on other issues. If you insist on speaking, I would call ten persons to speak on a particular issue, but then the hon. Members would not be able to speak on other issues. This house cannot run on your whims. Please take your seat. I am endeavouring that as many Members as possible should be allowed to speak on more and more issues. If we choose an issue and ten members speak on that, other hon. members do not get their chance to speak and they rush to the well of the House.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): About the point raised, I will certainly look into the matter.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Speaker Sir, with pain and rather a heavy heart I would like to bring to the notice of this august House about a sad event. Mr. Kush Ramgobin, the great grandson of Gandhiji, the father of the nation, was shot dead in South Africa in the North Coast of Natal.

Some miscreants entered into his house through a window, tied up the

security guard and the maid and killed him. It is a matter of concern for all of us and we should express sympathy for the living heir of Gandhiji.

He was a young and meritorious man; he was fighting against apartheid. Naturally the reason for killing him is obvious.

I would request the Ministry of External Affairs to find out as to how and under what circumstances he was killed. Also, the people of Indian origin are facing a real ordeal there. The Government should find out and inform this House about them.

[Translation]

SHRI SURAJ MANDAL: Mr. Speaker, Sir, the hon. Prime Minister had assured to settle the Jharkhand issue promptly during the discussion on the No-Trust Motion in this august House. Not only that but during the course of his address from the rampart of the Red Fort on August 15, 1993 in which the policy of the Government of India is announced. He had stated to get the Jharkhand issue settled. Therefore, the Prime Minister had again promised to resolve the Jharkhand issue in a general meeting held at Lucknow on 9th November.

Jharkhand problem is a long standing problem. People of these areas are very simple and innocent and they have love for their country and since no solution to their problem has been found, they are resorting to bomb blasts and terrorism.

Mr. Speaker, Sir, the Union Government had constituted a Committee on Jharkhand Morcha in 1990 which submitted its report in the month of May,

but in the meantime there was a change of Government at the Centre. The Committee—report on Jharkhand Issue was placed before the House on 30th May, 1992. I have written a letter also to you in this regard that there have been debates in this House on Jammu and Kashmir problem, Tamilnadu problem, Assam agitation and Kuki problem, but the Union Government and State Government were not serious about Jharkhand-problem. There was a consensus on all the aspects of this problem in the meeting held on 28.4.93 under the Chairmanship of the hon. Minister of Home Affairs. The meeting was also attended by the hon. Chief Minister of Bihar. The Union Government sent a proposal to the State Government in this regard. In reply to a question in this House, Shri Rajesh Pilot stated that the hon. Chief Minister of Bihar was going to adopt the proposal by convening a Special Session of the State Assembly within 7 days. But when this was not done an economic blockade was declared from 15th September. Thereafter, the hon. Chief Minister of Bihar sent a FAX message to the Ministry of Home Affairs on 21st September wherein it was stated that they were going to adopt the proposal by convening a Special Session of the State Assembly on 30th October. A copy of the message was sent to me on 24th September in which the hon. Chief Minister of Bihar had requested to me to withdraw the economic blockade. Mr. Speaker, Sir, on 21st October, the Home Ministry sent a message to the hon. Chief Minister of Bihar referring to Article 204 of the Constitution that if there was any Bill pending with the Union Government then the state Government cannot adopt the raid proposal. There is a constitutional controversy between the Union Government and the State Government and the people are being crushed in between.

The people of Jharkhand, with much anguish towards the leaders of the country are heading on the path of terrorism. I would like to submit that the hon. Minister of Home Affairs and Senior leaders like Nitish Kumarji and Hari Kishoreji are present here, but they are taking this problem lightly.

SHRI NITISH KUMAR: I take it very seriously. With your permission, I would like to make a brief submission.

SHRI HARI KISHORE SINGH: I am telling very seriously. I have seriously said it that you have become a victim of the conspiracy of Union Government which aimed at ending your friendship with the Janata Dal and Lalooji.

SHRI SURAJ MANDAL: I can neither join hands with you nor with the Union Government on this issue. I know and I have said that the issue of Jharkhand is a national problem for us and whosoever solves this problem will get my support. It was laid down in the election manifesto of your party and that of the National Front, but your Government worked contrary to the promise made therein. An elected Chief Minister in a democratic country who is the upholder of the Constitution and governs the State administration, has called himself the King of that State. He has stated that Shri Narasimha Rao is the king of Delhi while he is the King of Bihar. He says that he hardly bothers for anybody's statement. Notwithstanding, he further said that Jharkhand State would be created only after his death. A democratically elected Chief Minister who enjoys the majority support of the people, says that creation of Jharkhand would be possible after his death. He should adopt constitutional methods on this issue. Our demand for a separate state is based on

[Shri Suraj Mandal]

constitutional methods. If our approach is contrary to the provisions of the Constitution, we may then be put behind the bars and our agitation may be banned. Nevertheless, such statements being made on the part of a Chief Minister do arouse resentment among the people of the country. I would, therefore, like to submit to the hon. Minister of Home Affairs that he should take the matter seriously and should try to find out a solution to this problem lest intrusion of terrorists into those areas would not possibly be checked. Our own people are also getting attracted towards them. If dharnas and satyagrahas are of no avail, we will have to resort to armed-agitation as is being done in Kashmir, Punjab and Assam, only then the Union Government and the State Government will pay attention to the problem.

[English]

MR. SPEAKER: This is not a regular speech. Please conclude.

[Translation]

SHRI SURAJ MANDAL: The people of Jharkhand area are alienating from the mainstream of the country. I would, therefore, request the hon. Minister of Home Affairs to make a statement in this regard so that the alienation of the people may be withheld. People of that area are already distressed since there has been no development in this area while this area is full of potentials for industrial growth. It will not be proper if elements of terrorist mentality enter there.

[English]

MR. SPEAKER: Will you please conclude now?

[Translation]

SHRI SURAJ MANDAL: Sir, I would like to request the honourable Home Minister through you to tell the House as what is the importance of the Prime Minister's statement in public in this regard as well as his intention about it and on what basis he had stated about it in the House and from the Red Fort.

[English]

SHRI S.B. CHAVAN: Sir, the allegation which the hon. Member has made is that there is a conspiracy by the Central Government to create some kind of a rift between Jharkhand and the Chief Minister. Sir, I strongly Protest. This is incorrect. On the floor of the House, such insinuation should not be made. (Interruptions)

[Translation]

SHRI NITISH KUMAR: We all also wish to have the solution of Jharkhand problem. Four states are involved in it and all these four States should be taken into confidence while finding a solution to this problem. We have been demanding for a long time that small States should be created in the country and to achieve this a State reorganisation board should be established. Just now Suraj Mandal Ji has said that Bihar Government has created a constitutional obstacle in this regard but it is not so because there is a provision in the constitution that any Bill, passed by the legislative Assembly and sent for the Presidents assent can not be put for fresh discussion until it is returned back to the Legislative Assembly. It is a constitutional arrangement and Bihar Government has said the same thing that this may be discussed after sending it back. Mr. Speaker Sir, as far as Bihar Government

is concerned hon. Chief Minister of Bihar has told Shri Suraj Mandal and Shibbu Soren twicely in my presence yesterday and five days ago, to which I am a witness, to visit Patna for discussing the final draft of the Bill and he is also not against it. So in the event of Centre returning it back we will take initiative to get it passed in Legislative Assembly. I would like to inform the House through you that Chief Minister has told this to Shri Shibbu Soren and Shri Suraj Mandal in my presence, that the Government could form its own opinion keeping in view the above facts.

SHRI SURAJ MANDAL: Which type of opinion are you talking about?

MR. SPEAKER: If this issue is so much important then why are you not giving notice of question in this regard and why you are raising it in the Zero Hour only.

SHRI SURAJ MANDAL: Today itself I have written a letter to you in this regard.

MR. SPEAKER: Speaker is given notice and not written letters.

SHRI SURAJ MANDAL: Shri Shahabuddin has given notice.

SHRI SHARAD YADAV (Madhepura): Today in all the newspapers this news has appeared that the Government of Madhya Pradesh has provided 14 per cent reservation to the backward classes in the State. Sir, through you, I would like to raise this issue in this House because it is contrary to the decision given by the Supreme Court. There are several such regions in the country which are already providing 62-65 and upto 70 per cent reservation for

the people belonging to backward classes and it is still going on. I would like to know the relevance of the announcement of 14 per cent reservation made by the Madhya Pradesh Government when 52 per cent population of the State belongs to backward classes. A few State Governments are continuously trying to revert the decision given by the Supreme Court. In Madhya Pradesh, 14-20 per cent people belonging to backward classes had been already getting selected for the Government service with their own ability. But by fixing the quota, as per the population, it would have been 27 per cent, so I would say, that the State Government is betraying the people belonging to backward classes by depriving them of their rights. Madhya Pradesh Government is doing a great injustice by misleading these people while deciding the Mandal Commission case, Supreme Court has decided that reservation in Central Government services should not exceed 50 per cent but these State Governments are functioning contrary to it and trying to snatch their hard earned rights. Uttar Pradesh Government has announced 27 per cent reservation which is in accordance with the population of backward classes in the State. But Madhya Pradesh Government's announcement is depriving the people of backward classes of their rights. 14 per cent people of these classes had been already getting selected in the Government Services with their own efforts which reveals that they were better placed than the Scheduled Castes and were able to succeed more in competitions comparatively. So like other regions in Madhya Pradesh also, 52 per cent should be given to SC/ST and backward class people in Government services. The announcement of 14 per cent in return for it, the Govt. of Madhya Pradesh has done great injustice towards these sections.

[Shri Sarad Yadav]

Sir, I would like to request the Central Government through you, for making amendments in the Constitution of India and to ask the Supreme Court for justifying its verdict given on this issue. The Government should immediately bring a fresh Bill in the House in order to check the arbitrary functioning of those Governments which are depriving poor people of their rights contrary to the decision of Supreme Court and these backward classes should be provided the prescribed 50 per cent reservation quota. Therefore a fresh Bill should be brought to ensure that the decision of the Supreme Court could be implemented throughout the country strictly and uniformly and no Government could dare to deprive the backward classes of their rights. The Government should clarify its stand so that no injustice is to be done toward these people.

SHRI BRISHIN PATEL (Siwan) Mr Speaker Sir the session is going to conclude after five or six days. You may be remembering that during last session an assurance was given to allocate Rs one Crore on recommendations of several Members of Parliament.

MR SPEAKER Please take your seat. I am looking into the matter. I am not allowing you. (*Interruptions*)

SHRI BRISHIN PATEL Mr Speaker Sir I would like to say that Members of Parliament are likely to visit their respective Constituencies and if announcement in this regard would have been made then they would be able to implement small schemes in their areas. (*Interruptions*)

MR SPEAKER Please do not make a speech here. You are compli-

cating the matter, so I am telling you to take your seat.

[*English*]

SHRI SYED SHAHABUDDIN (Kishanganj) Mr Speaker Sir, I rise to draw the attention of the House to the verdict of the Citizens Tribunal on Ayodhya which was composed of three eminent jurists Justice Chinappa Reddy, Justice D A Desai both former Supreme Court Judges and Justice D S Tewatia former Chief Justice of the Punjab High Court. The Tribunal hearings in Delhi in July 1993 on the basis of the report submitted to it by the Citizens Commission of Inquiry which was headed by an eminent administrator former Chief Secretary of Bihar Shri Kamla Prasad. The Tribunal has come to three basic findings. It has held firstly that the Sangh *parivar* is guilty of a well laid conspiracy leading to the demolition of the Babri Masjid. (*Interruptions*)

MR SPEAKER Shahabuddin Ji can we take cognisance of such things? Otherwise anybody will pass any judgement and it will become a binding.

SHRI SYED SHAHABUDDIN This is not anybody Sir. It is an important development in our public life that three eminent judges who have been Judges of the Supreme Court and High Court have come to a conclusion. (*Interruptions*)

MR SPEAKER We all respect them but this is not in an official capacity.

SHRI SYED SHAHABUDDIN Give me half a minute Sir. Secondly, they have said that the Central Government is guilty of culpable negligence and willful refusal to discharge its Constitutional obligations. Thirdly, they have said that

the State Government, then headed by Shri Kalyan Singh, and the district officials are guilty of inaction in the face of mob violence I do not know what the Government can do in the matter The Government have also instituted an inquiry but that inquiry is still in a very initial stage I would however request the Government to take notice of the various recommendations that have been made by the Citizens Tribunal in order to see that an Ayodhya like situation is not repeated is never repeated in our country Thank you very much Sir

*[Translation]*

SHRI MOHAN SINGH (Deoria) Mr Speaker Sir a leading educational institution of Northern India Kashi Hindu University is at present closed and yesterday police lathicharged students both the girls and boys Four days back two girl students living in Girl Hostel were brutally murdered and their bodies were thrown behind the Hostel The girl students came on roads in protest against this incident and they gheraoed the Vice-Chancellor and the Registrar The girls also gheraoed the Acting Vice-Chancellor The Police intervened and resorted to lathi-charge indiscriminately

Since Kashi Hindu Vishwa Vidyalaya is a Central University and the Government of India has control over it I would request the Government of India to restore normally there and to condemn this ghastly incident as well as get this matter investigated through CBI Those persons who showed negligence should be punished Permanent Vice-chancellor should be appointed there and the University should be reopened I would like to urge upon the Government that compensation should be given to the families of the deceased

*[English]*

SHRI E AHAMED (Manjeri) Mr Speaker, Sir I am constrained to bring to the notice of the Government of India the pathetic situation in Assam It is reported that the names of more than twenty-five lakh people who had been enlisted as voters in 1980-81 and 1990-91, have been deleted from the electoral rolls prepared by the Government there It has been done on the ground that these people are alleged to be foreigners There was a tribunal under the Rajiv Gandhi Accord and that Tribunal had to determine who is a foreigner and who is not a foreigner

The norms accepted for this were the school certificate ration card and the place of residence permission But they are now insisting—may be presumably on the directions from the Election Commission I do not know and I say subject to correction—that birth certificate should be produced As a matter of fact even the Ministers now in Assam will not be able to obtain a birth certificate On this flimsy ground alone names of some more than 30 lakhs of people—out of whom three-fourths are belonging to Muslim community and other Bengali-speaking people—have been deleted from the electoral rolls of Assam It is quite unjust and unfair and it is to be rectified I hope the hon Home Minister will take cognisance of this and will do the needful in the matter

MR SPEAKER Thank you We have given half-an-hour for this I think we can now go to the next item

*(Interruptions)*

SHRI MALINI BHATTACHARYA Sir, we have not got a chance to speak in zero hour *(Interruptions)*

11.32 hrs

PUBLIC ACCOUNTS COMMITTEE

**Fifty-Fourth and Fifty-Sixth  
Reports**

[*Translation*]

SHRI MOTILAL SINGH (Sidhi): Mr. Speaker, Sir, I beg to lay:—

- (i) Fifty fourth Report of PAC on para 6 of the Report of C&AG India for the year ended 31 March, 1991 (No. 2 of 1992) Union Government (Civil) on MCD and NDMC relating to DESU Billing and collection of Electricity Charges.
- (ii) Fifty sixth Report on action taken on fifth report of Public Accounts Committee (10th Lok Sabha) on custom's Receipts-Non verification of end use

11.33 hrs.

TRANSPLANTATION OF HUMAN  
ORGANS BILL — EXTENSION OF  
TIME FOR PRESENTATION OF  
REPORT OF THE SELECT  
COMMITTEE

[*English*]

SHRI PETER G. MARBANIANG (Shillong): Sir, I beg to move:

"That this House do extend up to the 21st December, 1993, the time for presentation of the report of the Select Committee on Transplantation of Human Organs Bill, 1993, as passed by Rajya Sabha".

MR. SPEAKER: The question is:

"That this House do extend up to the 21st December, 1993, the time for presentation of the report of the Select Committee on Transplantation of Human Organs Bill, 1993, as passed by Rajya Sabha".

*The motion was adopted.*

11.34 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Sir, With your permission, Sir, I rise to announce that Government Business during the remaining part of the session will consist of:—

1. Consideration of any item of Government Business carried over from today's Order Paper.
2. Discussion and Voting on the Supplementary Demands for Grants (General) for 1993-94.
3. Discussion on the Resolution seeking disapproval of the Kalakshetra Foundation Ordinance, 1993 and consideration and passing of the Kalakshetra Foundation Bill, 1993 as passed by Rajya Sabha.
4. Discussion on the National Culture Policy—An Approach Paper.

## 5. Consideration and passing of the following Bills:—

- (a) The Air Corporations (Transfer of Undertakings and Repeal) Bill, 1992.
- (b) The Coir Industry (Amendment) Bill, 1993 as passed by Rajya Sabha.
- (c) The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill, 1991 as reported by Joint Committee.
- (d) The Specified Areas (Issue of Identity Cards to the Residents) Bill, 1993.
- (e) The Banking Companies (Acquisition and Transfer of Undertakings) Amendment Bill, 1993.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, the following matters should be included in the list of next week's agenda:—

Discussion regarding the problem of increasing unemployment among the educated youth and waiving off loans given to educated unemployed youth by banks.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Sir, I request that the following matters may be included in the next week's agenda:—

1. Discussion on the comparative merits of Presidential form of

Government and Cabinet form of Government from the suitability point of view of Indian situation.

- 2 Formation of Autonomous Regional Development Agency in different backward areas of the country including one for Western Region of Orissa

11.35 hrs.

STATUTORY RESOLUTION  
RE: DISAPPROVAL OF  
PROTECTION OF HUMAN  
RIGHTS ORDINANCE;  
AND  
PROTECTION OF HUMAN RIGHTS  
BILL— (Contd.)

[English]

MR. SPEAKER: I think three hours were allotted to this Bill. We have consumed 2 hours and 43 minutes. I think we can allow one or two Members to make the submissions and then we go to the next item. We have lost 2-3 days. I think we should recoup the loss and we should pass the Bills which we have before us today. I hope the hon. Members will cooperate.

SHRI SYED SHAHABUDDIN (Kishanganj): Sir, this is an important Bill. There should be a few more hours of debate on this.

MR. SPEAKER: I will allow you to speak provided you do not repeat the points.

THE MINISTER OF STATE IN THE  
MINISTRY OF HUMAN RESOURCE

DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Sir, he has already spoken.

MR. SPEAKER: Shri Shahabuddin, have you spoken?

SHRI SYED SHAHABUDDIN: No Sir, I have not spoken on this.

MR. SPEAKER: I will allow you. Shri A. Charles to speak now.

SHRI A. CHARLES (Trivandrum): Mr. Speaker, Sir, I stand to support the Protection of Human Rights Bill, 1993, introduced by the hon. Minister of Home Affairs. Of late, there have been continued allegations of human rights in India. We are aware that in the Universal Declaration on Human Rights in 1948, India is one of the sponsors and India also had signed that. We have been protecting human rights from the inception of our democracy. The fundamental rights enshrined in the Constitution of India is the one piece of legislation which we find nowhere in the world, especially article 14, article 19 and article 21 they are all enforceable in a court of law to have equality before law, equal protection of the law, respect of freedom of speech and freedom to move freely. Every right of every individual in this country has been protected under the Constitution. Here, everybody is equal in our country.

Sir, we have been all along protecting the human rights and voicing our opinion for protection of human rights all over the world. In fact, in the Third World India is one of the countries that has always been doing pioneering work wherever there is oppression. But, quite

unfortunately some of the self-styled organisations claiming themselves to be the protectors of human rights such as Amnesty International etc., have always been targeting our country with a political motive. They went to tarnish the image of India and they continue to say that there is violation of human rights in Punjab, Kashmir and in other parts of the country.

MR. SPEAKER: Please come to the Bill. The Bill is quite comprehensive.

SHRI A. CHARLES: Sir, I will not take more than five minutes. We have seen that in the last elections of Punjab how the heroic people of the State have stood firmly against the terrorists. But, these organisations are always projecting the human rights of the terrorists forgetting the fact that innocent men, women and children are the targets of terrorism. These organisations are not aware of the human rights of these innocent people.

Sir, in Kashmir alone during the last four years, in the first year there have been 92 killings, the next year it was 1,177, in the third year it was 1,393 and in the last year there have been 1,909 killings. They are all innocent people who have been killed by the terrorists. No organisation has ever projected the problems of innocent people being killed. They are always encouraging the terrorists. This is very unfortunate.

Sir, this Bill has not been brought forward suddenly with any motive. In the last election manifesto of the Congress(I) Party given by our great leader Rajiv Gandhi, on page 31 it is stated:

"The Congress will establish by legislation a Human Rights Commission to investigate and

adjudicate complaints of violations of human rights, particularly the civil rights of groups or classes of people."

This is exactly why this Bill has been brought forward. This is in fulfillment of one of our election promises. We are happy that the Government has taken cognisance of this promise and brought forward this.

Sir, though this forum is a fact finding Commission, it will have moral codes, especially when the Commission consists of no less person than the former Chief Justice of India and other retired Judges. In clause 21 of the Bill it is stated that a State Government may constitute a body to be known as the Commission. I would plead that it can be modified as that in every State there shall be a Commission.

It shall not be left to the option of the State, when a legislation is passed by this august body. It shall be uniform. The State Commission shall consist of the retired judges. I would request that the hon. Home Minister would consider at this stage to change only one word in clause 21 of the Bill to see that the State also constitute commission consisting of retired judges. The option of constituting the commission or human rights court should not be given to the State. I think, it is a sensible proposal and I would request the hon. Minister to consider this.

Since the time is short, I am concluding.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, on the midnight of 14-15th August, 1947 when the Indian people had their tryst with their destiny, we inherited a colonial apparatus

of repression which included the Police Act. Over the years, this machinery of repression has been modernised and sophisticated with new technological innovations and we have in free India enacted many more repressive laws which are blacker than the blackest laws of the British period.

The Indian establishment has a double face, a Janus' face. We are trying to have within the framework of a democratic order, both a welfare state and a police state. I would not quote many reports because the international reports—whether of international voluntary organisations or of foreign governments or of foreign legislatures—will perhaps irritate the Home Minister. I would not even quote the report of the PUCL and PUDR which are national organisations of eminence. But I would certainly recommend to the Home Minister that he should read them from time to time.

Only today, the newspapers have reported that an eminent organisation in the U.S.A. called Freedom House has called us a 'partially free State'. I would like to quote the UN Human Rights Committee's findings. When we submitted our report on our performance under the Covenant of Civil and Political Rights, we said: "Human rights as embodied in the Covenant stand substantially protected by the Constitution." But the UN Committee on Human Rights under the Covenant of Civil and Political Rights have said: "Many of the International Covenant of Civil and Political Rights provisions do not seem to be applied in India and that a number of provisions in such laws currently enforced, contravene important rights provided in the covenant. The Committee was especially concerned about the arbitrary powers granted to the

[Shri Syed Shahabuddin]

security forces under the Armed Forces Special Powers Act, the Terrorists and Disruptive Activities (Prevention) Act and the National Security Act, in Jammu and Kashmir, the Public Safety Act This is the international verdict which we cannot escape I would, therefore, quote for the Minister of Home Affairs, a line in poetry

Sun to Sahi Jahean Maen Hai  
phasana kya

Kaheti hae tujhko khalka khude  
gayabana kya

There is a persistent pattern on massive violation of human rights in our country which is directed largely against the weaker sections of our society and against the people living at the periphery of the national territory This is a fact that we must take into account

Sir, I do not trust the motives of the Government in bringing forward this Bill I am conscious of the fact that there can be a change of heart But I do not see any change of heart, when I look at the various formulations in the Bill Perhaps the Government have brought forward this Bill out of strategic compulsions of our international relations, basically economic

I do not find that the Home Minister is trying to remedy a known evil He is only trying to silence foreign criticism In fact he is trying to hoodwink public opinion and create a smoke-screen and therefore, I would say to begin with that a Commission of this nature cannot be a substitute for the proper functioning of the system itself The Amnesty International has advised

A Commission can never replace nor should it in any way diminish the safeguards inherent, incomprehensive and effective legal structures enforced by an independent, impartial and adequately

resourceful and accessible judiciary In India, the creation of such a Human Rights Commission should go hand in hand with a thorough review of the existing mechanisms I do not see that the Home Minister is prepared to under take a thorough review of the existing machinery or the existing procedures or the existing mechanism and that is the reason why I doubt his intention and his motive

First of all, I would like to focus on the status of this Commission It has been said that it is a fact finding body Committee But it does not have an investigating machinery of its own It does not have any penal powers at all It does not have even the power to institute a judicial proceeding based on its own findings It does not have the power to make any mandatory recommendations Its recommendations are only recommendations which the Government may or may not accept The Commission, as envisaged in this Bill, is a toothless tiger

Let us now look at Section 2(F) of this Bill which defines the jurisdiction It names two international covenants to which we are a party There are 91 other international instruments relating to human rights adopted since 1926 rights up to 1992, the last one being the International Declaration on the Rights of Minorities I wish that in this Bill, the jurisdiction was to cover all international instruments on human rights, not just two Covenants The Government of India is a party to most of these international instruments I believe, to 90 per cent of these instruments and there is no reason at all for the Government to limit the jurisdiction of this Commission only to the consideration of two Covenants and not to the other 91 international covenants in the field of human rights, not even the universal declaration

Let us look at the composition of this Commission and the procedure for selection. I think the selection is very heavily loaded in favour of the Government. In order that the Commission, in order to have public credibility, its Members must be selected by a committee which has got non-governmental element as the majority.

I would suggest that the Chief Justice of India ought to be there instead of the Prime Minister. The Prime Minister is already represented there by the Home Minister. He does not have to be there or one of them can choose to be there and let the Selection Committee include the Chief Justice of India.

I am now coming to the Commission. I would particularly like to draw the attention of the House to the last group namely, two Members to be appointed from amongst persons having knowledge of or practical experience in matters relating to human rights. They may well be non-entities. Why cannot you have people who are know activists, nationally known, internationally known, eminent persons who have devoted their entire life to the protection, preservation and promotion of human rights? I wish it was suitably worded so that really eminent persons would come there along with the members of the judiciary who have been mentioned here.

Next I would like to draw the attention of the House to Section 12A of the Bill. Section 12A says.—

"Enquire *suo motu* or on a petition presented to it by a victim or any person on his behalf into complaints of violation of human rights or abetment thereof."

It does not say by whom. In most cases, it is a State V. individual because

that is entirely the concept of human rights.

The human rights conceptually relate to the relationship between the State and the individual. In fact, all these Covenants are the charter for this Commission. It is the States which are asked, under Article 2 of the International Covenant on Civil and Political Rights, to make the necessary laws to take necessary executive measures to protect the human rights and protect the individuals against violations. It is the States which are expected to offer a remedy. The State cannot get away by saying that there are private groups which also violate human rights. Yes, such private groups are criminals and if the sovereignty of the State is indivisible, the State must have the full authority and full power to control the activities of such criminal, terrorists group to protect the rights of the populace against such terrorists groups also. So, either it is a case of the State's incompetence or the State itself acting in a violent manner. It is either incompetence or State violence. Therefore, it must be brought out here in this Section 12(a) (i) by saying, the violation of human rights or abetment thereof by the administrative machinery or by the executive machinery or by a public servant. Something must be there so as to make that absolutely clear and to put it beyond any doubt.

I would now like to draw your attention to Section 12(e). Regarding Section 12(e), with due respect to the hon. Minister, I must say that it is very cleverly worded. It says: "The Commission will review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures." The Home Minister is seeking a

[Shri Syed Shahabuddin]

smoke-screen, seeking an excuse for the massive violation of the human rights by the agents of the State that have become inevitable in a given situation. This is totally ill-conceived. In my opinion, if you permit me to use the word, it is mischievously worded. It is trying to protect the State machinery as a whole. It is a final excuse for all the massive violations of the human rights of the people by the State machinery. I would therefore, request the Home Minister that in order to dispel all the doubts about the intention of the Government, this section 12(e) must be re-worded.

I would like to make the next point about the statement often made by the Government about the acts of terrorism. It is the State which makes the laws and it is the State's duty to enforce the laws. There may be any number of elements in our society who are anxious, who are motivated to break those laws. The State cannot break the laws that it makes. The *raison d'être* of the State, the very basis of the State is to enforce the law. Therefore, if the State violates its own law, that is totally unforgivable in a humane and civilized society. It cannot be compared to the violation of the laws by any other group or individual or organisation. Therefore, that argument which is often made out by the Government, in my opinion, is totally misconceived.

Then, I come to Section 18(1) of this Bill. In this Section, again, you have used the word 'may'. It is about the Commission's recommendations and the procedure. Here, you have used the words "the Commission *may* take". I would like it to be worded as "the Commission *shall* take." We are vesting power in the Commission. We want that power to be used by it. We do not want it to be left to the possible intervention by

the Government through the back-door that the Commission is then obliged to close its eyes. The State is often acting like Gandhiji's monkeys. It does not hear; it does not listen; it does not see. I would like the Commission not to behave like Gandhiji's monkeys.

SHRI BUTA SINGH (Jalore): Bapuji had a goat also! (*Interruptions*)

SHRI SYED SHAHABUDDIN: Therefore, I would suggest that there should be a mandatory provision that when a complaint is brought to the notice, they shall take action. It is not that they may take action.

Then, I would like to draw your attention to the in famous section 19 which excludes the Security Forces from the purview of this Commission, more or less. The term "armed forces" has now been defined in a very comprehensive manner. I would suggest that since most of the violations that have been reported are the acts committed by the armed forces, in that comprehensive sense, the Commission should have the authority to go into their acts.

I do not accept this argument of morale. In fact, if there is discipline, the morale will be higher and then greater the credibility, greater the public acceptance, higher the public prestige of the armed forces will rise, if the few who break the laws are punished and are duly taken note of. Therefore, merely saying that some report will be given by the Commission and then the recommendations made by the Commission will be punished, is not good enough. The Commission must have the right to investigate those complaints and, of course, they can inform the Government and the Government can participate in

these enquires and then help the Commission to come to its finding. But once there is a finding of the Commission, those individuals should not be protected at all.

Now I come to a very negative element in this Bill, that is, Section 20(2) about the annual report. It says that the Government will inform the House when the report is submitted about the recommendations, of the Commission and the reasons for non-acceptance of the recommendations, if any. Now again here, there is the element that the recommendations will not be always accepted by the Government. I do not see why not. The Commission's recommendations must be totally accepted by the Government, must be implemented by the Government. This Commission consists of the highest people in the country ex-Chief Justice, retired judges of the Supreme Court and eminent individuals. And their report and their recommendations must be accepted by the Government. There is no question at all of their non-acceptance. Therefore, I think, we need to change this provision.

There is another very mischievous provision here under Section 36(1). It tries to put a lid on the acts of omission and commission, acts of violation of human rights. It sets the limits as one year. Section 36(2) says that the Commission or the State Commission shall not inquire into any matter after the expiry of one year. Beautiful, I would like to ask the Home Minister: Does a criminal act has any limitation under the Indian law? An ordinary crime has no limit at all.

*(Interruptions)*

MR. SPEAKER: They have introduced it now.

SHRI SYED SHAHABUDDIN: Then I am sorry. I am mistaken. I thought that normally, a murder case can always be taken up in a court of law.

MR. SPEAKER: They have introduced the limitation.

SHRI SYED SHAHABUDDIN: But surely one year limit is totally unrealistic. That means then most of the acts will remain completely un-investigated, unreported and even not looked at by the Commission. This limit must be raised at least to a reasonable period.  
*(Interruptions)*

MR. SPEAKER: Earlier the criminal law was not having any limitation. By amending the Criminal Procedure Code, they have introduced the limitation, limitation with respect of certain kinds of offences and not all kinds of offences.

SHRI SYED SHAHABUDDIN: I would be happy if this provision is at least brought on par with the Criminal Procedure Code.

My last point is, I look as the Bill as a whole, and I come to the conclusion that the Bill is virtually an exercise in deception. It tries to deceive the world opinion, the national opinion, the Human Right's activists all over the world and finally the international organisations which are responsible for the promotion of Human Rights. It creates, as I said earlier, a smoke-screen behind which atrocities may continue to be committed, rights may continue to be violated without any effective check on them. The Commission, therefore, shall not carry credibility under this Bill. It shall not pass itself as an effective remedy for the situation that we face and for the effective protection of the rights of the citizens. Therefore, I consider

[Shri Syed Shahabuddin]

this Bill to be an eye-wash totally inadequate

12.00 hrs.

No doubt, it is, an improvement on the previous Bill that was circulated in this House But, the improvements do not go far enough

THE MINISTER OF HOME AFFAIRS (SHRI S B CHAVAN) Thank you for the small mercy that you are showing

SHRI SYED SHAHABUDDIN Therefore, I would suggest that the Home Minister should consider the following suggestions

One is to amend the Police Act, in order to bring it in line with the functioning of a democratic society I was told, the other day, in the House that under Section 151, a policeman could arrest anyone, at any time, just on suspicion and could enter a house, at any time, without any warrant Therefore, the Police Act must be looked at We cannot go on accepting the Police Act that we inherited from the colonial administration

Secondly, Sir, repeal the black laws, if you are honest

And, thirdly accede to the Optional Protocol of the International Covenant on Civil and Political Rights I would like to know from the Home Minister, what is the reason that we go on backing out from acceding to the Optional Protocol

And I would suggest that he should review the existing procedures and the existing administrative methods, if he is really sincere about protecting the human

rights of our people Merely passing the Bill, which I know will be passed despite all our objections, will be of no avail and you shall not be able, as I said, to carry credibility that the Indian State has for once decided to change the order of things and to remove that ignominy of having some of the features of a Police State, while we have a functioning democracy in our country

DR (SHRIMATI) K S SOUNDARAM (Tiruchengode) Mr Speaker, Sir, I am very much thankful to you for the opportunity given to me, to speak on the Bill regarding protection of human rights

Fundamental Rights, in our Constitution, gives us civil, political and judicial rights which we can enforce in a court of law But, the law enforcing authorities fail to honour these rights of the people and hence, they need some protection

This Human Rights Protection Bill aims to give the people the remedies, if these rights guaranteed under Constitution and other laws are violated

The 1948 Universal Declaration of Human Rights had the status and moral force of a charter sponsored by the United Nations The Vienna Conference also gave a call to strengthen this idea though, there were some dissenting notes After creating the National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women and the Minorities Commission, now the Government has come forward to introduce this Bill for the protection of human rights While welcoming this Bill, I appeal to the Government that the spirit of the Bill should be implemented in the right earnest Like other Commissions on

Scheduled Castes and Scheduled Tribes, Women and Minorities which did not make much head way, this Bill also should not face the same fate. It is, of course, too early to say how effective it will be in checking the abuses committed by the law enforcement authorities.

Since the Bill deals with the subject which is of much world wide concern, it means that it will have a high profile than the other Commissions. Since the Chairpersons of the National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women, will be the members of this Commission, we can expect that there will be a coordinated effort in dealing with the violation of human rights, at all levels, than before.

The Commission constituted under this Bill have got wide range of powers. I hope that it will help to solve some social problems, apart from giving justice to law abiding citizens, whether it is a custodial death or atrocities on women or harassment or excesses committed by the security forces, much remains to be done, not only to bring justice to the helpless victims but, it will also persuade the oppressors, whether feudal lords or the police or the combination of both, to act within the constraints of law.

A chapter on Directive Principles of State Policy was also included in our Constitution requiring the State to promote and protect the rights of the most vulnerable sections of our society. These Directive Principles are meant to give a direction to the policy and actions of the Government so as to progressively realise the objective of improvement in the standard of living and quality of life of all sections of our society. To achieve this, our judiciary has been intervening

whenever a complainant had the courage to bring the incident of human rights' abuse to its notice or whenever the incident has been outrageous enough to make it act on its own.

It is hoped that an active National Human Rights Commission will lighten the judiciary burden in this regard. The complex problems created by insurgency, terrorism and extremism in certain parts of the country which are dealt by our security forces should be handled with utmost care. This is because sometimes the insurgents, terrorists are bent on killing innocent citizens with impunity and are indulging in want on death and destruction to deliberately provoke the forces to unleash an attack in crowded areas and terrorist infested areas. But the NHRC should at least be able to ensure that instances of rape and molestation do not go unpunished. For this the Government and the law enforcing authorities should cooperate, so that India's reputation is not tarnished by the biased propaganda abroad.

Being a lady Member, I feel that I am more privileged to speak on this subject since the violation of rights of women are more prevalent in our country and atrocities on woman by law enforcing authorities are increasing. I hope that this will bring to an end such crimes by the authorities.

Apart from enacting laws and setting up of commissions to protect women from the clutches of antisocial elements and authorities violating the laws, I feel that the Government should come forward to help the women who need help. For this purpose the whole country can follow the example of our Tamil Nadu Government headed by our beloved leader Dr. Puratchi Thalaivi who

[Dr. (Shrimati) K.S. Soundaram]

has ordered creation of one police station for each district exclusively handled by women, so that women need not have the fear of approaching the police for their personal grievances and abuses. This eliminates harassment of women by men police in the police stations.

The other scheme launched by our leader Dr. Puratchi Thalaivi in Tamil Nadu is putting cradles in Government health care centres where the unwanted female children can be left without being killed by the parents. The Government takes care of these female children and provides food, shelter and education to them, so that these children are not exposed to the abuse and torture of antisocial elements. Apart from enacting laws to prevent abuse of powers, these welfare schemes can also be undertaken by the Government.

To conclude, I would like to strike a note of caution. These types of commissions should not be used for political purposes. I hope that its Members drawn from eminent positions in public life should have no difficulty in separating the chaff from the grain and focus on incidents of gross violation of human rights. Welcoming this Bill I once again appeal to the Government to give all assistance and help, so that this Commission functions successfully in dealing with violation of human rights.

SHRIMATI DIL. KUMARI BHANDARI (Sikkim): While supporting the Bill I fully associate myself with the views expressed by Shri Shahabuddin as regards article 12A and also the human rights violations committed by the State towards the individual.

Here I would like to draw the attention of the hon. Home Minister to the

very sorry state of affairs in most of the northeastern States where the Nepali speaking people are subjected to in human harassment. These people are very poor. They are mostly agriculturists and they travel from one State to the other either on pilgrimage or they come out from one State to the other for medical treatment. But even then while crossing the border they have to bribe the police. Otherwise they will be subjected to harassment. In most of these States many people are languishing in jail without any trial in gross violation of human rights.

I would like to draw the attention of the Home Minister to the fact that the root cause of this harassment particularly to the Nepali speaking people lies in the treaty of 1950 between the Government of India and Nepal which permits citizens of India in Nepal free movement on reciprocity. Because of this treaty only there was a great uproar and a sort of a agitation on Gorkha Hill Council where Sh. Subash Ghising wanted himself and his supporters wished to be differentiated from the citizens of Nepal as Indian Nepalese by changing the nomenclature of the community.

It would not help to differentiate these people who are coming from Nepal and the Indian Nepalese. Here, I would like to suggest to the hon. Minister that this treaty should be amended so that the Nepalese nationals who are coming to India have their passports and they have their visas or vice versa. Otherwise, the Nepali speaking Indians who live in these border areas where their movements are restricted and who are subjected to such in human harassment should be provided with identity cards so that they are not subjected to such in human harassment.

SHRI SUDHIR SAWANT (Rajapur): Mr. Speaker, Sir, though I rise to support the Bill, I would like to mention that at this point of time, there was no requirement of a Human Rights Commission in this country. I make this emphatic statement because there are a lot of demands which have come from Shri George Fernandes and Shri Syed Shahabuddin, one being, that armed forces' should have been covered in this Bill.

Sir, India has got a proper democratic forum, a constitution which is empowered to protect the fundamental rights of every citizen in this country. All the provisions are incorporated in it. Why then should we have a Human Rights Commission? Sir, we should look at the situation that is obtaining in this country today.

MR. SPEAKER: Please be brief now. Many speakers want to speak.

SHRI SUDHIR SAWANT: There are a lot of things which have been said.

MR. SPEAKER: You do not have to reply to them. You will make your own points because we have many other Bills to pass.

SHRI SUDHIR SAWANT: Some of them are very important points. Sir, I will be brief.

MR. SPEAKER: We would be happy to have your views rather than your comments on other's comments.

SHRI SUDHIR SAWANT: That is what precisely I want to do. I will be very brief.

I would like to draw the attention of the House to the situation prevailing in

this country. In every part of the country, people talk that there is no law because we find that the underworld is becoming powerful every where. This country is under siege. If there are five bomb blasts in different parts of the country in one particular day at one particular moment, who is behind this? The police were frustrated because the moment they arrest any one, they are to release him, to commit the same crime which he had committed.

They talked of bringing the armed forces also within the purview of the Commission. I would like to say emphatically here that every member of the armed forces, every officer is committed to this country and is committed to protect the human rights. They are also human beings. Are you going to render the armed forces of this country and the police force of this country impotent, to protect the common citizen of this country, to protect the constitution of this country and to safeguard the security of this country?

Only one point I would like to bring out here. When we trained the armed forces, we trained them to be aggressive and we trained them to do their job in the best method in which they are taught. When they are fighting against the enemies of this nation, an aggressive nature or that character is ingrained in the armed forces.

When you call them to fight against terrorism, the worst kind of enemy of the State is a terrorist because a terrorist is a fish in the ocean. And many are fighting against that fish in the ocean of people. There are bound to be certain excesses. I agree with this. But it is not that it is done deliberately. Every member of the armed forces is subject to rules and laws which the forces are having. Why don't you look

[Shri Sudhir Sawant]

at the court martials that have been done in Jammu and Kashmir and in the North-East against the armed forces personnel in certain operations. Today, one officer is posted in one particular area. He is acting and doing his duty. He has to spend the next 15 years for going to the High Court in that State. This is the situation which is most damaging to his morale. I do not find the requirement when you talk of bringing in armed forces or police forces. In fact, I find the requirement is to strengthen the hands of law. That is the problem.

The only problem we face in society today is that of speedy dispensation of justice. This is a great problem. If we tackle that instead of having a human rights commission, then definitely, we would have done more justice. We would have also been able to implement the concept of human rights which the Indian system demands.

SHRI E AHAMED (Manjeri): Does it mean that you say that this Bill is not necessary and the existing system will take care of the human rights violation?

SHRI SUDHIR SAWANT: Precisely, I have mentioned in no uncertain terms that as far as I am concerned, these are my personal views.

MR. SPEAKER: Follow your line please. You were projecting the other side of the picture.

SHRI SUDHIR SAWANT: We have to look at the methods and circumstances in which our police forces and the security forces are working today. Every policeman does not have a family life. Look at his problems. He does not have the compensation required for him to do his duty. Whenever he tries to implement a law, there are hundred forces acting against

him to prevent him. In this country, in the South, the LTTE is coming up. There are bomb blasts in Bombay. The North-East is going up in flames. In Jammu and Kashmir, there is a problem. We have just resolved the Punjab problem. In these circumstances, are you taking Acts only theoretically—passing legislations—to render the forces impotent? That is my question.

MR. SPEAKER: This is not done in the Act.

SHRI SUDHIR SAWANT: It is not in the Act. But what the people have spoken or the Members have spoken here is that this is not sufficient.

MR. SPEAKER: Let us come to the point please.

SHRI SUDHIR SAWANT: The circumstances have brought this Act. I was in the deliberations committee. I also congratulate the Government for having accepted all the recommendations of that Committee. That is why this Act has been properly framed. It was required. It is not what the occidental civilisations are trying to do today. I want to draw the attention of the Government. In this present world, the currency of military power is diminishing. There is an insidious attempt to utilise human rights to enter into the internal affairs of this country. I want to give an example. The American Civil War was fought only on one issue, that is, right of the States to secede from the Union. The southern States worked together. On what line? They wanted to secede from the Union. But the United States did not permit. There was a civil war and millions had died. The same United States today is trying to talk about Jammu and Kashmir as a big problem. The same United States today says that there is a problem in

Jammu and Kashmir. We all know what type of statements have been made.

Sir, the issue of J&K is not an issue to be looked at in narrow terms. The real issue before the country is that it cannot permit any right of any State to secede from the union because once you do it, it will lead to balkanisation of this country and that is why when the occidentals of civilisation are trying to interfere in the internal affairs of this country, we must support all measures taken by the state to control terrorism which is considered as the worst kind of scourge on humanity and specially that which is based on the foundation of organised crimes like narcotics. In this country, terrorism is funded by narcotism and in that particular circumstance, you are trying to bring in armed forces.

I would like to draw your attention to another point. Every criminal arrested by the police in this country is going to apply to the Human Rights Commission tomorrow that the human rights are being violated. What is the method or provision in this Bill to dispense with or to discriminate, in sectors, and take up the issue? I do not understand as to how this Human Rights Commission is going to tackle this problem when it will get millions of applications that human rights are being violated. These are the questions which I would request the Members of this House and the Government to dwell upon.

My last point would be not to take the armed forces or the police forces as our enemy but to take care or look after their problems and interests.

[*Translation*]

SHRI HARI KISHORE SINGH (Sheohar): Mr. Speaker, Sir, I am grateful

to you for allowing me to speak on such an important Bill.

First of all, I would like to know from the Government that what was the exigency to bring forward this Bill. How many countries in this world have such Human Rights Commission as constituted by the Government? As far as my knowledge is concerned only Canada has such commission and Chairman of the commission was leader of the then opposition party who belong to socialist ideology. At present he is Chairman of the commission and this commission has been accorded several rights, like right of investigation and right to conduct an inquiry. This Bill do not have any separate provision for the commission to conduct an enquiry. Inquiry will be conducted by the Government machinery against whom the charges are levelled, I donot know how it will be done. Therefore, the great jurist Shri Soli Sorabji has said that if the Government wants to assure the world about their efforts for protection of human rights in the country then it is necessarily that an independent inquiring agency should be set up for this purpose.

There has been a continuous struggle for human rights and values since time immemorial and it is still going on. Just now my colleague has recommended that it should be done according to the Indian value system which is already there. Our culture have always given the freedom of thought and expression since time immemorial and it will continue forever. This has been our tradition. We never suppressed our opponents. There have been many great thinkers in our country who have expressed different idealogis. We do respect even an atheist who said that they do not believe in God, their has been freedom of expression and we have been very liberal, adjustable towards them.

[Shri Hari Kishore Singh]

But this cannot be said about our social system. It is shameful that even today man is inferior or superior by birth in our society. Several Social reformers launched a national movement against it during the 19th and 20th centuries. It has brought tremendous change in our society. But still human values are analysed differently in our social system. Freedom movement has brought many changes but the administrative system adopted by us is still colonial, there is a difference between people and governing authorities. Mr. Speaker, Sir, our's is a democratic country, earlier it was a colony of Britishers. Although monarchy persists in Britain yet the common man there prefers to go to police for assistance in case of any problem. Do we have such atmosphere in our country that a citizen could think of going for assistance in case he is in trouble. One has to think ten times before going to police for assistance.

Sir, I would not like to level charges against Government. This is a lacuna in our system and we all are part of it. Whosoever Government has been in power non has made any improvement in it. A politician will think about the problems of prison only when he is under imprisonment but as he joins the Government, he forgets all about it, this is really strange. So I would like to say that proper arrangement should be made for training of police personnel, Constitution on of a commission is not a solution for any problem. It may be under duress that the Government wanted to show the world that we have constituted a Human Rights Commission. But until this commission functions efficiently, nothing will change.

Mr. Speaker, Sir, some world powers especially after the disintegration of USSR, are raising the issue of Human Rights in the interest of their own country.

These are not trustworthy. Just now I was listening to my colleague who raised the issue regarding civil war in U.S. I have also discussed it with a high level U.S. official when I asked whether U.S. could remain united if the issue of human rights was raised during the period of Linen. It is a country where human rights are violated by the Government itself. In an ordinary situation a citizen or policemen can commit mistakes but if the same is done by State or Administration then it is different, so it should be given a second thought. None has any complaint against the sincerity of security forces, they may commit mistakes which should be rectified. But it has become essential that police and security forces should be told about the human rights aspect.

MR. Speaker, Sir, I would like to know whether such training is being imparted in Police Academy, National Defence Colleges for security forces etc. if not, such provisions should be made in this regard.

In the end, I would like to appreciate this step taken by the Government. Its usefulness should be appreciated on national and international forums and they should be given power to investigate wherever necessary.

[English]

SHRI P. C. THOMAS (Muvattupuzha): Sir, I welcome this Bill and congratulate the Government for having worked out this Bill. This has been brought after several deliberations amongst the public as well as amongst the legislatures and I am sure that though there can be some further improvements in the Bill, as has been suggested by various Members, this is a very good framework to safeguard the implementa-

tion of our laws in consonance with the Human Rights.

It is not that there are no laws in India. We have a Constitution. We have various laws wherein the salient features of guarding human rights are clearly envisaged. But the question that remains is of implementation of these laws. They are being misused by several persons in power as well as others. I think, a Bill of this nature which gives power for a particular Commission to inquire into the complaints which are given by persons on their own behalf or by other persons on behalf of others is a very good step. This Bill also gives a *suo moto* power to the Commission to take up acts where there are clear violations of human rights. I think the power given to the Human Rights Commission to make visits to places where some unfortunate persons were kept either because they were convicted for some offences or they were kept for reformation or because of some other reasons in which they want the protection of the society, is a very good step. I think the power given to the Commission to visit such spots is a very laudable step and this power is going to be a safeguard for those unfortunate people. We all know that the conditions in our jails as well as the conditions in our reformatory schools are not up to the mark. There were cases where the persons who were unfortunate to be in such protective walls were put to difficulties and such difficulties were not known to anybody in the world. So, the power given to study the International Treaties and Covenants and to make recommendations also are going to do some good.

I know, there are countries where our Indians are living and they are also working hard for getting jobs. They are also facing many difficulties. There are

very many complaints which are being made off and on. I have a specific case, I do not know whether it has any real relevance here, which I would like to mention. A person went to Saudi Arabia a few years back. He had been working there as a driver. When he was driving his vehicle, he met with an accident. A case was filed. It is very unfortunate that the person who was driving the vehicle had also suffered injuries and who also required treatment had now been convicted for an offence. He was not getting any medical treatment. He is facing a real problem. I had brought this particular incident to the notice of the concerned Minister also.

With these few words, I once again congratulate the Government for this laudable step.

MR. SPEAKER: The Hon. Minister may please reply.

SHRI JAGMEET SINGH BRAR (Faridkot): Sir, I have already given my name. My name was in Serial No. 2. This is really an injustice. I want to express my views. That does not mean I should never be given a chance to speak.

MR. SPEAKER: Okay. You should not repeat the points which are already made.

SHRI JAGMEET SINGH BRAR: I will not repeat even a single point.

SHRI S.B. CHAVAN: Everybody is repeating the points.

[Translation]

SHRI JAGMEET SINGH BRAR: Mr. Speaker, Sir, I rise to support this Bill. I too want to express my views in this

[Shri Jagmeet Singh Brar]

regard. Nobel Prize winner and father of the Human Rights Movement Shri Raim Kansen had stated on the occasion of declaration of Human Rights, forty five years back. *(Interruptions)*

[English]

MR. SPEAKER: We do not have time for these historical facts. You come to the point.

SHRI JAGMEET SINGH BRAR: I am just beginning it. I just want to comment on this Commission. He said:

"That the value of the decoration exceeds that of a simple recommendation."

[Translation]

I would like to congratulate the hon. Home Minister on the introduction of human Rights Bill but at the same time I would like to point out that it is a common issue of the day about the countries who make much hue and cry for human rights and as it is said by some one that—"Pesh-Pesh Raha Har Gunah Main Yaro, Usi Ne, Talb Kiya Gunah Yaro". They themselves are violating human rights. They have violated human rights in Vietnam, Korea, South Africa or Nicaragua. Those who are making much hue and cry regarding violation of human rights in our country, what is their own record. As it is said—"Hum Aah Bhi Bharte Hain, To Ho Jate Hain Badnam, Vae Kahte Bhi Karten Hain To Charcha Nahein Hoti". I would like to draw the attention of the Hon. Minister towards the same point that it is United State who has not signed the U.N. Protocol so far. America who talks much about human-rights in the world and the great Britain, which laid the foundation of democracy in the world, are also included

in it. India, Srilanka and Pakistan have not signed the protocol yet. Now, Human Rights Commission is being set up. UNO Committee on Human Rights has conferred this right that the Standing Committee of the countries who have signed UN. Protocol can visit those countries where human-rights are being violated. Now the country like America who has not signed U.N. Protocol would dictate us how to prevent violation of human rights.

I would like to comment on frequently deployment of military and para-military forces in the country due to which our condition has been deteriorating. I would like to welcome the formation of National Human Rights Commission, but where violation of Human Rights has been committed by the security forces, be it in Punjab or in Jammu and Kashmir or in Assam, it would not be justified to keep the violation by the security forces outside the purview of Human Rights Commissions. Because there are so many examples of such violation during the last fifteen years as para-military forces and military forces have raped many a women. I would not like to make personal comment on what happened in Punjab.

It is said that Human Rights are secured in Punjab, a State to which I belong. But whatever has been done by military and para-military forces is also known to all people.

I would like to submit to the Home Minister that there are such human right activists as well as personalities fighting for human rights in this country who have fought the battle for human rights alone for 15-20 years without any aid of the Government. They should also be represented in this Commission. This is my suggestion.

In the end, I would conclude by stating three things. I would not like to make personal comment on the constitution of this commission. But the people who are heading the commission, who are responsible for its functioning, submitted their report on 1984 riots and this report was made public. There occurred a gross violation of human rights. After the independence of the country, five thousand people had been burnt alive but the commission gave a diluted report in this regard. Now these very people are being allowed to head this Commission. I think that it would not solve the purpose. Moreover human rights Commission is not an investigating agency.

*[English]*

They depend upon the Government agency.

MR. SPEAKER: This point has been made by others.

*[Translation]*

SHRI JAGMEET SINGH BRAR: Mr. Speaker, Sir, I would like to submit that it has not any relevance. I would conclude by making two more submissions because there is shortage of time. I would not hesitate to submit that human rights have been violated in Jammu and Kashmir and Punjab. I belong to that peace loving State where a credibility of the Government had long been established. Unless Government accept the atrocities committed in 1984 blue star operation and come out with its opinion in this regard as well as in regard to the number of people which were killed in 1984 riots, there is no use of setting up of Human Rights Commission.

With these words, I welcome the formation of Human Rights Commission but at the same time express my strong opposition at its being toothless diluted form.

*[English]*

SHRI S.B. CHAVAN: Mr. Speaker, Sir, at the outset, I would like to express my grateful thanks to all the hon. Members who have participated in this discussion. In their own way they gave different suggestions as to what kind of improvements are nece. In the Bill, which was introduced and which has gone to the Standing Committee. I must also compliment the Members of the Standing Committee that they have done this job very well. I must also put on record that the standard of discussion of this Bill has been very good because of the fact that this new institution of the Standing Committee has been brought into being and they have been able to go through the entire bill clause by clause. I am also equally happy that all the recommendations which the Standing Committee has made, we have been able to incorporate those in this Bill.

There was hardly any scope for this kind of discussion which actually went on into the House. But still every Member was very much interested in expressing the views about very important measure which ultimately is going to shape things to come.

There might be some hon. Members who might feel that ultimately it is not going to lead anywhere. Of course, they are free to have their own views, I cannot possibly question them in that respect. But so far as the Government is concerned, I can assure the hon. Members that we are very sincere, we definitely

[Shri S. B. Chavan

believe in the Bill and the provision that we have made. Every effort will be made in such a manner that the letter and spirit of this Bill is properly implemented without causing any kind of harm to all those who are, in fact, discharging very difficult duties on the border and also in some other parts of the country.

I have merely to appeal to the hon Members, not to consider that this is the last word. Actually, depending on the experience that we gain there is definitely scope for improvement. We do not rule out the possibility of improving the provisions of the Bill depending upon the kind of experience that this National Human Rights Commission Bill will be having.

Another point which was made by most of the hon Members and to which I had replied when Shri George Fernandes raised the question of opposing the introduction of the Bill itself. At that stage, I had replied to the point as to why the promulgation of ordinance was considered necessary. Actually there were number of factors which were responsible. The Standing Committee had almost finished its discussion. There, they were on the point of submitting the report to the Parliament.

We had also discussed this issue with the major political parties and some of their leaders. I must say that after getting the approval of all those hon. Members we have been able to get the Ordinance issued.

Let me also clear another issue and that was whether it was because of any pressure of any particular Government that this kind of a Bill has been brought in the shape of an Ordinance. Let me say with all the force at my command that it was not because of any pressures exer-

cised by any party or any country that we have brought this bill. But I cannot also be oblivious of the fact that there are certain countries which are, in fact, very much interested in maligning the image of India and they were going to take full advantage of the U.N. Assembly and that exactly was the reason as to why we thought that hearing the criticism in the U.N. Assembly and thereafter bringing this kind of a Bill would have created a different kind of atmosphere. That is why we thought it necessary to bring it in the shape of an Ordinance.

I would just refer to a few of the points raised. I have taken note of the rest of the points as it would not be possible for me to touch almost every aspect which was discussed on the floor of the House.

A common point which was raised was about the composition of the National Human Rights Commission. This was also one of the issues which most of the Members had raised. The point was also raised as to why the Chief Justice of India has not been associated with this. I will not be divulging any secret if I were to tell this hon. House that we, in fact, were keen to have the Chief Justice of India on this Commission. But we found that he was having some kind of a reservation in his mind.

SHRI SYED SHAHABUDDIN: Did he have reservations on the Select Committee or on the Commission?

SHRI S.B. CHAVAN: We wanted to have the Chief Justice of India and also the Chief Justices of the High Courts on the panel to select the Human Rights Commission, but the Chief Justice of India having some kind of a reservation we had to give up that idea and there should not

be any kind of a misunderstanding on that score.

I must say that the panel which has been constituted does consist of a number of members who have a judicial background. Previously it was very much loaded in favour of the bureaucrats and rightly, I must say, that the Standing Committee expressed the view that there was no point in having so many bureaucrats and that instead of that we must go in for people who had the judicial background. Now it will be found that there are a large number of members—almost out of eight there are four to five—who have a judicial background.

Another point was also made as to why human rights activists have not been considered. I think there is a member, Shri Virendra Dayal who, in fact, was in the U.N. service and he was doing active work in the UNHCR. He had the background of U.N. working. He also knew the working of the Human Rights Commissions in different areas and that is why we thought that he should be associated. He has been taken as a member. Another member who has been taken in place of the human rights activists is a judicial member, a Judge of the Supreme Court.

We were very keen to have at least a few minorities being represented on this Commission. A perusal of the composition of the Commission will show that there are three minorities which have been represented in order to make it all comprehensive so that every section of the society feels satisfied that their point of view can be given a legitimate hearing by this Commission.

12.47 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

The next point which was made was about the three Commissions and

what was going to be the jurisdiction of the National Human Rights Commission.

I must say if we go through the Articles of this National Human Rights Commission or the Protection of Human Rights Act, the hon. Members will be able to find out the Chairman of the Scheduled Castes and Scheduled Tribes Commission, the Chairman of the Commission for Women and also the Chairman of the Commission for Minorities have been made as members.

The hon. Member, Shri Paswan, raised a point, whether the Chairman of the Backward Classes Commission should also be associated. I have gone through the announcement made by the Social Welfare Ministry. I am not quite sure whether it is really a kind of a Commission, which the other Commissions are. It is only confined to identify the number of communities which should be added or which should be deleted from the communities which were declared. And whether such a Commission and its chairman should be a member of this National Human Rights Commission is a point, which certainly I do not think, we will certainly be able to associate at this stage. But I will have to go into the details. If they are on par with other Commissions, certainly they can be associated. But the point which was raised was about, what is going to be the jurisdiction of the National Human Rights Commission when these members are associated with the National Human Rights Commission. The matters are very clear on this. If you go through the provisions, where the cases are pending before the Commission for Minorities, the Commission for Women or any other Commission for that matter, which have been associated with the National Human Rights Commission will not go into them. But all other matters

[Shri S.B. Chavan]

can be considered by the National Human Rights Commission. There should be no difficulty in going into other aspects of the question.

Sir, a point was also made about compulsory or mandatory provision for the State Commission to be appointed. Some of the hon. Members made a point as to why it has been said that the States may constitute the State Human Rights Commission. We cannot possibly coerce the State Governments to constitute such a Commission. It is entirely for the State Governments to take their own decision. We have given this kind of a provision and if they feel that there are any provisions, which they would like to alter in respect of State Commission, the State Governments have the full authority to make whatever alternations that are necessary. But to consider that the State Commissions also will be considered as mandatory will be a folly on our part; will be infringing on the rights of the State Governments. And we do not propose to create any friction between the States and the Centre.

Sir, the next point which has been discussed at great length, the pros and cons have been discussed, was about the jurisdiction of the National Human Rights Commission on the Armed Forces. Amendments were also suggested asking us to delete para-military forces from the Armed Forces. Sir, I must put on record that all the Armed Forces have been working under very difficult circumstances. We can lightly say on the floor of the House that after all they are also bound to observe certain norms. One of the hon. Members went to the extent of only quoting atrocities committed by the Army Coy. and other para-military forces. But he seemed to be totally oblivious to the fact that normalcy had been brought

about; elections had been held and people have been participating...  
(*Interruptions*)

SHRI JAGMEET SINGH BRAR: I had mentioned about terrorists also and the violence which the terrorists have been indulging in. I had mentioned about not only the atrocities of the security forces but also the atrocities committed by the terrorists and the violent groups...  
(*Interruptions*)

SHRI S.B. CHAVAN: If I have not heard you, it is my fault. If you have mentioned it, I am really happy. (*Interruptions*)

AN. HON. MEMBER: He has added now. (*Interruptions*)

SHRI S.B. CHAVAN: Actually, he has accepted the position. In fact, it is a terrorist activity. There is a very fine distinction, which we will have to make. The terrorists have been creating conditions in our country, wherein real human values are being trampled upon by them.

It is a gross violation of all human rights. In these areas, hundreds and thousands of people have been killed, innocent people who have nothing to do with what these people have been doing. I know, in Punjab, a number of families of the policeman have been totally wiped out, not even one member left. And if you were to teach them saying, "No, Sir, you should have observed the norms of human rights", you will turn round and say, 'Sir, do you want this terrorism to be put down or you want the human rights to be implemented? What is it that you want?' We have to do both and I cannot possibly say that since you are bringing about normalcy in that area, you get the freedom to commit excesses. It is only the excesses which are going to be enquired

into and not the normal things. In the discharge of your duties, if there is a cross firing and some innocent people were to die, you are not responsible. It is the terrorists who have created this kind of a condition and they are going to be held responsible. Hon. Members may not be aware of the fact... (*Interruptions*)

SHRI JAGMEET SINGH BRAR: There is a lot of State terrorism also, we must admit that.

SHRI S.B. CHAVAN: This has become a fashionable word now a days. All those international agencies who are interested in having a malicious propaganda against our country... (*Interruptions*) Please do not interrupt now. I have heard you with rapt attention. Did I ever interrupt you? So, please for God's sake, keep quiet and if you have any question thereafter, certainly you are most welcome to ask me. This is the twin objective... (*Interruptions*)

SHRI NITISH KUMAR (Barh): You are not able to satisfy your own party Member.

SHRI S.B. CHAVAN: I hope, you are fully satisfied. You may not say that. If I were to cite the Standing Committee, the Standing Committee consist of Members from all parties in proportion to their strength in the House. If they have expressed unanimous opinion, can any party come and say that we have not accepted this, I do not think. This goes at the very root of the Standing Committee system itself. So, please for God's sake try to understand that merely opposing for opposition sake is not good enough, this is a new kind of measure in which the co-operation of all the hon. Members is very necessary.

I was on the point of saying that the armed forces have their own martial law regime. They have their own Act and if

you were to find out inspite of all the difficulties that they have been quoting, I may inform the hon. House, almost 160 officers and men have either been punished with ten years' imprisonment, nine years imprisonment, termination of service, compulsory retirement, suspension and all kinds of cases have been filed against them, not that we have not taken any action. But, I accept the fact that we have not given the kind of publicity which, in fact, is called for. That is because of the fact that we did not want to create some kind of a situation in which armed forces feel bad; and their morale should not be adversely affected. That was the only consideration. But, a number of people have been suggesting that there is no question of any morale required. I am sure, hon. Members who have their parties in power in States — I do not want to quote any State Government here but when I had been to a particular State where a number of people were killed and when I asked for a judicial enquiry, I was given to understand that it is bound to affect the morale of the public. I said, 'perfectly all right, now you have understood what exactly morale is. Otherwise, those who have been consistently in the Opposition, they would not understand what the morale is. Morale of the armed forces is definitely one of the aspects which the Government has to keep in view. We cannot be totally oblivious to the same, at the same time, we are also bound by certain norms and those norms have also to be implemented. Two hundred and sixty police officers have been jailed, especially in Punjab, their services have been terminated for committing excesses. I cannot possibly deny that there have been excesses.

**13.00 hrs.**

But if the cases are brought to the notice of the Government, we have been

[Shri S.B. Chavan]

taking action against them. In fact, the international organisations, like the Amnesty International, Asia Watch and others, have been making all kinds of allegations. We have told them that please, for God's sake, without verifying the facts, do not try to publish a report merely on hearsay things. I know that there are some human rights activists who have been feeding them with all kinds of information and that too with a different purpose altogether. I do not want to blame anyone but, at the same time, I must also put on record that there are agencies which are working in our country, which are feeding information to these international organisations for carrying out a malicious kind of propaganda.

If a man were to commit murder, attempt to murder and rape, these are heinous crimes. If heinous crimes are committed either by armed forces or by paramilitary forces or by police, then there is a provision in the Army Act, in the BSF Act and in other paramilitary Acts that it is the discretion of the Government whether to allow the martial law regime to go on or they should be tried in an ordinary court. This is the existing provision and I am sure that hon. Members will agree with this provision. In fact, there should be no difficulty to the Human Rights Commission when they tell either the Central Government or the State Government that these are the facts of the case and ask them whether they have taken action or not. If the Commission were to feel that the action taken is not adequate, they might recommend it to the Government, and thereafter if any enhancement of the punishment is called for, the powers of review are always available with the Central Government as

well as with the State Governments. Therefore, so far as this aspect is concerned, I am sure that the hon. Members will be able to appreciate the difficulties which the Armed Forces and other people are facing and we should not try to fetter in such a manner that they should totally become helpless and later on turn out and say that with these provisions they are not able to discharge their duty. That kind of a situation will not be allowed to be created. So, that is the kind of thing which the hon. Members will have to keep clear in mind.

The next point which was made was about publishing the report. The provision is if there is an urgent case, the National Human Rights Commission, or for that matter, the State Commission for that particular case, if it is so urgent, can give an interim report. But they are supposed to give their annual report. The annual report along with the report on action taken by the Government, has to be placed in both the Houses of Parliament so that you get the exact idea as to what was recommended and what action the Government has taken in the matter.

The next point which the hon. Members might be having in their mind is that suppose there is a very long gap between the annual report and the action taken report of the Government, it might be that the utility of the Commission's Report will get diluted. I can assure the hon. Members that we have accepted that the response has to be given within one and a half months. If within one and a half months or thereafter, with the permission of the Commission, within the extended time, the State Governments as well as the Central Government will have to submit the Action Taken Report and both the things can be placed on the Table of the House.

SHRI SYED SHAHABUDDIN: But you are not obliged to accept the recommendation. That is the point I made.

SHRI S.B. CHAVAN: I am sure that the hon. Member is aware of the fact that we have the Finance Commission which is a recommendatory body. The Government has a right to reject the recommendations of the Finance Commission. Have you ever come across any case where the recommendations of the Finance Commission have been rejected by the Government?

SHRI SYED SHAHABUDDIN: All right, we take that as an assurance.

SHRI S.B. CHAVAN: Yes, yes. Actually this is a high-powered body presided over by the retired Chief Justice, with two or three judges of the Supreme Court and a retired Chief Justice of the High Court.

These are the people who are constituting this Commission. That is why we will have to create necessary atmosphere. Government does not propose to have any kind of restrictive attitude with them. Let them go ahead. They have to bear in mind that it is the first Commission that this country has constituted and everyone has great hopes from this Commission.

Hon. Members have raised the point that why should we not have a provision that if two members are not there, then the Commission will not be able to take the decision in a matter. Sir, the idea that we have is that it being such a high body, the decisions are not taken by majority. It is a consensus decision that they have to take. They will create a very healthy atmosphere if they were to give unanimous decision which will definitely be binding on all the States and the Central Government. But so far as the terminology is concerned, since it is analogous to the Commissions of Enquiry Act, similar kind of provisions have been made into this.

I must also say one thing here. A point was made about some of the Acts and how is it that we are trying to bring them under the National Human Rights Commission. At the same time, another hon. Member quoted from some U.N. Assembly proceedings. It is true that they are free to have their own opinion. But so far as we are concerned, we have to deal with Punjab; we have to deal with Jammu and Kashmir. Are you aware of the fact that we have to hold a court in a jail? In Tamil Nadu it is in the jail that we have to have the proceedings. We do not publish the names of the witnesses. The witnesses are being eliminated. Members of the judiciary have been eliminated. Even the journalists have also been eliminated. In these circumstances, unless we have to have special provisions, you will not be able to do justice and put some kind of a restriction on the activities which the terrorists are indulging into. These are the reasons that were mainly responsible for this kind of an Act. I cannot say that the State Governments are fully implementing the spirit in which these Acts have been made. There are misuses and misuses are to be avoided.

This time we have introduced another factor that prosecution should be only when the Inspector General of Police gives his permission. Investigation will have to be done by an officer of the rank of Superintendent of Police. So it is not at the lower level that we entrusted it. It is the Superintendent of Police who will be submitting the report and the permission for prosecution will have to be given by the Inspector General of Police. Within 24 hours the man has to be produced before the Court and within three months if the investigation is not completed, then we have to seek the permission from the Court for asking extension of time if the investigation has to be completed. With all

[Shri S B Chavan]

these limitations, I am sure that, we have no escape. If we want to curb the terrorist and insurgent activities in different areas, this is the only method by which we will be able to curb the whole thing.

The Commission has been given the power to review the Acts, to find out as to which are the Acts which go against the directives of National Human Rights Commission so that they will be able to study the whole thing and recommend to the Government as to which are the Acts which they consider have become outdated and which require to be updated. These powers are available with the Commission and I am sure will go through the entire thing and will be able to submit its recommendations to the Government in time. And then we will have to take a view as to what needs to be done. Both the things will have to be properly attended to and this is the kind of approach that the Government has taken in this.

So, there is no smokescreen in this as such. I am sure, hon. Member Shri Shahabuddin will be able to understand that this is not done in order to please anyone but to make our conscience also clear that we mean what we are saying. We would like to see that they do not violate human rights to the extent possible. I cannot possibly assure that there will be no case where human rights are being violated.

If such a case is brought to our notice, certainly we will see that action is taken, but that should not become an example. It is not a correct approach to generalize the whole thing when one incident happens. In fact, there is hardly any scope for repeating the whole thing again. I once again express my gratitude to the

hon Members and I request the House to pass this Bill.

SHRI SYED SHAHABUDDIN: Mr. Deputy-Speaker, Sir, the Home Minister has put a provision in the Bill that there is a limitation of one year from the happening of the incident within which the complaint has to be lodged. It is a limiting factor in the performance of the Commission.

SHRI S.B. CHAVAN: Actually one year is also ad-hoc or any other period is also ad-hoc. If we try to unearth the cases which have happened three years ago, others will ask why that period should not be extended to five years. These are ad-hoc figures. But, after the Human Rights Commission is constituted, they can certainly go into all the happenings and come to their own conclusions. One year has been specifically given so that they may start the work and thereafter, in furtherance of their objective they should be able to discharge their duties properly.

SHRI JAGMEET SINGH BRAR: Mr. Deputy-Speaker, Sir I am thankful to the hon. Home Minister. I want him to clarify one more thing. He has mentioned that those Police Officers who were responsible for committing atrocities on people have been punished. I would just like to know the answer for one simple question. Five Committees dealing with the Delhi massacre of 1984 have recommended action against 294 Police Officers and not a single Police Officer has been punished in this matter so far. I want the hon. Home Minister to clarify this point.

SHRI S.B. CHAVAN: Sir, I do not think I should answer this question now.

SHRI JAGMEET SINGH BRAR: Sir, there is one more point. The hon. Home

Minister has said that State terrorism is a fashionable word. I have greatest regards for him. There have been evidences of excesses by the people who are posted as the officers in-charge of the district police station. I want to bring a simple evidence to the notice of the hon. Home Minister. It is a recent example which is related with the violation of human rights as well as violation of the personal liberty of a person. Shri Ajmer Singh Lakhowal, President of the Bharatiya Kisan Union who is a heart patient and who is 60 years old was arrested in Ludhiana and he was later released on bail by the Magistrate. (*Interruptions*). And in one day, a case was registered against him under TADA. The SSP gave the approval on the same day, the TADA gave the approval on the same day and IG also gave the approval on the same day. Usually, it takes one month for the cases to be registered. If this is the position for a person like him, then you can imagine the position of the common people of the State. So, State terrorism is on the increase and the Police Officers who are posted in the districts give reports in the evening daily that they killed 50 or 60 innocent people.

SHRI ANBARASU ERA (Madras Central): Mr. Deputy-Speaker, Sir, the hon. Home Minister has mentioned about the Chairman of the Backward Classes Commission to be included in the Human Rights Commission as one of its members. But, he has not given any assurance. As soon as the full-fledged Commission is formed, the Chairperson of the Backward Classes Commission should be included as one of the members of the Human Rights Commission. Therefore, I want a categorical assurance from the hon. Home Minister in this regard.

SHRI S.B. CHAVAN: I have said so. The present Commission is only there for

identifying the communities. As soon as the full-fledged Commission is appointed, it will be definitely done.

MR. DEPUTY-SPEAKER: We have taken a lot of time.

SHRI ANBARASU ERA: It is mentioned that Chairpersons of the Commission for Women, of the Commission for SC and ST and the Commission for Minorities will be deemed members of the Commission. What I feel is, they will not be treated at par with the other regular members of the Human Rights Commission. Instead of making them as deemed members of the Commission, what I feel is, most of the members from those commissions are committed for the cause of women, for the cause of Scheduled Castes and Scheduled Tribes, for minorities, for backward classes. Therefore, I feel that separate members from among women, Scheduled Castes and Scheduled Tribes and backward classes can be made as members of the Human Rights Commission. (*Interruptions*)

MR. DEPUTY-SPEAKER: Let us follow the procedure.

SHRI UMRAO SINGH (Jalandhar): I would like to ask the Home Minister why a person who is a member of the terrorist group or a person who is a member of unlawful organisation should be given the right of protection under the human rights. He had killed so many people. Why is he not being debarred from the provisions of the Protection of Human Rights Act?

SHRI E. AHAMED: There are provisions for the constitution of commission at the State level. In some of the States, there is minorities commission. (*Interruptions*)

MR. DEPUTY-SPEAKER: Shrimati Geeta Mukherjee.

I will now put the Resolution moved by Shrimati Geeta Mukherjee to the vote of the House.

The question is:

"That this House disapproves of the Protection of Human Rights Ordinance, 1993 (No. 30 of 1993) promulgated by the President on the 28th September, 1993."

*The motion was negatived.*

MR. DEPUTY-SPEAKER: I will now put the amendment No. 13 moved by Shri Bhogendra Jha to the vote of the House.

*Amendment No. 13 was put and negatived.*

MR. DEPUTY-SPEAKER: Now we shall proceed to consideration of the Bill.

The question is:

"That the Bill to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now we shall take up clause-by-clause consideration of the Bill.

Shri Ram Vilas Paswan – not present.

The question is:

"Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3--Constitution of a National Rights Commission*

MR. DEPUTY SPEAKER: Shri E. Ahamed. Amendment No. 1, are you moving.

SHRI E. AHAMED: I am moving all my amendments.

I beg to move:

Page 3, line 14, —

*for "establish offices at other places in India."*

*substitute "establish offices in State capitals and at such other places wherever it may consider necessary." (1)*

The Home Minister has given an assurance. The first amendment comes from the Home Minister. Only after that, my amendment comes. The Home Minister has to move an official amendment.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 1 moved by Shri E. AHAMED to the vote of the House.

*Amendment No. 1 was put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 3 stand part of the Bill".

*Motion was adopted.*

*Clause 3 was added to the Bill.*

*Clause 4—Appointment of Chairperson and other Members*

SHRI E. AHAMED: I have a word to submit.

MR. DEPUTY-SPEAKER: Mr. Ahamed, you cannot give any explanation. You have to say whether you are moving or not.

SHRI E. AHAMED: I beg to move:—

Page 3, —

*after line 22, insert —*

"(cc) Chief Justice of India —Member". (2)

Page 3, line 32, —

*after "Member" insert "of the Commission."* (3)

Page 3, line 33, —

*after "vacancy" insert "not exceeding two."* (4)

The Home Minister has said that because there was some reservation on the part of the Chief Justice, he is excluded from inclusion in the Committee.

It is not for the Chief Justice to decide whether he should be there or not. This is the prerogative of the House. It is a very important Committee and whether he should be a Member on the Committee has to be decided. You cannot just make the law like making a *dosa*. The House has to give its casual consideration to this very important Bill.

MR. DEPUTY-SPEAKER: You have to follow the procedure. We cannot deviate from the procedure.

SHRI E. AHAMED: I am asking the Home Minister to accept it because the inclusion of the Chief Justice is an important thing.

MR. DEPUTY-SPEAKER: You had occasion to speak on it. You have spoken on the subject.

I shall now put Amendment Nos. 2, 3 and 4 moved by SHRI E. AHAMED to the vote of the House

*Amendment Nos. 2, 3 and 4 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 5 to 7 stand part of the Bill."

*The motion was adopted.*

*Clauses 5 to 11 were added to the Bill.*

*Clause 12—Functions of the Commission*

SHRI E. AHAMED: I beg to move:

Page 5, line 27,

for "(i) violation of human rights or abetment thereof; or"

*substitute—*

"(i) violation of human rights, abetment thereof or conspiracy thereto; or" (5)

Page 5, line 33—

for "under" *substitute* "with or without". (16)

The name of the Commission should be included. Otherwise, it is a glaring mistake. It was a very confusing one.

SHRI S.B. CHAVAN: I have studied every aspect of it. I will tell you whether I am going to accept your amendment.

MR. DEPUTY-SPEAKER: I shall now put amendments 5 and 16 moved by Shri E. AHAMED to the vote of the House.

*Amendment Nos. 5 and 16 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 13 to 17 stand part of the Bill."

*The motion was adopted.*

*Clauses 13 to 17 were added to the Bill.*

*Clause 18—Steps after Inquiry*

SHRI E. AHAMED: Sir, I beg to move:

Page 8,

*after line 39, insert—*

"(2) where the inquiry discloses, the commission of violation of human rights, abetment thereof, or conspiracy thereto, it may initiate proceedings for the prosecution of the offender in the Human Rights Court;" (6)

Page 9, line 3,—

*add at the end—*

"and the concerned Government or authority shall within such period as may be specified by the commission provide the relief to the victim or the members of his family." (7)

Page 8, line 36,—

*after "human rights" insert—*

"or negligence in the prevention violation of human rights by a public servant" (17)

Page 8, line 39,—

*add at the end—*

"or a public servant" (18)

SHRI S.B. CHAVAN: Mr. Deputy-Speaker, Sir, we accept amendment No. 17.

There is a mistake in this amendment. The word 'of' should be there after the word 'prevention'. This is only an amendment to amendment. With that modification, we accept it. It should read:

"or negligence in the prevention of violation of human rights by a public servant"

The word 'of' has to be there.

SHRI E. AHAMED: That is only a printing mistake. That is not mine. But I have no objection to that.

MR. DEPUTY-SPEAKER: I shall now put the amendments No. 6, 7 and 18 moved by Shri E. Ahamed to the vote of the House.

*Amendments Nos. 6, 7 and 18 were put and negatived.*

MR. DEPUTY-SPEAKER: I shall now put the amendment No. 17 moved by Shri E. Ahamed to the vote of the House.

The question is:

Page 8, line 36,—

*after "human rights" insert—*

"or negligence in the prevention of violation of human rights by a public servant" (17)

*The motion was adopted.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 18, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 18, as amended, was added to the Bill.*

*Clause 19— Procedure with respect to armed forces*

SHRI E. AHAMED: I beg to move:

Page 9, line 20,—

*add at the end—*

"and the Central Government shall submit its report to the Commission as early as possible;" (8)

Page 9, lines 21 and 22,—

omit "either not proceed with the complaint or, as the case may be," (9)

MR. DEPUTY-SPEAKER: I shall now put amendment Nos. 8 and 9 moved by Shri E. Ahamed to the vote of the House.

*Amendments Nos. 8 and 9 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 19, stand part of the Bill."

*The motion was adopted.*

*Clause 19, was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 20, stand part of the Bill."

*The motion was adopted.*

*Clause 20, was added to the Bill.*

*Clause 21— Constitution of State Human Rights Commission*

*Amendment made:*

Page 10,—

*for lines 29 to 32, substitute—*

Provided further that in relation to the Jammu and Kashmir Human Rights Commission, this sub-section shall have effect as if for the words and figures "List II and List III in the Seventh Schedule to the Constitution"; the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir and in respect of matters in relation to which the Legislature of that State has power to make laws" had been substituted.' (15)

(Shri S.B. Chavan)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 21, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 21, as amended, was added to the Bill.*

MR. DEPUTY-SPEAKER: Are you moving your amendments to Clause 22 Mr. Ahamed?

SHRI E. AHAMED: I am not moving.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 22 to 29 stand part of the Bill."

*The motion was adopted.*

*Clauses 22 to 29 were added to the Bill.*

*Clause 30 — Human Rights Court*

SHRI E. AHAMED: I beg to move:

Page 13, line 4,—

*for "may" substitute "shall" (12)*

MR. DEPUTY-SPEAKER: Now I put amendment number 12 to Clause 30 to vote.

*The Amendment No. 12 was put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 30, stand part of the Bill.

*The motion was adopted.*

*Clause 30 was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 31 to 35 stand part of the Bill."

*The motion was adopted.*

*Clauses 31 to 35 were added to the Bill.*

*Clause 36— Matters not subject to jurisdiction of the Commission*

SHRI E. AHAMED: I beg to move:

Page 14,—  
*for lines 38 to 40, substitute—*

"36 (1) The findings of the Commission shall prevail over the findings of State Commission where there is divergence in findings on any matter under inquiry" (19)

Page 14, line 42,—  
*for "one" substitute "there" (20)*

It is because the decision of the Central Commission should prevail on the State Commission. Otherwise, it will be very conflicting.

MR. DEPUTY-SPEAKER: Now I put amendment numbers 19 and 20 to Clause 36 to vote.

*Amendments Nos. 19 and 20 were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That Clause 36 stand part of the Bill."

*The motion was adopted.*

*Clause 36 was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 37 to 43 stand part of the Bill."

*The Motion was adopted.*

*Clauses 37 to 43 were added to the Bill*

*Clause 1— Short Title extent and Commencement*

Amendment made:

Page 1,—  
*after line 7, insert—*

"Provided that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List III in the Seventh Scheduled to the Constitution as applicable to the State." (14)

(Shri S.B. Chavan)

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

MR. DEPUTY-SPEAKER: The question is:

"That Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Enacting Formula and the long Title were added to the Bill.*

MR. DEPUTY-SPEAKER: The Minister may now move that the Bill, as amended, be passed.

*(Interruptions)*

SHRI SYED SHAHABUDDIN: Sir, I just want to pay a compliment to the Home Minister.

MR. DEPUTY-SPEAKER: No.

SHRI SYED SHAHABUDDIN: I will take half a minute, Sir.

*[Translation]*

I would like to say a couplet to the hon. Home Minister:

"Hathon pe na dhabbe hain, na daman pe koi dag, tum katal karo ho ke karamat karo ho."

*[English]*

SHRI S.B. CHAVAN: I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: Now, the House stands adjourned to meet again at 14.35 hours.

13.36 hrs.

*The Lok Sabha then adjourned for Lunch till Thirty Five minutes past Fourteen of the Clock.*

14.35 hrs.

*The Lok Sabha re-assembled at thirty five minutes past. Fourteen of the Clock.*

*(At 14.35 hours quorum bell was rung. No quorum was made. At 14.38 hours quorum bell was rung again and no quorum was made. At 14.41 hours once again quorum bell was rung and no quorum was made. Thereafter the Secretary-General made the following announcement.)*

14.46 hrs.

*Amendment Re: Adjournment of the House till fifteen of the Clock for lack of quorum*

SECRETARY-GENERAL: There is no quorum. The House, therefore, cannot meet, and we may not start the House till there is quorum. Hon. Deputy Speaker has directed that the House should re-assemble at 3 o'clock.

14.47 hrs.

*The Lok Sabha then adjourned till fifteen of the clock.*

15.04 hrs.

*The Lok Sabha re-assembled at four minutes past Fifteen of the Clock.*

[SHRIMATI SANTOSH CHOWDHARY *in the Chair.*]

THE MINISTER OF STATE IN THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Madam, can I make a request? The Bill relating to Inland Waterways Authority of India which was to be taken up at two o'clock is just a one-line Bill. Now at three o'clock, we are to take up discussion under Rule 193 on the situation arising out of the increasing population. If the House kindly agrees, we may first pass the Inland Waterways Authority Bill and then take up the discussion under Rules 193.

SHRI SYED MASUDAL HOSSAIN (Murshidabad): We may do so. We have no objection.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): I too have a similar request. Before taking up discussion under Rule 193, we may Pass the Bill in respect of the Jute Manufactures Development Council.

MR. CHAIRMAN: Does the House agree?

SEVERAL HON. MEMBERS: We may take up these Bills first. We have no objection.

15.06 hrs.

INLAND WATERWAYS AUTHORITY  
OF INDIA (AMENDMENT) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): beg to move:

"That the Bill to amend the Inland Waterways Authority of India Act, 1985, be taken into consideration."

MR. CHAIRMAN: The question is:

"That the Bill to amend the Inland Waterways Authority of India Act, 1985, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The House will now take up clause by clause consideration of the Bill.

MR. CHAIRMAN: The question is:

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clause 1— Short Title*

Amendment made:

Page 1, line 4,—

*The Long Title was added to the Bill.*

*for "1992" substitute "1993" (3)*

(Shri Jagdish Tytler)

SHRI JAGDISH TYTLER: Sir, I beg to move:

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

"That Clause 1, as amended, stand part of the Bill."

MR. CHAIRMAN: The question is:

*The motion was adopted.*

"That the Bill, as amended, be passed."

*Clause 1, as amended, was added to the Bill.*

*The motion was adopted.*

*Enacting Formula*

*Amendment made:*

**15.09 hrs.**

Page 1, line 1,—

JUTE MANUFACTURES  
DEVELOPMENT COUNCIL  
(AMENDMENT) BILL

*for "Forty-third" substitute —*

"Forty-fourth" (2)

[English]

(Shri Jagdish Tytler)

MR. CHAIRMAN: The question is:

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Sir, on behalf of Shri G. Venkat Swamy, I beg to move:

"That Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

"That the Bill to amend the Jute Manufactures Development Council Act, 1983, be taken into consideration."

*The Enacting Formula, as amended, was added to the Bill.*

MR. CHAIRMAN: The question is:

"That the long Title stand part of the Bill".

Madam, the Jute Manufacturers Development Council, set up under the Jute Manufactures Development Council Act, 1983, was following a Jute Year for its accounting purposes. The Jute Year is

*The motion was adopted.*

from July to June of the following year. There have been certain difficulties which have come to the notice at the time of accounting and in view of these difficulties there is an amendment which has been suggested to this Act. It is considered that the Financial Year should be incorporated instead of the Jute Year and the proposed Bill, therefore, seeks to modify the definition of year, given in Section 2(f) of the Jute Manufactures Development Council Act, 1983 to mean instead of Jute Year, the Financial Year. This is the substantive portion of the amendment which is sought through this Bill. I would request the support of hon. Members.

MR. CHAIRMAN: *Motion moved:*

"That the Bill to amend the Jute Manufactures Development Council Act, 1983, be taken into consideration."

SHRI SYED SHAHABUDDIN (Kishanganj): Madam, Chairperson, I welcome the Bill and I rise to support the Bill. But I take this opportunity to draw the attention of the Government briefly to some aspects of the jute industry and the condition of the jute cultivators.

Madam, I would suggest that now a decade has passed since the Jute Manufactures Development Council was created, I think it is time that the Government should go into the working of this council as to how far it has benefited the jute industry, the jute cultivators, the jute growers and how far it has facilitated the absorption of new technology and the modernisation of the industry. It is because, we know that the jute industry is facing a grim competition all over the world and therefore, I think the development Council was created with a specific purpose to make it more competitive *vis-a-vis* the alternatives and

the substitutes that are coming into the market. I would like to have a report from the Government as to how far the Council has succeeded in meeting this objective.

Madam, my second point is with regard to the working of the Jute Development Fund that was created both to finance the industry as well as to provide research benefits, extension services and cheaper inputs to the jute growers. I have my doubts, Madam, because I represent a jute growing area, whether adequate benefits under the Jute Development Fund have reached the growers. I would not be able to say too much about the industry but I do know that in the North-East Bihar, two out of three jute mills are sick and are lying closed. As far as I remember the figures, the Fund has not been fully utilised. The Fund is being under-utilised and the Government ought to come up with some schemes to see to it that the Fund that was created with great hope and expectation really leads to the modernisation of the industry and provision of extension services, research benefits and cheaper inputs to the jute growers.

The another problem they face is that the purchase centres are so far away from the farmers viz. 50 kms. or 60 kms. that it is impossible for them to go to the next purchase centre, spend overnight and get their Jute accepted. There are also many procedural complications. I would suggest that the Government should consider that the Corporation should appoint the Panchayats in the growing areas as their agents, provide them with necessary funds and the surplus jute that any farmer wishes to sell can immediately be sold to the Panchayat which can act as an agent of the Corporation. Then, subsequently,

[Shri Syed Shahabuddin]

whatever price is obtained in the market, that extra amount can again be cycled back to the farmers. I think, a system as this can be evolved. I would like that the Government should consider this seriously because, the Corporation, as its stands, will not be able to reach the farmers and fulfil the promise of the Government that every ounce of jute—that is the promise given on the floor of the House by the late Prime Minister—which is offered by the farmers shall be purchased by the Corporation. We know that it is impossible. It has never happened and it will never happen unless some mechanism is developed whereby the purchaser appears at the door-steps of the growers. That should be looked at.

My final point, Madam, is about the support price. I am afraid that the support price is not commensurate with the labour and the cost of the inputs involved. In fact what is happening today is that jute acreage depends upon the support price. If the support price is high or the market price goes up, then, in that case, jute acreage goes up. If the market falls, the jute acreage falls. It is because, if the grower does not even get enough return to keep his body and soul together, surely he is not going to grow jute.

Therefore, I would suggest that, with the help of the Agricultural Prices Commission, a more adequate formula should be evolved for fixing the support price for jute.

These are four points with regard to jute and jute industry that I would like to place before the Government for their sympathetic consideration, while supporting this Bill.

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad): Madam Chairman, it is a small Bill relating to the Jute Industry. If we put up questions in this regard then who will answer them? I can ask a number of questions, relating to the Jute Industries. Jute producers and Jute Mills both are involved in corruption. The J.C.I. which has been constituted is not working properly. Although there is a cadre to purchase the jute from the jute producers in West Bengal but the employees of the J.C.I. comes to purchase the jute only after the cell is over and then what is the use of them? The arrear of farmers are always due towards the J.C.I.

The second problem is regarding the closure of the jute mills one after the other and what steps have been taken by the Government in this regard? In my constituency Victoria Jute Mill has been closed. What steps are being taken to reopen it? The owners of this mill are Britishers and the Chief Minister of our State and the workers are requesting them to come, but they are not coming. This would be possible when they would get the assurance in this regard. The reason for all this is that the arrears of bonus, salary and provident fund amounting to Rs. 190 crores is due towards them. If the Government of India makes any efforts in this regard then it can be possible. Thousands of workers have become jobless. Political parties are taking maximum advantage of this situation. A Member of Parliament of our area sat on strike and when she felt hungry, she ended her hunger strike. This was like a dramatic exercise. We have been calling their attention on a number of occasions but of no avail. The concerned Minister is not present here at the moment. What should I ask from Shri

Mukulji, who has no information in this regard.

Madam Chairman, after consultation in the chamber a Committee was constituted and Shri Amin, Member of Rajya Sahba had given one suggestion which has not been implemented so far. What I want to say is that, there are four jute mills in my constituency. One of these mills i.e. victoria Jute Mill is going to be closed down, then what would happen to other three mills? We have been told that the mills would be reopened after the retrenchment of 1000 workers and that Rs. 400 would be cut from each worker's salary. Therefore, change the Jute Year. There is no objection on this point. But the system or the NGMC which has been formulated is working satisfactorily? JCI owes crores of rupees to farmers, what do you think in this matter. Deputation after deputation came in this regard, but nothing has been done. Therefore, I oppose this Bill. Will you be able to issue any directive today as to what would be the role of the Government to reopen the closed mills? What steps are you going to take regarding thousands of workers, who have become jobless, and where proper record of Provident Fund has not been mentioned and who did not get their bonus even during the last year. I want that you give a clear assurance in this regard. I am not opposing the minor amendment of this Bill. If there is no clear response from your side then it will be very difficult and the jute industry would be ruined completely. It will be shifted to other countries.

The jute market is increasing year by year. Earlier its demand was reduced certainly for some time but now again its demand is increasing. Under such a condition, if you do not give due attention to it and not try to save it, then the entire

jute industry will be ruined and since you have signed the Dunkel proposals so they will do as they wish. They will finish our jute industry and it will be shifted to other countries.

[English]

SHRI MUKUL WASNIK: Madam Chairperson, I have noted down the suggestions expressed by Shri Syed Shahabuddin and Shri Masudal Hossain. At this point of time, I would only like that the proposed amendment Bill is only for a limited purpose and as I said in the very beginning, it is only dealing with change in the year from that of Jute Year to that of the Financial Year.

Shri Hossain has talked about the closure of the Victoria Jute Mill and other mills and the situation in general which is prevailing in jute industry. I can here say that as far as the Victoria Mill problem is concerned and as everybody is aware that it is a private mill. There have been some problems about labour relations. The Government of West Bengal has already taken up the matter with the Department of Labour as well as at the level of Chief Minister of West Bengal. From the Centre also the Textile Minister, Shri Venkat Swamy has taken up the matter with the Government of West Bengal. I think the hon. Member who has taken up the issue is well aware about the state of affairs and the progress which is being done as far as this particular matter is concerned.

There are about 23 jute mills which have been referred to the BIFR for their revival, which includes, apart from the private mills, 6 public sector units also. The Government is concerned that these mills should be revived and with this purpose in mind 23 jute mills have already

[Shri Mukul Wasnik]

been referred. Shri Shahabuddin has pointed out..

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Madam, I have a question to ask. The Jute Packaging Material Order is being violated by the industries and because of that the jute industry seems to be in a crisis. The industries have to use jute packaging material for their goods. Will the Government ensure that this will be abided by?

SHRI MUKUL WASNIK: I am afraid, Madam, that I will not be able to give an immediate response on this specific query but definitely I can get back to the hon. Member after...

SHRI SYED MASUDAL HOSSAIN. Mr. Minister, please give us assurance, will the Central Government intervene in this matter?

SHRI MUKUL WASNIK: I will definitely get back to you.

As far as the procurement is concerned, it is also done through cooperatives. But we can definitely examine the suggestions which Shri Syed Shahabuddin has made while speaking on this Bill. There have been several other things which have been taken up.

SHRI SYED MASUDAL HOSSAIN: No assurance is coming from the hon. Minister.

SHRI MUKUL WASNIK: In any case, I want to clarify that this Bill is dealing with a very very limited issue and if we are going to have a complete discussion as far as the jute industry is concerned, I am afraid, we will not be able

to respond immediately to the clarifications which have been raised. Definitely we CAN GET back to the various points which have been raised; that much I can assure the hon. Members.

At this point of time I thank the hon. Members who have taken a keen interest and participated in this discussion. I request that the Bill may be passed.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Jute Manufacturers Development Council Act, 1983, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The house will now take up clause by clause consideration of the Bill.

The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause — Short Title and Commencement*

Amendment made:

Page 1, line 4,—

for "1992" substitute "1993" (2)

(Shri Mukul Wasnik)

MR CHAIRMAN The question is

That Clause 1, as amended, stand part of the Bill'

*The motion was adopted*

*Clause 1 as amended was added to the Bill*

*Enacting formula*

Amendment made

Page 1, line 1

for Forty-third substitute

Forth fourth 1)

(Shri Mukul Wasnik)

MR CHAIRMAN The question is

"That the Enacting Formula as amended be added to the Bill

*The motion was adopted*

*The enacting Formula as amended was added to the Bill*

MR CHAIRMAN The question is

That the Long Title stand part of the Bill'

*The motion was adopted*

*The long title was added to the Bill*

SHRI MUKUL WASNIK I beg to move

That the Bill, as amended, be passed "

MR CHAIRMAN The question is

That the Bill as amended be passed'

*The motion was adopted*

15.34 hrs

SICK INDUSTRIAL COMPANIES  
(SPECIAL PROVISIONS)  
AMENDMENT BILL

As passed by Rajya Sabha

[English]

MR CHAIRMAN The House will now take up the Sick Industrial Companies (Special Provisions) Amendment Bill

Dr Abrar Ahmed

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR ABRAR AHMED) beg to move

That the Bill further to amend the Sick Industrial Companies (Special Provisions) Act, 1985, as passed by Rajya Sabha, be taken into consideration" (*Interruptions*)

SHRI AJOY MUKHOPADYAY (Krishnagar) Madam Chairperson, we have not agreed for taking up this Bill at this time. The discussion under Rule 193 was scheduled to start at 3 o'clock. Now, it is 3.35 p.m. (*Interruptions*)

SHRIMATI MALINI BHATTACHARYA (Jadavpur): We had only agreed to pass the two previous Bills before taking up the Discussion on Population Policy. Madam, this is a third Bill, which is being brought now.

MR. CHAIRMAN: There was no agreement for taking up this Bill at this time.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Now, we can take up the discussion under Rule 193.

MR. CHAIRMAN: Now, we shall take up the discussion under Rule 193.

15.36 hrs.

#### DISCUSSION UNDER RULE 193

##### **Increasing population in the Country—(Contd.)**

*[English]*

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Madam Chairperson, we are discussing an issue, which is very important, the problem arising from over population. But when we are about to take up this issue, this House is facing a problem, that is, the problem of under population. However, this is a very important discussion and I am very thankful to you, Madam, for having allowed me to speak on this.

Personally I have been very much interested that this issue should be at

least brought within our perspective, the perspective of the Parliament, as soon as possible and immediately because we have heard that the Government is at last moving towards the formulation of a National Population Policy. Now, this is an effort, which we think, which should have been taken up long ago, which comes very late. And we all of us are interested in that. There should be a comprehensive and an integrated population policy. We have heard but it has never been brought before the Parliament. As a matter of fact, the Government has appointed an expert group to formulate a draft Population Policy. Apparently, a paper giving the Government's point of view has been presented to this expert group. What we demand, Madam-Shri Paswanji, before me, had also said this— is that this is an issue which should not be kept confined within in-camera discussions of the expert group; this is a discussion which should be conducted at the national level; and what is in the Government's mind should be made clear to the Parliament at least in the form of a White Paper, in some kind of a provisional draft. Anyway, now that the process has started, we would urge upon the Government, we would demand from the Government, that this discussion is brought into the public arena and a discussion at the national level is initiated by the Government on this.

Madam, we are somewhat alarmed to find that even though there has been no National Population Policy, yet there have been certain unannounced changes in the position of the powers that be. In our Governmental system, the Ministry of Health and Family Welfare looks after population management. Now it is not for nothing that this Department is called the Department of Family Welfare rather than family planning.

I think, it is right that this should be called the Department of Family Welfare because there cannot be any family planning without family welfare. In the Government documents that are coming to us recently, we are finding the Government moving a step further and saying that the Population Management Programme cannot succeed without their being massive peoples' participation, unless this is made a peoples' programme, family welfare cannot succeed. This the Government has been saying for some time in its documents. However, in actual practice the way in which the programme is being implemented or the way in which new measures are being brought in, we find, just the opposite. In fact, we find that the way in which things are moving, peoples' participation is something which is likely to remain on paper only and is not likely to be ever implemented. Why am I saying this? First of all, we find that gradually in the perception of the Government—may be this is something to do with the new Economic Policy also—demographic management is being equated with population control. There is a kind of mentality that all our problems the problem of poverty, the problem of illiteracy and unemployment etc. can actually be related in a cause and effect relationship with population, *i.e.* somehow it seems that the Government is beginning to think and may be expressing the opinion of a very powerful lobby that, first of all, population must be controlled and then poverty has to be removed so that this total outlook of family welfare is gradually being curtailed and trimmed down. This is a mentality which, in fact, is coming to us, coming to the Third World from the First World also. The First World keeps on telling the Third World that unless there is population control, unless the so-called demographic hump is

controlled, there cannot be any expansion of welfare schemes. Basic services cannot be handed down to the people unless there is population control. Actually, however, we find that although in the Third World there is certainly a greater growth of population, yet it would not be true to say that the depletion of world resources or the depletion of environmental resources is due to the Third World as much as it is due to the First World. It is the First World which is depleting our environmental resources, depleting our other resources much more, even with their smaller growth rate of population than the Third World is doing and yet they are trying to force this attitude upon us that population is our main problem.

Sometimes we also find that comparisons are made between India and China. It is said that since China has succeeded in controlling population by using coercive methods, the same coercive method should be used in India as well and yet this is being said without taking into account the fact that China has a very massive public health system which we do not have in India and as such the methods for population control which China has been able to adopt without causing any massive suffering to its people cannot be brought in the same way in India.

Again, we find that even when there is no stated Population Policy, the Government is trying to move certain Bills where certain punitive measures, disincentives are being promoted in order to bring about population control.

Further, we find that apart from the traditional methods of family planning, certain innovative family planning devices

[*Shrimati Malini Bhattacharya*]

to be imported from the richer countries, from the developed countries, are being contemplated by the Government. All these things show that there is a change in the Government's position which is rather alarming, and this is why we think that there has to be a discussion on this at the national level. Further, we find that if this bogey of over-population is carried beyond a certain limit in our country, it is this theme which is being used by certain communalist forces for their own purposes in order to put certain minority communities in a position of insecurity. We know that over-population increase some times takes place not only because of an increase in birth rate but it can also take place as a result of migration. We find that India, so far as its borders with its neighbouring countries are concerned, has certain problems. Now, these problems are human problems. We do find illegal immigration into India. This is a very real problem. But it has to be treated as a human problem. It has to be understood why this illegal immigration takes place. Secondly, in the name of illegal immigration being there, *Lona fide* citizens of India must not be harassed. Indians must not be branded as Bangladeshis just because they speak Bengali, and hounded out of their hearths and homes. This is the kind of thing that we find taking place when the communalist forces use this panic that is being created by the theme of over-population. What I mean to say is not that the problem is not there. The problem is there. It is a very serious problem. But also there is no need to panic about this because we have the means, we have the methods by which this population management can be done.

I would now turn to some of the statistical findings. What has been our target? The National Health Policy of

1983 aimed at a Net Reproduction Rate of Unity, which is called NRR-1, by 2000 A.D. We find that this target has had to be pushed back from 2000 A.D. to 2016 A.D. So, there has been a lag. We have not been able to keep up to the target. We also find that from 1981 to 1991, there has been an increase in the overall population from 683.3 million to 840.3 million. This is a considerable increase. Certainly, it is important that this rate of increase should be brought down to a certain extent. However, I would not like to paint an absolutely dark picture because, as I said, this panic that is being created has to be withstood. This panic is totally without basis.

We find that as a matter of fact the rate of growth, according to the 1991 census, has marginally come down. In the last decade there has been a slight reduction. It has come down to 2.14 per cent. Therefore, I do not at all agree with those who say that there has been no control over population, that population is growing unchecked and the picture is one of unredeemed darkness. Something has been done. There has been a certain reduction in the rate of growth in the last decade. This reduction has to be kept up. This has to be improved. But I think that those who say that nothing has been done, are really trying to create unnecessary panic.

Now, Madam, the other thing that we observed is that in the statistics there is a certain unevenness. For instance, the national average of crude birth rate is 29.3 per thousand and the crude birth rate for Goa is 16.8 and for Kerala it is 18.1 and for Tamil Nadu it is 20.7. These are considerably lower than the national average. But in the case of Haryana we find that it is 33.3, in Madhya Pradesh it is 35.8, in Rajasthan it is 34.3 and in Uttar

Pradesh it is 35.1. These are all much higher than the national average. So, this unevenness in performance, in achievement of targets has been there.

So far as Kerala is concerned – I will have the occasion to say a word or two about Kerala – it should also be observed that in Kerala the infant mortality rate also is much lower than the national average. It is 17 per thousand. The national average is now 80 per thousand and it is seeking to come down to 60 per thousand by 2000 A.D. Whereas in Kerala it is 17 per thousand, in Madhya Pradesh it is 122 per thousand; in Orissa it is 126 per thousand and in Uttar Pradesh it is 93 per thousand. Again in the case of total fertility rate, whereas the all India average is 3.9, the rates are much higher in Bihar, U.P. and Haryana.

So, it is this unevenness of performance, unevenness of achievement which is really compounding the problem and it is this unevenness which must be done away with. There must even be development of a population management in all the different States of the country.

SHRI A. CHARLES (Trivandrum): Madam, you will be glad to know that in Kerala we have achieved all the targets of "Health for All – 2000 A.D."

SHRIMATI MALINI BHATTACHARYA: I am coming to that Mr. Charles. That is the basic point that I am making. Now sometimes when I talk of Kerala model, people talk of China and say why cannot India follow China and use coercive methods and I have said that Kerala is much nearer home and why cannot we follow Kerala model. And then people have said that "Oh, in Kerala you have matriarchy". There is no matriarchy in Kerala. There is matriliney.

Matriliney does not mean a superior status for women all the time, because in the North Eastern States, particularly in Assam where it is still found the crude birth rates certainly cannot touch the level of Kerala. Even, they are higher than the national average. So, it is not as if Kerala is something out of India, as if it is something of an exception, but I think this achievement was possible in Kerala because as Mr. Charles has said, health services are much better there. The primary health services are much better, there is 90 per cent or total literacy. Actually, these are the things which have mattered in the case of Kerala and these, actually, have acted as the best contraceptive. The health services, education and literacy have helped the population control programme.

Madam, sometimes we put the cart before the horse and we say that unless we control the population we cannot remove poverty. In the case of Kerala we have found that not by removing poverty altogether, but at least by ensuring certain basic services for all the people, for the poorest of the poor, it has been possible to bring down the birth rate. The point I am trying to make is, what has been achieved in Kerala can be achieved, I think, in the rest of India as well.

Now, we find that not only in the case of Kerala, but also generally all over India we have taken up the Universal Immunisation Programme for the last few years. This Universal Immunisation Programme, wherever it has been successful we find that there has been decline in the infant mortality rate. Similarly, wherever the Integrated Child Development Services has been successful, there also we find a decline in the infant mortality rate. There has been some study which shows that in those

[Shrimati Malini Bhattacharya]

areas where the Integrated Child Development Services is successful and where the Universal Immunisation Programme is successful, in these areas also there has been a certain reduction in the rate of population growth. However, we find that so far as the whole of the country is concerned, the lack of health delivery system and the lack of primary health services, these are something which are telling upon our population management programmes very much.

Now, let us look at the statistics. We have, according to the Government statistics, 20,847 Primary Health Centres and 1,30,782 Sub-Centres in the country. These were earlier meant for one lakh people and now each of these Centres caters for 30,000 rural people. However, the point is, new Sub-Centres have not been opened in any more areas owing to lack of funds since 1990. So, the numerical target for the Seventh Five Year Plan has not been reached. This means, 20,847 Primary Health Centres for all the poor people in India scattered over all the poor areas which lack in any kind of health services. This is pitifully inadequate.

16.00 hrs.

Unless these health services can be expanded further, there is no hope for our population management policy either. Therefore, I think, unless the Government changes its policy with respect to primary health programme, unless it stops kowtowing to the spokesmen of the structural adjustment programmes, unless it stops kowtowing to the IMF and the World Bank, it will never be able to expand its health delivery system. Therefore, it will be able to reach its target so far as population management is concerned. I am told, creche'

programmes are a non-expanding programme of the Government. I am told that eventually, it is expected to be integrated into the ICDS. But so far, very few ICDS projects have creche' schemes. In the meantime, we find that the Planning Commission has not given any further allocations for expansion of the creche' programme. If these things are not there, how can there be a total health system? When we talk of the growth of population in poor countries, sometimes we do not take into our point of view from what perspective poor people look at an additional child. So long as in our country, the system of child labour cannot be completely eradicated, I think, that a child will be looked upon as an additional labour hand. I read only the other day about a Pakistani woman working in a brick kiln saying—if I have another son, as soon as he is 7-year old, I will send him to work at the brick kiln so that whatever indebtedness I have incurred, my son can help me out of it. There is the dimension of poverty, dimension of economic deprivation, dimension of lack of empowerment, dimension of child labour. Unless all these dimensions are taken within our purview, I am afraid, this family planning as family planning cannot succeed.

We also find, even as our health care system, health service system is not expanding, at the same time, as the effect of structural adjustment, we find there is a move towards privatisation of the health sector and connected with this, there is the incident of dumping by the developed countries of drugs, of family planning devices which they cannot use in their own countries, into our country. This is a very dangerous phenomenon because these are very powerful lobbies. They are thrusting these things down our inkets even when we do not want these things. I

have just given one or two examples of this. We find recently certain so called innovative family planning methods, hormonal technologies are being introduced into our health system without ample testing, without ample discussion, without ample information being provided regarding these devices.

Norplant which is about to be introduced in our health system is a case in point. So far as Norplant is concerned, we are told that it can only be administered under careful medical supervision and there are a number of contra indications for use. These include women who suffer from cardio-vascular disorders, women with undiagnosed abnormal vaginal bleeding, women with benign or malignant liver tumours, and women with known or suspected breast cancer.

We find that in the Indian system, particularly with the cafeteria approach that is being promoted with the social marketing approach which is promoted, what will happen? With greater privatisation of the family planning system and people will have these devices thrust upon them without there being proper care, without there being proper monitoring of the effect of these hormonal devices on their system. In fact, something like this happened in UP with regard to Norplant where a large number of migrant women labourers had Norplant implanted into their bodies and after that, because they are migrant labourers, nobody knew what happened to them. They just went off; after a time, these implants have to be removed. But they have not been removed. There is no trace of these women. No one knows where they have gone. No one knows how they have been affected by this implantation under their skin.

I just want to point out why Norplant is used in some of the developed countries including America. It is used there on women who belong to the most helpless sections of society including the black women, women living in ghettos and women on parole, that is, those women who are serving some sentence are released on condition that they accept this implantation. So, all our women, particularly poor women, women living in the outlying areas of the country, tribal women, women who have no empowerment whatsoever should not be subjected to this kind of treatment just because there is no one to say anything on their behalf.

I have a study here made in Brazil where this Norplant was experimented with on a number of women and we find that again in the case of Brazil the same thing happened that a large number of women on whom it has been tested, just disappeared. They could not be contacted. No one knew what effect on their system was of this Norplant. Fifty-two women out of 309 were contacted and out of these 52 women, 45 experienced various side-effects, serious, less serious, but none-the-less they experienced side-effects from Norplant.

Not only do we have Norplant, but now we have Depoprovera and Net 'en which are sought to be brought into our health system. As a matter of fact, in the case of Depoprovera, I think there is some move to introduce it into our health system without there being any Indian trial. This is unheard of. This is something which has never before happened because Indian women have a different physiological system because of less nutrition, because of their body weight and so on. Without Indian trials, to think of introducing a controversial drug, a

[Shrimati Malini Bhattacharya]

possibly hazardous drug, is absolutely unethical and just because it is being tried on poorer women, women living in the outreaches of the country, there is no one to say anything on their part and they are being subjected to this kind of experimentation. Our women are not Guinea-pigs. They should not be subjected to this kind of experimentation.

I would also just mention that recently India and the United States have entered into an agreement. There has been an agreement on September, 30, 1992. It will be a project, a comprehensive scheme for U.P. initially which will go on for ten years. It will involve on the part of the donors 325 million US dollars altogether. This will come from the Agency of international Development. Out of this, one million dollars will be given in goods, services and training from AID-Washington. These goods, services and training had to be taken from AID-Washington. This is one of the conditions. That means, that these innovative family planning devices will be imported. In the name of giving aid, we do not know what kind of hazardous drugs are going to be imported into our country.

For 325 million US dollars, the grantee, that is, India is supposed to contribute 400 million US dollars to the scheme including costs borne on in-kind basis. From where will these 400 million US dollars come from? Will the Planning Commission give money? Wherefrom will the Family Welfare Department get that money? Instead of improving our basic health distribution system, money is to be siphoned off to these innovative family planning services and not one paisa of it can be spent for these basic things. What sort of agreement is that?

We demand that this agreement

must be scrapped altogether. We do not need it.

I am not going into the other details of this agreement but I think it is an explosive agreement. It is most dangerous for us. It is an agreement through which the recession of the developed countries is being shifted on to our shoulders and also a very strong control is being wielded over our family planning system from a long distance. This is the most dangerous thing about this agreement which, for any of the decisions that it takes, they do not have to go to the Parliament. They do not require any Government approval even, for some of the most important decisions. What kind of an agreement is it? What good can it do to our health system. I would like to know. It should be scrapped altogether.

This is the kind of thing that is being thrust down our gullet and I think that we cannot formulate our population management policy if we are under this kind of pressure.

Madam, I will just say very briefly one or two words and I will finish in five minutes.

The other point that I wanted to raise is regarding certain punitive strategies that are being contemplated by the Government which we are totally opposed to. First of all, we have the proposal that the Representation of the People Act should be changed so that people who have more than two children should not be allowed to contest the elections. Now, who will this affect? I think that it will affect most the 33.3 per cent women that we propose to induct into the Panchayats. In West Bengal, they have already been inducted. But because they come from very poor families, because of economic reasons, because of illiteracy, because of lack of education, because of lack of health services, many of these

women are not having any control over their families. This is not their fault and yet because of the failure of the Family Planning Programme, the punitive measure is being shifted on the shoulders of the women. So, I think that this kind of a disincentive should not be brought because it would hurt the poorer sections, particularly the women who are likely to come to the Panchayats when there are Panchayat elections. Also, the amendment to Maternity Benefits Bill that is sought to be brought forward before Parliament is again punishing the women. Again, the same thing is repeated. If women are about to have their third child, then they would get leave but leave without pay. Who will this hurt? Is the woman to be blamed if she has more than two children? Mostly, you will find that the women will be very glad to have some safe Family Planning devices so that they can limit their family. Just because it has not been possible because of our faulty health delivery system, because of our faulty educational system, because of our faulty social system, just because of this, to punish the women is totally atrocious.

Finally, I would like to point out one thing. We find that there is a proposal to withdraw the PDS facilities from families which have more than two children. Again, we find this atrocious since most of the poor people in the rural backwaters would be punished for the failure of the population programme. This is quite atrocious. We find in our society a certain negligence for girls, for women. There is a devaluation of the social position of women and because of this devaluation of the position of women, we have declining sex ratio. All kinds of prenatal sex determination tests leading to the female foeticides are being practised in many parts of the country, even in the rural areas, these days in order to get rid of the girl child. In the name of population

management programme, such discrimination against the women must not be practised. This must be stopped.

With these words, I would thank you very much for the indulgence that you have given to me and I will end with this.

DR. KARTIKESWAR PATRA (Balasore): Hon. Madam Chairperson, the problem which we are discussing is a serious problem. The problem of rapid rise in population is one of the burning problems of the world. It should be very carefully and strongly dealt with.

16.21 hrs.

[SHRIMATI MALINI BHATTACHARYA *in the Chair*]

India is moving in a dangerous path with the rise in population. If our Government is attempting to have an all-round development of the country and the people, the Government should be very careful and very cautious to control this problem. Otherwise, the Government would not be successful because with the 2.4 per cent of the world land area, India is presently supporting 16 per cent of the world population. This is a very acute problem. You have already placed every statistical report in the House and we need not bring it to the notice of the House. If you go through the statistical report, you will find that Vietnam is a country whose population growth rate is very high. If you see, in a decennial process, it is 4.59 per cent at present. It is the lowest in U.K. During the period 1980—90, it was 0.33 per cent which is the lowest as far as growth in population is concerned. In U.K., during 1950—60, the growth rate was 0.38 per cent. Similarly in the decennial process it was 0.57 per cent, 0.16 per cent. and it was

[Dr. Kartikeshwar Patra]

perhaps the lowest in 1970—80 in U.K. in comparison to the highest population of the world. China has got the highest population. In 1990, it was 1139 million. India's population at the time of the Census Report in 1990 was 827 million. But the rate of growth in India is very high. Generally, it was 2.11 per cent in 1990.

Here, it was said that Kerala has made very good achievement in family planning. But if you see the growth rate, Karnataka has got the lowest, growth rate. In 1991, it had the growth rate of 1.0 per cent and in Kerala it was 1.9 per cent. In this respect, Karnataka is the best one which has made much more progress. Tamil Nadu stands first in the process of controlling the birth rate.

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR): Where from are you quoting these figures?

DR. KARTIKESWAR PATRA: I am quoting the figures given in the Population Key Census Statistics.

I want to say one thing here. When we are discussing the issue as to how to control the rise in population, before it is over, I think, it will be relevant to discuss Malthus theory here.

The famous book written by the famous Economist, Mr. Thomas Robert Malthus "Essay on the Principle of Population as it affects the future improvement of the society" is perhaps known to all. In this book, Malthus pointed out that population increased at much more rapid rate than the production of food did and as such it was useless to think of human prosperity.

There are some controversies on Malthus theory. Malthus told that the gap between the population growth and the increase in food supply barred the realisation of the vision of prosperity of men. He said that the presence of increasing population on food supply will destroy perfection, and there would be human misery.

In the first half of eighteenth century, in England, there was a serious crisis. Before that, England was a prosperous agricultural country. But, at the end of that century, there was unemployment, famine, misery and distress. There was excessive pressure of population on land and there was a crisis in England.

If you wish to argue to in Ireland also the problem was like that and that was controlled; similarly, in England also the problem was controlled, then, we should first judge as to in what way they have controlled that problem.

The ideas of Malthus were much influenced by the writings of Betero, Patty, Sir Walter Raleigh, Sir Mathew Haley, Green, Robart Wallace, Smith and many other thinkers. They showed that a rapidly growing population was the cause for famine and poverty. But, that theory was first defeated by Dalton and Robbins. And afterwards, Carr Saunder's theory of optimum population was well accepted by all. While Malthus showed that due to rise in population, there is a crisis in the country, Carr Saunder's theory reveals that there will be simultaneous agricultural growth; there will be industrial growth and this crisis would not arise in spite of rise in population. That has also been discussed.

But, in our country, we possess a very small portion of the land, in

comparison with the world scenario.  
(*Interruptions*)

SHRI AJOY MUKHOPADYAY  
(Krishnagar): Madam Chairperson, there  
is no Quorum in the House.

SHRI PABAN SINGH GHATOWAR:  
I would request the hon. Member not to  
press for the Quorum. Let the hon.  
Member continue his discussion.

SHRI AJOY MUKHOPADYAY: This  
is very serious discussion and hence,  
Members must be present. (*Interruptions*)

MR. CHAIRMAN: Are you asking  
for the Quorum?

DR. KARTIKESWAR PATRA: Let  
me speak, Madam.

According to the final figures of  
1991 Census, as on 1st March, 1991, the  
population of India was 846.3 millions. At

present, during the decennial process, the  
population is more than 890 millions.  
Now, the absolute addition to the  
population in the decade of 1981—91  
is

MR. CHAIRMAN: Dr. Patra, since  
the question of Quorum has been raised, I  
think, the bell has to go. So, will you  
kindly sit down for a while, till the Quorum  
bell is rung?

*Let the Quorum bell be rung.*

MR. CHAIRMAN: The bell is being  
rung— The bell has been rung. Since there  
is no quorum in the House, the House  
stands adjourned to re-assemble on  
Monday, the 20th December, 1993 at  
11 a m

**16.43 hrs.**

*The Lok Sabha then adjourned till Eleven  
of the Clock on Monday, December 20,  
1993/Agrahayana 29, 1915 (Saka)*

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