

# LOK SABHA DEBATES (English Version)

Seventh Session  
(Tenth Lok Sabha)



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LOK SABHA SECRETARIAT  
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# LOK SABHA DEBATES

## LOK SABHA

Saturday, August 21, 1993/Sravana  
30, 1915 (Saka)

The Lok Sabha met at  
Eleven of the Clock

[Mr. Speaker in the Chair]

[Translation]

SHRI MADAN LAL KHURANA (SOOTH DELHI) : Mr. Speaker, Sir, yesterday, the Government had assured to provide the copies of the Religion Bill to us by the night, but we have not received the copies so far. We have to give our amendments go through the Bill and perform several other formalities. We have received neither the Hindi version nor the English version of the Bill so far though we were assured to get it by the same night. Though the Bill has been laid on the table of the House but not provided to us. The hon. Members have to leave for their native places today. But due to the non-availability of the Bill, the Members have neither been able to give amendments nor go through it.

DR. LAXMINARAYAN PANDEYA (Mandsaur) : Yesterday the hon. Minister of Parliamentary Affairs had assured to make available the copies of the Bill to the Members that day itself and advised us not to bother at all. But we have failed to receive anything in this regard.

SHRI RAJVEER SINGH (Aonla) : We have not received any copy of the Bill so far.

MR. SPEAKER : You please sit down, the hon. Members may please speak one by one.

[English]

SHRI RAMESH CHENNITHALA (Kottayam) : Sir, some 130 Indian workers, most of them belonging to Tamil Nadu, have been beaten up by the police in Kuwait. It is a very serious matter. The Home Minister and the External Affairs Minister should take appropriate steps in this regard. [Interruptions].

[Translation]

SHRI ATAL BIHARI VAJPAYEE (LUCKNOW) : Mr. Speaker, Sir, so far as this Bill is concerned, the Government has been hasty at every step. You must be remembering that when a debate was to be held on the No Confidence Motion, the Government tried to present this Bill ignoring all rules but was prevented from doing so by you in the plea that a bill should be presented under specific rules. Thereafter, again Shri Chavan presented the Bill hurriedly and due to which he had to withdraw the Bill because the Bill was not presented under the rules. Besides, adequate time was not given to the select committee to discuss the matter. The Government has been in haste at every step. Now, again delay is being made in providing the copies of the Bill to the non-Members under the rule. If the Bill is to be discussed on Monday or Tuesday we must have the copies of the same as per rules. Yesterday I was not present in the House, but I have heard our Members saying that copies of neither Hindi version nor English version of the Bill were made available to any member except the members of the select committee. How can the House function in such a situation...

[Interruptions]

SHRI NITISH KUMAR (BARH) : As per the rules, copies of both the versions of the Bill should be circulated and laid on the table of the House—this had been pointed out yesterday itself and the Deputy Speaker had also given his observation in this regard. The hon. Minister had regretted the Government's inability to fulfil the demand of the Members, but it is unfortunate that the Hindi version has not been circulated though English version has been circulated. Those who were to receive the English version as per the order, have received the same but those who were to receive the Hindi version have not received the same. As per the order I was to get the English version and I have got the same. But the non-availability of Hindi version implies that the Hindi version has not been prepared so far and thus the promise has not been fulfilled. Things have not improved even after apologising for the mistake. The hon. Minister of Parliamentary Affairs is not present in the House today. I would like to know where he is. The session has been extended for one day, the hon. Members have postponed their engagements and are present in the House. But the hon. Minister of Parliamentary Affairs Shri Shukla is absent. An important Cabinet Minister

who has to apologise most frequently for the mistakes committed by the Government has disappeared today. I do not know whether he is in the city or out of station, I am not finding him, in other words\*.....

Mr. Speaker, Sir, my strong objection is that ...\*..... in the prevailing situation we want your protection.. [Interruptions]

**SHRI MADAN LAL KHURANA :** The select committee's report should also be made available in Hindi as well as in English, but as per my information it is yet to be translated—this was stated yesterday.. (Interruptions).. But we have received neither the Hindi version nor the English version.. [Interruptions] ..

**SHRI RAM VILAS PASWAN (Rose- ra) :** Mr. Speaker, Sir, the Parliament has enacted a Parliamentary Official language Act. I happen to be one of the Members of the committee with regard to it while Shri Pandey is the convener. Under the sub-section-3 of section-3 of the said Act whichever documents submitted in the House by the Government are to be submitted in Hindi as well as in English version, and those who violate the rule are liable to be punished.. [Interruptions]..

**SHRI SURYA NARAYAN YADAV (Sahasra) :** Sir, yesterday, you were not in the chair, the matter was discussed for a long time and the hon. Minister of Parliamentary Affairs regretted and also assured to provide the copies of Hindi version and English version by the same night. But we have not received the documents in any language. Shri Nitish Kumar has rightly pointed out that...\*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RANGARAJAN KUMARA-MANGALAM) : Mr. Speaker, Sir, the hon. Members are right in saying that at the time when a Report is presented and circulated, the Hindi version should be made available.

Yesterday, the hon. Minister for Parliamentary Affairs did seek the indulgence of the House in this matter. Because, the matter being urgent and the date viz. 20th was being fixed for the presentation of the Report by the Joint Select Committee to this House.

**SHRI NITISH KUMAR :** He expressed regret also.

**SHRI RANGARAJAN KUMARAMANGALAM :** The situation, unfortunately is that, though the Government is being pulled up, but it is the Joint Select Committee—I am not seeking to find excuses.. (Interruptions). But I shall look into the matter and revert back exactly as to how the problem has come. I do not know where lies the problem.

[Translation]

**SHRI RAJVEER SINGH (AONLA) :** Mr. Speaker, Sir, yesterday, the hon. Minister had assured to provide the Hindi version by the night. My submission is that if Hindi version could not be prepared and the copies were not to be provided to the members yesterday, what was the need to introduce the Bill yesterday itself. The House has been summoned on Saturday, we are present here today and the Bill could have been introduced today without any hitch. Today the Hindi version could also be made available easily by this evening. Therefore, my submission is that the hon. Minister is not only violating the rules of Lok Sabha but also playing with the country.

[English]

**SHRI RANGARAJAN KUMARA MANGALAM :** Mr. Speaker, Sir, they have not denied it... (Interruptions).. Sir, the Ministry of Parliamentary Affairs is responsible, whether it is our job or not. But, still we are responsible. It is our duty to coordinate and see that it is circulated. I shall look into it and come back to the House. You give me at least a couple of hours to check up where it has stuck and how. I am seeking indulgence only to do that.

[Translation]

**SHRI RAM VILAS PASWAN :** Mr. Speaker, Sir, there is a law under which if a person whether he is a Minister or a common man—leave aside the Parliament, it is the supreme institution—violates the rules in any of the department liable to be punished... [Interruptions]

**SHRI RANGARAJAN KUMARA-MANGALAM :** We have not denied. I have already stated ... [Interruptions]

**SHRI RAM VILAS PASWAN :** Mr. Speaker, Sir, I would like you to give your ruling.

[English]

**SHRI RANGARAJAN KUMARA-MANGALAM :** Mr. Speaker, Sir, I think, the hon. Members should understand

\*Expunged as ordered by the chair.

this. If I may intervene and say that we are talking about the Report of the Joint Select Committee.

Let us first understand what we are talking about; we are talking that the Hindi version of it should also be made available to the hon. Members. (Interruptions) You are all senior Members of the House. It is enough for you to know how a Select Committee functions. If they do not understand it, then it is not my duty to explain to them. However, I understand that they have finished the translation part of it. There were certain logistic difficulties why it could not be done today morning immediately when you came to the House. We will see to it that it reaches to you definitely today. This is my assurance.

MR. SPEAKER : The Minister is trying to say that it is not the responsibility of the executive to give the copy of the Bill; it is the responsibility of the Legislature Secretariat. I will find out whose responsibility is this.

[Translation]

SHRI RAM VILAS PASWAN : It is not the responsibility of the Secretariat. The List of Business showing the matters to be introduced in the House is printed in advance and English and Hindi Version are shown in brackets. It was not printed in the advance List of Business. Had it been printed, the Secretariat would have seen it. Whenever anything is sent by the Ministry all of a sudden, be it a statement or a report, it becomes the responsibility of the Ministry to provide both Hindi and English versions of it. Therefore, I would like to say that it is a violation of the Act... [Interruption]

MR. SPEAKER : Let me find out as to who is responsible for it. Who had to do it and who had not done it. After that I will do the needful.

SHRI RAM VILAS PASWAN : Sir, atleast you should say that it is the violation of the Act.

MR. SPEAKER : You will ask me to comment on every point. You tell me the rule under which I can say something on it.

[English]

SHRI RAMESH CHENNITHALA (KOTAYAM) : I would like to raise a very serious and urgent matter. The Indian employees working in Kuwait have taken refuge at the Indian Embassy in Kuwait. They are fearing harassment and assault by the police. All the newspapers have reported this news item.

[Translation]

SHRI RAJVEER SINGH : First of all you tell about the point raised earlier.

[English]

MR. SPEAKER : Let me see whose responsibility is this.

[Interruptions]

SHRI RANGARAJAN KUMARA-MANGALAM : I have never said that it is not my responsibility.

MR. SPEAKER : Mr. Minister, don't withdraw it. By implication, you are saying that. I am not accusing you; I am not saying that you are wrong.

[Interruptions]

MR. SPEAKER : Let me see whose responsibility is this.

[Interruptions]

SHRI RAMESH CHENNITHALA : I would like to raise a very serious matter. The Indian employees working in Kuwait have taken refuge at the Indian Embassy in Kuwait, fearing harassment and assault by the police. All the news papers today reported this matter this news item. Their dispute is with their employers. It is alleged that the workers were fisted in the kidneys and ears and kicked and beaten with belts when all they wanted to do was go home at the end of their two-year job contract. Earlier, there was a job contract which was not fulfilled by the employers. So, these workers raised this issue and the Indian Embassy in Kuwait has taken up this matter with the Kuwait Government; and the Kuwait Government has promised that necessary arrangement will be made.

On the 17th of this month, the workers went to the company. On that day, the police harassed them; six of them were arrested and some of them were brutally injured.

So, I urge upon the hon. Minister to take up this issue. The workers are mostly from Tamil Nadu and Kerala; and they are now taking refuge at the Indian Embassy in Kuwait.

So necessary arrangements for their treatment should be made and they should be sent back immediately without fail. [Interruptions] Sir, I would like the Parliamentary Affairs Minister to respond to this very serious issue.

SHRI M. R. KADAMBUR JANARDHANAN (TIRUNNELVELI) : Sir, I am joining my good friend on this issue. These workers are there for the past two years and there is a difference of payment between Bangaladeahi and Indian

workers. Therefore, I request this Government and the Minister of External Affairs to take into account and save the lives of all the workers, who are mostly from Tamil Nadu and Kerala. They are now sheltered in the basement of the Indian Embassy in Kuwait, therefore, I want the Government's reaction on this and to save the lives of the workers. They must be returned to India as soon as possible.

[Translation]

SHRI SYED SHAHABUDDIN (Kansanganj) : Mr. Speaker, Sir, with your permission I would like to draw the attention of the Government and the people towards a very important matter. It has appeared in the Newspapers that our Government is dispatching Indian troops to join U. N. peace keeping operation in Somalia but the situation prevailing in Somalia is well known to us. U.N. forces were sent there but many incidents of clashes have taken place between the local people and U.N. forces in which many people have lost their lives. An impression has been created in the minds of the local people that some outside invaders have come to capture their country. Therefore, there is resentment among the local people. There is no national Government as such in Somalia and a sort of anarchy is prevailing all over the country. The main aim of the presence of U.N. force in Somalia was to save the people from hunger and other natural calamities. That was an humanitarian relief. Therefore, I would like to say that keeping in view the prevailing conditions and the demonstrations staged against it in different countries of the world, our government should not take any step in hurry but instead of that it should try to call a fresh meeting of the U.N. Security Council to discuss the progress made and seek clarification on its humanitarian aspect of the peace keeping force. As long as such clarification is not given, I think it would not be right to send our troops to work against the Somali people.

[English]

SHRI JASWANT SINGH (CHITTORGARH) : Sir, I am very grateful to you. I lend my voice in support to the caution that has been voiced by my good friend hon. Shri Shahabuddin. During the course of discussion on the debate on No-Confidence Motion, I had indeed sought to caution the Government about a premature step of this kind. Our party had, three months back, indeed, in writing in a formal statement, cautioned the Government.

My point is very simple. There is a marked difference between peace keeping

and peace enforcing. For the first time, what the U.N. troops are now being required to do in Somalia, as Shri Shahabuddin has pointed out, is to intervene in a State of virtual civil war and to adopt the role of peace enforcing, taking one side or the other. This is a very unusual step for the United Nations to adopt.

I had then submitted and I would like to caution the Government again that such a role and for the Indian troops to become a party to such a role of peace enforcing amounts to not subserving either India's national interest or indeed the purposes, the greater, larger purposes of the U.N. It serves more the narrower national interest of the United States of America. Therefore, the Government would be well advised to consider this whole issue and to come forward with a properly stated position that it hold, before these troops are dispatched to Somalia, Thank you, Sir.

[Translation]

SHRI RABI RAY (KENDRAPADA) : Mr. Speaker, Sir, I would like to raise an important matter of national importance in the House. In London the British media has launched anti India propaganda on behalf of Pakistan. I would like to draw the attention of the House towards the fact that Pakistan has hired three public relations organisations to work against India. They have hired these organisations to create world opinion against India on the issue of Kashmir and Punjab. I am raising this matter here because last time on Independence day when our Independence day celebration programme was going on in Washington a Pakistani national shot at an Indian national.

Still he is alive but he is battling for his life. We are aware of the fact that the Government of U.K. is supporting India particularly in the matter of Kashmir issue for the last several years and in this background, I would like to say that Indian High Commission in U.K. is not presenting the view point of India in a befitting manner and propaganda against India is going on there. I can well understand it. Therefore, I would like to ask the Government what action is being taken by our Government against the Pak propaganda which is going on against India in Times newspaper by the three public relation organisations in Washington and particularly in England.

I, therefore, am raising this question because I know that C.I.A. is against Pakistan in America. The way it is creating insurgency and making propaganda against India by engaging Pakistan

agencies in all Western countries and particularly in U. K. and making an anti India atmosphere through Newspapers. I, therefore, would like to know what action is being taken by our Government in this regard. The Government should give a statement to this effect.

This is my only submission.

[English]

SHRI A. VENKATA REDDY (ANANTAPUR) : The Government is aware that Anantpur District is the most backward and drought-prone area in Andhra Pradesh. The rainfall in Anantpur District is 544 mm which is the lowest in the State and the second lowest in the country.

This year also Anantapur district has received meagre rains in some areas and there are no rains in major areas in the district. Thereafter there have been no further rains. There is no water in drinking water wells, bore-wells. Tanks are dry and people and cattle are suffering for want of drinking water.

The expert team of World Bank which visited Anantapur district warned that district would be converted into a desert if immediate steps were not taken to stall the process and which the result the district is becoming a desert.

MR. SPEAKER : We had discussed this matter for six hours.

SHRI A. VENKATA REDDY : The Government of Andhra Pradesh has prepared a Master Plan for the constitution of D.P.A.D.A. in Anantpur district and submitted the same to the Government of India for its approval on 26-3-1993 in D. O. Letter No. 11013/1/1 (1)89-DPAP.

MR. SPEAKER : We should have allowed these piece-meal submissions instead of the discussion on draught and floods.

SHRI A. VENKATA REDDY : The people are agitating and holding a *dharna* to raise the matter in Parliament. The situation is serious. The proposal needs to be considered by the Government of India. I request early clearance from the Government of India to include it in the Eighth Five Year Plan.

SHRIMATI MALINI BHATTACHARYA (JADAVPUR) : On this Somalia issue a number of Members of parliament have already sent a letter to the Prime Minister asking the Government to reconsider its decision regarding continuing to send Indian troops to Somalia in the present circumstances, where peace keeping no longer seems to be the primary consideration where the UN troops are getting involved in a biased manner with

one side or the other in the Somalia situation. We want to know why there is no response from the Government on this. We have sent this letter a long time back.

[Translation]

DR. LAXMINARAYAN PANDEYA (MANDSAUR) : Mr. Speaker, Sir, today it is appeared in 'Navabharat Times' that America had to supply uranium for Tarapur Atomic Plant but now she is not going to supply uranium to India and also creating hinderances in getting uranium to exercise pressure to sign on Nuclear non-proliferation Treaty. First of all I ... [Interruptions]

Mr. Speaker : I would like to say that there are so many matters which are very delicate. You can hold discussion with the Government before raising such issue here. If there is any fact you can raise it here. Do not behave like this. We have to maintain good relations with the countries of world outside.

[Interruptions]

DR. LAXMINARAYAN PANDEYA : I am speaking in brief... (Interruptions)

MR. SPEAKER : You must raise it if you think that there is any fact in the matter. It should not be extempore.

[Interruptions]

DR. LAXMINARAYAN PANDEYA : Sir, it is a crucial matter. On the one hand China and Pakistan are manufacturing nuclear weapons and on the other hand India is being pressurised to sign the N.P.T. In this regard India should have a clear cut policy. The Government should also make it clear as to how the Tarapur Atomic Plant would function properly.

SHRI RAJENDRA KUMAR SHARMA (RAMPUR) : Mr. Speaker, Sir, thank you. I am raising an issue of public importance. 24 National Highways are passing through Moradabad. The over bridge over rail line at Moradabad has been damaged for the last three months at Moradabad and thus all routes are blocked there.

MR. SPEAKER : It is an important issue.

SHRI RAJENDRA KUMAR SHARMA : Sir, lakhs of people are being affected. I mean to say that after covering 30 kms. extra distance... (Interruptions) large no. of trucks pass through that route. This matter has gained importance because there is a dispute between the CPWD and the Department of Railway and the construction work of this over bridge has been undertaken for the last three months. Sir, through you I would like to request the Minister of

Railways to undertake this job on priority basis so that the problem being faced by the people at present could be removed ..... (Interruptions) ..... As Moradabad is an industrial town, therefore, the industries of that town are also facing hardships.

SHRI CHHEDI PASWAN (SASARAM) : Mr. Speaker, Sir, as per your instruction I would like to draw the attention of the House and the Government towards a sensational issue. At any time communal riots may take place between the two communities by what had happened there. Sir, about 30-35 telephones have been received constituency from my constituency since yesterday till today...,\* We are surprised to see how such type of films are being shot there. [Interruptions]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, ..... [Interruptions]

[English]

MR. SPEAKER : I will look into the matter I will go through the record.

[Translation]

SHRI CHHEDI PASWAN : It is ruining my constituency and it may cause riot between the two communities. Therefore, I urge the Central Government to ban it immediately otherwise its consequences will be disastrous. The Government would be held responsible for this. [Interruptions]

[English]

MR. SPEAKER : Please sit down. I cannot compete with all of you. I can compete with one Member but now with all of you. please do understand that when I am trying to regulate, you are unnecessarily getting up. [Interruptions]

MR. SPEAKER : Shri Chhedi Paswan, you are a Member of Parliament. There is a Government in Bihar. Let them take the responsibility for this.

[Interruptions]

MR. SPEAKER : I will look into it.

[Translation]

SHRI SHIVA SHARAN SINHA (Vaishali) : Mr. Speaker, Sir, I would like to discuss an important issue in the House. For that I seek your permission. In North-Bihar, the eight up and eight down trains running between Muzaffarpur junction of N.E. Railway and Bazaha daily via Motipur-Motihari-Norkatiyaganj. It facilitates the people of

Western Champaran, Eastern Champaran and Muzaffarpur districts. But five of these trains have been cancelled for the last eight days. Now only 3 passenger trains are running. Two Express trains have also been cancelled. The people are experiencing great difficulties.

Sir, there is no reason behind the cancellation of these trains. Large quantity of coal is available at Muzaffarpur.

The railway track is quite in order. This railway track is not affected by flood at all. Then why it has been cancelled?

I would like to request the hon. Minister of Railways to issue orders to start all those cancelled trains immediately and after making a thorough enquiry the guilty officials who have cancelled these trains arbitrarily, should be penalised.

SHRI BRISHIN PATEL (Sewan) : Mr. Speaker, Sir, two major train accidents took place a few days back. The first accident took place near Darbhanga and the another near Mairwa in the Avadh-Assam Express. Shri Jaffer Sharief also visited here. Many people were killed in these accidents. As soon as Shri Sharief returned from Mairwa accident spot another major train accident of Avadh-Assam Express took place just after 5 days near Gorakhpur. In the wake of these accidents the people of Bihar are hesitating by travelling in trains. When we asked Shri Sharief in this connection, he admitted that the track has gone out of order. Under such circumstances what would the people do there. Accidents are happening continuously and people are terror-stricken and agitated.

My humble submission is that the hon. Minister of Railways should issue directions for proper maintenance of the track there so that the train accidents may be avoided.

SHRI RAM PRASAD SINGH (Bikramganj) : Mr. Speaker, Sir, the border areas of Madhya Pradesh and Uttar Pradesh are connected with Bihar and there are Camoor hills also. I had raised this issue earlier also in this august House. Though the Government conducted survey, yet nothing has been done the criminals of Bihar and other States reside there. That is a backwards tribal area. My humble submission is that, that area should be declared as cantonment area and a Sainik School should be opened there. Thus this backward tribal area should be developed.

\* Expunged, as ordered by the Chair.

**SHRI KESRI LAL (Ghatampur):** Mr. Speaker, Sir, 40 districts of Uttar Pradesh are drought stricken. For the want of rain, fodder is not available for cattle and starvation among people is increase.

**MR. SPEAKER:** It has been discussed for six hours. It means that if all the people raise such issues discussions should not be held.

**SHRI KESRI LAL:** In the face of all these things the Government is realising its dues forcibly. In have to submit that the realisation of dues be stopped with immediate effect and people should be saved from starvation.

**SHRI MOHANLAL JHIKRAM (Mandla):** Mr. Speaker, Sir, there is acute shortage of officers and doctors in mandla which is my constituency as a result of which Cholera is not being checked properly. My submission is that officers and doctors in adequate numbers should be posted there and full arrangements for medicines in hospitals should be made so that this disease may be checked properly.

**SHRI RAJVEER SINGH:** Mr. Speaker, Sir, there is drought in 40 districts of Uttar Pradesh.

**MR. SPEAKER:** It has already been discussed.

**SHRI RAJVEER SINGH:** Three months back the meteorologists had predicated about the possibility of drought and we had urged the Government to make arrangements for drought. But the Government paid no attention to it and did not make any effective arrangements to combat drought. Today the farmers of 40 districts of Uttar Pradesh are suffering. I urge that the Government should give a statement in this respect.

**SHRI LAKSHMI NARAYAN MANI TRIPATHI (Kesarganj):** Mr. Speaker, Sir, there is a P.C.O. in my district Baharaich which never goes out of order whereas the telephones of other subscribers even if my own usually remains out of order. P.C.O. must earn an amount of more than one lakhs of rupees but it is shown only 4-5 thousands and the remaining calls are included in the bills of other subscribers, even if my bill is not spared. I have complained so many times but no action has been taken so far. I have also complained to the hon. Minister of Communications several times. The hon. Minister of communications had given assurance in writing for instalation of electronic exchange by 31 March. Which is yet

to be fulfilled. This has been lying pending due to laxity and corruption among officers. I demand that this matter should be inquired into and the telephones of all subscribers be kept in proper order and the indolent Sub-Divisional telephone officer should be removed with immediate effect.

*(English)*

**SHRI DWARAKA NATH DAS (Karimganj):** Mr. Speaker, Sir irrigation work in Assam, particularly in Barak valley, are not at all satisfactory. It is estimated that about 40 per cent of the cultivated land is flood-prone and the rest, 30 per cent is to be irrigated. But till date rarely 5 per cent has been covered by irrigation works. In dry season, because of lack of water, rabi and other seasonal crops could not be grown.

So, what is called multiple-cropping of crop-rotation is — so to say — absent in Assam. There is no adequate system of lift or draw irrigations and a few which exist are totally useless without proper maintenance. Now what is needed today is to set up a network of medium and small irrigation works throughout Assam to facilitate crop-rotation to give the farmers attractive sources of earnings.

Therefore, I urge upon the Ministry of Agriculture, Government of India, to launch a special drive to set up medium and small irrigation works in Assam to make the State self-sufficient in agricultural products.

**MR. SPEAKER:** That is in State Government's jurisdiction.

*(Translation)*

**SHRI SANTOSH KUMAR GANGWAR (Bareilly):** Mr. Speaker, Sir, the agitation regarding the setting up of National Rural Bank is going on all over the country for the last several years. Following the implementation of Hyderabad Award the hon. Minister of Finance and the Prime Minister were regularly consulted and informed of the fact that this Bank is incurring a loss of Rs. one crore per day and this is a recurring loss. I alongwith five or six Members of Parliament met the hon. Minister of Finance. He asked how this loss could be made up and how one thousand crore rupees could be collected. The Bank employees submitted a proposal collectively to the hon. Minister through which they made him aware that if

the Government will set up a new National Rural Bank, the losses will be reduced and it may be experimented once. After the nationalisation of the Banks the Government knows its outcome. But the Bank employees are on strike since the 24th on this issue. The Government should see it and get it decided at the earliest possible date.

*[English]*

MR. SPEAKER: The senior leadings should respect the junior members of the House and allow them. The Chairman of the Committees should not indulge in those things.

*[Translation]*

SHRI ASTBUHA PRASAD SHUKLA (Khalilabad): Mr. Speaker, Sir, there is a sugar mill in my Constituency which is closed for the last two years. I had written a letter to the Hon. Minister of Food and in his reply he had told me that this matter will be reviewed in the beginning of May. The employees of the mill have not been paid their salary for the last 12 months. Every family of the mill employees is starving and they are struggling hard continuously. Last time I had raise this issue during the Zero Hour also. The Hon. Minister of Food had not replied. But in reply to my letter, he told me that it will be undertaken in May. I know that the sugar development Fund is collected by sugar mill itself. The loans are provided to sick sugar mills for their revival, and such loans are also given by certain financial institutions. Some financial institutions have sanctioned loans as per condition but it is not known as to why the Government is not sanctioning the loans from sugar Development Fund. I would like to say that these sugar mills should be revived and arrangements for the payment of the salaries of their employees be made at the earliest, and the Hon. Minister of Food should be directed in this respect . . . *(Interruptions)*

*(Interruptions)*

*(English)*

MR. SPEAKER: The Ministers, the Chairmen of the Committees and the leaders of parties should refrain from asking to speak. The leaders of parties may rise to speak when some important issues come up.

*(Interruptions)*

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Sir, the statue of Netaji Subhas Chandra Bose installed at Moirang in Manipur State was blown up in the month of July this year. It is a very sacred place. The statue was installed with the assistance of the West Bengal Government by the Manipur State Government and it was unveiled by the President of India also. It has taken a very important place. It was blown up during the night time and I would like to urge upon the Government to find out the motive for blowing up and see that another statue of Netaji Subhas chandra Bose is installed again at that place in the near future.

*[Translation]*

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Speaker, Sir, the Government gives pension to many freedom fighters. The Government calls them and hold meeting with them and honour them.

However, the cases of the persons who fought in 1942 and whose names figure in the G. I. R. and who have been underground, are lying pending with the Union Government in Delhi. Eventhough their names have already been forwarded by the State Government. Through you I would like to impress upon the Government that it should honour the rest of the freedom fighters also by providing them pension as soon as possible. Bihar is the most neglected state in this regard. Freedom fighters do come to our houses and we have to make arrangements for them. We do also write recommendatory letters for them. Reply is made that their cases are being considered. It is not known how much time will they take in considering their cases. I would like to submit to the government that their cases should be settled as soon as possible.

SH. NITISH KUMAR (BARH): Mr. Speaker, Sir, first of all I would like to extend my thanks to you for the initiative taken by you and that could consequently dispel the stalemate in regard to the provision of promotion for the Scheduled castes and Scheduled tribes and I am also thankful for the statement made by the Government in this regard. I hope that the issue of locating creamy layers while implementing the recommendations of Mandal Commission could be possible only due to the initiative taken by you. The situation born out of that will

also be resolved somehow or the other. I do not want to go into the details of the creamy layer issue, since you have already allotted time to have a discussion thereon. There is a confession that farmers and the poor might be removed from the ambit of creamy layers and that the M. Ps. and M. L. As. might be taken into category. A few hon'ble members have expressed their views in this regard and that are there before the Government. You had said the hon'ble Minister that he should have dialogues with the Members of all the parties. You said it even during the previous session of the Parliament. In this connection, talks were held with our Party but that did not yield any result. You should again take initiative and should hold talks with the Hon'ble Minister as well as with other people so that the conspiracy of snatching out the benefits in the name of creamy layers may be defeated and so that the recommendations of the Mandal Commission may also be implemented. Our leader and the former Prime Minister Shri V. P. Singh has announced that he will not return to Delhi unless the recommendations of Mandal Commission are implemented and unless a boy or a girl gets employment on the basis of the recommendation of Mandal Commission.

It is a matter of self restraint. It is not an ordinary decision. It is a serious thing when such a decision is taken by such a member of Parliament who happens to be former Prime Minister as also happens to be the supreme leader of a big political party. A new situation has emerged. I would like to submit that you should yourself take initiative and you should also impress upon the government to implement the recommendations of the Mandal Commission as soon as possible. This is because the Government is not interested in implementing it. The intention of the Government is not clean and it wants to avoid it any how. The design of the Government is to make the recommendations of the Mandal Commission ineffective by denying the benefits of reservation to those who came under the category of creamy layer. I would therefore like you to convene a meeting in this regard immediately and should pass necessary instructions.

Mr. Speaker, Sir, this Government is not working or say this Government is working under the command of the Supreme Court. You are also required to dispel stalemate in this regard to certain matters. The fact remains that this is a non-functioning government. The government has to be run. The Constitution has

to be protected. The country has to be kept united. You have, therefore, certain responsibilities in this regard. You are requested to take initiative within the frame work of the constitution and compel this deaf government to work.

DR. G. L. KANOJIA (KHERI) : I am thankful to you for giving me an opportunity to express my views. I know you are busy, yet I would request you to consider as to how many senior M. Ps. have been given time to speak. When we, the newly elected members rise to speak, we are interrupted by the senior M. Ps. and consequently we miss the opportunity of expressing our views.

(English)

I have to express my views.

(Translation)

MR. SPEAKER : What you are doing is wrong. You are not aware how to follow the procedure. Any way, you speak what you want to.

DR. G. L. KANOJIA : Sir, I represent the Lakhimpur Kheri parliamentary constituency. The discussion on the topic of drought has already been held but the more grave problem than that is one of flood . . .

MR. SPEAKER : Has this topic not been discussed earlier in the House ?

DR. G. L. KANOJIA : Well, a discussion on it has been held; but the crops in hundreds of acre have been destroyed there.

MR. SPEAKER : You know there are rules that the matter having already discussed in the House should not be repeated.

DR. G. L. KANOJIA : I have come from there just two-three days back, that is why I wanted to draw your attention. Next I would like to make submission regarding molasses. The Government has made a provision of 30% decontrol and 70% control on molasses. Moreover, the molasses on which there has been a decontrol is not being allowed to be taken outside U. P. For it, what is required is to seek permission for licence. I would therefore like to submit to the Government that free movement the 70% quantity of molasses which has been decontrolled should be allowed. Moreover, the provision of licencing should be done away with.

MR. SPEAKER : This issue has been raised several times. You may please sit down.

SH. RAM VILAS PASWAN (ROSEIRA) : Mr. Speaker, Sir, supporting what has been said by Nitish Ji. I would ...

MR. SPEAKER : See, it will not be correct if you participate in the debate. I will allow Sharad Yadav Ji to make his submission in two lines.

SH. RAM VILAS PASWAN : I rise to make my submission in just one line ...

MR. SPEAKER : It is not proper, Paswan Ji.

SH. RAM VILAS PASWAN : Mr. Speaker, Sir, my point is different. the Parliamentary report on census is now there before us. It reveals that the population of Scheduled Castes is 16.48% and that of Scheduled Tribe is 8.8%

(English)

MR. SPEAKER : We are not going into a regular debate.

(Translation)

SH. RAM VILAS PASWAN : I want to submit that according to the Article 330 of the Constitution the reservation for SC and ST for the seats in Lok Sabha, Rajya Sabha and for the government services should be proportionate to their population. The Hon'ble Minister Sh. Bhardwaj Ji is present in the House. I would like to know from him whether the Government is contemplating to raise the provision of reservation from 22.5% to 25%? 150 Members of SC/ST forum have submitted our points in writing. The government should make clarification in this regard since it is the matter of public importance.

MR. SPEAKER : Sharad Ji, would you like to speak?

Sh. SHARAD YADAV (MADHEPURA) : Mr. Speaker, Sir, I abide by your orders; but then the question raised by Nitish Ji is of utmost importance I would like to thank you for your help rendered to the poor by taking initiative to bring this matter fore which was lying pending. In regard to this very question the hon'ble Minister had stated in this very House that the Government had constituted Prasad Committee to trace out creamy layer in connection with the report of Mandal Commission. There have been two commissions that have already submitted their reports in regard to the provisions of reservations for the people of backward

classes. Moreover, the supreme court has also pronounced its judgement in this regard. In spite of all that even farmers are being deprived of the benefits of reservation on the basis of report of an ordinary committee. Socially and educationally backward people of the society are also to be provided benefits of reservation, but the situation is that even farmers have been eliminated. It is the basic principle that the 90 percent farmers who are socially and educationally backward should get the benefits of reservation. 90% farmers of this country are illiterate. I fail to understand as to how it is claimed that their position has been improved when they are below the incometax limit.

Mr. Speaker, Sir, it is a very important question. We should consider this in the background of the fact that this issue is related to 52 per cent of the population and that all the political parties are unanimous regarding this issue. Every party supports it. The two-three members of the Bhartiya Janta Party who have spoken here have also opined that the provision concerning the farmers must be removed. The members of the congress party and that of communist party have also expressed similar views. Shri Vishwanath Pratap Singh Ji is leaving Delhi tomorrow due to this very reason. He says he will never return to Delhi. There have been struggles for years together on this issue. Even then poor could get only half of the benefits. They could not enjoy full benefits. Now the whole of the country is unanimous on this issue. This constitutional matter has always been avoided. The most ironical or the most obnoxious thing that has been included in the report of Prasad Committee is that no farmer of India will get the benefits of reservation. It is thus nothing but an useless exercise. The situation as it prevails now is that children of farmers are rarely getting education and nevertheless they are being deprived of the provision of reservation which is a painful thing. Vishwanath Pratap Singh Ji is to leave Delhi tomorrow due to this very issue.

Mr. Speaker, Sir, I would like to submit to you with all humility that you should reissue the orders that you had issued previously in order that there is no dispute on the matter about which there has already been a consensus and there is no tension. After great endeavours harmony has been established in our society. I appeal that the situation of harmony that has been established should not be allowed to be disturbed.

[English]

**SHRI GOVINDA CHANDRA MUNDA** (Keonjhar): Mr. Speaker, Sir, I would like to rise here in this august House. Let me read out my statement:—

I am pained to note that a cannon of whispering campaign against me is going on orchestrated by some persons of vested interest to malign me and my political stature in the public eye. I am in the political field and in the service of the people for the last 45 years. I was elected five times to the State Assembly and also served in my State Orissa as a Deputy Minister. I have been elected to the Lok Sabha during 1977, 1989 and 1991.

I am a Tribal and Munda by caste having the legacy of tribal leader and freedom fighter Birsa Munda. All along my political career, I have worked for the upliftment of the downtrodden tribal masses and, at the same time, a strong advocate of national unity and integrity irrespective of caste, religion and language.

I have joined the Congress not for any personal gain but to strengthen the secular forces and to fight the secessionist, fundamentalist, adventurist and above all the vested interests who are trying to destroy the age-old Indian heritage. I am fully convinced that under the present circumstances, to save India from peril, the leadership of Shri P.V. Narasimha Rao and the Congress Party have to be strengthened with all our might. I am confident that it is only the Congress Party which can protect the interests of the tribal community, the Scheduled Castes and the Backward Community as also the other section of the society and the minorities. It is only the Congress Party which can safeguard the interests of these people.

Mr. Speaker, Sir, I am distressed to note that some deliberate attempts are made to malign me by making false and fabricated allegations. I want to categorically denounce such allegations and reiterate that my joining the Congress is best for the public interest. I am always doing my service and I am sacrificing my life for the furtherance of the political interests of the tribals and the Harijans. Through this House, I want to tell the people of India that my service and sacrifice during all these years is my commitment for the cause of this great country for which I stand with all my might. (Interruptions)

**SHRI NIRMAL KANTI CHATTERJEE** (Dumdum): Sir, a very important question on

Constitution has arisen. I was looking at the figure. I thank him for drawing the attention of the House to this figure.

**MR. SPEAKER:** Please understand that there was an agreement that one issue will be allowed to be raised by one Member. This issue was allowed more than once. Then, there are the other Members also who want to speak.

**SHRI NIRMAL KANTI CHATTERJEE:** That is in the general context. But this is an important issue. On important issues, you have also permitted more than one speaker.

**MR. SPEAKER:** Do you want to raise this important issue during the Zero Hour?

12.00hrs.

**SHRI NIRMAL KANTI CHATTERJEE:** Sir, why I am saying this is, I have got the population figures, the statistics from 1961, 1971 and 1981. In all these years, the proportion of the Scheduled Castes and the Scheduled Tribes varied between 22 to 23 per cent. Now according to 1991 census—the figures have just been available—this figure has crossed 25 per cent. And in terms of the Constitution, it is stated in Article 330 and the reference is to its clause 2 which says, "the number of seats reserved....."

**MR. SPEAKER:** Mr. Nirmal Chatterjee, please hear me first. As a very senior Member, if any provision of the Constitution is not acceptable to you, the remedy available to you under the rules is to move an amendment to the Constitution.

(Interruption)

**SHRI NIRMAL KANTI CHATTERJEE:** I am accepting the Constitution. My point is, I am accepting the constitutional position. But I am drawing the attention of the Government through you that in view of the fact that the proportion of population has changed from 23 to 25 per cent, it devolves on the Government to modify the reservation quota for the Scheduled Castes and the Scheduled Tribes from 22 1/2 .....(Interruptions)

**MR. SPEAKER:** This point you can make by moving an amendment. You are following the easiest method of not working on anything and just getting up and saying whatever you want.

(Interruptions)

**SHRI NIRMAL KANTI CHATTERJEE:** No, Sir. It is not that. The Constitution says that

the reservation should be as near as possible to the percentage or proportion of the population of the Scheduled Castes and the Scheduled Tribes there. I am drawing your attention to that part of the Constitution.

MR. SPEAKER : Now one hour is over. I am just closing it now.

SHRI NIRMAL KANTI CHATTERJEE : Please bear with me. *(Interruptions)*

MR. SPEAKER : This is not correct. I am saying every now and then that this is a Parliament where you make the laws for the people and you expect them to follow those laws. And you make rules for yourselves, but you do not follow them and you want to push your views in any fashion you like. This is not correct. And some indulgence is shown to you and yet you are not co-operating in seeing that the business in the House is done according to the rules.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : On the contrary, I am trying to co-operate with the House and with the Government by trying to draw the attention of the violation of the Constitution.

MR. SPEAKER : This matter is over. Please take your seat.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Please bear with me. I think, I have not been able to convey it properly. I am trying to say what the Constitution provides. I am surprised by the latest 1991 census. I was not aware of that figure. *(Interruptions)*

MR. SPEAKER : Just because you got those figures in the House, you make a long speech in the House.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : This is the census figures. I am drawing the attention of the Government that in terms of the census figures, they have now to modify the quota of reservation for the Scheduled Castes and the Scheduled Tribes in terms of the Constitution. To that, I want the response. And I ask the second question. *(Interruptions)*

MR. SPEAKER : Please co-operate with us. Now it should be over.

SHRI NIRMAL KANTI CHATTERJEE : Whenever you instruct, I co-operate.

MR. SPEAKER : I am expecting you to take your seat.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : As you know, the Janata Dal leaders have indicated and we discussed this issue about the creamy layer. *(Interruptions)*

MR. SPEAKER : This is too much. That will not be appreciated.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : They have referred to the fact that their leader and ex-Prime Minister is leaving New Delhi on that issue. I, therefore reinforce their request that you should try to take the initiative no later than before he leaves New Delhi for a sojourn over the country. This is all what I wish to say. *(Interruption)*

MR. SPEAKER : Do not keep on directing me always like this. I do not appreciate that.

*(Interruptions)*

SHRI NIRMAL KANTI CHATTERJEE : Why should I give direction to you? *(Interruptions)*

MR. SPEAKER : I think, the Members have co-operated. Let us go to the next item. We are working on Saturday to transact the business which cannot be transacted. Otherwise, you will be required to sit on the next Monday also. Please do understand it.

*(Interruptions)*

SHRI RAM VILAS PASWAN (Rosera) : What happened to the creamy layer? *(Interruptions)*

The Government must make some statement regarding its stand towards Mandal Commission ..... *(Interruptions)* Shri V. P. Singh is leaving Delhi on the 22nd of the month.

MR. SPEAKER : I do not know. Secretary-General to lay the papers.

12.07 hrs.

## MESSAGE FROM RAJYA SABHA

*[English]*

SECRETARY-GENERAL : Sir, I have to report the following message received from the Secretary-General of Rajya Sabha :—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 19th August, 1993, agreed without any amendment to the Betwa River Board (Amendment) Bill, 1993, which was passed by the Lok Sabha at its sitting held on the 4th August, 1993."

12.7½ hrs.

[English]

## 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 & Voting on :
  - (a) Demands for Excess Grants (General) for 1989-90.
  - (b) Supplementary Demands for Grants (General) for 1993-94.
  - (c) Demands for Excess Grants (Railways) for 1989-90.
  - (d) Supplementary Demands for Grants (Railways) for 1993-94.
3. Consideration and passing of :
  - (a) The Constitution (Seventy-seventh Amendment) Bill, 1992
  - (b) The Constitution (Eightieth Amendment) Bill, 1993 as reported by the Joint Committee.
  - (c) The Representation of the People (Amendment) Bill, 1993 as reported by the Joint Committee.
4. Discussion on the Resolution regarding further Continuance of President's Rule in the State of Jammu & Kashmir.

5. Consideration and passing of the Extradition (Amendment) Bill, 1993 as passed by Rajya Sabha.
6. Discussion on the implications of the Dunkel draft text on Trade negotiations with special reference to its effect on India's interests.

SHRI BRAJA KISHORE TRIPATHY (Puri): I request that the following items may kindly be included in the next week's agenda :

1. To discuss the raising of Calamity Relief Fund for Orissa from existing Rs. 47 crore to Rs. 100 crore.
2. To discuss the proposals for constitution of cluster pocket including MADA pockets and grounding of new cluster pocket in Orissa.

[Translation]

PRO. RASA SINGH RAWAT (Ajmer): Mr. Speaker, Sir, I request that the following items may kindly be included in the next week's agenda :

1. Need for setting up high power T. V. relay Centre in the city of Ajmer.
2. Need for renovation and maintenance of the famous historical monument—the Baradari constructed by Shahjahan near the bank of Thana Sagar and a historical building "Adhai Din Ka Jhopra" constructed by Chauhan rulers and preserved by the Archaeological Survey of India.

SHRI. SANTOSH KUMAR GANGWAR (Bareilly): I request that the following items may be included in the next week's agenda :

1. Necessary announcement to set up Engineering and Medical colleges in Bareilly may be made.
2. Announcement in regard to constructing three bye pass roads on the National High-ways number 24 in the city of Bareilly may be made.

[English]

SHRI. SRIBALLAV PANIGRAHI (Deogarh): I request that the following items may be included in the next week's agenda :

1. Closure of Talcher Fertiliser Plant (FCI) due to stoppage of power supply by the Orissa State Electricity Board and also to make necessary arrangements for its smooth functioning.

[*Translation*]

SHRI. GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Speaker, Sir, in 1977, the Union Government and the Government of Rajasthan had implemented the Antyodaya Scheme for the first time for the welfare of the poorest among the poor and its good and effective results were coming out. The Central Government should provide more assistance in this regard.

2. Under the programme, 'Education for all by 2000', a scheme named 'Lok Jumbish' prepared by Union Government in cooperation with the Swedish International Development Agency (SIDA) was approved for Rajasthan. An expenditure of Rs. 600 crores will be incurred on this scheme. The Central Government should provide financial assistance to the State Government in this regard.

[*English*]

SHRI. CHITTA BASU (Barasat) : I request that the following items may be included in the next week's agenda :

1. Chakma refugees problem.
2. Recent development in the Indo-U. S. relations.

SHRI. BHOGENDRA JHA (Madhubani) : I request that the following items may be included in the next week's agenda :

1. Regarding the imminent danger of rivers Kamla & Koshi changing their courses thereby threatening hundreds of villages and lakhs of acres of land, road and rail communication etc. in North Bihar.
2. Regarding urgency of implementing the Rajiv-Longowal agreement to resolve the Punjab problem.

[*Translation*]

SHRI. NITISH KUMAR (Barh) : Mr. Speaker, Sir, only 42 percent of the amount collected from the local resources by the nationalised banks in Bihar is being given to the State at present as loan. The rest of the

amount is diverted elsewhere. Due to the diversion of capital, there is diversion of labour and the State is rapidly going towards a deplorable situation.

SHRI JANARDAN MISHRA (Sitapur) : Mr. Speaker, Sir, I request that the following items may be included in next week's agenda :

Discussion on providing all the departmental facilities to extra departmental employees working in various parts of the country treating them as departmental employees.

[*English*]

SHRI SYED SHAHABUDDIN (Kishanganj) : Sir, I request that the following items may be included in next weeks' agenda :

1. Discussion on the progress in the implementation of the Report of the Sarkaria Commission on Centre-State Relations.
2. Discussion on Reorganisation of States in order to create small and ethnically homogenous and economically viable States.

MR. SPEAKER : The House shall now take up Statutory Resolution at item No. 3 of today's agenda.

Shri Ram Naik — Absent

Shri Bhogendra Jha — Absent

So the House shall take up Item No. 4 of today's agenda. Shri H. R. Bhardwaj.

12-11 hrs.

## PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL

*As passed by Rajya Sabha*

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : I beg to move :

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Rajya Sabha, be taken into consideration."

The hon. Members may recall that the Joint Committee on Offices of Profit presented its second report to this House on 9th April, 1992. In that report, the Committee had examined the composition, character, functions, etc., of the National Commission for the Scheduled Castes and the Scheduled Tribes, National Commission for Minorities, National Commission for Women and the Planning Commission, with a view to considering whether the Chairpersons, Vice-chairpersons, Members, etc. of the aforesaid Commissions, would incur disqualification under article 102 of the Constitution. The Committee expressed the view that though all the offices examined by the Committee in that report carried salary and thereby could, strictly speaking, be considered as offices of profit for speedy implementation of socio-economic development programmes of Government, it is essential to associate Members of Parliament with the working of the aforesaid Commissions of national importance. Therefore, they recommended that the Government should amend the Parliament (Prevention of Disqualification) Act, 1959 expeditiously so as to include these offices under the relevant schedule to prevent the holders of these posts from incurring disqualification for being chosen as, or for being a Member of Parliament.

In view of the urgency felt by the Government and pending detailed examination of the report, the Parliament (Prevention of Disqualification) Amendment Act, 1992 (20 of 1992) was enacted to prevent the holder of the office of Deputy Chairman, Planning Commission from incurring disqualification. On re-examination, it was found that the said Amendment Act did not achieve the purpose fully and, in order to confer the intended benefit to the holder of the office of the Deputy Chairman, Planning Commission, action was taken to further amend the Act. Accordingly, the Parliament (Prevention of Disqualification) Amendment Ordinance, 1993 was promulgated on 19th July, 1993.

The present Bill seeks to repeal and replace the said ordinance. The Bill also proposes to give effect to the other recommendations of the Joint Committee relating to the office of Chairpersons of the National Commission for the Scheduled Castes and the Scheduled Tribes, Minorities Commission (now the National Commission for Minorities) and the National Commission for Women. The Bill also provides for change of short title of Act 30 of 1954.

It was passed by the Rajya Sabha without any discussion and unanimously. It is my earnest hope that the Bill will receive unanimous support from all sections of this House also.

MR. SPEAKER : I do not think that this Bill requires any discussion because there are other matters which you can take up.

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur) : We have objections in this regard.

[English]

MR. SPEAKER : This is just for removing the post from the list of...

[Translation]

SHRI MOHAN SINGH (Deoria) : We have read it.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum) : This is not exactly a primary school, Sir.

MR. SPEAKER : Yes, I am happy to hear that from you !

Motion moved :

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Rajya Sabha, be taken into consideration."

[Translation]

DR. LAXMINARAYAN PANDEYA : Mr. Speaker, Sir, I would like to be brief, but the tendency of the Government first to bring an ordinance on any issue and then to get it passed here in the form of a Bill... (Interruptions)

[English]

MR. SPEAKER : The Statutory Resolution regarding its disapproval is not moved.

(Interruptions)

DR. LAXMINARAYAN PANDEYA : I know that very well, Sir... (Interruptions)

MR. SPEAKER : Then, how can you do that ?

(Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEYA : What-ever the hon. Minister has read and said...*(Interruptions)*...I will not say much about this Bill which is being brought here.

[English]

SHRI BHOGENDRA JHA (Madhubani) : Sir, can I seek your indulgence ?

MR. SPEAKER : This is not the time. This is very lightly treating the Parliament. When you know that the item is on the Agenda, when you know that you have to do it and when we have gone to the next item, you are very lightly standing up and seeking my permission to do that. It is too lightly treating the Parliament.

SHRI BHOGENDRA JHA : I do not object to what you have said.

MR. SPEAKER : Now, nothing more on this point. I cannot deal with the matters like this. This is Parliament. You have to move the Resolution; you are not in the House; you know that this is the first item. Now, you are asking me to just swing from one to the other.

*(Interruptions)*

[Translation]

DR. LAXMINARAYAN PANDEYA : Sir, it has been mentioned in the Parliament (Prevention of disqualification) Amendment Ordinance 1993 that section 5 stands repealed. That is what I was asking from the hon. Minister that when they are now talking of repealing this clause, what was the necessity to bring an Ordinance. You had the report of the Committee with you which was presented on 9th April, 1992 and it was clearly recommended by the Committee that such amendment should be made in Act. The hon. Minister should clarify the reasons which necessitated to cover the period from April, 1992 to 19th July, 1992 by the Ordinance. What was the compulsions before the Government that it could not bring such Bill earlier. The Government could have brought such Bill during the Budget session. But the Government preferred the date of 19th July on which the Parliament session was to commence. It was in the knowledge of the Government that session of Parliament was being called from that date. Therefore, such practice on the part of the Government is not good.

Sir, one more thing I would like to say that many recommendations have been made by the Committee in this regard but instead of bringing a Comprehensive Bill the Government opted for issuing an Ordinance to facilitate Shri Pranab Mukherjee, who is holding the post of Vice-Chairman of the Planning Commission, to get elected to Rajya Sabha. That is why such step was taken in hurry. The recommendations of the Committee were overlooked and no comprehensive Bill was brought. I would like to have an assurance from the hon. Minister about the time by which a comprehensive Bill will be brought by the Government on it and that such things will not be repeated in future. It is all right that such posts should be exempted from the purview of the posts of profit. But if an M. P. becomes the Vice-Chairman of Planning Commission or a Chairman of any other Commission and hold two posts simultaneously we express our discontentment to it. One person must hold one post only. If you want to encourage such things you have to stick to the principle of one man one post and we are not fully agree to the amendments brought in the Bill presented in the House. With these words I conclude with the request that such things should not be repeated in future and such Bill or Ordinance should not be brought in hurry. The Government should clarify as to when it is going to bring a comprehensive Bill in the House. We oppose this Bill in principle.

[English]

SHRIMATI MALINI BHATTACHARYA (Jadavpur) : Sir, the Amendment Bill which has been presented here to the House, of course, has just one Clause and that seeks to remove the disqualification of certain people holding certain Offices, from being the Members of Parliament.

As such, we have no objection to the Bill. But what we object to is the way in which these things are being brought before the House, in a piecemeal fashion, when for a very long time now, for the last few years now, the Opposition—our party and other parties—have been pressing for a full scale and a comprehensive change in the electoral laws. The details have been given by the parliamentary parties—by the opposition about these full scale electoral reforms and also what they should be. We have said that in recent years, there has been a certain degree of criminalisation in politics. Money power has been entering into politics more and more. The fact of defections from one

party to another in the Parliament is becoming a serious problem to the continuance of the democratic traditions in our country. In this context, it is very necessary to have wholesale electoral reforms. Instead of that, the Government has just brought this one clause which offers certain small convenience to a limited number of people. We have no objection to that.

But recently the manner in which the Election Commission also has behaved in a very very arbitrary manner has created concern for us. This has caused concern for us. It has put a very great difficulty in the continuation of the democratic process, in the continuation of electoral process in this country. This is something that we have seen. It has been obstructed again and again.

I am not here saying that one person is responsible for the arbitrary behaviour of the Election Commission. What I am saying is that this arbitrary behaviour, this *tanashahi* is symptomatic of certain defects which are there within the electoral laws themselves.

So, in order to make the electoral process truly democratic, a full-scale reform of our electoral laws is demanded. We object very strongly. We protest very strongly to the casual manner in which this House and the Opposition parties are being treated by the Parliament. Even the treasury benches have been vocal in their protest against the things which have been perpetrated by the Election Commission in recent times. Our demand was that there should be a multi-Member Commission rather than a single Member. If there had been a multi-Member Commission, there would have been less of arbitrariness, one can hope. We had wanted various measures to be taken to stop criminalisation of politics to stop this incursion of money power into politics.

Now, we very strongly object to the fact that while you are not tinkering with the electoral laws, you keep on postponing the demands which have been made by the opposition parties again and again on the floor of the House for democratisation of the electoral laws, for a representative character being brought into the electoral laws. With this, I thank you for the indulgence allowed to me.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, Article 102 of the Constitution says that a person shall be disqualified for being

chosen as, and for being a member of either House of Parliament if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder. Under the present legislation four posts i.e. Chairman of SC/ST Commission, Chairman of Minority Commission, Chairman of the National Commission for Women and Vice-Chairman of Planning Commission, have been excluded from the office of profit. I condemn this practice. Our Constitution has been imitated from the British Constitution. When such legislation was brought there certain criteria were fixed. It has to be determined whether such post has any incoherence with the working of elected Members of Parliament, whether any individual can remain present at two different places at a time, whether there is monetary gain in it. Whether there is any incoherent between the duties of such post and the duties of a Member of Parliament?

Mr. Speaker, Sir, the way public life is being corrupted and the Government is giving allurements to the Members, all the members are changing their loyalty. In this context I think, the exclusion of some new posts is against the dignity and prestige of the Parliament. It has been seen in the States that the MLAs who cannot be accommodated in the Council of Ministers are appointed Chairmen of different commissions. It is a regular allurements. Now the Government is trying to bring this practice to the Centre also. The standard of commitments of the Members and independent functioning of the Parliament are gradually declining. The four posts, which have been mentioned in the Bill, require full time job. The Vice-Chairman of the Planning Commission works round the clock for the formulation of plans for the entire country so it is not understood as to how he can work as a Member of Parliament. All the four posts require similar type of responsibilities and they cannot fulfil their responsibility as a Member of Parliament. Many social workers do not get elected to Lok Sabha or Rajya Sabha but such workers have special significance for the country so some posts should be given to them. I condemn the tendency of giving temptations to the Members of Parliament and oppose this Bill and request the Government to put a check on the increasing number of such posts.

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, Sir, the way this Bill has been moved, I think that as my friend Shri Mohan

Singh said that these posts are important and it will take a lot of time. Standing Committees have been constituted in the Parliament with your efforts but we are not able to do justice with them as we have no time. There is no objection if these four commissions get special facilities but it will create a serious situation if the Members of the commission are deprived of their Membership of the Parliament. At present, there are 72 Ministers in Bihar and 42 have been selected as Chairmen. . . (Interruptions).

**SHRI NITISH KUMAR (Barb)**: There are nearabout 60 ministers in Bihar. The Assembly has a strength of 325 members and the Council has 98 members. Their total number can be added. Haryana does not have bi-cameral legislature. There are 90 members in the Legislative Assembly and more than 30 Ministers.

**SHRI BHOGENDRA JHA**: I will be glad if the number given by my friend is correct. If there are 62 Ministers and 42 Chairmen, it means that 90 percent members from the ruling party are covered. Haryana has a large number of such members who follow the policy of Aya Ram Gaya Ram. It will not be a matter of joy either for him or for me, if the number of such Members start increasing in Bihar also.

**SHRI NITISH KUMAR**: If the strength of the ruling party is 129, how much of it will be 90 per cent. Besides, the ruling party has the support of allies as well as the independents. So, there is a majority of two-thirds and there are nearabout 60 members.

**SHRI BHOGENDRA JHA**: I would like to thank my friend for his courage as well as his audacity. There are 62 Ministers and 42 Chairmen, who are also of the rank of Ministers. So, as Shri Mohan Singh said it has become a matter of joke and the expenditure involved is also high. It is a matter of shame for Bihar if it goes beyond Haryana. Those who can not be given ministership, are made the chairmen of new committees and justified in the Parliament saying that it has been done in the public interest. This is like letting anyone to enter from the window instead of the main door. The issue is not concerned with four or eight, but it should have been moved here for proper discussion. All should have been consulted, so that we could have openly told the country that we have done right.

Several issues were raised here about the different parts of our constitution, such as the issue concerning the Speaker of Manipur and the

Supreme Court and the issue concerning the Election Commissioner and the Supreme Court. In practice a clash like situation arises among these constituents and so it was necessary to amend the relevant Act of the Constitution in view of all these things. I am not saying that the Election Commission should be deprived of its rights during the elections. Only God knows what would have happened in Tripura if such was the case\*...

[English]

**MR. SPEAKER**: No, no. That will not go on record.

[Translation]

**SHRI BHOGENDRA JHA**: I am not levelling allegations on any constituent. It is necessary to solve the crisis which has arisen at present. But it does not appear that this Bill is going to solve this crisis, instead it appears that we are giving dakshina to some people.

The main responsibility of the Planning Commission is to plan for 90 crores people of this country. It is a full-time work for the Deputy Chairman of the Planning Commission. We people are also not fulfilling our responsibilities properly. He should also have been included in it, but the inclusion of chairman is not appropriate. The Hon'ble Minister should withdraw this Bill for proper consideration or should constitute a small committee for its full amendment, so that such clashes do not occur. Everyday we express different reactions of opposing or favouring any Bill and this is not good for a great democracy like ours. We oppose the habit of the Government to issue ordinances. This is the 29th Ordinance which has been issued just few hours before the commencement of the session. This is a new disease which has affected the Government of India. This is increasing in the States also. One should not be let to enter from the window. This Bill should be brought after full consideration. I am opposing it.

**SHRI RAJVEER SINGH (Aonla)**: This Bill which has been brought here, is theoretically wrong. It appears that the intention of the Government is not good about this Bill. Earlier, the Deputy Chairman of Planning Commission Shri Pranab Mukherjee was the Union Commerce Minister. I was much surprised when...

[English]

SHRI OSCAR FERNANDES (Udupi) : I think the name should not be mentioned. Here, the discussion is regarding a particular provision that we are going to make.

[Translation]

SHRI RAJVEER SINGH : I am saying when the Deputy Chairman of Planning Commission was made the Union Minister of Commerce, he did not had the Membership of either of the House and when 6 months were going to be completed, he resigned from the Ministership just one day before. He again became the Deputy Chairman of the Planning Commission. What is your intention now? He has been again elected. But it appears that there are some difficulties in making him a Minister, as he has been elected to the Rajya Sabha. It is intended that if he cannot be made a Minister, he should be atleast given his earlier post, but there are legal difficulties in this regard. This Bill has been brought in much haste so that he can be protected.

Mr. Speaker, Sir, I would like to ask why these facilities are being provided to a Member of Parliament? The people are already much distressed about the facilities being provided to the Members and along with them, they also become chairmen of some commission and get benefits from there also. The Bill seeks to remove this problem. The committee has submitted its report and I do not agree with it. This Bill is concerned about four commissions—Scheduled Castes/Scheduled Tribes Commission, Minorities Commission, National Commission on Women and Deputy Chairman Planning Commission.

The Prime Minister is the Chairman of Planning Commission and this does not apply on him. As the name of a particular person has to be proposed and has to be given economic benefit, the name of Deputy Chairman has come here. Whether all these four commissions will be filled up with congress Members or is there any difficulty in inducting them into the cabinet? So, they should be appointed on other posts. How this will go?

Mr. Speaker, Sir, this is joking and the Parliament has been made a thing of joke. This has become a habit to bring any Bill in a haste and without much consideration. This Bill could have been brought earlier, in the starting of the session or in the earlier session, but this was not done. The person—objections are raised if take

his name—was not elected then. Now, it is four days since he has been elected and he has to be employed. So, a wrong tradition of providing economic benefit to the Members of Parliament is emerging. I oppose it.

SHRI NITISH KUMAR : Mr. Speaker, Sir, I would like to support this Bill. Every thing should not be opposed and opposing just for the sake of opposing should not be done atleast. As I have to speak on the next item in the agenda, I did not want to speak on this Bill, but it is my duty to clear any of the misunderstandings, which may arise due to the views expressed here.

Mr. Speaker, Sir, this Bill has a limited purpose. It is concerned with the Disqualification of office-bearers of four commissions. I would like to remind the hon'ble Members of this House that during the regime of National Front Government, Shri Ramkrishna Hegde, who was the then Member of Karnataka Assembly, was made the Deputy Chairman of Planning Commission. He was disqualified from the Membership of the State Assembly, as the post of Deputy Chairman of Planning Commission was taken as an office of profit. It became a different story later on. I welcome this Bill and expect that it will be implemented from retrospective effect. The hon'ble Minister is sitting here. He should tell whether Shri Hegde will be saved or not?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : He had won the case and got the final order.

SHRI NITISH KUMAR : I would like to thank the Hon'ble Minister for the final order. It means that the court did not accept it as the office of profit. If this Bill is passed, it is proved that when the Prime Minister is the Chairman of any Organisation, how the post of Deputy Chairman in it, can be the office profit? From the election point of view, the post of Chairman held by the Prime Minister is not considered an office of profit, so, how the post of Deputy Chairman can be included in it? An expert should hold the post of Deputy Chairman and it is not necessary that he should be from outside the Parliament. Experts are available inside the Parliament also. Any of our hon'ble Members either from the Lok Sabha or the Rajya Sabha, can be a greater expert, whom the Country needs and so, he should be made the Deputy Chairman. Shri Ram Dhan, who is a Member of Parliament, was appointed as the

Chairman of Scheduled Castes and Scheduled Tribes Commission. Any of the Members of Parliament, whom the Government finds capable of holding the post, should be made the Chairman of the Commission. I do not think that this will arouse doubts on the intention of the Government. When any party comes to power, it can appoint any legislator or Member of Parliament as the Deputy Chairman of the Planning Commission.

When any Member of Parliament has been appointed as the Chairman of Scheduled Castes Commission and a bill has been brought by the Government in this regard, just to say that there are 70 or 60 Ministers in Bihar and there are so many Boards and Corporations and only the ruling party legislators are appointed as Chairman and Deputy Chairman is not good. Bihar or Shri Laloo Prasad Yadav has not started any new tradition. I do not want to say anything about what Shri Bhogendra Jha referred here, but there should not be anything unclear on the record. Shri Bhogendra Jha may have another complaint, but due to it, I found it necessary to express my views on this issue. His party still supports it. One can see in the records that in 1967, when the Sanyukta Vidhayak Dal Government was formed, it had been a tradition then also to appoint legislators as the Chairmen of Boards and Corporations. We have 28 Boards in all, out of which, some are to be chaired by the government officials. For example, the Chairman of the Electricity Board. This post can not be held by any political person. Only an Engineer can hold this post or during the congress tenure, some bureaucrats had held this post for some time. But in other times, this post has always been reserved for an engineer or a technical expert. There is a provision in its Act that no non-government employee can hold that post.

If such passing references are made that there are so many ministers, I would like to tell that an Administrative Reforms Commission was constituted to find out the ideal situation. It was told that there should not be more than 11 or 12 per cent Ministers out of the total Membership of both the Houses. I support it and when the percentage at 11, 12 or even 10 per cent has been fixed, it should be properly implemented in both the Parliament and the State Assembly. Whichever party comes to power it should follow the rule of percentage. But until the law is enacted, if there are more than one-third Ministers in Haryana or any state, it should be checked and the responsibility should be left with

the State Assembly. Bihar is a big State and has several departments. 57 or 58 Ministers are essential for their proper administration. This should be seen properly. 60-62 Ministers are essential for the proper functioning of the Government of India. Such passing references are taken very lightly. This is a democratic country, where there are two to three thousand bureaucrats, hundreds of departments and it is natural to have 60-62 Ministers to control them. We have only seen but we never think about what we are saying.

It is right if a law is enacted that there should be 8, 10 or 12 per cent Ministers and it is strictly implemented by amending the constitution, but if we say illogical things, what message we are sending to the people of this country. It appears that those who are elected become Ministers for their own benefits. I am not saying this. There are laws regarding corruption and whoever indulges in corrupt practices, is disreputated in the public. This is a different aspect. Whoever indulges in corruption should be punished. Accountability of a Minister is not an easy task. Can any Minister live very peacefully and sleep for hours? We should keep all these things in mind. It is a crown of thorns. It is not so easy as saying that there are 60, 62 or 70 Ministers. I do not want to go into this, but would like to say a few words. Political wisdom has also to be applied on such posts.

For the post of Chairman of Planning Commission, we have to see our political commitments. Whenever any party comes to power the opposition tries to ensure that it works within the frame work of the Constitution. But the ruling gets political mandate, so it has the freedom to include something of its choice in the Schemes.

If they have a political outlook their services must be availed of in order to fulfil the mandate. I don't think that there is any harm in appointing Members of Parliament or Legislative Assemblies to the post of Chair-person of various Commission, be it—Commission on Scheduled Castes and Scheduled Tribes, Minorities Commission, National Commission on Women or Planning Commission etc. That is why these posts should not be considered offices of profit and the same should be exempted from any disqualification. I, therefore, support this Bill.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : Mr. Speaker, Sir, I must draw the attention of this august House that this Bill is brought in pursuant to the Report of the Joint Committee on Office of Profit, which was presented on 9th April, 1992. The Committee had gone into details about what offices of profit, what offices should not incur disqualification. It is absolutely and totally non-controversial. I had been the Minister of Planning Commission. If the Deputy Chairman is the Member of this House, this House will be benefitted because you will have the advantage of hearing him as a Member of Parliament. There are many cases where an hon. Member is a Chairman of an organisation, which is very useful. The Planning Commission is the nerve centre of the infrastructure and every other thing of the country. If he is a Member of the House and if he is a Member of Parliament, it is advantageous.

Similarly, there is a National Commission on Women; there is a Minorities Commission. They are all very important Commissions. If the Chair-person of those Commissions is an hon. Member of Parliament, we should be happy about it, because we are giving such important position to an hon. Member of Parliament. If you go through the whole Report, you will find that they have suggested various other offices of profit. Also disqualification should not be there. We are processing that in consultation with the States; and I am hopeful that I will be able to bring another comprehensive legislation with regard to other offices of profit.

For the time being, I seek support only with regard to this Bill which is in pursuant to the recommendations of the Joint Committee of Parliament.

MR. SPEAKER : The question is :

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. SPEAKER : The House shall now take up clause-by-clause consideration of the Bill. The question is :

"That Clauses 2 to 5 stand part of the Bill."

*Clauses 2 to 5 were added to the Bill.*

MR. SPEAKER : The question is :

"That clause 1, The Enacting Formula and The Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI H. R. BHARDWAJ : I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. SPEAKER : There are some other items which we will be taking up now. May I request all the hon. Members to note that we are sitting on Saturday to complete the Bills and other business which is before the House so that it may not become necessary for us to extend the sittings of this House beyond 27th August, 1993. So, may I request again all the hon. Members to make their points very forcefully but not repeat them and will help the House to transact its business which is before the House.

12.50 hrs.

STATUTORY RESOLUTION RE :  
DISAPPROVAL OF THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 1993 AND PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) BILL.

*As passed by Rajya Sabha*

[English]

SHRI NITISH KUMAR (Barh) : I beg to move :

"That this House disapproves of the Prevention of Illicit Traffic in Narcotic Drugs and Psycho-

Psychotropic Substances (Amendment) Ordinance, 1993 (Ordinance No. 27 of 1993) promulgated by the President on the 30th June, 1993."

[Translation]

Mr. Speaker, Sir, I do not oppose this Bill in the form in which it has been presented. They brought it in the form of an ordinance and as a matter of principle we are against issuance of Ordinances. The Government should be prepared in advance. If they want to amend a law, they should take all aspects into consideration and make the amendments accordingly but it is a bad tradition to introduce amendment in the form of ordinances as and when anything strikes them. Ordinances should be taken recourse to only when there is no other alternative. The Executive should carry out their administrative duties well but generally they are not able to do so because they are engaged in other works, and then, take recourse to emergency provisions, i. e. Ordinance. It is becoming a tradition to A large number of ordinances between every two sessions and we are forced to hold debates on them. The Government should be well prepared in advance to introduce a Bill.

The Bill is meant for very limited purposes. The Preventive Detention Act, 1988 was to remain in force upto 31st July, 1993 and this legislation extends its duration by three years. The Preventive Detention Act was to check drug trafficking in India. India seems to be becoming a haven of illicit traffic in narcotic drugs which is ruining our youth. You have mentioned certain highly vulnerable areas which are important from your point of view. There are other areas where trafficking in narcotic drugs is going on and our youth are falling victims to it. We see many young people getting addicted to narcotic drugs in our society. This trade runs in Varanasi and has its serious impact in districts of Rohtas and Bhabhua in Bihar. These narcotic drugs are easily available everywhere. The distressed unemployed youth try to hide his frustration by taking recourse to it.

There are many frustrations in our society due to various restrictions imposed by us. There are broken homes in our society and as a result of that the children of those houses get frustrated and traumatised and they take refuge in narcotic drugs. Sometimes, the company in which one moves makes him go astray and one starts taking drugs. The person starts living in an illusory world and feels that everything

around is enchanting and good. He wants to live in that state. The moment the impact of the drug starts wearing out he faces the stark realities of life and gets disillusioned. He, then, wants to go back to the illusory world. And as a result thereof, the tendency to take drugs is increasing and it is affecting the society adversely and crores of young people....

[Interruptions]

[English]

MR. SPEAKER: On that point there is no dispute.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): He is proving that he could raise non-disputed points also.

MR. SPEAKER: The only point is whether we should extend the period or not.

[Translation]

SHRI NITISH KUMAR: This tendency is increasing. On the one hand, we would have to take stringent punitive measures and on the other hand a campaign needs to be launched in the society to check drug trafficking. We will have to make efforts to eradicate such evils from the society and this problem needs to be seriously attended to. We will have to take care that the future of our youth should not be dark.

There cannot be two opinions about the ill-effects of the trading of these drugs. This ordinance has been introduced with a limited objective. I am not satisfied with this. Its period has been extended by three years. It has been stated in its objects and reasons that to some extent it has controlled this menace, but on the whole instead of decreasing it is still increasing in these areas. It is rapidly increasing in vulnerable areas and new areas are coming under its influence. Therefore, a provision for simple punishment in the law will not solve the problem. We shall demand that the Government make a provision for stringent punishment in this regard. Although the Government attaches their properties but due to various reasons till the crime of the culprit is not proved in a court of law he continues to reap the benefit of his property. But such people are the enemy of the society, nation and the country. Therefore, laws should be made more stringent so that none dare indulge in it in future. Enforcement agency does not have sufficient resources. We make laws but there is no proper machinery to enforce those laws. This is a priority sector and unless timely attention paid to it, it may spread

out in the entire North East and several other areas. I am not talking of any particular area. It is spreading in the entire country. Experts say that the use of narcotics is helping in the spread of AIDS. In this circumstances the entire future generation is heading towards the destruction. It is therefore requested that the most stringent actions should be taken to stop it. If the situation so demands we may go in for stringent laws. Besides making laws the enforcement agencies should also be strengthened. Resources should be made available to them. In order to check this menace, they should be provided with resources in the border areas.

One can speak for hours on this subject. I do not want to take much of your time, because in the very beginning you had said that there was no dispute. Therefore, there cannot be any dispute in it.

[Interruptions]

MR. SPEAKER : This is a very important issue. A detailed discussion is warranted on it.

SHRI NITISH KUMAR : I know that there is a paucity of time. There is lot of money involved in this business, therefore, it is most likely that there in authority might become victims of temptation. Therefore, in order to contain it, there should be provision of punitive action. The way a sense of nationalism is inculcated in the personnel of our armed forces, be it Navy, Airforce or Army, the same way such spirit should be inculcated in the people engaged in that job. If our own child is engaged in such activities what would be our social and psychological condition can well be imagined. Therefore, bearing this fact in mind they should be imparted such training so that they may attain will power and there should be no bungling in it. It calls for a firm mind and calls for punitive action to contain it.

On the other hand there should be a wide ranging campaign against it in the society, step should be taken to promote social awareness against it and a provision should be made for setting up of more reform-house. The Welfare Ministry has not made adequate arrangement in this regard.

Although there are Reform houses for this purpose but they should be equipped with more facilities and the nation should accord it top priority.

I conclude with this.

[English]

13.00 hrs.

MR. SPEAKER : Motion moved :

"That this House disapproves of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1993 (Ordinance No. 27 of 1993) promulgated by the President on the 30th June, 1993."

SHRI NIRMAL KANTI CHATTERJEE : Mr. Speaker, Sir, he did not relate it to the Scam. He left that.

MR. SPEAKER : He made a good speech, as usual.

[Translation]

There are three aspects. Firstly, people take drugs, secondly what steps are being taken for its prevention and the future strategy in this. This is a very important issue and if one wants to take up the issues in detail any amount of time would fall short. I would, therefore, request you to take up other points. He has spoken well on this topic. If necessary, we may hold discussion on this issue at any other time but at present it would be better if we transact today's business.

13.01 hrs.

*The Lok Sabha then adjourned for lunch till fourteen of the clock.*

[English]

14.00 hrs.

*At 14.00 hours quorum bell was rung. No quorum was made. At 14.3 hours quorum bell was rung again and no quorum was made. At 14.6 hours once again quorum bell was rung and no quorum was made. Thereafter the Secretary-General made the following announcement.*

14.10 hrs.

ANNOUNCEMENT RE : POSTPONEMENT OF THE SITTING OF THE HOUSE UPTO 15.0 HRS. FOR WANT OF QUORUM.

[English]

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

47 *Prev. of illicit traffic in Narcotic drugs and Psychotropic Substances (Amendment) Bill & Disapproval of Ordinance* AUGUST 21, 1993

48 *Prev. of illicit traffic in Narcotic drugs and Psychotropic Substances (Amendment) Bill & Disapproval of Ordinance*

15.03 hrs.

The Lok Sabha re-assembled after Lunch at three minutes past Fifteen of the clock.

(Mr. Deputy-Speaker-in the Chair)

STATUTORY RESOLUTION RE :  
DISAPPROVAL OF PREVENTION  
OF ILLICIT TRAFFIC IN  
NARCOTIC DRUGS AND  
PSYCHOTROPIC SUBSTANCES  
(AMENDMENT) ORDINANCE,—

*Contd.*

and

PREVENTION ILLICIT TRAFFIC  
IN NARCOTIC DRUGS AND  
PSYCHOTROPIC SUBSTANCES  
(AMENDMENT) BILL—*Contd.*

[English]

MR. DEPUTY SPEAKER : Hon. Finance Minister to move the Bill.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH) : Mr. Deputy Speaker, Sir, I beg to move :

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, as passed by Rajya Sabha, be taken into consideration."

In recent years, India has been facing a serious problem of illicit traffic in narcotic drugs. To strengthen the drive against this menace, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act was enacted in 1988.

This Act deals with orders of preventive detention against any person engaging in offences of illicit traffic in narcotic drugs and psychotropic substances. Section 10 of this Act deals with orders of preventive detention in cases of offences under the Act committed in what has been termed as "an area highly vulnerable to such illicit traffic" and indicates the period for which detention can be made without reference to the Advisory Board. In cases where declarations are made under Section 10, the maximum period of detention can be upto two years as against the ordinary period of one year. This provision was valid only upto 31st July, 1993. An Ordinance was promulgated by the President on 30th June, 1993 for extension of Section 10 for a period of three years beyond

31st July, 1993. This became necessary as till Parliament was not in Session. This Bill seeks to replace the said Ordinance.

The seizures of narcotic drugs and psychotropic substances in highly vulnerable areas account for 58 per cent, 73 per cent and 45 per cent of the total seizures in the whole country during 1990, 1991 and 1992 respectively. It was, therefore, felt necessary that the detention period of two years in respect of offences in vulnerable areas acts as a strong deterrent and, therefore, the provisions of Section 10 have to be extended for a further period of three years.

With these words, I move that the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act as passed by Rajya Sabha be taken into consideration.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 as passed by Rajya Sabha, be taken into consideration."

[Translation]

DR. LAXMI NARAYAN PANDEYA (Mandsaur) : Mr. Deputy Speaker, Sir just now the hon. Minister has remarked that this Bill is a short one but the intention behind is not so small. I support the Motion of disapproval moved by Shri Nitish Kumar. This support is also required in view of the Governments' tendency of promulgating the ordinances each and every time. This is true that these drugs are being misused or the tendency for misusing these drugs are on the increase which is not a good thing. This is also true that the existing laws are not being observed in the right earnest which may be a result of their shortcomings. Instead of promulgating ordinances it would have been better if you had worked in a practical way; then the ordinance was not needed. When it was in your knowledge that the 3 years' period is going to complete then you could have done it by bringing a Bill in the last session. The hon. Minister has taken this step in a hurried manner. He was very much aware of the ensuing July session, even than he did not wait for it. I condemn such type of tendency. The number of ordinances promulgated during 1990-91 is lesser than the ordinances promulgated in 1991-92. The number further increased in 1992-93. This tendency is ever

increasing. The Government says that these Narcotic Drugs are adversely affecting the psychology of the people. But what to say about the growing ill-trend of the Government for promulgating Ordinances frequently. In order to prevent such ordinances the Government should check this ill-trend.

I would like to know from the Government. The number of cases detected, number of culprits punished, the quantum of contrabands including Opium, Hashish and Heroin during 1991-92 and 1992-93. So far as I know, some days back you had mentioned that 12 thousand persons were arrested. In this regard I want to know the number out of them against whom cases were filed. There were Detention orders for 97 persons and 80 persons out of them were arrested.

You had mentioned at one place about special courts, that speedy decisions will be taken through these special courts. What happened to those special courts about which you had made a mention? I want to know as to what extent this illegal trade has increased. The Government has admitted in this Bill that :

[English]

“Explanation 1—In this sub-section, area highly vulnerable to such illicit traffic” means—

- (i) the Indian customs waters;
- (ii) the customs airports;
- (iii) the metropolitan cities of Bombay, Calcutta, Delhi, Madras and the city of Varanasi;
- (iv) the inland area one hundred kilometres in width from the coast of India falling within the territories of the States of Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and the Union territories of Daman and Diu and Pondicherry;

[Translation]

What arrangements have you made for putting a check on smuggling activities in the custom areas as mentioned above? I want to mention the names of Barmer, Jaisalmer of Rajasthan and Kutch, Jamnagar & Junagarh of Gujarat which are close to the borders of Pakistan. Smuggling is rampant in these areas.

It is true that upto some extent you have put a check on smuggling activities in Punjab but smuggling activities are openly being carried out in Gujarat through sea. Not only this, besides Narcotic Drugs, Arms are also being smuggled openly which were earlier used during bomb blasts in Bombay. Same thing happened during a bomb blast in Sangh office in Madras in which many persons were killed. Now they are centred in Madras. I was mentioning that there are lot of lacunae in the legislation of 1985. There are provisions in sections 83, 84, 85 of Criminal Procedure Code that you can attach the property of the one who has been restrained. But if he is arrested or has received a summons from the Court then you cannot attach his property. Only in the case of his being a fugitive you can attach his property, you can make amendments in this regard. Are you considering for any amendments? You can raise its period by three years but unless you make other provisions in it you cannot make it more effective.

Some days back, I came to know through newspapers that these days Manipur has become a centre for Narcotic Drugs and 88 percent population is involved in the Hashish business. Hashish is smuggled there from Burma border. What steps are being taken by the Government in this regard? More than 80 percent people have become drug addicted. Be it Delhi, Calcutta, Bombay or other small cities, heroine is openly being sold every where. You can even get it at a pan shop. What action is being taken by the Government in this regard? You cannot do anything by merely bringing an ordinance. I am making an allegations against your officials that it is done with their sinister alliance. They know about it and even then they are unable to apprehend the culprits. I know the officers involved in the production of Heroine. The flowers of opium are powdered and being transported through trucks. They have their godowns, which have more stuff than the licensed capacity. The officials very much know about it but are unable to apprehend them. I want to submit that this sort of tendency is increasing. If the officials earnestly perform their duty, this tendency can be arrested. Otherwise your COFFEPOSA or MISA will go ineffective.

I want to submit that sometimes poor farmers are arrested in the case of opium powder, whereas they are not guilty. You say that the farmers will not sell or keep Doda powder from July onwards if he does so he will deserve

punishment but the stuff which he is forced to sell at Rs. 50-100-150 per quintal is sold at Rs. 3000 per quintal in the market. This way, the farmer does not get a fair price and as a result of this the opium is smuggled. The farmer gets Rs. 250-300 per quintal whereas the market price is between Rs. 3000 to Rs. 4000. If the farmer does not get the proper price then naturally he will smuggle it. I request the hon. Minister to provide proper price to the farmers. You have a pressure from the developed countries and thereby you are gradually reducing its prices;

but the number of drug addicts is increasing in developed and developing countries. Even America and U. K. are facing this problem and the number of the drug addicts there is also increasing that is why they are mounting pressure on us. This is also being smuggled from Burma and Thailand America put a pressure on Thailand and as a result of that it was banned there but even then it was being smuggled from Thailand, Burma and other countries. There is such a problem which cannot be attached to India only. This is a global problem. Thailand, Burma and Lagos were called "Golden Triangle" and Afghanistan, Pakistan and Iran were called "Golden Crescent". This is not limited up to India only. The pressure of America and U. K. on these countries cannot work as they themselves are having this menace. This must be stopped and all effective steps should be taken in this regard but it certainly requires the officials to perform their duties vigilantly and honestly. I do not want to mention the names of those officials of Central Excise, whose premises were raided and assets worth lakhs of rupees were discovered. If the officials work honestly such tendencies can be checked but they are not honest to their work. I do not say that everybody is corrupt there but there are a number of officials who need to be investigated. Therefore, give a considerable thought to the provisions made in it and merely enacting the law or extending its period up to 1996 will not set the things right. I am not disapproving the Bill but want that the same should not be misused. I would also like to point out that unfortunately, the implementing machinery of the law i. e. the officials, misuse these provisions and as a result of which the culprits remain free and innocent poor farmers or ordinary persons are implicated by the police. Other vested persons who are indulged in such illegal trade also do injustice to the poor farmers by making false cases against them. It gives an impression that due to the carelessness and inefficiency of the Government such

tendencies are increasing and the Government is not shouldering its responsibilities in an honest way. This should be checked by adopting every possible measure.

I once again reiterate that this tendency should be checked. The habit of taking drugs in the people, specially in the youth should be outrightly discouraged and thus avoid a social and financial crisis being posed by it. The hon. Minister should see to it that his department may work with dexterity and honesty and by keeping a vigil in catching the culprits and seizing such items. I have already told him that opium growing farmer are suffering a lot. Some days ago, I had requested the hon. Minister of Finance to provide help to such farmers as their crops were destroyed on account of a cold wave but no help was given to them. This situation prevailed in Rajasthan, Nimar, Chittorgarh, Jhalawar, our state as well as in Uttar Pradesh. The farmer in these states are in distress. As I have already told you that this is the sole reason of suffering. You catch hold of the real culprit.

[English]

MR. DEPUTY SPEAKER: Shri Ramesh Chennithala.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, I have a request, Our speaker, Prof. Sudhir Ray has to catch the train. So, kindly give him some consideration.

MR. DEPUTY SPEAKER: Shri Chennithala, would you like to accommodate him? Now, you stand a chance. If you just accommodate him, you can speak next.

SHRI RAMESH CHENNITHALA: Okay.

DR. SUDHIR RAY (Burdwan): Thank you, Deputy Speaker.

Sir, I support the Bill. But the way in which the Bill has been introduced, cannot be supported, because an ordinance was first promulgated; and now this ordinance is going to be replaced by a Bill.

Sir, this reliance on ordinance is very much objectionable because it leaves great power to the Executive; and the Government feels that whenever an ordinance is promulgated, it is the duty of the party Members to support it and to make it as a law.

It is admitted by all that drug menace has become a great menace in our Indian society. It

is destroying the social fabric of our country. Lakhs of young men have become drug addicted; and due to unemployment, due to other frustrations, they become easy prey for this drug addiction and as a result, they become nervously weak and ultimately they succumb to death. This problem is growing year by year. In 1988, this Bill was passed; but since then, India has become a special conduit of this narcotic drugs and psychotropic substances. Due to the contiguity with the countries of Golden Crescent and the countries of Golden Triangle, India is very much open to this drug trafficking. Pakistan, Iran and Afghanistan are making huge profits because of this narcotic drugs. ISI, the Intelligence Service of Pakistan nets about 13 billion dollars a year from this drug trafficking. And consequently they use this sum in financing the terrorist groups which are operating in Punjab and Kashmir. Therefore, we must be aware of this problem.

Even in North-Eastern States, this terrorist menace has become a great menace. In a meeting, I heard Manipur CM saying that even school children are drug addicted in Manipur. Therefore, India must take proper measures against this drug menace.

We know the experience of Latin America. In Latin American countries, often drug lords are directly aided and abetted by the Pentagon, by the CIA. Under the umbrella and cover of CIA, these drug lords operate; they squeeze people; they destroy their economy; and they remain in power. We all know the activities of the foreign drug lords. America can teach Iraq a lesson; but they never teach the foreign drug lords, a lesson! But, when they are dissatisfied with the ousted ruler of Panama, then they said, "Well, he is a drug trafficker". But, before that, they never took any measure against the Panama dictator.

This proposed Bill has draconian measures. We are afraid. We do not oppose harsh measures; but we are afraid that often democratic movements are stopped under such repressive Acts. When the Government passed TADA, ESMA or NSA, we are given assurances that these draconian measures would never be used against political opponents. But, what is the reality? We find that in different States of India, often TADA is used against political opponents. Often ESMA and NSA are used to suppress genuine trade union struggles. Therefore, we argue that these measures such as detention without trial should be used with utmost discretion so that common people do not suffer.

We should also mention that often drug carriers are put into jail; often petty smugglers are sentenced. But, what about the drug lords? What about the big guns? In this country, now, there is a nexus between the drug lords, smugglers and some political leaders. The Bombay blast and the Calcutta blast have proved beyond doubt that politicians are very much powerful. They have much clout and they often evade the law. Often, we find that the police do not do their duties because they are under pressure. Therefore, whenever there a deterrent law, it must be used against the big lords. What is required is this. There must be an all-out campaign against this menace. There must be media blitz. People must be aware of the drug menace. People must be aware as to how drugs destroy the social fabric and the society.

But, the other day, in West Bengal, an young, prominent man was butchered. What was his guilt? He tried to resist the drug carriers. He tried to resist the drug barons. Everywhere, the Government should come forward to help voluntary societies which are trying to check this drug addiction. Hence, what is required is a determined struggle from all sections of the society. Merely police actions will not suffice; merely strong measures 'on book' will not suffice. What is required is cushion by common people against this drug menace. Thank you.

SHRI NIRMAL KANTI CHATTERJEE: May I just add this? The person who has been murdered by the drug traffickers belong to my constituency; and he was a volunteer during my election campaign. He was a DYFI worker.

MR. DEPUTY SPEAKER: Shri Ramesh Chennithala. Everyone will get five to six minutes.

[*Translation*]

SHRI RAMESH CHENNITHALA (Kottoyam): Mr. Deputy Speaker, Sir, I rise to support the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance (Amendment) Bill. Sir this Bill has been brought with limited objectives. Its scope is very limited. I agree to the views expressed by my other colleagues. Today, it is serious problem before our society. Not only India but the entire world is facing this problem. Just now one of our CPM friends has stated in details as to how narcotics have affected our country as well as other countries of the world. The use of narcotic drugs have created problems in every corner of the

world. Youths in every country have got affected by these drugs. You can find drug addicts in every corner of our country, particularly in colleges, schools and hostels. The diseases caused by taking of drugs have also been mentioned here. According to a survey report conducted in India, it has been found that the consumption of narcotic drugs is more in girl's hostels. We should try to check it.

The national economy and the Government of Panama are totally dependent on drug production. A reference of golden triangle has also been made here. The Drug production in Pakistan, Iran and Afghanistan has created problem in this region.

Our Government has passed a Bill in 1988 to check drug trafficking and the present Bill has been brought by our hon. Finance Minister to replace the Ordinance. Here I must say one thing that merely passing of Bills will not serve any purpose. They should be adhered to strictly. Many laws have been enacted so far by our Parliament by they are not adhered to. Even today the illicit trafficking of drugs is going on a large scale in our country. The Government has taken certain steps through Customs and Revenue intelligence agencies but the hon. Minister has himself stated in the statement of Objects and Reasons of the Bill that the use of drugs has increased in last three years. Some steps have also been taken by the Ministry of Welfare. Crores of rupees are being spent on it but the benefits are not reaching the affected people. I think the endeavour, which is being made, is not in the right direction. Therefore, I would like to request the hon. Finance Minister to call a joint meeting of the officials of Finance Ministry and Welfare Ministry to chalk out a new plan so that steps could be taken to rehabilitate the affected people.

Drug trafficking is going on a large scale at our borders. I have read it in the newspapers that the terrorists are also making our paramilitary officials drug addicts and then using them for smuggling purposes. The Government should remain vigilant about it and keep a close watch on such activities.

One more point I would like to submit that the Government should review the work of Customs and Revenue officials posted at Air ports. Honest persons are not posted there. The past record shows that dishonest persons have been posted there. The Finance Minister should look into it. Our youths are disappointed because they are not getting any employment

They are facing many other problems also and as a result of frustrations they start taking narcotic drugs. Therefore, I would like to submit that merely enacting of laws will not serve the purpose. We have to take certain stringent measures. This problems is increasing in vulnerable areas. The areas like Goa Beach are more affected by the drug abuses. Therefore, an effective check on drug trafficking is must.

With these words I support the Bill.

SHRI RAJNATH SONKAR SHASTRI (Saidpur) : Mr. Deputy Speaker, Sir first of all I would like to congratulate Shri Nitish Kumar for expressing his views on the Bill and welcome the motion for disapproving the ordinance.

The Prevention of illicit traffic in Narcotic drugs and Psychotropic Substance (Amendment) Bill, which has been presented in the House, has already been brought into effect by the Ordinance. While opposing the practice followed by the Government I would like to say that the issuing of such Ordinance was not correct. Now you are presenting it in the form of an Amendment Bill, so same thing could have been done earlier also and in a better way.

Sir, the major problem the country is facing today is the smuggling of narcotic drugs. Besides, the smuggling of explosive substance alongwith the narcotic drugs has created more horrible problem before the country.

If we have to see the fresh example of consuming narcotic drugs, we can go to any school or college and see. We can find there as to how many people of our society are getting badly affected by the abuses of drugs. Even some of the would be IPS can also be seen under the influence of smack. The most regrettable thing is that the smuggling of narcotic drugs is being done under the patronage of law protectors. I would like to cite some examples in this regard.

Lucknow is the capital of Uttar Pradesh. We have recently read in the newspapers that one MLA was caught red handed in opium smuggling. Another MLA who belongs to Darul Safa was arrested with a huge stock of narcotic drugs. The local police officer wanted to penalise him under MISA but unfortunately the Police Officer was punished. He was demoted and transferred. On the one hand we shield the criminals and on the other we talk of checking crime by bringing such Bill. Therefore, we have

to think as to how we would like to deal with such sensitive matters.

Two responsible ministers are sitting here, I am not talking of far away site but about North Avenue. It is a matter of great regret that in the North Avenue, where Members of Parliament are residing, a big smuggler of narcotic drugs operating there. He travels in red light car bearing MP's label. He frequently challenges and claims that almost 50 MPs were in his pocket. He is operating in connivance with the local police. The police is aware of his activities but even then they do not take any action against him. Not only this, recently he has severely beaten up the real brother of an MP and whose case is sub judice. Such a big smuggler is wandering scot free and four MPs flats are in his possession. He is getting Government protection. It is really a painful situation. In which direction we are heading for? In what way we are trying to prevent smuggling by bringing this Bill when we ourselves are involved in this trade.

It is unfortunate that our borders are of some what different type. We have a long sea border, then on the North-East side we have Burma, Thailand and Laos called golden crescent and on the west we have Pakistan, Afghanistan and Iran, which is called golden triangle. That is why our borders have become the centres of smuggling. Recently the Interpol has stated in its report that India is the biggest route for the smuggling of narcotic drugs to USA and Europe. The Government intends to check it by enacting law. It is right to enact laws but at the sametime it should be enforced effectively.

If the Government think it so important, then why the Government do not create a separate ministry for it. It is a big problem that the country is facing today, therefore, the Government should create a separate ministry for it

I am submitting some figures in this regard 75,212 kg. narcotic drugs were seized during six months of 1993, 11,500 persons were arrested under this Act in 1992-93. 93,116 and 38 foreign nationals were arrested in 1991, 1992 and 1993 respectively for the smuggling of narcotic drugs.

Some facts have also revealed that some custom officials are also involved in it. One of our colleague has rightly pointed out that some custom officials are also operating in connivance with other smugglers. There are hundreds of such cases.

There had been terrible bomb-blasts in Bombay killing hundreds of people. There were blasts in Calcutta, Lucknow, Varanasi and Delhi also which killed many people. If we look at things closely, we find that drug-traffickers were involved in this also. One more fact has come to light that the drug traffickers are involved in international terrorism also. If we review the problems of Punjab, Kashmir and eastern regions of Assam, we would find the same factor responsible for it.

Now, I would like to draw your attention to a basic problem i.e. unemployment. The unemployed youths of our country are drifting away anchorless. They find drug-trafficking an easy way out. I want to cite an example here. A youngman of Bihar was travelling in a train. He met a drug-trafficker at Varanasi. He took his meal with him and remained with him in the train during the journey. After a while he said that he had to make a halt at Lucknow and then requested the youth to hand his packet over to some office. He gave him an amount of Rs 500 to do that. The unemployed youth was very happy to receive that amount. He did not know what the packet contained. He was arrested on reaching Delhi. He is still in jail. If we intend to do away with this problem then, first we will have to find a solution to the problem of unemployment which is correlated.

I would like to say about this Bill that you have made a provision about house-arrest and have sought the powers to extend the detention-period upto three years. It is a good thing. You should get this power. But there are certain loopholes. If the case is sub-judice then, no person is arrested, his property cannot be confiscated. You have admitted in the objectives and reasons that from the point of view of the provisions of section 10 and Section 11 the danger of illicit trade of narcotic drugs and psychotropic substances has not abated in any way in the said areas. You agree that the trafficking is increasing in the country. The trafficking of psychotropic substances is increasing. You admit this fact and incorporate an amendment. But your amendment is not clear. Powers are needed in this matter. You have Stated that under Sub-Section (1) of Section 10 of the said Act, if a person is detained before 31st July, 1993 and if his detention period is somewhere between three to six months, then, he can be detained. But if he is detained for a period exceeding 6 months without the assent of the Advisory Board, then, this order is liable to be revoked. I would like to know from you that

since the matter is so sensitive and you are very worried about it, then, why did you not demand this period to be 6 months to one year in place of 3 months to 6 months. You may promulgate an ordinance that it should be 6 months in place of 3 months. If you want to root it out, then, the law should be properly amended.

I also want to say that this matter relates to Revenue Department but I don't understand why it is related to the revenue department because the revenue department does not have any task force. The Revenue Department does not possess the means to intercept the dreaded traffickers. They have to seek aid and protection from other departments. There is want of coordination in all this. The whole country is afflicted with this serious problem. The whole world is discussing it. The borders of India have become the main centre for drug-trafficking. A separate Ministry should be created in order to eradicate this menace and check it effectively.

With these words, I conclude by saying that effective arrangement be made in this Bill to root out this problem.

[English]

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Deputy Speaker, Sir, I am really unable to understand, despite the fact that world over narcotic terrorism has become a terror by itself, and despite the fact that the Minister himself admits that for three years it is all increasing, why an Ordinance has to be brought? It should have been tackled much earlier. In fact, you remember our Inter-Parliamentary Conference had focussed its attention very prominently on this question of narcotic terrorism. So, I am really very sorry why this Ordinance has to be brought?

Many of my hon. colleagues have pointed out that actually the worst victims of this narcotic terrorism are not only the unemployed young men but even women and also the poorest of the poor. So, naturally, that is a breeding ground which encourages this.

Now, I have some observations to make. Of late, we have seen that those boys or girls or ordinary labourers, who were connected with narcotic drugs, they themselves were taking those drugs or selling them. Once they are trying to get out of that habit, we find often that the gangmen with whom they were connected earlier were making this fellow the target, who is

trying to get out of this. This is a very serious thing. So, I think, that this particular aspect also must be looked into; that is what we can do to save those who are really trying to get out of the net as a result of being threatened and sometimes even murdered.

Many of the customs officials have said about the success of their raids. I do not want to repeat them. The success of raids is really very small.

Since narcotic terrorism is a world phenomenon and America itself is involved in it in a very big way and all States adjoining us. Many of my colleagues have pointed out about the Golden Triangle and Golden Crescent. What steps have the Government taken to prevent this thing with those governments who are involved in this narcotic business? Uptill now, I have not heard of any serious attempt to take it up with the Governments, those are involved in it. What has been done about it? Enough has not been done about it. What does the Minister contemplate to do about it?

I also agree with this that three years period should be there, but, at the same time, we should be careful with regard to who is really being caught. Sometimes due to all these factors as well as political patronage enjoyed by the narcotic terrorists in many places, it is true that there is also a possibility that this particular provision will be misused. We have to see to it that this is not done.

Lastly, I would like to state that this kind of a crime really cannot be dealt with only by the Government or only by the police or only by the customs. It is a big social movement, which, if can be built, can really help us in a big way. To my mind, we have as yet failed to develop that social movement which we should; and that is a point which should be understood by us in our fight against terrorism.

I draw the pointed attention of all the friends here as well as outside that we have give lot more thought in developing this movement. I, Sir, support the Bill, as it stands.

SHRI BIJOY KRISHNA HANDIQUE (Jorhat): Mr. Deputy Speaker Sir, while supporting the Bill I want to pose a few questions to the Home Minister. The deterrent actions, punitive measures all are well defined in the Bill. But we should bear in mind, no deterrent action, no punitive measure, no extension of time will help us overcome the situation

created by drugs unless we have the problem in the right perspective.

Sir, we should also bear in mind that India long regarded as a mere transit point, is no longer just that. There is evidence that substantial processing of opium into different stages of heroin is taking place within the country and foreign mafia connections are also growing.

It is a great moment of truth and let us do some rethinking. In this context, I want to pose a few questions, I may be wrong, I may not be having right information. Therefore, I want to pose a question to the hon. Minister, whether it is true that we import 700 tonnes of poppy seeds from Pakistan and Afghanistan where poppy cultivation is officially banned. If that is so our position will be that while we condemn these two countries for their illegal narcotic business, yet we import them for medical purposes. So the position will be that India imports illegal poppy legally. I think, the hon. Minister will give a clarification for that.

Secondly, Sir, officially India grows 995 tonnes of opium from 31,359 hectares under poppy cultivation in Uttar Pradesh, Rajasthan and Madhya Pradesh. But could Government assure the House that restrictions have been maintained? An unofficial estimate says that Uttar Pradesh alone accounts for 45,000 kg of excess cultivation.

15.58 hrs.

(SHRI SHARAD DIGHE *in the Chair*)

Sir, officially proliferation of poppy is not allowed. But is not the Government capable of taking effective measures in containing proliferation in these three States? One effective step has been suggested over the years that poppy cultivation must be kept far away from the border. Since all laboratories for converting opium into heroin are reportedly located on the other side of the border besides those illicit one operating in the country, so it is imperative that the Government relocates the legally licensed poppy cultivation areas far away from the border.

Besides, Sir, have a look at the map of the drug trafficking network. On the West, we have the Golden Crescent and in the East, we have the Golden Triangle. A 5 year old survey suggested that there are at least 12 laboratories located in Chagai Hill area i.e. Baluchistan, Pakistan and Afghanistan border, producing heroin and most of the heroin produced in this region is

destined for Iran, then to Turkey and other European countries via India.

16.00 hrs.

Secondly, Sir, in the East the situation is far worse and the North Eastern region is at the receiving end. Some reports claim that there are 64 laboratories located just outside the Indian border and illicit trade is being carried on in North Eastern region, particularly in Manipur and people from all over the country go there and carry on this trade. Like the Western front the situation there has developed into narco-terrorism. For terrorism in both these frontier regions is sustained by drug money. Much of the inter-ethnic group rivalry and clashes in the North Eastern region may be due to this rivalry in this illicit trade.

In the North Eastern, there is another serious consequence of this illicit drug, that is AIDS. As, you know Sir, the drug route identified with the AIDS route.

Now the question arises whether the Government with all its force of Narcotics Control Bureau will be in a position to handle the drug trafficking emanating from the Golden Triangle and the Golden Crescent to the tune of about 2500 metric tonnes of opium? To add to this, there is trafficking across the Indo-Nepal border. There is already existing drug trafficking within the country and again it is due to misuse of the poppy licence.

Sir, an Operation Research Group Survey on Drug Abuses in the country for Metropolitan Cities shows that Delhi recoveries of heroin increased from a negligible 102 grams only in 1981 to 200 kgs. or more in 1988-89 and the proportion of consumption of small quantity cases from about 10 per cent in 1985-86 to more than 45 per cent in 1988-89.

Sir, the survey says that there is practically no system of coordination between enforcing agencies and various organisations including the voluntary organisations engaged in demand reduction activities. There is no effective system of coordination between various Ministries and departments involved in demand reduction work. The NCB, i.e. Narcotics Control Bureau, which is basically an enforcement and intelligence agency with little expertise and little experience in the area of demand reduction is neither suited nor properly equipped nor appears to carry enough weight to organise such coordination.

I do admit that the survey report may not be all true, whatever is said may not be true but let us have some rethinking. Government gets full support from the Parliament for fighting this drug menace. But the Parliament has a legitimate question to ask also, as to how far the Government has been successful in containing it.

Display of seized drugs on the media and electronic media is no measure of success.

Rather, one is convinced after having seen it, that it is only the tip of the iceberg. Also, the time has come to display on the electronic media how our generation is being degraded, morally and physically maimed psychologically and spiritually. Because the future of the nation is crumbling and is being denuded of its moral and spiritual values. History will not forgive us if we fail to stem this rot.

With these words, I support the Bill and I do hope that after the passing of this Bill, with all the deterrents and punitive measures which are well defined in the Act the Government will go ahead and will be able to contain this menace which has been rather a cancer to the whole nation.

[ Translation ]

SHRI RAM KRIPAL YADAV (Patna): Mr. Chairman, Sir, I support the Narcotic Drugs and Psychotropic substances Illicit Trade Prevention (Amendment) Bill, 1993 introduced by the Government. It is a good thing that the Government propose to check the narcotic drugs trafficking in the country through this legislation. The number of people resorting to narcotic drugs is on increase not only in our country but also at the international level. So, it is not a matter of checking the increasing tendency to take drugs in Indian citizen only but also in the young students, labourers in the world. Therefore, this Bill introduced by the Government is a welcome step.

Mr. Chairman, Sir, earlier the number of people taking drugs was quite less but, of late, there has been a continuous increase in it. This habit exists mainly among youths equally in men and women. Now, even the school children are also getting hooked on it. This menace has assumed alarming proportions. The future definitely looks bleak if we do not take effective steps and with a view to launch a campaign against those who are actively involved in this trade. The

school children are becoming more and more susceptible to this pericious habit. The initial habit of taking drugs goes on to become a vice, thus leading to a deterioration of physical and mental reflexes. The future of brilliant children becomes dark.

Mr. Chairman, Sir, I would like to say that the Government should come out with more stringent measures in order to check the trade of narcotic drugs because our children have fallen prey to this and they need to be made free of this habit. The Government will have to launch a campaign to save the future of our country from turning darker.

Mr. Chairman, Sir, I would like to say that the Government would have to intensify vigilance in the states which are adjacent to the borders of our country. This issue has been mentioned by our other hon. colleagues also. The Government will have to launch a special campaign to take action against those gangs, who are involved in such activities. The Government should not spare even the politicians if they are associated with this loathsome affair. It has also been discussed in this august House that the Government should not be hesitate to take action against those politicians also who are providing protection to such heinous activities. Mr. Chairman, Sir, I support the views of our colleague Shri Ramesh Chennithalas that law would not be confined to papers only. Whatever law is made it should be enforced in letter and spirit. The motive behind the enactment of these laws should be materialised by enforcing them practically in good spirit.

Mr. Chairman, Sir, the Government should take effective steps against the people involved in these heinous activities and the action plan should be implemented on war footing. The Government should not spare those persons who are playing with the future of the country rather a provision should be made to award severe punishment for them, so that our coming generations may not be endangered. Beside it, the Government should launch a campaign on war footing to bring back our frustrated youths on right path.

Mr. Chairman, Sir, I would not like to take more time of the House and conclude with this request that through this Bill the Government should take stern action against the persons involved in this illegal trade of drugs and would take effective steps for the welfare of our children and college youths.

SHRI RAJVEER SINGH (Aonla) : Mr. Chairman, Sir, I support the disapproval motion moved by Shri Nitish Kumar. My submission is that there is no scarcity of such laws in our country but I do not understand that these laws are doing some remarkable work for the welfare of our society. I would like to present its other aspect also.

Opium is cultivated in three or four states of India. It is cultivated in Madhya Pradesh, Rajasthan and Uttar Pradesh. It is cultivated in my constituency Aonla and in its neighbouring areas also like Badaun and Shahjahanpur and every year the concerned Department of the Government is reducing its cultivable area on some or the other pretext. Thus the Cultivation of opium is reducing every year.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH) : It must be so if the demand is low.

SHRI RAJVEER SINGH : Please at least listen to me first. Sir, the Government is simply reducing its cultivable area gradually on one or the other pretexts. But it is not at all proper on the part of the Government. I would like to ask as to where from those drugs are coming in the market particularly when the production of opium is being reduced gradually in the country. The production is declining. The Government is not issuing new licences, and old licences are also being cancelled and even then this business is on the increase. It implies that it is being done illegally. I would like to cite an example to show as to how badly the concerned Department is involved in such practices. If a person who has got the licence to produce opium in an area of one hectare and he sows it in two hectares and he bribes the Government official who visits for an inspection there, then the production is showed in an area of one hectare only. These people produce opium in more area than the required area as stipulated in their licences. I have been drawing the attention of the Government in the meetings held from time to time in this regard; but the Ministry turns a deaf ear to it. There is some sort of collusion in the officials of your Department, from top to bottom. The Government must find out as to how the staff from top to bottom are capable of constructing their magnificent buildings. The enactment of laws has created one more problem. These laws have enriched the Police officials with new kinds of privileges. Now if a person is arrested for any crime and somebody had a word in the ears of police to play such a

trick as the accused should not be bailed out for one year, and he should be harassed in Police custody. Then the Police officials try to frame such charges against the arrested person in one way or the other as the person may not be able to get himself released from the Police custody. The Police officials use these laws against him. The Police officials put the 50gm, or 25gm, or 10gm opium into his pocket and impose these laws against him. If the person greases the palm of the Police officials he is released otherwise he would have to remain in prison for a much longer period. The law is being misused to such an extent as is beyond your imagination. For example, the MISA and the COFEPOSA Acts were enforced and the Government started to apply them against its political rivals. Similarly, these laws are also being misused against certain persons. However, I respect the Government's feelings that narcotics drugs should be banned in the country, but the manner in which the Government is exploring methods for their eradication, will not serve the purpose, because it is a very serious problem and as the hon. Member has just pointed out that very big gangs of mafias are living in North Avenue. They are involved in the traffic and they cannot be touched even. The law is unable to apprehend them. These big mafias engage the poor or ordinary people and finance them, provide protection to them and run the business through them. Now the result of all this is that the problem is gradually becoming deeprooted.

Mr. Chairman, Sir I would like to tell the story of my own constituency. A boy came to my constituency from any other place after learning the method of preparing heroin and started a business of heroin and I saw that he erected his bungalow very soon. When he was killed in a car accident, I thought that this drug traffic will cease after his death, but what has actually happened, this illegal business has flourished all around, because the person has left after him a big army of his disciples who are preparing the heroin at several places while it was previously confined to one place only. It is spoiling the life of small children in the families there. Previously it was a saying that if somebody had any ill feelings against any family, he used to upstage some member of that family to contest an election, now the trend has changed and today if somebody wants to settle accounts of his enmity with a person, the former would make the latter taste heroin.

The person concerned will automatically be spoiled. This is the real condition of the country

and you can yourself understand the gravity of the problem. Therefore, the prohibition is a must. There are no two opinions about it, but I am of the opinion that the Government will not succeed in this task merely through the legislative measures which it wants to adopt. I am of the opinion that the Government will not attain success in it because this law is being misused in several places. Here I would like to illustrate an example of my own Constituency. Three and a half kilograms of opium was stolen from the house of a farmer. He went to the police station to lodge an F.I.R. The police asked him to whom he had suspected. He stated that the shoes of his servant were found there, perhaps it may be possible that he might have stolen the opium. The police nabbed the servant but the hon. Minister you will be surprised to know that out of three and a half kilograms of opium, only half kilogram of opium was shown to have been recovered and remaining three kilograms were vanished. When I reported the matter to the concerned S. P. there, the case was however probed but the unanimous finding of the enquiry made by the Police officials was that the quantity of the stolen opium was actually 3 kilograms but only half kilogram of it was recovered. Now the question remains as to what happened to three kilograms of opium? It means it has been digested by the Police Administration. Out of this digested quantity of 3 kg, they will sell two and a half kilograms of opium and half kilogram of opium will be misused as pretext to arrest the poor people and put them into jails. I would like to suggest the Government to pay some special attention to it. Only enacting laws will not serve the purpose. For this, the people of the society will have to be inspired and trained so that they may realize the severe danger of this dreadful disease and extend their full cooperation in rooting out this ill from the society.

Secondly, the farmers will have to be taken into confidence. Today the Government purchases opium from farmers at the rate of Rs. 200 per kilogram, whereas the market price of opium range from Rs. 5000 to Rs. 7000 per kilogram. Thus the Government is compelling the farmers to resort to unscrupulous means of selling their opium in black market. The opium sold in black market is being utilised to prepare heroin that is spoiling the life of youth all over the world. I would like to request the Government to find out some way to restrict the farmers to adopt such unscrupulous means of selling their opium in black market. In my opinion, it would be better to provide remunerative prices to the farmers for their opium so that they may

not run in black market for selling their opium on high prices.

Now the question is as to what should be criteria of the investigation. There are so many shortcomings in this Department. A person produces opium in Madhya Pradesh but his opium is sent to Ghazipur, Uttar Pradesh for investigation. The report of the investigation in regard to the opium sent reaches after 6 months and the report states that the opium is not found fit as per the criteria fixed by the Government.

Now, nobody knows as to where this opium was replaced during this long period of 6 months. In a meeting attended by high officials of the Government I asked them to find out such a way as the innocent persons may not be penalised. The investigation officials collect so many samples of opium of various farmers and pack all the samples in a sack and send these packages to the laboratories. When the samples are sent in a lot in one sack, it is very much difficult to sort out the packages of different farmers particularly when the officials are corrupt; because they are in collusion with the persons having vested interests. The samples of these farmers who grease the palms of the officials of purchasing centres, are passed and who do not do it, are deprived of the benefit and their samples are rejected. Mr. Minister, Sir, you are a very intelligent person, please make such arrangements as the blot of corruption on the face of your Department may be removed; and the future generation may not be the victim of the menace of drug abuse. Besides it, the farmers may have a respectable course of life and their labour is properly rewarded.

I would not like to speak more in this debate because some of our hon. colleagues are waiting to speak on this topic, but I would definitely like to urge the Hon. Minister to take personal interest in this Department because last time also you have handed over this Department to some other Minister. When the meeting was held and the issue was raised in it, nobody listened to me. It caused me a great embarrassment later on. Please make the officers also understand that they should not think themselves as supreme and whatever they say is always correct. Secondly, they are the investigating authority and so they claim that they have looked into the matter and found everything correct and at this stage they can do nothing in that regard. I want that the investigation should be conducted to grass root level also. The far-

mers also should be heard as to how they are being harrassed. Mr. Chairman, Sir, through you, I would like to request the Hon. Minister of Finance to give an opportunity to the people in this regard for becoming honest and he himself also should remain honest. With these words, I conclude and express my thanks.

[English]

SHRI YAIMA SINGH YUMNAM (INNER MANIPUR) : Mr Chairman, Sir, I rise to support the Bill. While supporting the Bill, I would like to mention that the problem of illicit traffic in narcotic drugs has become grave. So, the proposal of extension of the period for another three years will not serve the purpose. The Government will require. I think, more than that. However, the Government may come up with another extension after the three years are over.

Sir, my concern is about the power given to those officers who will act on this Act. I am afraid that they will be misusing the power under this preventive detention. It has been misused in many parts of the country and particularly, in my State, because influential persons and officers can put any person accusing him that he is engaging in this offence and put him under detention for three months without obtaining the opinion of the Advisory Board or without producing him before the Advisory Board. So, an interested officer or an influential politician can misuse the power. After three years they can release the person or persons for a shortwhile and they can again put them until those persons come under their terms. So, I would like to urge the Government to look into it so that the powers given under this Act may not be misused by the officers or the implementing officials.

Sir, prevention alone will not be able to curb this problem. As you know without some programmes being taken up alongwith preventive actions, we shall not be able to tackle the situation. So, I would like to propose to intensify the awareness programmes, education programmes and counselling programmes, because we are dealing with the manufacturers, producers, dealers, traders, businessmen and even the addicts. Therefore, we have to take up many programmes to tackle the problem. I urge the Government, particularly the Finance Ministry and personally the Finance Minister for providing more funds to take up such programmes of awareness, education and counselling of the masses.

Sir, I would like to refer to the points made by some Hon. Members who have mentioned that Manipur is a centre for trafficking in narcotic drugs. An Hon. Member has even mentioned to the extent that 80 per cent of the population in Manipur has become addict. But I have to correct that it is not to that extent, although there is an apprehension in the minds of the people. If timely actions had not been taken by the government, by the social workers and by other agencies, it could have been to that extent, but now it is being looked after by the Government very actively. And we have also organised clubs, organisations and the social workers and we have even informed other institutions like schools, colleges etc. so that this menace can be overcome in Manipur.

As a matter of fact, parts of Manipur which border Myanmar and other countries are vulnerable to drug trafficking, particularly in the area of Morch which is known as a smugglers paradise. The drug traffickers mostly operate there. So, we have to take strong measures there so that it can be stopped at that point.

It might be paradoxical to learn that in Manipur, even outlawed and insurgent organisations help in such a manner that they identify those traffickers and they give warning to them that they should avoid drug trafficking within a certain period of time failing which the traffickers are shot dead even in public. Hon. members of the House might have learnt from newspapers that businessmen who are indulging in this trafficking are often shot at in their own shops. Officers who indulge in this traffic are shot dead in public in their own offices. In a sense, the people have sympathy with these insurgent elements.

I would like to say that these traffickers resort to this profession because of their frustration and disappointment caused by unemployment. So, we have to take up rehabilitation programmes for the traffickers released from detention to enable them to lead their lives comfortably.

I, Therefore, request the Hon. Finance Minister to allot more funds to the State of Manipur because the State is now undergoing financial difficulties.

I would like to say that efforts to prevent drug trafficking would be successful if only we implement the Act in a spirit of service to the nation. Only then the programme will be successful.

[Translation]

**SHRI RAM NIHOR RAI (ROBERTS-GANJ)** : Mr. Chairman, Sir, I support this Bill and my Hon. friend, Shri Nitish Kumar. Narcotic drugs are dangerous for the whole world. There is hardly any country where narcotic drugs are used as much as it is in India. It is said that India is a poor country. On the one hand the government enacts laws to check the use of narcotic drugs, but on the other hand it gives publicity to their use through radio and T.V. Both these things cannot go hand in hand. We should think over it. Opium is grown in Unnao, Barabanki and Ghajipur. but the farmers do not get remunerative price for their produces. Just now one of my friends said that three kilograms of opium was stolen. The officials have shown that only half kilogram was missing. The officers are after money. Today 85 per cent of Indian people are running after money. They do not want to associate themselves with the society. Our youth and children fall victim of narcotic drugs. One of our friends has rightly said that we can watch the children smoking cigarettes and taking drugs in schools. 'Ganja' and opium are being sold openly. Even the Government is issuing licences for this. The Government only wants to make money. It does not think about the younger generation who are the future of the country. The voluntary organisations should go to people and make them aware of drug abuse. Consumption of narcotic drugs could be checked. Smugglers outwit the laws. When a legislation is made to check drug trafficking, the smugglers display their money power to nullify the law. Legislation is not enough. Even the high officials and our leaders belonging to any party you may say, also consume drugs. In the circumstances, will they be able to give any guidance to us? We should take steps for the development of the coming generation. We all come from villages and live in this country and society. Please constitute a committee and vest powers with the committee. Our elderly people who do not consume drugs should be taken as members of this committee. Only then this country can be reformed. With these words, I thank you.

[English]

**SHRI A. CHARLES (TRIVANDRUM)** : Mr. Chairman, Sir, I rise to support the Prevention of Illicit Traffic in Narcotic Drugs and psychotropic Substances (Amendment) Bill, 1993. The main objection raised by the Members on the other side is that an Ordinance has been promulgated.

They opined that without promulgating an Ordinance, straightaway the Bill could have been passed and I do share the concern of the members on the other side and I agree that ordinance, as a matter of fact, shall be used only sparingly. In this context, I would like to request the Hon. Members of this House on both sides and ask : Are we not responsible, to a large extent, if the items in the agenda are not finished everyday? Everyday, instead of urgent items in the agenda, most of the valuable time of this House is taken away by unlisted business and comparatively non-issues which are neither relevant to the nation nor are they relevant to the common man. So, I would plead that some sort of a study, soul-searching may be made so that important items can be given priority so that our business can be conducted in a more meaningful manner which will have some bearing on the life of the people.

Coming to the Bill, everybody is unanimously of the view that there have been indiscriminate smuggling of Narcotic drugs from many of the border States especially the vulnerable areas. There is a long list. I am not going to read it because India on three sides is surrounded by ocean and on the other side it is open to the border states to that the possibility of illicit trafficking is very high in this country. This has really created a great problem and the ill-effects of these drugs are now damaging the lives of thousands of youths including school children. One study has revealed that even the very dangerous HIV Infection is more in the drug-prone area because the same needles or syringes, without using the disposable syringes, are being used by drug addicts. In a way, that also leads to high presence of HIV infection in that area. This is a very serious thing which has to be given a serious thought.

Some of the statistics show that even in 1972 about 75000 kilograms of narcotic and psychotropic substances have been seized and about 10000 persons have been arrested. But it is a pity that very few guilty people have been really convicted. And I am afraid, the main reason being the Section 36(a) which reads as follows :

"Notwithstanding anything contained in the Code of Criminal Procedure, all offences in this Act shall be triable only by the special courts constituted for the area in which the offence has been committed."

I want to know how many such special courts have been now constituted and what is the pen-

gency of cases? There are lot of loopholes in conducting the cases. I know specifically cases where the officers who are to take action, they have some sort of a collusion with the drug-traffickers. So, the real result of this legislation is not being achieved. I request that a study may be conducted as to how many are really convicted, how many are escaping because either of loopholes or of the connivance of the officers who are responsible to enforce the law.

This Bill is now passed to give validity for extension of time for three more years under Section 10.

*(Interruptions)*

SHRI NITISH KUMAR (BARH): But Kerala is not affected.

SHRI A. CHARLES: Even in Trivandrum, this is available in every form even in the precincts of schools and colleges. This is a very serious thing which is available in the form of chewing-gum, in the form of chocolates, in the form of bidis and even in the form of cigarettes. This is available around schools, around colleges and teen-agers are attracted by that. And the small traders are making profit of out this. All over the country, this is a very serious threat and I request that very serious action should be taken against them.

Sir, I have some other points also to say but because of the time constraints, I am finally concluding.

Sir, whatever legislation you make, whatever decisions you take, it will become fruitful only with the active cooperation of the people. It should be made a people's movement. The voluntary organizations should be encouraged and their assistance should be sought for. In Trivandrum I know of a wonderful organization called "Abhaya", conducted by a very committed environmentalist and social worker. Prof. Sugadha Kumari. It is one of the finest institutions in Trivandrum. I know that hundreds and hundreds of drug addicts are being benefited from this organization and they and their family members have got a new life because of it. So, I request that such institutions should be started all over the country and the Government should encourage the voluntary agencies who would work among the drug addicts so that this menace will not be continued and the society shall be cleaned with the enlightened programmes of such organizations creating an awareness among the people. Then only this menace could be totally removed.

16.47 hrs.

*(Mr. Speaker in Chair)*

So, I support the legislation with a request not to stop with this legislation but to try to create an atmosphere where people become more conscious about the bad affects of this. I am concluding, Sir.

MR. SPEAKER: Shri Charles, do you know why I have specifically come from my Chamber? This Bill is meant for just extending the time.

SHRI A. CHARLES: Sir, with these words I conclude my speech and I support the Bill.

*(Translation)*

SHRI GIRDHARI LAL BHARGAVA (JAIPUR): Mr. Speaker, Sir, the smuggling of narcotic drugs in this country is a very dangerous thing. Consumption of narcotic drugs has caused a serious problem, especially for the children.

MR. SPEAKER: Bhargavaji, I have specially come to inform you about the Bill. This Bill has been brought here for extension of its validity period. If we start discussing its shortcomings, four days time will fall short.

*[English]*

We have other Bills to pass.

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA: Mr. Speaker, Sir, I shall conclude in two minutes.

Sir, I would like to submit that the problem of drug addiction is continuously increasing and the Government is not able to understand it. The Government has not conducted any survey to analyse the number of youth which have fallen victim to this addiction. Lakhs of rupees are spent on this every year and distributed but there is among the dear near ones of the officials. According to my information about ten lakh youth are heroin addicts. Among them about two lakh live in Delhi. Smuggling of narcotic drugs worth Rs. 45,000 crore takes place in this country, but the Narcotic Control Bureau, the Customs Department and Anti Smuggling department have not been able to check this smuggling. Only ten per cent of them are nabbed. Today about 90 lakh tonnes of refined heroin enter Manipur from Myanmar (Burma). Manipur has become the AIDS capital of the country. 1734 persons are suffering from AIDS

in Manipur. 90 per cent of them consume heroin. The Government should think over it.

I would like to say something about Rajasthan where opium is grown. Opium enters Rajasthan from Madhya Pradesh, Uttar Pradesh. In the same way opium enters Rajasthan from Tamilnadu, Punjab and Bombay. The Government should think over it also. My submission is that the youth of this country openly take drugs. They fall victims to all these things and I think it is a very dangerous phenomenon. This Act was passed in 1985 and now more than seven years have passed since then, but the Government has not made any endeavour to enforce it effectively. What I mean to say is that the special courts which were to be set up for the disposal of such cases have not yet been set up. A number of such cases are proceeding in the Courts but the Government has not stated as to how many persons have been convicted for this so far. The intention with which this Bill has been brought forward by the Government is good but I would like to submit that mere extension of the provisions of the Act will not serve any purpose. The State Governments will have to implement it effectively. I think the Government would definitely consider my suggestions.

Mr Speaker, Sir, I am thankful to you for giving me time to speak.

[English]

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH) : Mr. Speaker Sir, I am grateful to all the Hon. Members who have taken part in the debate. I find there is almost complete unanimity in the House with regard to the extension of the provisions of Section 10 of the Act for another period of three years.

One general issue which several Hon. Members have raised was relating to the need for issuing an ordinance. The issuing of an ordinance became necessary because of heavy legislative work that we had in the Budget Session and there was also uncertainty that if we had come forward with the Bill whether it could be passed by 31st of July in the current Session of Parliament. If we had not done that, this provision would have lapsed and in our view the situation on the ground is so serious that we could not afford this lapse. But I do agree with all the Hon. Members that it is necessary to do sufficient anticipatory planning in order to ensure that the need for issuing of ordinances does not arise.

I should also like to mention that this particular legislation deals with a limited subject, that is the need to provide for preventive detention. There is a substantive law which is the Narcotic Drugs and Psychotropic Substances Act, 1985, which provides for more severe punishment for offences — a minimum period of ten years — and there is drastic punishment if the same person is found repeating the crime again.

I would like to say that what we are dealing with is a grave menace; that it is a multidimensional problem; and that legal measures must be there on the statute book. I agree with all the Hon. Members that these need to be enforced. International public opinion has certified that of most developing countries, India has by far the most efficient administration for policing this problem. But I do agree with Hon. Members that we cannot be satisfied with the status quo. The magnitude of the problem is enormous, sandwiched as our country is between the countries of the golden triangle on the one hand and the golden crescent on the other. So, I am not saying that what we are doing is enough; we will have to improve our administrative measures; we will have to improve the technology of work available to the preventive organisations; we will have to strengthen co-ordination between the Centre and the States, between the various agencies and the Central Government. I can assure the House that these matters are under active consideration of our Government.

Several Hon. Members have raised the issues as to whether we have some special courts for speedy trial of offences. I should like to inform them that, at the moment, there are 30 special courts and more are under formation in the State of Maharashtra. But I do accept the view that we must bring the offenders speedily to book. Whatever is necessary in this regard, we shall be alert in this matter.

Some Members have raised the problem of the prices that we pay to the cultivators of poppy in our country. Quite honestly, we cannot pay to the cultivators the type of prices or the amount of money that those who indulged in the illicit traffic in drugs can pay. We are in the business of licit export of opium. I would like to share with the House that the demand for opium worldwide is limited. Therefore, we cannot afford the area under the cultivation of poppy to be increasing when the world demand for licit opium is limited. It is for this reason that it is

necessary to gradually reduce the area under cultivation and to find alternative ways of helping the farmers so that they do get adequate income. But we cannot afford to pay them prices which can be paid by those who indulge in illicit trade in narcotics. Since we can pay what we earn through legitimate export earnings, there are limitations to pay higher prices.

I would also like to say that bulk of the problem in India is essentially the transit traffic. But it is also a fact that a certain amount of opium must be leaking from the system. There is a need to strengthen administrative measures. All these matters are under active consideration of our Government.

With regard to the problem of the North-Eastern States, I share the concern of several Hon. Members that drug addiction is growing. We need international co-operation. For that matter, recently, our Government has entered into an agreement with the Government of Myanmar to have a joint system whereby we will be able to police this traffic, take effective measures to control this menace.

As I said, we are dealing with a multi-dimensional problem. In the final analysis, laws are necessary. But they are not sufficient for controlling this menace. We need social awareness. We need more active involvement of all members of the community. Government must be alert and active. It is not only the Ministry of Finance but also Ministry of Health and the Ministry of Welfare which are actively involved in this area. Particularly with regard to growing social awareness, the Ministry of Welfare has an important responsibility.

Similarly, with regard to treatment and rehabilitation of the drug-addicts, the Ministry of Health and the Ministry of Welfare have an important responsibility. I can inform the Hon. Members that, at the moment, several voluntary organisations are working to rehabilitate those who have gone astray. But I do agree that we are dealing with a problem which is enormous. And a lot more needs to be done. I can assure the House that our Government will remain alert and alive to the needs of the situation in this area.

With these words, I request all the Hon. Members to support the Bill and the Resolution that had been moved. I request that statutory Resolution may not be pressed.

17.00 hrs.

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, he has not requested for the withdrawal of the Resolution. Sir, since you have come, I will be brief in my speech.

[English]

SHRI MANMOHAN SINGH: I said that (Interruptions) I ended with those words (Interruptions).

[Translation]

MR. SPEAKER: You can take time to speak on relevant issues only and do not digress from them.

SHRI NITISH KUMAR: All issues have been covered and the Hon. Minister has given their replies. In my earlier speech I have pointed out that the Narcotic Control Bureau do not have adequate manpower to check the illicit traffic spreading over the length and breadth of the country we have north-east border with Myanmar. Besides vast coastal areas, we have borders with Nepal, Pakistan and Bangladesh. There is danger from all the sides. The inadequate manpower of the agency has made it totally incapable of checking illicit traffic. A total transaction of 3000 crores took place but the Government could seize the material worth Rs. 6 crores only. There is no effective control over it. It has been stated in the Economic Times dated 19th July that:

[English]

"The involvement of politicians, police officers, army and para-military forces posted in the region is well known.

To a child in Manipur, 'Number Four' is not only a numeral but something more. It is the colloquial for Burmese heroin processed to 90 per cent purity and is responsible for turning Manipur into the AIDS capital of India.

Ninety per cent of 1,734 HIV positive persons in Manipur are heroin addicts and contracted it while sharing the same needle with another addict."

[Translation]

The situation is horrible there and the number of drug addicts is constantly increasing. If a syringe used for AIDS patient is injected to other person the AIDS virus can be transmitted

to him. The Hon. Member talked about international co-operation. I do not think that the Enforcement agency is capable of controlling the menace. The limited objective of your Bill is to extend the existing preventive detention period of three years. Stringent measures should be taken to enforce the Act enacted in 1985, people who indulge in smuggling of narcotic drugs should be firmly dealt with and their properties attached. If any stringent provision needs to be incorporated in the Act, the Government should not hesitate to bring that. This trade is going on in Pakistan and these people have tightened their grip over politics. We have been witnessing deterioration in our politics and criminalisation of politics is increasing. Smugglers are entering politics. They have money power and they are tightening their grip from all sides. Its consequences would be dangerous for the country. It happened in Pakistan and they are passing through a period of instability. I do not know as to why Shri Manmohan Singhji is keeping quiet. There is an article in Sunday in which it has been stated that he could be an ideal Prime Minister. The World Bank is also expecting so. It is possible that some people want to aggravate this problem so that on this issue they may get support all over the country. It is very dangerous. I oppose the idea that there should not be capital punishment. I think death sentence should be given in such cases. . . (Interruptions) This country cannot be saved. Small children are being used for this purpose. They are transporting hereon from one place to other in postal mails. You do not know as to what your child is carrying in his tiffin. Therefore, the Government should give utmost priority to find out a solution to this complex problem. I would like to support the Bill wholeheartedly but the Hon. Minister has not asked for the withdrawal of the Resolution and that is why I am not withdrawing it.

MR. SPEAKER: We are under the impression that you intend to withdraw the Resolution.

SHRI NITISH KUMAR: If the Hon. Minister gets up and says so, I will withdraw the Resolution.

[English]

SHRI MANMOHAN SINGH: I request the Hon. Member not to press his Resolution.

SHRI NITISH KUMAR: I seek leave of the House to withdraw my Resolution.

MR. SPEAKER: Has the Hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS: Yes.

*The Resolution, by leave, was withdrawn.*

MR. SPEAKER: The question is:

"That the Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, as passed by Rajya Sabha, be taken into consideration."

*The Motion was adopted.*

MR. SPEAKER: The House will now take up Clause-by-Clause consideration of the bill.

The question is:

"Clauses 2 and 3 stand part of the Bill"

*The motion was adopted*

*Clauses 2 and 3 were added to the Bill*

MR. SPEAKER: The question is:

"That Clause 1, the Enacting formula and the long title stand part of The Bill"

*The Motion was adopted.*

*Clause 1, the Enacting formula and the title were added to the Bill"*

SHRI MANMOHAN SINGH: I beg to move:

"That the Bill be passed"

MR. SPEAKER: The question is:

"That the Bill be passed"

*The Motion was adopted.*

MR. SPEAKER: We Will now take up further consideration of the Review of Drug Policy, 1986. Shri Sharvan Kumar Patel, we have only 41 minutes left for this discussion within which the Minister also has to reply.

17.07 hrs.

MOTION RE: REVIEW OF DRUG POLICY—Contd.

[English]

SHRI SHRAVAN KUMAR PATEL (Jabalpur): Sir, on the Drug Policy, views have been expressed that with the new liberalisation, the Government's concern should be to ensure

quality drugs and through competition. prices will find their own level and this would certainly help the pharmaceutical companies to make available important life-saving drugs to the people of this country without much difficulty. Sir, I do not share the above views. In most of the countries, there exists price control on essential life-saving drugs. The claim made by many pharmaceutical companies that they are not making profits on essential life-saving drugs and that they are able to function only because of diversification in items like pesticides, etc. does not hold much water. So, the real question as has been put by the hon. Minister is whether it is possible for the pharmaceutical companies to manufacture essential life-saving drugs with some profit without enabling them to indulge in profiteering. This is the key question and the hon. Minister has put his fingers on the right spot. Undoubtedly, I feel and I also agree with the hon. Minister that pharmaceutical industry is capital-intensive and also captive industry. Having said this, I would like to say that the way out of this predicament would be to encourage healthy competition and the Government should apply itself to this issue with all seriousness. I am also of the opinion that the list of essential life-saving drugs should be further pruned. The Government has admitted that it has neither the time nor the resources to sit and go point by point on the list of essential drugs for fixing prices every now and then. Therefore, I feel that the list should be pruned. The Government has not even got sufficient number of drug inspectors to minutely monitor the happenings of the industry. It is also pertinent to note that out of one billion dollars of investment in our country, hardly anything has come to in the pharmaceutical sector. therefore, latest innovative essential drugs manufacturing under the national health programme with up-to-date technology should certainly be encouraged.

So far as the question of PSUs is concerned, I think the time has come to stop treating them as holy cows. Having said this, I also feel that there is a need to continue with PSUs because the existence of PSUs will enable the prices to remain low. I suggest that the Government should make all efforts to make the PSUs economically viable. At the same time, the PSUs should also try for foreign collaboration.

So far as the question of Dunkel Draft is concerned, if the proposals relating to TRIPPs

were to be accepted, then the situation in the country is going to become grave. I say this because in the new proposals, instead of the process patent, there will be product patent and Indian public would certainly stand to great disadvantage if this were to be applicable I would urge upon the Government to try to negotiate to the best of their ability at the GATT so that the people of this country do not suffer on this count.

I also feel that the pharmaceutical companies in our country are very much dependent on the West, whereas China has developed an advanced pharmacopeia which is effective even in controlling population. Therefore, I feel that the Government should try to have more interaction with the Chinese people and Chinese Government.

So far as the question of research and development is concerned, I am sorry to observe that this area is quite neglected. As against the world outlay of 10 to 15 per cent on research and development by manufacturers, it is only two to three per cent of sales for the Indian companies are concerned. This outlay must go up. Special incentives should be given by the Government for undertaking research and development in tropical diseases. For this purpose, I would also urge upon the Government to encourage collective laboratories.

I repeat that the maintenance of quality is of paramount importance. Therefore, I urge upon the Government to have more meaningful and effective co-ordination between the Health Ministry and the Ministry of Chemicals and Fertilizers. Government should stop, if necessary through legislation, the tendency of giving gifts and discounts over and above the prescribed norms.

Government should also give incentives to those pharmaceutical companies who undertake exports.

I would also like to point out that 85 per cent of the people of this country use traditional medicines for their routine ailments, which was proved to be efficacious modern research even in Western countries is now showing the great medical benefits of our traditional plants like *neem* and *tulsi*. The benefits of our herbal drugs made of isabgol, garlic, etc. are also well-known. Government should try to encourage Ayurvedic drugs as also homoeopathic medicines. Although we show great sympathy to the aspect of growth in this area, when it comes to investment, we have not done enough.

In the end, I am constrained to observe that as against the World Health Organisation's guidelines on spending five per cent of the GDP outlay on health care, the actual expenditure in the country is only one per cent of the GDP. Government should raise the Health Budget both at Central and State levels. Government should also declare the drug industry as a priority sector.

MR. SPEAKER: Mr. Minister please.

[Translation]

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Speaker, Sir, from our party Shri Verma should also be allowed to speak.

MR. SPEAKER: No, the time fixed for it is over now. Every party has exhausted its time. The Members who were given 5 minutes have spoken for 15 minutes.

SHRI SURYA NARAYAN YADAV: Shri Nitish Kumar of Janata Dal has not been given time to speak.

MR. SPEAKER: He has taken his turn. He has made his speech, though his time is not over.

SHRI SURYA NARAYAN YADAV (Saharsa): The time allotted to our party is yet to be over. Let Shri Verma speak.

MR. SPEAKER: Not on this issue, on some other issue. Mr. Nitish may speak for 4-6 minutes of he so desires.

[English]

You have the capacity to make points even in very short time.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, at the outset, I would like to express my happiness that a discussion is being held on such an important topic in this House. But whatever has been done or said by the Government on drug policy gives an impression that it is not a drug policy but an allopathy drug policy. Drugs, in this country, is also meant by indigenous system.

Ayurvedic system is also there but the Government is not worried about that. The Ayurvedic science has been very advance. When surgery was introduced in allopathy 'shalya' and 'Shala' treatment was already available in Ayurved at that time. 'Shalya' was meant

for the body below the neck and 'Shala' was for the body above the neck.

So for as the chemistry is concerned till the time aqua regia had not been developed by mixing nitric acid and HCL, it was not known as to how the diamond would dissolve. But in the chemistry of Ayurved it was mentioned that diamond dissolves in the blood of a bug and then medicines used to be prepared by dissolving diamond in the blood of bugs. But we never took notice of our literature, science etc. and kept wasting our time and money on whatever was introduced from abroad. We did not contribute to the world of allopathy. We adopt whatever is introduced abroad. That is the reason that U. S. A. is calling us patent thieves. That constitutes another matter whether U. S. A. has a right to call us that or not but that does not belong to us. You may, if so desire, call us patent thieves because today whatever new medicine is introduced anywhere, it is based on our Ayurved. Be it about diabetes or cancer, they refer to Ayurved and introduce a new medicine. They make medicines based on herbs available in India. America is calling us patent thieves though basically these medicines are based on our knowledge. My objection is that we have forgotten our indigenous products. I would like to draw the attention of the Government to this fact. In view of the shortage of time, I would like to be brief.

Secondly, our drug policy was introduced in 1986. The earlier policy had a check over profiteering and the indigenous drugs were easily available at reasonable rates to people in need. Earlier, these drugs had been classified in four categories—life saving drugs, essential drugs, not-so-essential drugs and non-essential drugs.

The scope for profit was 35 per cent on life-saving drugs, 40 per cent on essential drugs, 70—75 per cent on not-so-essential drugs and more than that on non-essential drugs but later it was classified in two categories and the scope for making profit was 50 per cent on life-saving drugs and indiscriminate profit on other drugs. This drug policy which has been in practice since 1986 is wrong, anti-people, anti-consumers. The maximum number of lepers and T. B. patients are in India and the people afflicted with total diseases are maximum in number in our country and there is a great need of life-saving and other drugs in our country but, we have allowed certain drug companies to indulge in profiteering.

Thirdly, we had a very good patent law in our country. There should be a patenting of process and not of products but as per Dunkel proposals, products are going to have a patent law and not processes. America is already calling us patent thief and will continue to do so. I would like to come to the basic question. Researches were conducted abroad on our knowledge and new formulations were made therefrom. So, we have a right on them but, conversely, only allopathic medicines have been included in the drug policy. If the basis has been more intensive, then, we would have had a right to make a point that since Ayurved science basically belongs to India, we have a patent right to everything created with the help of this science. Therefore, you are patent thieves, not us. Because we gave you Knowledge, we showed you the way.

*(Interruptions)*

I, therefore, would like to say that we should stick to our guns regarding process patenting and we should not accept product patenting. Otherwise, our pharmaceutical companies would be adversely affected. You have liberalised our drug policy for all those multinational companies to be set up here. Now they can earn as much profit as they want and can price life-saving and other essential drugs as high as they want and as a result, people in need of those drugs would not be able to buy them.

A matter of grave concern is that people of my State are suffering from epidemic Kalazar though its cure is available in the world but patients in great numbers are falling victims to Kalazar. It is not because its cure is not available but its medicines are not available, its medicines are not formulated in our country. We have to import Pentamedin from abroad but we don't get it on time. Pentadin is given to a patient only after 40 days from the day he was admitted. When a patient is admitted, the Kalazar disease is not detected for the first 40 days. The primary health centres, sub-centres are ineffective due to the irregularities created by man, system, want to awareness in society and lack of sternness in the attitude of the Government. Despite the fact that the patient is admitted in a primary health centre or a Government hospital he first comes into contact with a quack. He wrongly diagnoses the disease and gives wrong medicine and when the condition becomes very critical only then Kalazar tests are conducted and it becomes known that actually he was afflicted with Kalazar.

Mr. Speaker, Sir, the situation is very unfortunate that when after 40 days one is to be administered Pentamedin, it has to be imported. Today people are succumbing to Kalazar in Bihar and I am of the view that if the drug industry is entrusted to multinationals, the situation will so deteriorate that people would start dying of even ordinary ailments in future. It would be at the mercy of the multinationals to leave people in India to die of Typhoid, Viral fever, Penumonia or any other ordinary ailment. Earlier Tuberculosis was incurable, Penumonia was incurable. Our fathers and brothers tell us that these diseases were incurable. A large number of people died of typhoid but not any more because now we have antibiotics. But if we do not have antibiotics then people would die of even ordinary ailments.

So, our policy should not be such so as to kill people and deny them medicines. I would like to warn them and hope that such policy should be formulated so as to ensure the availability of medicines for all diseases to the needy in adequate quantities at cheaper rates. We should exploit our Ayurved system which has everything in it to make us hold our heads high in the world. So, the drug policy should not only allopathic drug policy but an comprehensive one and all the Indian medicine systems should be included in its purview. With these words, I conclude.

**SHRI UPENDRA NATH VERMA (Chatra):**  
Mr. Speaker, Sir, a close look at the proposed drug policy seems to show that neither the medicines would become cheaper nor the patients would be benefited by this policy. This policy is on the same lines as was the one introduced in 1986. When the drug policy had been introduced in 1986, at that time a list had not been introduced to the effect as to which medicines had been kept subject to price control and which had been left out. So, the new policy should present the list to that effect. There is a lot of bungling and embezzlement of crores of rupees.

When this list was not produced before the House, Kelkar Committee was constituted and it was empowered to prepare a list to decide the medicines to be included within the purview of price control and the medicines to be left out of that. The list prepared by it proved very faulty. We found that many big companies had changed their names and resumed work as small scale industries and changed the brand of

the medicines also. The medicines manufactured by small scale industries were kept out of price control and this way a large scale bungling is going on. A company named Ranbaxy changed the name of its medicine from BRUSTAN to BRUSTIN and came under the purview of small scale industries. In this way a loss of revenue of crores of rupees was incurred by the Government. A company named Allambik was manufacturing a medicine by the name of Vikoryl, then it changed its name to Wikoryle and started functioning as a small scale industry and the control was removed. This company also caused a loss of revenue of crores of rupees to the Government and exploited the people. I, Mr. Speaker, Sir, therefore would like to say that this should not be permitted and the House should be taken into confidence as to which medicines would be subject to price control and which would be left out. If it is not done then it would lead to grave bungling.

Mr. Speaker, Sir, the definition of small scale industries needs to be changed. It is decided on the basis of investment made on plant and machinery. Though, it should not be so. It should be according to the turnover. The company having a turnover of Rs. one crore should compulsorily be subject to price control. No exemption should be given to it. The resultant black-marketing, bungling of crores of rupees and the loss of revenue incurred by the Government should be rectified.

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : From my party, nobody has spoken. We have given the names.

MR. SPEAKER : Your party, Telugu Desam, has three minutes. Can you speak in three minutes?

Let us understand this thing. The small parties do not have always the time. When we give the time, you do not have a right to speak on every subject; and if that is done, then we have 23 parties here.

SHRI SOBHANADREESWARA RAO VADDE : The Bill which preceded, we did not get an opportunity to speak. It is unfortunate for us to raise this matter again and again causing unpleasantness to you as well as to us.

MR. SPEAKER : That is all right. You have got three minutes. If you can finish in three minutes, I will give you three minutes. Can you finish in 2 minutes.

SHRI SOBHANADREESWARA RAO VADDE : Mr. Speaker, Sir, the discussion regarding background note on Review of Drug Policy is a very important one. Now we have to review the policy which we have adopted earlier. At the same time we must keep in mind the positive gains we have obtained through that policy.

As far as our Drug Policy, 1986 or the Indian Patent Act 1970 are concerned, these were really beneficial to our country, as a result of which your note itself says around 250 big companies and 8,000 small scale units have come into being. Sir, because of the Patent Act 1970 which allowed only processed patent, so many thousands of small scale units could be established and they have survived to cater to the needs of the Indian people. That is the basic thing which we have to understand and once we accept the product patent these small scale units cannot survive in the market.

In a country where  $\frac{1}{3}$  of the population is below the poverty line and they do not have enough capacity to even earn their livelihood and have a square meal, it will be unimaginable to understand the condition of such people when the prices of medicine will go up by 10 times or 20 times.

I will give only one example. The generic brand Renitidin containing 10 tablets a packet, which is manufactured by Glaxo is being sold in India for a price of Rs. 29. The same one is sold in Pakistan for Rs. 260, in Britain for Rs. 481 and in America its cost is Rs. 744. Like that in respect of several medicines, including medicines which are useful in curing cancer and heart-attacks the cost is 20 times or sometimes 30 times more.

At present your note itself has agreed that while World Health Organisation wish we should spend at least 5 per cent of our GDP on health care, we are spending only 1 per cent on the health care. Your Health Ministry people have deposed before the Standing Committee that they are short of funds. In these circumstances, if we give a go-bye to the basic objective of supply of its medicines to the Indian Public, that is, 'ensuring abundant availability at reasonable prices of essential and life saving and prophylactic medicines of good quality to the poor people of this country,' I wonder we will be doing a great harm to the people of this country.

So I urge upon the Government kindly to

strict to your basic objective of supplying medicines to the poor people of this country at quite reasonable rate, of course, I do not have any objection against the revision of the price system. Naturally because the manufacturer has to earn some reasonable profit on the investment he has made. While at the same time doing that, do not give a complete go-bye to the basic objectives, insist on our process patent system and do not accept the product patent system. With these words, I would like to thank you.

**THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI EDUARDO FALEIRO):** Mr. Speaker, Sir, while moving this motion for the consideration of the House, I have the opportunity to thank the Chair and thank you, Sir, for having given us time for discussion on this important subject.

Now, I would like to say that the debate has proved to be most useful to us because as rightly some Members have mentioned here that the policy should not be anti-people. The only way of having or at least the major basis of getting to know what the people really want, getting to know the opinion of the people is to be in touch with this House and with this Parliament, which is the highest forum, which articulates, urges aspirations and views of the people. Therefore, when we have a discussion in Parliament, we do not think, the Government do not take it as some sort of a duty that we have to do it. But it is certainly a great opportunity to us, and in fact, it is in the interests of the Government to be constantly in touch with Parliament to get its views and get an important feed back and that is what I intend to do as we being implementing this policy after the present session of Parliament.

Hon. Members have very rightly stressed the importance of co-ordination with regard to Drug Policy, particularly between this Ministry of Chemicals and the Ministry of Health. I want to assure the hon. Members that we are fully alive to the importance of such co-ordination and the Ministry of Health which is the user Ministry and is responsible for overall health care—which has to be—is always consulted before making any changes in the policy and its implementation. There is a fairly good co-ordination between the two Ministries and as pointed out in the Background Note, a Co-ordination Committee would be set up under the Chairmanship of the Secretary (Chemicals

and Petrochemicals) for implementation of this policy. Of course, this Committee will not have any powers of decision. It will only make recommendations that will be put up to the Minister in charge and his recommendations or suggestions would be either in the minutes or otherwise.

This will be just one of the inputs which will lead the Minister to his decisions along with the other very important input. The other very important input is obviously the views of this Parliament.

Some hon. Members have questioned the need of bringing the Drug Policy in line with the new industrial policy. No doubt, the Drug Policy is distinct in regard to pricing, quality control, etc., and we have to look to its special requirements. However, it would be in the interests of the growth of the drug industry if it is allowed to take advantage of the removal of industrial licensing controls and liberalisation emanating from the new industrial policy. We need to abolish industrial licensing and other unnecessary controls which are coming in the way of new investment in the drug sector. However, as it would still be necessary for all manufacturers of drugs to take licences under the Drugs and Cosmetics Act, the controls required for the production and marketing of any specific drug would still be maintained.

Let us not understand now that de-licensing means that there is no licence and anybody can set up a drug manufacturing unit and go ahead. There will be control obviously, first, on the drugs. Whether it is a drug which is banned or not, whether it is a drug which is useful or not, whether it is any irrational combination or not, the drugs will be checked before giving a licence, which is required under the Drugs and Cosmetics Act, which will be fully implemented.

**SHRIMATI MALINI BHATTACHARYA (Jadavapur):** You are also abolishing production control along with the price control.

**SHRI EDUARDO FALEIRO:** No, no. We are not abolishing anything. Let me say it very clearly. We are not abolishing price control. We will monitor production; we will do all this.

I am now talking about de-licensing under the Industrial Regulation and Development Act. That will have to go. At the moment, for instance, a licence is required at every stage for making any drug, even for domestic producers.

This is unnecessary. No purpose at all is served. I am myself sitting on this Committee and I am unable to refuse any licence and still I have to sit there and keep on waiting for formality. As we have reached this stage in which we are unable to change—because the law does not permit us to refuse the licence—we are just sitting on there to clear something. These are the paradoxes and the ridiculous situation which we face.

**SHRIMATI MALINI BHATTACHARYA:**  
How do you propose to maintain control ?

**SHRI EDUARDO FALEIRO :** I will go step by step to every aspect. Let me address you on this point. Price control will not go. Production will be seen on what it is. But the main aspect which has been made in this House and the effect of it is in my mind, is that we cannot remove price control altogether. What we must make is the whole system more efficient and simplify the system not at the cost of the control. You see as a way of curing a disease, somebody may suggest cutting off the head of the patient but it is not correct. That obviously is not the solution. Therefore, if we find some problem with price control the answer is not de-control altogether. The answer is to correct that defect without affecting the valid objective with which the controls were originally created. But it cannot be in the present form and therefore, at this point of time, I am talking about de-licensing.

I have mentioned the general position regarding de-licensing. I will now come to the position as we see it regarding foreign investment and licensing.

There appears to be some misapprehension about the proposal of automatic approval of foreign equity upto 51 per cent in the drug sector as permitted in other priority sectors. Fears have been expressed that it would adversely affect the domestic pharmaceutical industry. I would like to allay the fears in this regard by clarifying that all controls such as price control, quality control, etc. applied in the drug sector will be applicable to foreign companies in this sector. Our domestic industry has over the years acquired sufficient strength and can withstand competition from even multi-nationals. In fact, our own companies are globalising and having presence in other parts of the world. Its exposure to international competition will bound to benefit the domestic industry also by spurring them towards greater efficiency and also giving them opportunity to collaborate in

new technology with foreign investors. Foreign investment can play an important role in increasing investment and bring in new technologies and products for the drug sector. We should therefore not be unnecessarily alarmed about automatic approval of the equity participation going upto 51 per cent from the present 40 per cent in the drug sector.

What I would like to say is that it is time for this country to have a greater degree of self-confidence. It is not only on this but on everything else. This is a country with great strengths. We are a tiger and the tiger should not behave like small cats because that really does not serve the purpose.

As far as the drug sector is concerned, in 1980-81 we started with imports of Rs. 113 crore and exports of Rs.76 crore. I will just mention one decade ago without going beyond that. At that time our trade balance was negative. From Rs. 76 crore of exports, we have now gone upto Rs.1445 crore of exports in a decade or even slightly less than a decade. We have gone from minus Rs.37 crore in the trade balance to plus Rs.638 crore. We are talking about multi-nationals. I would say that we are having our own multi-nationals. For example, Ranbaxy. I will just mention the name of certain companies which come to my mind readily, for which I have the figures immediately. Ranbaxy has a presence in several countries like Nigeria and Malaysia. I myself had been to Malaysia and I had come to know how well they are doing there. Then, you have Lupin Laboratories in Thailand, and so on and so forth. So, let us understand that we are in the big League or we are about to be in the big League. We were not in the same position when the Drug Policy was first put in this country. We have gone a long way from there. Now we are expanding. We are now at the point of taking this country forward in this field.

Sir, several of our indigenous companies are among the ten largest companies in the country. Ranbaxy is number two in the country and it is immediately after Glaxo, and it is much above Sandoz, Hoechst, and so on. Cipla is above Pfizer, Eskayef, Borroughas Wellcome, and Kopran. So, we are really having the muscle. We should not think that we do not..... *[Interruption]*

*[Translations]*

**SHRI RAM NIHOR RAI (Robertsganj) :** Mr. Speaker, Sir, I would like to know whether the

Government intends to spend consumers money of Rs. 260 crores lying idle with Indian drugs manufacturing companies, on carrying out research work in respect of drugs. Whether this money is of unintended profit or it belongs to the D. P. C. O. which has been recovered from the consumers after 1979.

[English]

MR. SPEAKER: You can continue your reply in your own line. At the end of your speech, you can reply to his point, if you want.

SHRI EDUARDO FALEIRO: There appears to be consensus about the importance of the public sector having a role in the future also in the drug sector. I want to assure all the hon. Members that we are fully alive to this issue. We are aware that public sector companies like IDPL and HAL have played a catalytic role in the growth of the pharmaceutical industry in this country. It is unfortunate that IDPL and some other public sector drug companies are not doing very well at present. We are taking all steps for the revival and rehabilitation so that they have a continued presence in the drug sector. The policy of reservation of items for exclusive manufacture by the public sector is also not being given up and such items in regard to which they have made huge investments and where they are able to cater to the needs of the country can continue to remain reserved for exclusive manufacture by the public sector.

As I had the opportunity to mention in my opening remarks, we are fully alive to the importance of quality control in the Drugs industry. This is one of those controls which is not to be weakened obviously but is to be strengthened and to be made more effective. We are aware of this and we are at it. As hon. Members are aware, the Ministry of Health discharges this responsibility, but we are co-ordinating the matter with them. I am glad to inform the hon. Members that the Ministry of Health has already taken several steps in this direction. So, this whole matter is in the process of making it more effective, with more stronger quality control mechanism. Not only they are taking steps to strengthen and reorganise the enforcement machinery for quality control both at the Central and at the State levels but other steps like having better testing laboratories and encouraging and good manufacturing practices have been taken. The punishment for manufacturing of spurious drugs has been enhanced to check this menace.

I am glad that hon. Members have raised the point regarding greater encouragement to Research and Development in the drug sector. This is particularly important for the sector which has a high technological content and where obsolescence is very rapid. As we have ourselves pointed out in the Background Note, we propose to set up an inter-Ministerial Group to consider various suggestions for providing greater incentive for R&D work, but those units which are doing R&D work are allowed higher return on net sales. New products introduced through domestic R&D efforts would be exempted for price control for sufficiently long time.

A very large number of hon. Members have voiced apprehensions about the effect of Dunkel proposals on the domestic pharmaceutical industry and the prices of medicines for the common man. We are fully conscious of the concerns of the pharmaceutical industry in this regard, but as the hon. Members are aware, Dunkel proposals, to begin with, are still under negotiation and nothing can be said about their final outcome. In any case, perhaps there is need for great clarity in regard to the possible impact of the Dunkel proposals even now, if they are formulated and which we have not yet accepted. Generally, ten to fifteen per cent of the drugs are under patent. Out of the drugs in the whole market in India, ten to fifteen per cent of these drugs are under patent, not in terms of quantity but in terms of value.....[Interruptions].

SHRI SOBHANADREESHWARA RAO VADDE: That is not correct as per the Operational Research Group's survey.

SHRI EDUARDO FALEIRO: Well, we can always discuss this, but that is the information that we have.

Some newly discovered drugs are patented, while some existing drugs under patent go out of the patent regime after the expiry of the patent period. Obviously, Dunkel proposals will not have any effect on 85 to 90 per cent of the drugs outside the patent regime. Moreover, the effect of these proposals would be felt only in regard to drugs which are patented at present. As we are using many drugs which had been long discovered and are outside patent control, perhaps the effect of Dunkel proposals on the production of drugs and the prices would not be as much as feared. I also hope that with greater emphasis on R&D, our own industry will rise to the challenge. I have been saying in other con-

texts of licensing. Please let us understand that the day is not far off. As it is, we have done a lot. Why don't we consider for a moment that in the near future, India, with its 850 million people and the third largest technical manpower, will have its own patent and will also benefit from this. I am not commenting on the Dunkel proposals, why do we have to be always looking at the ends as clients or on the passive side? Why don't we look at the things as creators and people who will contribute to the world in terms of patent, and for which we must get the benefit? I am not commenting, I must say, on the terms of the Dunkel proposals, I am just commenting on our attitude that we must always consider ourselves as a developing country at the receiving end of things and not at the giving or creating or beginning of this industry and other industries.

As you know, there would be many non-patented substitutes. I also hope that with greater emphasis on R&D, our own industry will rise to the challenge and turn the new patent regime to its own advantage. As in all probability there would be many non-patented substitutes for some therapeutic essential drugs, the effect of Dunkel proposals on prices of common drugs should be, to that extent, reviewed.

I must agree with Shri Nitish Kumar—he is not here now—and many hon. Members that apart from allopathic system of medicines, Ayurvedic, Unani and other traditional systems need to be encouraged and given wider coverage. As far as my own case is concerned, my own family uses these homoeopathic medicines. They have very good effect. Therefore, there is no question of not using them. It is not only my family, but most families use these medicines. Those people who can afford allopathic medicines, those who are in Delhi, do use the facilities and they are undoubtedly of very great benefit and there are many advantages.

**SHRI BHOGENDRA JHA (Madhubani):** In many respects, the ayurvedic system has got many medicines which are lacking in allopathic system.

**SHRI EDUARDO FALEIRO:** Yes, it is undoubtedly true. "The ayurvedic system is having many medicines and it does not give any side-effect like the cure of one disease creates another disease. [Interruptions] It is actually a part of our existing policy to encourage them.

Therefore, the traditional medicines would be continued in the future.

The Ministry of Health are overseeing the growth and dissemination of traditional medicines and are fully seized of this matter.

**SHRI SRIKANTA JENA (Cuttack):** But it is inadequate.

**SHRI EDUARDO FALEIRO:** On the question of inadequacy, we shall definitely be co-ordinating with the Health Ministry so that these objectives mentioned in the House are considered. Many advantages have been mentioned.

Some hon. Members have expressed concern about the significant increase in prices of medicines in the recent years. Actually, these increases in prices were unavoidable on account of the change in the exchange rate and so on and so forth. We are hopeful that with a stable rupee, there would not be abrupt price increase in the future.

I would like to say now that we must be very careful. The sense of the House that we should be very careful in tackling or dealing with the price control mechanism, to see that it does not serve the purpose of increasing the prices sharply has been taken. Therefore, we shall be careful in dealing with this mechanism and we shall make any changes in that only after great deliberation and due consideration.

**SHRI SRIBALLAV PANIGRAHI (Deogarh):** What about transparency?

**SHRI EDUARDO FALEIRO:** On the transparency criteria and objective criteria, some hon. Members have expressed concern about the significant increase in prices. I have mentioned this point.

I would like to thank all the hon. Members and may I particularly thank also the Standing Committee for its report which also, to a substantial extent, endorses our view. What is more important than endorsing our view is having contributed with many wise ideas which we shall definitely be keeping in mind while implementing this policy.

**SHRI SOBHANADREESWARA RAO VADDE (Vijayawada):** Mr. Minister, please clarify one point. The patent Act, 1970 has been brought into force after great deliberations by the Tekchand Committee and the Iyengar Committee and after two Joint Parliamentary Select Committees going into it. That Act was brought

and it has served our purpose to a great extent. What is the reaction of the Government in respect of Indian Patent Act, 1970 in view of the Dunkel proposal? Please clarify this.

**SHRI EDUARDO FALEIRO**: Sir, at this stage the need for great clarification on this point may not arise because the whole matter is under negotiation with GATT. We are part of the international system. We do not intend to go outside the international system. It is not really possible nor the House will agree to that. The whole thing is under negotiation and we shall extract the best possible terms for us. That is all that I can say at this stage.

**SHRIMATI MALINI BHATTACHARYA** (Jadaupur): Sir, there are one or two questions that I want to ask. One is that whether in the review of drug policy you will be considering the effective measures for the abolition of the system of loan licensing and secondly in the review of drug policy you have said that there would be a linkage between the increasing drug prices and the wholesale price index. In other words, in order to simplify the pricing of drugs, there would be a linkage between the two and there would be an automatic increase along with the wholesale price index.

If this is so, then what control are you talking about? What kind of control can you retain on the prices of drugs? I cannot see that. Please explain that. Thirdly, I would like to ask whether the hon. Minister is aware that recently a scheme has been signed with the US aid for 325 million dollars for innovative family planning services. Now, according to this scheme, a large part of the money to come under this scheme is to be spent on buying innovative family planning services, drugs and other things from the United States of America. The whole thing is going to be implemented by an autonomous body where there would be Government representatives, representatives of the multinationals, the US AID representatives and they would have a great power so far as the decision making is concerned. So, with respect to such an influx of foreign drugs, how do you propose to ensure that dumping of hazardous or non-essential drugs will not take place?

**SHRI EDUARDO FALEIRO**: Sir, as far as the automatic increase in the drug prices by linking it to the increase in the wholesale price index is concerned, I would like to say that neither in this country and to the best of my knowledge in no country, at least not in the developed countries, the rate of increase in

prices of drugs is the same as the wholesale price. It is always less. Secondly, it is a paper which is there, it is a paper for discussion and it is not a final paper. As I have mentioned, we were looking for inputs and therefore, we wanted to have this debate. We will keep that in mind and anything that sharply increases the prices. We will take into account the point made by the hon. Member also and we will examine these points.

As far as the loan licensing concept is concerned, firstly, it is in the Courts at moment and secondly, it is dealt by the Health Ministry and so also is the family planning programme that the Hon. Member has mentioned of which I am not aware. But, I can say that these programmes are dealt by the Health Ministry.

**MR. SPEAKER**: Mr. Minister, one very relevant point was made, I suppose, by Mr. Nitish Kumar. How does this Drug Policy help in developing the indigenous medicines and indigenous drugs like Ayurvedic medicines, Homoeopathic medicines, Unani medicines and things like that? Whenever we make a policy it should be a policy covering all the areas. If we make a Science Policy, it should not be a Science Policy related to industry only, it should relate to communication, education satellites etc. In the same fashion his point is very relevant.

**SHRI GEORGE FERNANDES** (Muzaffarpur): Mr. Speaker, Sir, Urine Therapy also should be included.

**MR. SPEAKER**: That is indigenous. You are right.

**SHRI GEORGE FERNANDES**: Sir, I am not saying it in a casual light hearted way. There is international research taking place in this field. There has been an international conference in Goa earlier during this year. The Indian doctors have gone up to European countries and have come back with laurels.

**MR. SPEAKER**: Yes. Even that can be considered.

**SHRI GEORGE FERNANDES**: It has to be considered. There is international research taking place all over the world in this field.

**MR. SPEAKER**: It is a sort of Naturopathy.

**SHRI GEORGE FERNANDES**: Yes, it is a part of Naturopathy.

MR. SPEAKER: If the Policy is not finalised, these aspects can certainly be considered.

SHRI EDUARDO FALEIRO: Sir, I would take these points into consideration.

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Speaker, Sir, while speaking I gave you examples as to how the big medicine companies are reacting to the questionnaire that the Minister has sent. They are, really not caring at all with regard to the question of prices. What does the Minister want to do with regard to controlling of prices?

SHRI EDUARDO FALEIRO: When it comes to medicines under price control they have to us all the details.

SHRIMATI GEETA MUKHERJEE: They have not given.

SHRI EDUARDO FALEIRO: No, if they do not give, then we do not give the price increase. But what we ask for is, the information regarding drugs outside price control.

SHRI SHRAVAN KUMAR PATEL (Jabalpur): Mr. Speaker, Sir, I want to make a small point. I know that the Government is recognising the usefulness of the Indian system medicines.

18.00 hrs.

But I merely want to request the Hon. Minister that more investment should be made and the Government should allot more funds.

[Translation]

SHRI RAM NIHOR RAI: Mr. Speaker, Sir, the unintended profit of Rs. 260 crore with regard to Indian drugs is lying idle. Will the Government utilize this money in setting up of any research institute so that research work in respect of every drug may be carried out? This money is lying with drug manufacturing companies. The Supreme Court has also ordered to spend this money on research and welfare activities.

MR. SPEAKER: He will not tell just now. It will have to be referred to the cabinet.

SHRI RAMESHWAR PATIDAR: Mr. Speaker, Sir, it was recommended that the formules of tetracycline, analgin and vitamin-A may be banned. Is the Government ready to accept the said recommendation even now?

MR. SPEAKER: There should be no questions-answers in it.

[English]

SHRI RAMESH CHENNITHALA (Kotayam): Will the Government consider asking the local pharmaceutical industries to earmark a percentage of their profits for research and development programmes?

MR. SPEAKER: How will you enforce that?

SHRI EDUARDO FALEIRO: Yes. In the background note, we have said that a percentage must be utilised for research and development. The point you have raised is most relevant. How do you see that it is used for that purpose and for no other purpose? We will keep this in mind before finalising.

DR.KRUPASINDHU BHOI (Sambalpur): Shri Nitish Kumar has said that everybody is interested in Indian system of medicine. In the Dhar Committee report and in the Mudaliar Committee report and everywhere it was agreed that 10 per cent of this allocation was meant for Indian system of medicine.

I would like to know whether the Standing Committee or the Ministry has taken cognizance of it in its policy and why that has not been included.

MR. SPEAKER: No. The Hon. Minister has already said that.

SHRI EDUARDO FALEIRO: We will do it.

[Translation]

SHRI RAM KRIPAL YADAV: The Government of India has not formulated any scheme to promote indigenous drugs so far.

MR. SPEAKER: Yes, it is.

[English]

MR. SPEAKER: The House stands adjourned to reassemble on Monday the 23rd August, 1993 at 11.00 AM.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven of the clock on Monday, August 23, 1993 Bhadra 1, 1915 (saka).*