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Wednesday, August 28, 1985
Bhadra 6, 1907 (Saka)

LOK SABHA DEBATES (English Version)

**Third Session
(Eighth Lok Sabha)**



(Vol. IX contains Nos. 21 to 26)

**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

LOK SABHA

*Wednesday, August 28, 1985/Bhadra 6, 1907
(Saka)*

*The Lok Sabha met at Eleven of
the Clock.*

[MR. SPEAKER in the Chair]

[English]

PROF. MADHU DANDAVATE (Rajapur) : Sir, yesterday you had promised to get an enquiry made about the deportation. Two things have happened. Our country has been put to shame by Shri Chandrahasan telling Americans that he has not sought asylum at all, and the Americans saying, "Jolly well, you cannot be here, go back to India." We have been put to humiliation. Let the Minister make a statement on such an important thing. You had promised us yesterday...*(Interruptions)*

MR. SPEAKER : I did not promise anything...

(Interruptions)

PROF. MADHU DANDAVATE : You had promised that you will get the information. India has been put to shame by that man declaring that he has not sought asylum in America.

[Translation]

MR. SPEAKER : Please listen to me also sometimes.

(Interruptions)

[English]

MR. SPEAKER : I can answer one man at a time. I am just answering Professor

Sahib that I have already asked the Minister to find out what is what and then let us know. I have just asked for it.

PROF. MADHU DANDAVATE : Will he not make a statement in the House, Sir ?

MR. SPEAKER : Let us see.

SHRI BASUDEB ACHARIA (Bankura) : Sir, I have given an Adjournment Motion...
(Interruptions)

MR. SPEAKER : There is nothing for Adjournment Motion...

(Interruptions)

SHRI BASUDEB ACHARIA : The Central intelligence agency have given a report that Anand Margis have planned to kill the Chief Minister of West Bengal when he comes to Delhi...

MR. SPEAKER : Mr. Acharia, don't worry. His life is very precious and I think the Government is capable of looking after it.

SHRI BASUDEB ACHARIA : We want to know what steps Government have taken.

MR. SPEAKER : They will take. There is no question of Adjournment Motion. They will be taking it. They are not going to announce what they are going to do.

SHRI AMAL DATTA (Diamond Harbour) : Sir, why don't you ask the Minister to make a statement ?

MR. SPEAKER : Mr. Datta, steps are not to be divulged; they will be taken. Because this is a security matter, they will take care of it. We are not going to ask them what they are going to do.

SHRI AMAL DATTA : What information they have about the people involved or what action they have taken against the people involved, is not coming in the papers,

MR. SPEAKER : I will get in touch with him. Don't worry. I am as worried as you are.

SHRI BASUDEB ACHARIA : The Home Minister should tell this House what steps the Government have taken.

MR. SPEAKER : They will take care of it... *(Interruptions)*

SHRI N. V. N. SOMU (Madras North): Sir, for the last ten days I am saying that every day Tamils are being killed... *(Interruptions)*

MR. SPEAKER : Mr. Somu, there are certain things going on at the moment. Very highly political talks are going on and they are taking care of it also. They are all concerned about it. I will let you know.

SHRI N. V. N. SOMU : Since last ten days I am asking. Every day they are being killed... *(Interruptions)*

MR. SPEAKER : I know but I cannot do anything. Something is being done. They are taking care of it.

SHRI SURESH KURUP (Kaltayam) : Sir, it was at the beginning of this session when an hon. Member of this House Shri Lalit Maken, was killed. The session is going to end tomorrow. Not a single culprit is arrested... *(Interruptions)*

MR. SPEAKER : That is a law and order problem. I know it. There is no magic wand... *(Interruptions)*

MR. SPEAKER : It is all right. This is absolutely irrelevant.

PROF. K. K. TEWARY (Buxar) : Mr. Speaker, Sir, we have been giving notices and you also agreed with us that this is a very serious matter, and you also realised the gravity of the situation. The captive government in Azad Kashmir have earmarked funds for training of terrorists... *(Interruptions)*

MR. SPEAKER : I have already told the Home Minister. It has already been conveyed to him...

PROF. K. K. TEWARY : They have confessed...

(Interruptions)

MR. SPEAKER : Mr. Tewary, I have already conveyed to him...

(Interruptions)

MR. SPEAKER : That is what I can do. I think in their wisdom they must be doing something about it. They are not ignorant about this thing...

(Interruptions)

PROF. K. K. TEWARY : This is a matter which is agitating the minds of people in the country... *(Interruptions)*

MR. SPEAKER : They must be much more agitated than you are. They must be much more concerned about it. The security of the State is concerned, the security of the nation is concerned. They cannot be less concerned about it. I know they are concerned about it.

Now, Papers to be laid.

11.06 hrs.

PAPERS LAID ON THE TABLE

[English]

Annual Reports and Reviews on the Working of Indian Council of Historical Research, New Delhi for 1983-84 and University of Delhi for 1983-84 and a Copy of Challenge of Education a Policy Perspective (Hindi Version)

THE MINISTER OF EDUCATION (SHRI K. C. PANT) : I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Council of Historical Research, New Delhi, for the year 1983-84 along with Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Council of Historical Research, New Delhi, for the year 1983-84.
- (2) A statement (Hindi and English versions) showing reasons for delay

in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-1410/85].

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the University of Delhi, Delhi, for the year 1983-84.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the University of Delhi, Delhi, for the year 1983-84.

- (4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library. See No. LT-1411/85].

- (5) A copy of the Challenge of Education—a policy perspective (Hindi* version).

[Placed in Library. See No. LT-1412/85].

Audit Report on the Report of Coal Mines Provident Fund Organisation for 1983-84 and a statement for delay in laying these papers

THE MINISTER OF STEEL, MINES AND COAL (SHRI VASANT SATHE) : I beg to lay on the Table—

- (1) A copy of the Audit Report (Hindi and English versions) on the Accounts of the Coal Mines Provident Fund Organisation for the year 1983-84.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the paper mentioned at (1) above.

[Placed in Library. See No. LT-1413/85].

Indian Airlines]Employees Provident Fund (Amendment) Regulations, 1985

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): Sir, on behalf of Shri Ashok Gehlot, I beg

to lay on the Table a copy of the Indian Airlines Employees Provident Fund (Amendment) Regulations, 1985 (Hind and English versions) published in Notification No. PFB/2/1, in Gazette of India dated the 13th April, 1985 together with an explanatory note under sub-section (4) of section 45 of the Air Corporations Act, 1953.

[Placed in Library. See No. LT-1414/85].

Notifications under Customs Act, 1962

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962 :

- (1) G.S.R. 648(E) published in Gazette of India dated the 13th August, 1985 together with an explanatory memorandum making certain amendment to Notification No. 208/81-Customs dated the 22nd September, 1981 so as to include Rifampicin syrup and Rifampicin INH capsuls and also syrups of Cephalixin and Cloxacillin in the Table annexed to the notification for exemption from customs duty.
- (2) G.S.R. 649(E) to 654(E) published in Gazette of India dated the 13th August, 1985 together with an explanatory memorandum fixing specific rates of customs duty on certain varieties of dry fruits.
- (3) G.S.R. 656(E) published in Gazette of India dated the 16th August, 1985 together with an explanatory memorandum making certain amendment to Notification No. 2/85-Customs dated the 1st January, 1985 so as to extend the benefit of exemption on impregnating and filling compounds used in the manufacture of telecommunication cables also.
- (4) G.S.R. 657(E) published in Gazette of India dated the 16th August, 1985 together with an explanatory memorandum making certain amendment to Notification No.

* English version was laid on the Table on 20th August, 1985.

57/85-Customs dated the 17th March, 1985 so as to exempt 8 additional items of drug intermediates from the whole of the additional duty of customs leviable thereon.

[Placed in Library. See No. LT-1415/85].

Annual Report and Review on the Working of Rampur Raza Library, Rampur for 1983-84 and a Statement for delay in laying these papers, Annual Report of Central Vigilance Commission, New Delhi for the period from 1-1-84 to 31-12-84 etc.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAININGS ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K. P. SINGH DEO) : I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Rampur Raza Library, Rampur, for the year 1983-84 along with Audited Accounts under sub-section (2) of section 22 of the Rampur Raza Library Act, 1975.
- (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Rampur Raza Library, Rampur, for the year 1983-84.

- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT-1416/85].

- (3) (i) A copy of the Annual Report (Hindi and English versions) of the Central Vigilance Commission, New Delhi, for the period from 1st January, 1984 to 31st December, 1984.
- (ii) A copy of the Memorandum (Hindi and English versions) explaining reasons for non-acceptance of Commission's

advice in certain cases mentioned in the Report.

[Placed in Library. See No. LT-1417/85].

11.08 hrs.

MESSAGES FROM RAJYA SABHA

[English]

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

- (i) "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 26th August, 1985, agreed without any amendment to the Intelligence Organisations (Restriction of Rights) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 20th August, 1985."
- (ii) "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 26th August, 1985 agreed without any amendment to the Tobacco Board (Amendment) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 22nd August, 1985."
- (iii) "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 26th August, 1985, agreed without any amendment to the Judges (Protection) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 23rd August, 1985."

PUBLIC ACCOUNTS COMMITTEE

11.10 hrs.

[English]

Thirteenth and Fourteenth Reports

SHRI E. AYYAPU REDDY (Kurnool) : Sir, I beg to present the following Reports (Hindi and English versions) of the Public Accounts Committee :

- (1) Thirteenth Report on Action Taken by Government on the recommendations contained in the 216th Report of the Committee (Seventh Lok Sabha) regarding Drawback Payments.
- (2) Fourteenth Report on Action Taken by Government on the recommendations contained in the 180th Report of the Committee (Seventh Lok Sabha) regarding Union Excise Duties—Exemption of Goods falling under Tariff Item 68.

11.09 hrs.

INLAND WATERWAYS AUTHORITY OF INDIA BILL*

[English]

THE MINISTER OF STATE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z. R. ANSARI) : Sir, I beg to move for leave to introduce a Bill to provide for the constitution of an authority for the regulation and development of inland waterways for purposes of shipping and navigation and for matters connected therewith or incidental thereto.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the constitution of an authority for the regulation and development of inland waterways for purposes of shipping and navigation and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI Z. R. ANSARI : I introduce the Bill.

MATTERS UNDER RULE 377

[English]

- (i) Need to send a Central Medical team to Shahjahanpur, U.P. to prevent the spread of diseases like Malaria, Cholera etc.

SHRI JITENDRA PRASADA (Shahjahanpur) : I draw the attention of the Government towards the drought prevailing in certain districts of Uttar Pradesh, specially in Shahjahanpur. The paddy, sugarcane and Kharif crops are badly damaged due to lack of rainfall. Paddy transplantation also could not be done. A very serious situation is being faced by the people of Shahjahanpur as epidemics like Malaria, Cholera and dysentery are spreading in every village resulting in deaths. Immediate relief measures be taken, a Central team be sent to assess the situation and Central Medical team with doctors and medicines be rushed to Shahjahanpur. Adequate facilities for pure drinking water be done on war footing so that the spread of the diseases is checked.

- (ii) Widening of National Highway No. 43 in Orissa

SHRI K. PRADHANI (Nowrangpur) : Koraput district is the largest district in Orissa and second largest district in the country. Large number of projects namely Upper Kolab and Upper Indravati Multi-purpose projects are under construction by the State Government in addition to some already there. The National Aluminium Factory which is the largest of its kind is also under construction in the district. There is no railway line linking these projects and as such the heavy machines required for these projects are being taken on the National Highway 43 from Vizianagram railway station in Andhra Pradesh. The road which passes over Eastern Ghat Mountains is very narrow, specially on the hill slopes. Large sized trailers carrying heavy machinery of these projects pass on this road with great difficulty and at times stop at inconvenient places and thereby block the entire traffic. The road on plains also is very narrow in Orissa compared to that of Madhya Pradesh. The

[Shri K. Badhani]

widening work undertaken by the department is very slow. I draw the attention of the Ministry of Transport to expedite the work as early as possible to enable the traffic to pass smoothly and also allow the projects to take their heavy machinery without trouble and any hindrance.

[Translation]

(iii) Demand for a paper Mill or fertiliser plant at Maharajganj in North Bihar

SHRI KRISHNA PRATAP SINGH (Maharajganj) : Mr. Speaker, Sir, I would like to raise the following matter under rule 377 in this House. Bihar is the most backward State from industrial point of view, and the area lying north of Ganga in Bihar State is still more backward. It will be correct to say that it has suffered industrial set back after independence because most of the 31 old sugar mills in this area are lying closed and the remaining ones are sick. The result is that the farmers have stopped growing sugarcane and many more intend to do so because the mill-owners could not pay the dues to the farmers.

No other big industry is there in this area. Almost all the public sector industries are located in South Bihar only. With the construction of the broadgauge rail line and 110 Megawatt power plant at Kanti setting up of medium and large industries in this area has become essential from the regional development point of view as well as in the public interest. I, therefore, demand setting up of a Paper Factory (for which raw material is available) or a chemical fertilizer factory (as the farmers of this district and the adjacent districts are suffering heavily in the matter of crop production) in this most backward area of this district and adjoining areas.

I, therefore, request the hon. Prime Minister to sanction setting up of at least one of the aforesaid two industries in Maharaj Ganj so that this backward area could be developed.

[English]

(iv) Construction of a bridge on Aik Nallah' near village Arnia Tehsil Bishna, J&K.

SHRI JANAK RAJ GUPTA (Jammu) : There is no bridge on 'Aik Nallah' near

village Arnia, Tehsil Bishna, district Jammu, Jammu and Kashmir State. The road, which is maintained by the Defence Department remains cut off during rainy season and the people in that area are put to a great inconvenience.

It is requested that a bridge near village Arnia may kindly be got constructed at the earliest.

(v) Permanent steps needed to save the Farmers of Bhadrak Constituency of Balasore district, Orissa from recurring floods

SHRI ANANTA PRASAD SETHI (Bhadrak) : Thousands of acres of cultivable land are every year affected by floods in Balasore district, Orissa. This year an unprecedented flood occurred in Baitarani river which caused great damage to cultivated land in as many as 23 blocks in that district. About one lakh of the total population in my Bhadrak constituency in Balasore district are affected by the recent flood. Most of the people living in this district are poor and small and marginal farmers. Agriculture is their only source of livelihood. Therefore, it is necessary to take urgent measures to control flood in that river. Unless some permanent measures are taken the flood cannot be controlled. Therefore, I suggest to the Government of India to take the following measures as early as possible :

1. Minor Irrigation schemes on all the feeding rivers of Baitarni should be executed.
2. A dam should be constructed at Bhimkund on the river Baitarni.
3. The flood water of river Baitarni should be channelised into Salandi river.
4. Kanti Ghai on Baitarni left should be closed.
5. Both sides of the embankments of river Genguti should be raised upto OAE standard.
6. Steps should be taken to induce more flood water into river Baitarni to reduce the devastation of river Kochila.

7. Distribution of relief should be continued in the flood affected areas.
8. A canal should be constructed connecting Anandpur Barrage with Hadgarh Dam and the surplus water may be utilised for irrigation purposes.

(vi) Formulation of a plan for periodical dredging of streams of Hooghly river to ensure Smooth flows of water

SHRI SANAT KUMAR MANDAL (Joynagar) : The Sunderbans Area in West Bengal which a bounds in flora and fauna lacks proper irrigational facilities and is entirely dependent on timely rains. The vagaries of monsoon at times play havoc with the economy of the area. The area is fed by small streams and tributaries of Hooghly like Matla, Karati, Bidya, Raimangal and other small tributaries and during the rains when these rivulets flow with water, irrigation is not possible as the water is highly salinated. During the non-rainy season and the lean period, these streams are not only dry, but become highly silted. The sluice gates of these rivulets are all the time blocked by silt with the result that the water does not flow into the fields. This has an adverse effect on the economy of the area which has got irrigational potential, rearing of fish etc. During the rainy season, the rain water gets accumulated in the fields and unless it is flushed out, the crops are liable to be damaged. The position is worst in the area surrounding Canning, Basanti, Gosaba, Minakhan and Sandeshahali. It is high time that some plan is formulated for periodical dredging of all these streams of the mighty Hooghly river flowing into the Bay of Bengal through the Sunderbans Area and proper irrigation of the fields ensured with smooth flow of water. It may be ensured that the sluice gates are not blocked by the accumulation of silt both during the rainy season and lean period and these rivulets are periodically dredged to maintain the flow of water.

[Translation]

- (vii) Need to make arrangements to provide power round the clock to Aligarh from Narora Atomic power project**

SHRIMATI USHA RANI TOMAR (Aligarh) : Mr. Speaker, Sir, I would like

to raise the following matter under Rule 377. The first Atomic Power plant of India is under construction at Narora in Aligarh. It is a Central Government Project. It should be put into commission early and its power generation capacity should be increased many folds. Mr. Speaker, Sir, Aligarh has not only given land for this Atomic power plant, but has also incurred the risk of health hazards in the event of any accident. I would, therefore, request the Government that arrangements should be made to ensure round the clock power supply to Aligarh District and the surplus power be sold to Uttar Pradesh State Electricity Board. If Government makes arrangements for supplying power to Aligarh District round the clock, agricultural and industrial production will go up manifold.

[English]

- (viii) Setting up an industry in Public Sector in Warangal district Andhra Pradesh to provide employment to its people**

SHRI C. JANGA REDDY (Hanamkonda): In Andhra Pradesh Warangal is the backward District industrially and economically due to the fact that unemployed youth are agitated and have been involving in extremist activities. Due to this, day by day the extremists are increasing resulting in murders. The people of Warangal expected a Coach Factory at Kazipet, but it was shifted to Punjab. So, in view of this, there is urgent need for the establishment of a major public sector undertaking or industry which may employ at least 10,000 youths.

In view of this, I urge upon the Government to take steps to establish an industry which will take away the unemployment problem in Warangal District.

11.17 hrs.

Re : BUSINESS OF THE HOUSE

[English]

MR. SPEAKER : We shall now take up further consideration of the Narcotic Drugs and Psychotropic Substances Bill.

SHRI INDRAJIT GUPTA (Basirhat) : Mr. Speaker, Sir, will it be convenient for

[Shri Indrajit Gupta]

the House to know the time fixed for this ? You see, no time has been fixed for any of this business. How much time is to be allotted is normally done by the BAC. But there being no BAC now, will you please inform us as to how long this Narcotics Bill will go on, at what time the Lokpal Bill will be taken up and how much time will be allotted for the Lokpal Bill.

(Interruptions)

MR. SPEAKER : We will find out.

(Interruptions)

SHRI INDRAJIT GUPTA : How much time will be allotted for the consideration of the Lokpal Bill.

(Interruptions)

MR. SPEAKER : We put it, I think, as one hour for this Narcotics Bill.

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRI GHULAM NABI AZAD):
One hour more for Narcotics Bill.

SHRI INDRAJIT GUPTA : Then, at
12.30 the Lokpal Bill will come.

(Interruptions)

MR. SPEAKER : If you want, I can
call a Meeting again. There is no problem.

11.18 hrs.

NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES BILL
—Contd.

[English]

MR. SPEAKER : We shall now take
up further consideration of the following
motion moved by Shri Janardhana Poojary
on the 26th August, 1985, namely :

"That the Bill to consolidate and
amend the law relating to narcotic drugs,
to make stringent provisions for the
control and regulation of operations
relating to Narcotic drugs and Psycho-
tropic substances and for matters
connected therewith, be taken into
consideration."

Shri Manoj Pandey to continue speech.

[Translation]

SHRI MANOJ PANDEY (Bettiah) :
Mr. Speaker, Sir, on the other day I had
participated in the discussion on the Narcotic
Drugs and Psychotropic substances Bill, 1985
and had highlighted certain points in regard
to growers of these plants.

MR. SPEAKER : Mr. Pandey, you have
already taken 15 minutes. Please conclude
early.

SHRI MANOJ PANDEY : I will take
only 5 minutes more.

In this Bill, certain provisions have been
made in regard to growers the plants of this
type. One more provision should have been
made in it. A lenient view has been taken in
it regarding growers of *charas* and for them
a provision of imprisonment of 5 to 10 years
and a fine of Rs. 50,000 to Rs. 1 lakh
has been made for the reasons not
known.

In my view cultivation of *charas* is also
as serious a crime as cultivation of opium
and cannabis. So, the provisions of this
Bill should also be extend to growers of
charas.

Our mass-media can play a very vital role
in isolating the persons indulging in consump-
tion of this drug by adopting new methods
and in making them awars of dangers involv-
ed in the use of psychotropic drugs. Even its
users are not aware of certain harmful
things in it. These people should be informed
about its harmful effects through mass-media
like Television, Cinema, Radio etc. Through
mass-media we can warn these people about
the adverse effects of these drugs.

The fourth important things, about which
a provision has also been made in this Bill
is that what will be our responsibility towards
the addicts. This Bill, however, includes a
provision for making available these things
in small quantity to addicts. It is also very
essential that these things should be made
available on doctors' prescription as it is a
part of treatment. These addicts can be
divided into two categories, i.e., children and
middle aged persons. The matter relating to
children is most important. You might
Member that a few days ago some hon.
Members raised a matter in this august House
that in Bombay school-going children are

supplied toffees, icecreams and other eatables mixed with these narcotics. These children get addicted to these narcotics gradually. In this way a very dangerous game is being played and the addicts of the age group of 10 to 15 years or even less are becoming a huge burden on the society. Certain responsibility rests on us for them. We should isolate such cases and psychological treatment should be given.

Chapter 6, clause 71(1) of this Bill contains the most important provision. It has been said to isolate these children for treatment, but the manner in which treatment should be given has not been elaborated in it. Who will bear the expenditure because it is very long treatment and it is not possible for any child or his guardians to bear the expenditure for such a long treatment? A provision should be made in this regard also. Health Centres should be set up in big cities or in cities where such narcotics are consumed heavily, where children or middle-aged persons can get treatment. Medical staff in these centres should be expert in this treatment. It is necessary because it entails huge expenditure and it is a big social evil also. I feel that separate wards should be built in these centres or in a hospital so that such children or middle-aged persons can get separate treatment and general patients can be kept away from them. If different types of patients are kept in the same ward, the number of addicts might increase. Since we have to reduce the number of addicts, it is necessary to keep them in isolation. Therefore, setting up of such centres is essential. The most important matter relates to their rehabilitation. Our greatest responsibility towards these addicts is to ensure their rehabilitation and create confidence among them so that they could lead a decent life and become good citizens of this country. I feel that every State Government should be vigilant in this regard. Such type of responsibility towards these persons means to create awareness in society, in this respect.

With these words I support this Bill.

[English]

SHRI R. P. DAS (Krishnagar) : Sir, I would like to add a few points to the debate.

A few legislations had been enacted as far back as in the 19th Century; that is, the Opium Act in 1857; the same Act was again revised in 1878 to deal with the narcotic drug situation. Government had another legislation, the dangerous Drugs Act that was enacted in 1930. But these Acts have proved unequal to the situation, they have proved to be outdated and inadequate. There was also no provision in the Act to deal with psychotropic substances. Therefore, the Minister has now proposed this Bill, the Narcotic Drugs and Psychotropic Substances Bill. I welcome this Bill, and we hope that Government, with this Bill, will be able to tackle the situation. This Government did not pay need to the international conventions relating to narcotic drugs and psychotropic substances, to which India was a party. It did not bring this Bill in time; it has brought it only now. Though belated, it is a welcome measure indeed. Government has now awakened to the situation prevailing in the country in regard to cultivation, production and illicit trading of narcotics. Nobody knows whether, even after the enactment of this Bill, the Government would be in a position to deal with the situation because Government's measures and Acts are always tardy and sluggish and it cannot take proper measures in proper time.

This menace is spreading fast among the educational institutions, particularly in the metropolises. In Delhi itself the four Universities were surveyed; the Indian Council for Medical Research conducted studies in the four Universities of Delhi, among the students; 1,52,000 students were surveyed and it was seen that the increase of drug abuse among the Delhi students grew from 3.6 per cent in 1975 to 12 per cent in 1983. The Delhi University itself was the biggest victim in this matter; the menace is as high as 33 per cent among the students of the Delhi University. It has practically invaded all the strata of the society, it has invaded also the English-medium schools of Delhi and elsewhere. It has affected the non-students as well. One can get these narcotic drugs and psychotropic substances from any corner of the Ramliha Grounds as an essential commodity. Sir, therefore, this menace has grown to a pitiable condition. It has grown out of proportions, to alarming dimensions.

[Shri R. P. Das]

In Patiala the same organisation has conducted some research and they found that the Government Medical College of Patiala is having near about 72% of the students as drug addicts. The growth rate of drug addicts in Patiala is about 10% per annum.

In Kanpur, this organisation has conducted a study in GSVM Medical College and they found that our 678 students, 42% are drug addicts. In Kanpur I. I. T. they found that 64.81% were drug addicts.

In Lukhnow also the medical college students are victims of this drug. There 25% of the Lukhnow Medical College students are drug addicts.

In Bombay nearly four thousand students were examined. Out of this 320 students are found hard drug addicts. In Calcutta the situation is almost the same. The same organisation conducted some study there also and found that out of 1137 university students, 37.4% are found drug addicts.

Sir, the dimension of the situation is very alarming. If you take the data from the list of the Government you will know this. I only want to take two or three items. Opium : In 1979—305 kgs. That grew into 3430 kgs. in 1984. Ganja : In 1979—468 kgs. It has also grown to 10423 kgs. in 1984. Charas : In 1982—569 kgs. That grew into 3801.5 kgs. in 1984. Heroin: In 1982—28 kgs. That grew into 175 kgs. in 1984. These are the seizures. At the same time I find that only a very few persons are arrested. In 1984, 155 persons were arrested and a few of them were prosecuted. This shows how the Government was unequal to the situation and how these enactments are not adequate to deal with this.

If you go into the nationalities of those who are in this trade, both Indians and foreigners could be found. In 1984, out of 155 persons arrested, 74 persons were Indians and 81 persons were foreigners. Therefore, this fact shows how the foreigners are also engaged in this trade.

Sir, I would like to mention one more point about the annual consumption of Codeine, Morphine, etc. It has been found that 2058 kgs. of Codeine was consumed in 1966. That grew into 10350 kgs. in 1983. In 1957, 264 kgs. of Morphine was consumed. That grew into 2202 kg. in 1982. In 1957

heroin was only 187 kg. That became 6153 kg in 1982. In 1947 the Cocaine was 841 kg and in 1982 it became 12092 kg. These facts shows that the position has become very dangerous and alarming in respect of cultivation, production, use and trafficking of all these items in India. Therefore, I would like to say that Government is more or less responsible for this drug trafficking and drug abuses in India because in Uttar Pradesh, Madhya Pradesh and Rajasthan it cultivates near about 25,550 hectares of land for different narcotic plants and these three States are more or less responsible for the use of narcotic drugs in India.

Of course, this should be viewed at the same time in the context of other Asiatic countries. Pakistan is the kingpin in this matter. It is the main supplier of narcotic drugs and these things are smuggled through Pakistan to India. India has been one of the most important point for exporting drugs to other countries. At the same time you will find that Nepal, Iran, Turkey and Egypt are responsible for cultivation of poppy, coca leaves, etc.

Sir, drug trafficking has become a menace and has reached such proportion that it should be immediately dealt with properly otherwise it may cause great havoc to India.

Sir, there are two networks that are working in India. One is the Golden Crescent and another is Golden Triangle. Golden Crescent mainly represents poppy growing areas like Afghanistan, Pakistan, Iran and Turkey. Golden Triangle consists of Burma, Laos and Thailand. These two networks are playing havoc in India and very big persons are behind these two agencies. Their aim is not only to subvert the present situation in India but it has also some other aim in India. Therefore, these people and these who are behind this racket should be tackled with a heavy hand and they should be awarded very heavy punishments. This Bill no doubt proposes punishments and there are many clauses dealing with punishment but the punishment proposed in the Bill is not deterrent. In the case of these persons who are financing Golden Crescent and Golden Triangle they should not be allowed to escape so easily. They should be caught and awarded heavy deterrent punishment.

I propose that there should be a provision for awarding life imprisonment to those who are guilty of this. Even some of them should be awarded death penalty as is prevalent in some of the countries for such offences.

The Government should tackle this menace in a manner so that it can be controlled to the maximum extent possible.

With these words, I conclude.

MR. SPEAKER : Now I am going to call some experts, because they produce this.

Shri Bairagi.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Speaker, Sir, I am very grateful to you for giving me an opportunity to express my views.

I would like to draw the attention of all those hon. Members of this House...

MR. SPEAKER : Not this way Bairagiji; say something in verse.

SHRI BALKAVI BAIRAGI : Please listen to my agony. It is not less than a poem.

MR. SPEAKER : If that agony is full of pathos, it should come from the core of the heart.

SHRI BALKAVI BAIRAGI : Mr. Speaker, Sir, I would like to draw the attention of the Government towards clause 19, page 12 of this Bill relating to farmers. You have listened to speeches of many hon. Members of this House. It has been said that opium is grown in three States in the country, i.e., Uttar Pradesh, Madhya Pradesh and Rajasthan, but Madhya Pradesh tops in this respect and in Madhya Pradesh it is only my constituency which grows maximum quantity of opium.

MR. SPEAKER : We bow to you.

SHRI BALKAVI BAIRAGI : I would like to humbly submit that the Election Commission has some misunderstanding about those Members of Parliament who get elected from Mandsaur-Jaora. A member of Parliament elected from there comes here after having been elected by the opium-growers.

MR. SPEAKER : That is why he is innately intoxicated.

SHRI BALKAVI BAIRAGI : Out of the total cultivation of opium in the country, opium is cultivated in 14,000 hectares of land in my district alone. I would like to tell the hon. Finance Minister the number of farmers in these 14,000 hectares is 76,000 and if Jaora is included in it, their number will come to 80,00 to 82,000. What provision has been made by you for these 82,000 farmers.

If they indulge in malpractices, you will award them imprisonment for 10 years or maximum for 20 years and if need be for 25 years or 30 years and impose a fine upto Rs. 2 lakhs.

Yesterday, an hon. Member spoke in this House. I am sorry that he is not present in this House at the moment. However, he is my younger brother. He had said that the cultivation being done in 'no-men's land' had made the farmers millionaires. I would like to ask him whether he was making a reference to that country in his speech yesterday, which was a 'no-man's land' country. But I am talking about those farmers for whom Shri Vishwanath Pratap Singh is the Finance Minister, Shri Janardhana Poojary is the Minister of State for Finance and Shri Rajiv Gandhi is the Prime Minister. It is not easy to say that money is earned from opium plant in four ways and the farmer earns a lot thereby. Members from Rajasthan and Uttar Pradesh are sitting here and a Member from Madhya Pradesh is speaking. Is any Member of this House aware of this fact that a farmer has to care a lot for the opium plant and he has to nurse it with his own hands at least 40 times before it gets ripe ? Is there any other crop in which a plant has to be touched by farmers 40 times ? The farmer is engaged for all the 180 days during the period from October to March in opium cultivation. If you do not want to reply to me, I would like you to reply at least to the House about it. What is the price you pay for opium ? A compulsory levy has been imposed. The yield per hectare should not be below 28 kgs and the maximum price that is paid is Rs. 130 per kg if it is below 30 kgs. Rs. 150 per kg if it is between 30 to 45 kgs., Rs. 180 per kg if it is between 45 to 60 kgs and Rs. 220 per kg if the yield exceeds 60 kgs. This is your

[Sri Balkavi Bairagi]

slave system. I would like to point out that it is the Government which forces the farmer to become a thief and later it frames laws to apprehend him. Why do you not pay any attention to the farmer's economy? You are well aware of the prices that are being paid to them. I would like to point out that there is not even a single clause in this Bill which would go against the Assistant Narcotic Commissioner. He himself swindles crores of rupees. Is there a single word against the *Patwari* and the village *Girdawar* in this Bill who force the farmers to become dishonest and to produce opium illegally? The Bill is totally silent against them. It is very unfortunate that the Government which cannot make its farmers brave, self reliant and prosperous, is ready to sign such a Bill which is prepared by those very bureaucrats. I am serious when I say that the Government is playing with the livelihood of farmers. Do you have the courage to increase the prices of opium to Rs. 500 per kg. because the farmer does not get enough to eat. Who forces him to adopt dishonest means? The *Patwari*, the *Girdawar* the Inspector and excuse me the Assistant Narcotic Commissioner himself, forces him to do so. They are all involved in it. The Assistant Narcotic Commissioner who is appointed in Mandsaur district comes without any money and becomes millionaire when he returns from Mandsaur. Have you ever dismissed any of them or any of the Inspectors if so, what are the details thereof? Has any *Patraul* been arrested, if so, what are the details thereof? You have kept a close watch only on the farmers. The farmers is on the verge of ruin and he is facing starvation. He does not get power and water at cheap rates and he has to face innumerable hardships to get a bank loan and this fact has been admitted by Shri Janardhana Poojary himself.

Mr. Speaker, Sir, the farmer gets the lease after great difficulty, while the bureaucrats make lakhs of rupees. When we large a complaint against them, the hon. Minister replies that the matter is being looked into and later on Shri Janardhana Poojary sends a letter in which he says that nothing was found against the officials and as such, they were let off.

I would like to point out that cultivation of this crop cannot be carried on in this fashion. It is a traditional crop, and it has

not been modernised. We do not say that this Bill should not be passed, but all the farmers should be viewed from the same angle. I also do not say that the farmers should be for given or exempted. I would suggest that if opium is confiscated from a farmer's possession, he should be treated as a smuggler, but what will happen if opium is by somebody concealed by somebody in the farmers' house because of political enmity. The village headman fraudulently gets 50 grams, 100 grams or 200 grams of opium concealed in the farmer's house and implicates him in a case. What will happen when *Girdawar*, the *Patwari* or the Inspector himself gets the opium concealed in the farmer's house and gets him arrested? It will be very difficult for you to give a reply to this House about it. About 75 lakhs people are engaged in opium cultivation and about 50 lakhs of them depend directly on opium cultivation for their livelihood. We have never said that a lenient view should be taken of the smugglers, but if you do not adopt a liberal attitude towards the farmer, then I am of the opinion that it is basically against the very policies of Shri Rajiv Gandhi and the Congress Party. It is true that the Government does not intentionally encourage the smugglers, but it is being done unintentionally. I very humbly ask the hon. Finance Minister why it is not being banned totally. It is not being deliberately banned because, then what will happen to those who are building palaces by earning illegal money? They come in big cars to the Mandsaur district and then do not look back. How many big farmers are engaged in opium farming? I believe that their number is not more than 10 or 20, the others are small farmers. This Bill will snatch away whatever little farming they do and it will deprive them of their lease also. It is unfortunate because the Government first forces them to become thief and when they become helpless to survive, and when we speak the truth we are told to speak in low tone, because then it becomes a question that concerns the entire nation. This does not concern the entire nation, but it concerns a few bureaucrats who get a share in it. We will not let this conspiracy succeed. We shall support you to pass this Bill, but if you neglect the interests of farmers then Mr. Speaker, Sir, it becomes my foremost duty to put the farmers' point of view before you and urge you to delete

this clause from the Bill. You should send your representatives and order an inquiry to find out the problems of the farmers.

Mr. Speaker, Sir, I have read the history of Nawabs and Emperors and I do not know whether anyone else has read it or not. It is said that when they used to go out to ease themselves, they used to carry water tumblers in their own hand. But at present if you happen to visit any village in my district, you will find that when an officer of opium Department visits the village the richest farmer or *Patel* wakes up early in the morning and carries the water tumbler for that officer when the officer goes out to ease himself. It is only then that the farmer is able to get the lease deed. That is why I say that you have created new kings, who are leading luxurious life and the farmers are continuously paying a heavy price for it. I would like to submit very humbly to you that the farmers have not been taken into confidence while fixing the price of opium. A proper programme to pay the farmers a fixed price should be introduced and despite that if any farmer tries to indulge in irregularities, he should be hanged.

I would like to say that the people who force the farmers to become thieves, should be punished. This is a very simple suggestion and I am expressing my feelings in this regard.

I would like that before passing this Bill, Shri Janardhana Poojary and Raja Shri Vishwanath Pratap Singh should visit my district and try to know who make the farmers dishonest and force them to become thieves. Those who indulge in such activities should be brought to book and a provision should be included in this Bill against them also.

With these words, I support this Bill.

MR. SPEAKER : Today, we have come to know that Shri Bairagi was born in the fields and that is why he knows so much about the farmers. He has also suggested that we should try and apprehend the real culprits and not the false ones.

[English]

SHRI AJAY MUSHRAN (Jabalpur) : Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill which has been brought forward by the Finance Minister.

You will recollect that when the Demand for Grants relating to the Ministry of Health and Family Welfare were discussed, I made a point that our Acts dealing with the illegal trafficking in drug business were outdated and that a new Bill should be brought before the House. I had raised this point purely from the point of view of social and health aspect of the life of the people of our country.

Later on, in reply to a supplementary, you will recollect Sir, the Finance Minister had promised that he will bring forward a Bill in this House. I am glad, he has brought the Bill before the House. But my fear is that since a number of Ministries are involved such as the Ministry of Law, the Ministry of Home the Ministry of Finance, the Ministry of Social Welfare and the Ministry of Health, if such a Bill is brought forward a hurry, certain very important aspects will be left out by not giving that much importance and stress, that should have been given to it.

I would like to draw the attention of the hon. Finance Minister and the hon. Home, Health and Social Welfare Ministers through him that it is an established fact, after hearing all the knowledgeable Members, that the Drug addiction and Drug Trafficking is creating, not only economic and financial problem, but also the law and order problem. The problem of health is basically eroding the foundations on which the youth of the country of tomorrow should be built. You would be surprised, as some of the hon. Members have said that not only in Delhi, Madras, Bombay and Calcutta, even in small cities in Karnataka and some places like Khandwa and Jabalpur in Madhya Pradesh, children of younger age group are being given these Narcotics in the form of Icecreams and small lemon drops or toffees.

11.55 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

They are inadvertently getting inducted into the habit of taking drugs. This is a very major problem. In our country today, we are going in even for death sentence for people who are involved in raping of ladies or in dowry deaths. In such cases, the life of an individual is destroyed. In the present case, where drug trafficking destroys a generation or a part of the generation or of youth

[Shri Ajay Mushran]

community, we must have laid down even death penalty in certain specific cases.

I am aware of the fact that India is one of the signatories to the international movement for doing away with capital punishment. But for international trade in drugs, *i.e.* illegal traffic in drugs, a certain amount of capital punishment, *i.e.* to deal with certain specific cases, should have been incorporated in this Bill. The Bill is silent on this. I am very sure—the Law Minister is also here—that this aspect should have been looked into, before this comprehensive Bill was brought here.

I would like to draw attention to two aspects : one in the punishment, and the other treatment. If you have a look at clauses 15 to 18 dealing with offences and penalties, you will find that they give the same punishment for the user. The user is being treated in the same category as the chap who is dealing with imports and exports, illegally, who is possessing, transporting and distributing, illegally of course, this opium or poppies whose derivatives are doing the damage. I personally feel that there should be a difference between the user and the other criminals who are dealing with these articles purely for the purpose of monetary gain.

In these sections, one of the sentences says :

“.....not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.”

This element of fine is being left to the jurisdiction of the Magistrate. I personally feel that it should be mandatory that whatever rigorous imprisonment is given to the person, along with it the fine should be incorporated, and that the fine of Rs. 1 lakh or Rs. 2 lakhs is negligible. You know very well, Sir, and the Finance Minister also will bear me out, that one kilogram of this substance costs anything from Rs. 1 lakh to Rs. 2 lakhs. Under these classes, you are not going to prosecuting people who are caught for dealing in minor quantities because, for that, there is a separate clause. In respect of these clause you are going to catch big fish. If you catch big fish, and if you impose a fine—and that also leaving it to the

Magistrate—of Rs. 1 lakh or Rs. 2 lakhs, it cannot be called a deterrent punishment. Even imprisonment for ten years cannot be called deterrent.

People who are working for the Mafia kings are paid pensions, and pay for the duration they are in jails. They are even paid an extra allowance if they are in jails. If that is so, ten years is not a long period; and you are not punishing him by imposing a fine, taking in'o consideration the cost of the drug and the extensive damage. It is negligible. I think the hon. Finance Minister will look into this.

In the Bill, there is another serious lacuna. I am referring to Clause 27 which deals with small quantities of any narcotic. If I am allowed to say it, you are opening a Pandora's Box for the already corrupt officers, as stated by Shri Bairagi. The definition of the term small quantity should not be left to be incorporated in the rules.

12.00 hrs.

The Explanation given under Clause 27 says—

“For the purposes of this section ‘small quantity’ means such quantity as may be specified by the Central Government by notification in the Official Gazette.”

Now, for this small quantity, why can Parliament not be taken into confidence? We have such a large number of hon. Members who have got lot of knowledge, if not more, and they know equally as much as the Department knows. Should we not define this ‘small quantity’ which an addict takes? Normally, an addict takes a gram which is the normal dosage. A normal person who uses these narcotics cannot afford to buy more than two or three grams. If you see the number of cases caught in Delhi, it will be not more than 450 or 500 because in 95 per cent cases the addicts are found to be in possession of only small quantities. While leaving the definition of the term ‘small quantity’ in the hands of the department we are reducing this Bill into a scrap of paper. You are providing for deterrent punishment but 95 per cent of the cases are those where only 13 or 25 grams are found.

Under Clause 27 the punishment for possession—illegal possession—is imprisonment will for a term which may extend to one year or with fine or with both. That is the deterrence you are providing in this. But your aims and objects are not in conformity with what is provided about the definition of 'small quantity', I want to say, because 95 per cent of the case are going to be left through the mercy of the officers.

MR. DEPUTY SPEAKER : Please conclude.

SHRI AJAY MUSHRAN : I have just started, Sir, what is this ?

I am intoxicated with the worry that this lacuna should be filled.

MR. DEPUTY SPEAKER : At this rate we cannot conclude this Bill in time.

SHRI AJAY MUSHRAN : I want this point to be debated in this House, and that this 'small quantity' should be defined. There is a provision in the Bill for punishment for illegal possession or for possessing them in large quantities. It is a noble idea. But it is going to be misused by the officials. They can catch a person having 100 gms. and say that only 10 gms. was found in his possession. So, why not connect this small quantity with Clause 27 ? Otherwise, the whole punishment is a joke. There are different cases. It can be attacked by all the lawyers and as an hon. Member has already pointed out the Judges can give a light punishment. What is the guarantee that even this one year's punishment will be given ? They will impose a fine or Rs. 50 or Rs. 100 and the officers also, by declaring a lesser quantity, they will take a share of the booty. So, the implementation of the provisions of the Act is more important. This lacuna in the definition of the term 'small quantity' should be filled. It is a very serious lacuna and I personally feel that too little punishment has been proposed in Clause 27 of the Bill. I am intentionally not bringing any amendments because I have seen the fate of the amendments. I am either asked to withdraw them, or they are negatived here. This is a delicate problem. This should not be taken in this manner. It should not be that whatever is provided here is the last word. After all, we do represent the people and our knowledge and experience

should be utilised. Our advice must be taken into consideration. I have got a strong feeling that unless this lacuna is plugged this Bill will not be comprehensive enough.

MR. DEPUTY SPEAKER : Please conclude now.

SHRI AJAY MUSHRAN : I am going to conclude in a few minutes.

I want that this very serious lacuna to be plugged, so that the provisions of the Bill are not misused and drug addiction will not be checked by this Bill alone, as mentioned by my hon. friend Shri Bairagi.

In the end, I feel that this Bill has been drafted in a hurry particularly Clause 71. This clause says that the Government may in its discretion establish many centres. May I ask the hon. Minister whether you still are thinking over it, whether you should have centres or not ? Are you still contemplating that the drug addicts have not reached a bigger crescendo ? I feel that there should be a mandatory provision made for opening of centres, as for every hospital that is opened there is an Act whether it is CGHS Act, or Labour Act, ESI Act or any other Act. Instead of centres, you can call them hospitals or homes. After all, for small problems you have been opening centres. For example, for delinquent children you have got Children's Homes or Observation Homes. Under SITA you have got Destitutes' Homes. For opening clinics or hospitals for drug addicts, why should you not make an enactment ? If you leave these clinics to the rules to be framed later, I am afraid that these clinics will become the victim between the Department of Health and the Department of Social Welfare. To wipe out this nuisance of drug addiction, certain amount of Government backing is required. I personally feel that this clause 71 must say as to when the Government will in its discretion establish homes and clinics and dispensaries so that they become the nodal point of activity for de-addiction. Today, de-addiction is a very costly process. In the whole country no survey has been done as to how many cases of addicts are there. So far as the activities for de-addicts are concerned, Government must open dispensaries and de-addiction homes which are totally financed by the Government. The Government efforts can be strengthened by the activities of well meaning social service institutions.

[Shri Ajay Mushran]

The Bill is silent on the point as to which Ministry will take responsibility of it. That is why, I say that if you cannot safeguard people from getting addicted, you can at least cure the people who are addicted. I am not worried about the rich. They can take their sons to USA and other places. But I am more worried about the poor people. For that I strongly feel that this clause must be amended; otherwise this social evil cannot be eradicated. I request the Finance Minister to kindly see to it.

SHRI CHINTA MOHAN (Tirupati) : I thank you for giving me this opportunity to speak on the Narcotic Drugs and Psychotropic Substances Bill.

At the outset, I suggest that in the Narcotic Drugs and Substances Consultative Committee, experts should be included and not the politicians. The raw material that is being distributed to the different States is not being fully utilised and the producers are actually selling the raw material and other morphine and pethidine vials in black market and the poor patients are not getting the vials at fixed rates. In the hospital, the poor patients are facing lot of problems. They have often to purchase these from outside and instead of Rs. 3 they have to pay Rs. 10 to Rs. 15 for these. There should be some strict punishment for those who are selling these vials in black market. The law should be amended to this effect. The Narcotics Board should be with the experts committee.

The second thing is that the Narcotics Commissioner's office should be transferred from Gwalior to New Delhi. The office at present is far away from the capital city of Delhi. If the States have got any grievances, their representatives have to go to Gwalior. Therefore, my suggestion is that its head office should be at Delhi. At the most, a Branch office can be set up at Gwalior.

The Central Government is distributing raw material to the manufacturers but with that raw material they are not manufacturing any vials at all. They are making lot of profits on it but the produce is not reaching the common poor patients. These vials are being used by drug-addicts and students are becoming maniacs of these things. This should be noted and appropriate provisions should be made in this Bill regarding these things.

The International Narcotics Committee has got a very poor opinion about the Indian Narcotics Committee. The raw material that we are getting from Geneva is not being utilised properly. We are submitting false reports and getting raw material from Geneva. This should be carefully dealt with.

These are the few suggestions that I wanted to make and I urge upon the Minister that something should be done to these immediately.

[Translation]

SHRI JUJHAR SINGH (Jhalawar) : Mr. Deputy Speaker, Sir, I would like to express my views on the Narcotic Drugs and Psychotropic Substances Bill. Sir, I belong to a district where the opium cultivation is done in seven of the eight Assembly Constituencies. The people face many difficulties in its cultivation and the hon. Member from Madhya Pradesh, Shri Balkavi Bairagi just now spoke at length about the people who are involved in it. I would also like to confine myself to clause 19 of this Bill. This clause provides for penalty on the farmer in case opium is seized from him viz. a fine of Rs. 1 to 2 lakhs and imprisonment for a period of 10 to 20 years.

Mr. Deputy Speaker, Sir, opium is, cultivated in 2,745 villages of Rajasthan and if we suppose that 25 to 30 farmers are engaged in opium cultivation in every village on an average, then there will be nearly one lakh farmers engaged in it. I agree that the ordinary farmers do not indulge in smuggling, but there are others who exploit them. There may be less than 10 per cent people who are involved in smuggling activities. But innocent people could be implicated in cases due to petty jealousy and they might have to face punishment if this clause 19 is enforced, it would ruin their social life for ever and they may have to face great hardships.

I had asked a question in this very session regarding unlicensed cultivation of opium that was got done in Jhalawar district during the last year. Sir, the Narcotics department itself is responsible for it and the then Deputy Commissioner is also involved in it. Many officers themselves were involved in unlicensed cultivation in Jhalawar constituency. I had raised this matter in the House

It could have been looked into and this practice of nulicensed cultivation of stopped. A timely action could have been taken at that time. However inquiry is still in progress. But now there is no use of the inquiry because the crop has been harvested. It is my firm belief that the Narcotics department is itself involved in the racket and is forcing the farmer to resort to illegal cultivation of opium.

Recently a heroin factory was unearthed in Mandsaur and the people involved in it included a brother of an Inspector of the Department of Narcotics and another person working as a clerk in some Government department.

The officials have been given vast powers while on the other hand you have made a provision in the Bill to impose heavy penalty on the farmers. This has created fear in the mind of the farmers. In this connection, I would like you to bear this in mind that there can be cases where the farmers are implicated in the cases due to some grudge and this penalty would ruin them completely. Therefore, serious thought should be given to it.

There is a class of workers in the Narcotics department which is classified as 'D' class. They are constables of the Department. You would be surprised to know that the employees in this category do not have any promotional channel open to them although 75 per cent of them are matriculates and the remaining 25 per cent are graduates or post-graduates as well. But as there are no promotional avenues open to them, they are mostly dissatisfied with the department. At the time of lancing they are vested with immense powers. Monitoring the process of collecting opium from the fields is the most crucial stage in the opium cultivation. When opium is taken out from the fields, the inspectors undertake door-to-door visit. During this period, constables of Narcotics Department are vested with the powers of inspectors and sub-inspectors for those 45 days and they carry out their duty in their new capacity. This is a strange law that every year these constables are given the powers of inspectors and sub-inspectors for 45 days. After 45 days when the job is complete they again revert back as constables.

You can yourself imagine the harassment caused to the people when these persons, who have no openings in service, are vested with powers of the inspectors and sub-inspectors during weighting and purchasing period. This is the defect in the working of this Department. The dissatisfied constables get so much power for a certain period. In such a situation there are many chances to involve the farmers in false cases. To avoid this, there should be a promotional channel for these constables. My other submission is that the rate of heroin and refined opium is very high, but rate given to the farmers by the Government is Rs. 150 per kg. upto $7\frac{1}{2}$ kg. If they produce upto 11 and a quarter kg., then after 7 and a half kg, they are paid Rs. 240 per kg. If the farmer produces more than $11\frac{1}{4}$ kgs., then he gets Rs. 280 per kg. upto 15 kgs. If the farmer gives upto 15 kgs of opium to the Government, he gets just Rs. 3,075 by merging various slabs whereas if he sells that much quantity in market he can get Rs. 15,000 to Rs. 25,000. You pay only Rs. 3,000 for a thing which can fetch Rs. 25,000 in the market. Because of this difference people are tempted to pilfer a small quantity.

As Shri Balkavi has pleaded, the farmers should be given reasonable prices for their opium. The Government has made a provision of $7\frac{1}{2}$ kgs per 'bigha'. This provision has been considering the fact that it is difficult for the farmers to produce more than $7\frac{1}{2}$ kgs per bigha and this production is not likely to increase. If you want to reduce blackmarketing, then this limit of procurement of $7\frac{1}{2}$ kgs should be enhanced upto 10 kgs but the farmer should be given higher price so that the quantity of opium which the farmer holds back is further reduced, but there should not be so much penalty or punishment that the farmer is put to unnecessary harassment. Therefore, I submit that relief should be given to the farmers under Section 19 and there should be that much burden on them which they may be able to bear. If he is fined one lakh rupees he will not be able to pay that much amount even after selling his house. If he is jailed for 10 years, his children will die. Therefore, there should be reasonable amendment in it and the punishment should be practical. There is no harm if big smugglers in Bombay etc. are fined even 10 lakhs rupees, but the farmers should be spared from this.

SHRI ANOOPCHAND SHAH (Bombay North) : Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill presented in the House. This Bill has greatly affected our society and will affect our social life also in the coming days. I would like to say something on those aspects. Narcotic drugs are being used in abundance in our Metropolitan cities like Bombay, Madras, Calcutta etc.

Before the start of this session, while coming from Bombay I called some of the Excise Inspectors and discussed about these drugs. They informed me that if these drugs are not checked the downfall of our society to the point of no return is imminent. Whatever laws we had were not sufficient. Because of those insufficient laws, any person apprehended for dealing in these substances used to manage to come out on bail within 15 days or a month. Once out, he used to indulge in the same activities in full swing. The lives of the arresting officers used to be always in danger. These officers were warned of fatal consequences in case of any action against these persons. Today when we have tried to strengthen the law, we have provided for the minimum punishment. Penalty of Rs. 1 lakh is nothing for them. For a person, who can spend Rs. 4 to 5 lakhs for the transfer of the honest officer, one or two lakh rupees have no meaning. Those people after spending Rs. 5 to 10 lakhs manage to send an inspector to a place where his life becomes meaningless. Through there are many rules and laws but how many of these are implemented? The main thing is that how much fear these laws are able to create among the people? And fear can be created when, after enacting these laws, we try to implement them. Under clause 78, the States have been given certain powers of rule-making. It is possible that in some State under the influence of the gangs of the smugglers or the people who are dealing in these substances, such rules are framed that the objective of this law is not fulfilled. After going through the Bill, I have not found anything which may check these activities I, therefore, request the hon. Minister that rules framed by the State Governments should be sent to the Central Government and should be approved by it. If such a provision is there, it is good thing, but if it is not twice, then provision should be made that

whatever rules are framed by the State Governments will be referred to the Central Government for its approval. Only after the approval, those rules should be implemented so that the objective of the law is fulfilled.

Today, we think that these drugs are being used only by students and children. It is not so. We should know that it is being used by other people also. These drugs are being tested on our big officers and if they are successful in this test, then you know that they can do anything after becoming addict of these drugs. That is why I say that imprisonment of 10 to 20 years or penalty of one or two lakhs rupees is not going to be effective in their case. Even if the penalty is imposed for Rs. 5 lakhs, it is not going to make much difference. The things will be effective when we implement the law which we are enacting, in right earnest. We will have to protect the honest officers. If we do not protect them, why will they try to implement the law? Although there is Subordinate Legislation Committee to see the rules, I would request the hon. Minister that at the time of framing rules, it should be ensured that the rules are framed in such a way that the intention of the law is fulfilled. I was told by an inspectors that there was reference of Pakistan. I do not want to name any country, but a country which has never been able to defeat nor can it defeat India in any of the wars may, by demoralising the people by making them addicts of these drugs, defeat this country. Before such a situation develops, we should try to implement this law properly.

About clause 6 I am to submit that no provision for a consultative committee has been made in it. I have seen that some amendment has also been moved on this point. I have not moved that amendment, because we know the fate of our amendment. Therefore, I suggest that instead of the Consultative Committee, it would be better if an advisory committee is set up. It is needed, because outside this House also, there are many persons who are equipped with the best knowledge on this subject. If such experts are included in this advisory committee, we will act on their advice in the best way and will be able to save the country from the downfall.

While coming here, I was asked by one person of my constituency to get many drug-haunts being run in my constituency closed. What my sister had to suffer, she has already suffered but to save other sisters from this fate, something should be done to implement this law. I would, therefore, like to submit that if this law is properly implemented our sisters, our mothers and the other people of the country will bless us. To get their blessings you should implement this law properly. Regarding framing of rules, I have already made my submission and you must keep that in mind. About clauses 78 and 6 also, I have expressed my views. Regarding clause 27, as I have said, the entire clause should be deleted. With this submission and expectation, I support this Bill.

[English]

SHRI V. S. KRISHNA IYER (Bangalore South): Sir, I am glad that the entire nation has taken very seriously about the dangers of narcotic addiction. The hon. Finance Minister promised the other day to bring forward comprehensive legislation. He has kept up his promise but I am sorry to say that there are a number of lacunae in the Bill which is being discussed now. Of course, I do not want to go into the details because I know the time at my disposal is very short and, as already referred by my hon. friend Shri Mishra, I refer only to Clause 37. This Clause may defeat the very purpose of this Bill. Giving a very nominal punishment for the person if it is proved that he is not authorised, will certainly not help this legislation because, as has already been explained by the hon. Members, there are a number of persons who are engaged in drug peddling. They are all dealing only in small quantities.

It is very necessary that the punishment should be deterrent both for those who possess small quantities unauthorisedly and also for those who are drug addicts. The punishment should not be nominal.

It is really very necessary that there should be a comprehensive law. Century-old laws are no longer relevant to the current times.

You have brought a comprehensive Bill but unfortunately there is no time to think over it and the Bill is rushed through the

House and there are a number of defects in the Bill.

I am only particular that this Bill should not go the way the Prohibition Bill has gone. There are State laws and Central laws on prohibition. But what has become the fate of prohibition today? The State Governments have not been able to scarp it. That is all. This legislation should not go that way.

I only wish the Government had agreed to the proposal to refer this Bill to a Joint Select Committee so that a foolproof legislation could have been placed before Government.

In this connection, I would like to make one or two suggestions. Hitherto, these drug addicts were found only in Western countries. But for the past two or three years, we have been seeing in this country also the existence of drug peddling. It is particularly more prevalent in tourist spots of the country.

I would like to quote one instance that has been referred to. There was a Seminar in Bangalore two or three days ago on drug awareness. It was revealed in that Seminar that Hampi, which the hon. Minister knows—I do not know how many hon. Members knows it; it is one of the famous cities and it was the capital of Vijayanagar empire during the time of Krishna Deva Raya, a great ruler—has now become a heaven for the drug addicts and also for Hippie cult. One instance I would like to mention that one of the rickshaw pullers who was engaged in this drug peddling became suddenly rich because of this drug peddling since there is huge profit in this trade. It so happened that he had become very familiar with the drug addicts, particularly with those Hippies. He married one of the French women to whom he supplied these drugs. He went with her to France. Ultimately, she deserted him and he remained a drug addict. Now he is completely ruined. This is an authentic information which has been reported in the Karnataka papers. So, what I would suggest is this. It is not by mere legislation that we can tackle this. There should be effective propaganda to see that the dangers of the narcotic drugs are explained to the people through various media like radio and television. Awareness about the dangers of drugs should be created particularly among

[Shri V. S. Krishna Iyer]

the children; that is more important. We should fully utilise all the media to see that the dangers of drugs are brought to the notice of young, school-going children.

As I have already said, the main feature of this Bill is that the punishment is being enhanced. I welcome this Bill to the extent that very deterrent punishment is provided to those who are engaged in drug-peddling and in illegal and illicit cultivation of opium and other things. I only wish that Government had time to think over all the provisions. I would suggest to the hon. Minister that he may bring an official amendment to Clause 27 to see that those who possess drugs in small quantities are also given deterrent punishment. Clause 27 should be amended officially. What is the proof required whether a person is authorised to hold a small quantity of drug? Only a doctor's certificate. Is it difficult to get a doctor's certificate nowadays? It is very easy to get a certificate from a doctor. You know how easily people in our State were getting Doctor's certificates in those days of prohibition. One can easily get a certificate from a doctor saying that he wants alcohol for medical purposes. It is difficult to get a drug certificate for medical purposes? Any doctor, will give. I would suggest that even a doctor, if he gives a certificate unauthorisedly for medical purposes, either wilfully or unintentionally, or for the purpose of encouraging drug-peddling, should also be punished; abetment should also be punished. I hope the hon. Minister will see that a suitable amendment to Clause 27 is made.

[Translation]

SHRI DAL CHANDER JAIN (Damoh): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill introduced in the House. Along with it I would like to submit to you through this House that it is very easy to enact a law—and we are sitting here for enacting laws—but we do not consider how this law is going to be implemented. The laws are not implemented the way these should be.

As the use of narcotics has increased in our young generation, the need to bring this

Bill has arisen. A survey made by certain institutions in this regard recently was not upto the desired standard. Therefore, Government should make a detailed survey of the usage of narcotics by the youths. Along with it we should periodically check the employees of Excise Department also as to what was their position at the time of joining their service and also during the service period. In this connection, I would illustrate one example. In a pond, there were many crocodiles. A special force was set up to kill them. The special force killed half of the crocodiles in the first month and in the second month, they killed one fourth of the crocodiles. In the third month also they worked efficiently. The people felt relieved and they were patted for their good work. Later on it was seen that they have become almost inactive. People asked them that previously they worked hard, but what had happened further. They replied that they could kill all the crocodiles if they so desired, but what would they do after that. So, they wanted that crocodiles might also remain in the pond and they might also be there to kill them...

SHRI MOOL CHAND DAGA (Pali): You have rightly said that both the patient and the disease should continue.

SHRI DAL CHANDER JAIN: Such a tendency has developed among our Government employees and the personnel responsible for implementation of the law. We have to check it and this responsibility rests on us, i.e. the representatives of the people. We, the representatives of the people, should launch a movement for bringing about social reforms and for setting up a welfare state in the same manner in which we had launched a mass movement under the leadership of Mahatma Gandhi for country's freedom. In case any Government employee does not discharge his duty properly, we should raise our voice against such employees as we had done against the British Government. Only then we can bring about social reforms and can put our society on the right path. Our Hon. Prime Minister, Shri Rajiv Gandhi is looking forward to move the country into the 21st century. We need the cooperation of people of each section of society, particularly the bureaucrats and other Government employees in order to move towards that direction. Only then our law can prove effective.

You have made a provision in this Bill regarding possession of small quantity of narcotics (opium). I feel that it will result in many malpractices. I desire that it may be amended. Under the Gold Control Act, one cannot keep primary gold. Permit is required to keep it. Some sort of certificate must be obtained to possess even a small quantity of such drugs also. Only after obtaining the permit, one should be able to possess small quantity.

So far as the question of procurement price to be paid by Government to farmers is concerned, I would like to say that Government should reconsider this matter. When other persons or smugglers are willing to pay higher price to farmers, it is but natural that they would sell to them. Government should review the price and it should be made attractive so that the farmer may sell his produce to Government only and not to others.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Deputy Speaker, Sir, I would like to express my views in regard to the Narcotic Drugs and Psychotropic Substances Bill. Opium is cultivated in many States of our country, though it is not cultivated in my area. It appears from the Bill introduced by the hon. Minister that under the old law, punishment was insufficient and in the present Bill a provision has been made to enhance the punishment so that the persons indulging in such activities may have some fear in their minds. If the hon. Minister feels that we can check them from indulging in such activities by enhancing the punishment, I feel he is wrong. The old law was quite adequate. When a law can create a fear in the minds of wrong-doers, only then it can be termed as rule of law. With the increase in number of laws, the fear in the minds of the people is diminishing. How can it then be termed as rule of law.

Secondly, I would like to submit that in this Bill you have enhanced the punishment. I would like to give an example. Under Section 302 of the Indian Penal Code, many persons may be sentenced to death for committing murder of one individual. If the intention of all the persons was to kill the person, they all could be sentenced to death. No other law can be more stringent than this law. But, despite this a large number

of murders are taking place in your regime and no fear exists at all. Nobody is afraid of being hanged. By enhancing the punishment upto 20 years and fine upto Rs. 2 lakh no fear will be created among people. Fear among the minds of the people is created only when the law making and law enforcement machinery is honest and their intention is good. If the intention is good, the law even with little sentence can be implemented and wrong-doers can be checked, but today the intention of both of them is bad. Just now an hon. Member has said that an officer used to apprehend the wrong doers under the provisions of old law and he further stated that the transfer of that officer was managed by spending Rs. 5 lakhs. Who got this amount of Rs. 5 lakhs. The amount had either been pocketed by the higher officer or the Minister. To whom that person, who was being apprehended under the old law, belonged? That man is yours and being your man he will not care for the officers. If you feel that you will be able to create fear among the people by enhancing the punishment, you are mistaken. The most important thing is that you should formulate a policy under which even a small law may have the desired effect. It is not necessary to enact some big law. Big laws are there and it is difficult for a murderer to go scot free. For a murder the provision of capital punishment is there under Section 302, but we see that it has no effect.

Fourthly, I would like to say something about heroic. Heroin was seized from the possession of a person. Previously I knew nothing about heroin. I was of the view that only women working in films are called heroines. When heroin was seized from the brief-case of an M. L. A., only then we thought it was some other heroin. Heroin worth Rs. 4 lakhs was seized from the possession of an M. L. A. of Uttar Pradesh. You will have to give a reply in this case as to which party that M. L. A. belonged. What type of persons of your party manage to get tickets and enter Vidhan Sabha, Rajya Sabha and Lok Sabha? Such persons should be apprehended. We have to make it very clear. I belong to the Communist Party. What does it matter? If I do anything wrong, I should also be punished. But it does not happen in your party.

This law is applicable to the rural people also. Our guardians in the villages say that

[Shri Ramashray Prasad Singh]

excepting the rate of salt, the rate of crime etc., in this regime, the prices of all other commodities are rising. I would like to tell you that if you want to implement this law, your intention should be good. If the intention is good, in our view even the old law was quite adequate and under its provision you can apprehend the culprits. It will be enforced on farmers also. Seventy five per cent persons will escape punishment, because they are with you. Twenty per cent are officers and only remaining 5 per cent will be apprehended under Section 27. I would like to narrate one incident. I went to a Police Station. A 'Ganja' tree was there. I saw a tree in the compound of Jahanabad Police Station. People told me that it was a 'Ganja' tree. Now, you may tell us if there would be 30 kgs. 'Ganja' on the tree located in the Police Station, how the police personnel there, who have to implement the law, will implement it. If the police personnel, who have to apprehend the culprits, indulge in such acts, what to say of others.

Our young Prime Minister always talks about the youths. The youths are the future of any society. But you will see what 'tamasea' was created by your youths in the Soviet Union. You are creating such class of youths. (*Interruptions*) Why should we not say about those persons who are doing such things.

We would expect the hon. Minister to see to it that the culprits do not escape punishment and the law is implemented properly.

[English]

SHRI SOMNATH RATH (Aska): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill. India has become a heaven for the organized gangs of smugglers and also a transit for transporting narcotics mostly to western countries. First, these are brought to our country from the neighbouring countries.

In India, the heroin is produced in laboratory. The college teachers are involved in traffic of narcotics, In Jammu and Kashmir, charas and ganja are being cultivated in the fields and the fields meant for

vegetables, cereals etc. are converted for this cultivation. The narcotics are being imported in the eastern States of our country through Thailand and Burmu, and these are being sent to Calcutta. This is the condition now prevailing in our country, shaking the foundation of the country specially youths. The country-old Opium Act and more than half a century-old Dangerous Drugs Act and are not sufficient to deal with the smugglers and the mafias. This comprehensive law is, therefore, certainly welcome.

While welcoming this Bill, I would suggest to the hon. Minister that no lacunae should be left to give rise to corruption. For example, there is a provision for possessing a small quantity of narcotics. Illegal possession of any quantity should be punished. If scope is given for possession of small quantity, it will lead to greater areas of corruption.

Further; I suggest that the highest punishment should be imprisonment for life. I hope, the hon. Minister, in due course, will bring forward an amendment to this Bill to see that the punishment is raised to life imprisonment for certain offenders. This Bill, when it becomes an Act should be implemented in such a manner that it will put an end to all these atrocities and the rules should be framed in such a manner that there should not be any lacunae to give scope to the offenders to escape.

SHRI D. B. PATIL (Kolaba): At the outset, I would like to draw the attention of the House to the Statement of Objects and Reasons, wherein it has been stated:

"During recent years new drugs of addiction which have come to be known as psychotropic substances have appeared on the scene and posed serious problems to national governments. There is no comprehensive law to enable exercise of control over psychotropic substances in India in the manner as envisaged in the Convention of Psychotropic Substances 1971 to which also India has accepted."

This clearly shows that a comprehensive law was thought of in the year 1971, when the convention was held. India was a party to that convention. But I do not know why this much delay had taken place to bring

forward such a comprehensive Bill. Therefore, the Government ought to have been serious and ought to have brought this Bill much earlier. Anyway, it is better late than never.

Now it is necessary to examine the provisions of this Bill. It is an offence to traffic in drugs and psychotropic substances. There are two types of offences—offences against the individual and offences against the society. So far as the offences against the society is concerned, I may admit that the Government has decided to take some deterrent steps against the offenders. But taking into consideration the implementation of laws which are already existing, I am a little doubtful whether these will be implemented properly. For example, there are laws on prohibition in Bombay. But illicit liquor is available within 100 meters from the Old Council Hall, where the legislature used to meet. Illicit liquor is available as easily as a cup of tea. So, we can certainly say that there is no implementation of the laws. If laws are not implemented properly, there will be no use of enacting such laws.

Now that the Government have come before this House with this comprehensive law, I would like to draw the attention of the hon. Minister and also the hon. House to the fact that traffic in drugs is a multi-million business, nowadays. There are always news items in the papers that lakhs worth of drugs are seized. If the Government says that it has come to its notice only very recently and that drug addiction is going on in our country only recently, I think it is not correct. If you had visited Goa five or ten years ago, you might have seen drug addicts wandering on the sea-shores.

So, taking into consideration all these things, the Act which is being enacted now here should be implemented properly and drug peddling should be stopped. There is complaint made by the Karnataka Agriculture Minister that there is no comprehensive law so far as drug peddling is concerned in Karnataka. In Karnataka, there is no provision to prevent such offences. With these words, I conclude.

SHRI SHANTARAM NAIK (Panaji) :
I have always been saying in several debates in which I have participated that there should

be a principle of consolidation of legislations. It appears that you have accepted this principle partly because three earlier legislations, namely, the Opium Act, 1857, the Opium Act, 1978 and the Dangerous Drugs Act, 1930 have been combined into one now. That means that this principle has been accepted partly. I do not understand why the Drug Control Act and the Drugs and Cosmetics Act have been left aside. In fact, all these five legislations on drugs should have been combined into one and one comprehensive legislation should have been brought. This is my humble suggestion that in further legislations that the Government may bring, this principle may be accepted.

13.00 hrs.

As far as this drug eddiction is concerned, my area, namely, Goa comes first; Manali in Himachal Pradesh comes second and Rishikesh in Uttar Pradesh comes last. There are three areas where this drug eddiction is going on to a large extent so much so that tourism in a sense has become a menace in the territory of Goa. If its comes and spreads, as it spreading on the entire Coast of Goa, in all the villages, in all the families—even young boys and girls who are school going are taking to these drugs—we do not know to what extent this menace will increase in future. Even in films and dramas, it has been depicted that Goan people are drug addicts and they drink wine and all sorts of things. All sorts of nuisances are attached to us. Therefore, I was very much concerned about this drug addiction and I am showing more interest in this Bill. I am also making concrete suggestions in this Bill.

In USA there are almost four thousands associations of parents who are concerned about their children and they are trying to see in how best manner this drug eddiction can be eradicated.

In Pakistan, almost 61 per cent of the drug eddicts are in rural areas and only 39 per cent of them are rural areas. Even in Madras Medical College, about 70 per cent of male interns are resorting to drug eddiction and 20 per cent female interns. These are factual figures which we are well aware. We have also considered it as drug eddiction in terms of the terrorism that is taking place. In fact this terrorism and drug

[Shri Shantaram Naik]

addiction are very much related to each other because those who are not taking to these drugs are being administered and they are asked to commit this heinous crime. It is only by taking these drugs, this heinous crime can be committed and we have also to see this in the light of this terrorism which is increasing. I have also proposed an Amendment doubt, severe and hard punishments have been provided in various sections of the Bill, it is welcome. In the case of persons who consume drugs themselves, who do not sell drugs, an option has been given to impose only fine. If a person consumes drug, then there is no compulsory imprisonment provided under Clause 27. Why is it so? In fact, it is these things that have to be curbed. As has been pointed out by my colleague, who is here, whenever a person or young boy or girl takes drugs, then they can be released on fine. Here I am opposed to it. Here, if you send those persons to imprisonment, even for 10 days compulsorily, at that time this drug addiction will go. If you give option, then of course has it happened in Goa today, the Hippies can not caught. They are produced before the JMFCs. Young boys are caught, they are produced before them and they are set free with Rs. 50 fine. This position is not going to be changed with this Bill. Other provisions I welcome. I welcome this provision because, fine in terms of lakhs and lakhs of rupees is being provided in this Bill. We have not seen any Indian Statute before where fine in terms of lakhs and lakhs rupees has been imposed. Punishment to the extent of 10 to 20 years has been imposed, that is welcome. But in only one case, namely consumption of drugs by individuals possessing small quantities as may be defined in future one does not know what it is? Therefore, if you had put in some compulsory imprisonment, it would have been welcome, otherwise if this thing is not done then the whole country will sing a song:

Dam maro dam mit Jae gam

This is my humble submission. I hope my Amendment will be accepted by the hon. Minister.

DR. PHULRENU GUHA (Contai) :
Mr. Deputy Speaker, Sir, I welcome this Bill most heartily.

PROF. MADHU DANDAVATE : Now you criticise.

DR. PHULRENU GUHA : There are some points which I wish to make more extensively, as my previous speakers have mentioned.

I congratulate the Minister for bringing forward this Bill before the House. Sir, I would like to tell the hon. Minister through you that lakhs and lakhs of families in India, particularly women, will be blessing him for bringing this Bill before the House, because drug addiction ruins families, and women are the worst sufferers. Passing the Bill alone will not help the country, will not help the society. Proper implementation is absolutely necessary. I am mentioning this because we have seen that some of the good, socially useful Bills passed in our country, do not bring about a real improvement, because there is no proper implementation.

In this connection, I would like to refer to the Dowry and the S.I.T. Acts. These two legislations are good ones, but women and families mostly continue to suffer. I do not blame the administrator alone in this regard. The Social attitude is also responsible. Implementation of the provisions of the present Bill will need change of the social attitude.

The use of drugs ruins not only the person concerned, but also his family. Is a consequence, the atmosphere of the area is also vitiated. Women suffer most, as I have already stated, due to the addiction of the wage-earners in the family. Women do not suffer economically, but when the wage-earners spend all their money on addiction, they sell and mortgage articles of the house. Not only that, they even sell the utensils and old clothes. So, not only is the family on the verge of starvation, but the woman is also tortured by the husband. When the son is addicted, the mother suffers psychologically. In many cases, they are helpless. Perhaps many of you know that some of the women are tortured like anything, and they are beaten up. In many cases, these women can do only one thing, viz. weep, and nothing else. (Interruptions) They may abuse, but it has no effect. The husband may say that he will not do it any more, but the next day he again comes as the addicted person. (Interruptions) I agree that women should

in these cases use the broom, but all of them are not physically strong enough to fight men. (Interruption) It is not possible all the time, because you cannot forget that in the families, women are under-nourished. It is so, according to statistics, in our country.

Quite often, people say that most of the people in the cities are addicted. It is not true. The villagers are equally addicted. In metropolitan cities, drugs are available even in the tea shops and pan shops. I can give you an example : in the city of Calcutta, *masala* teas and *Pan* are sold in different shops. I do not know what they use, because they will not tell that secret to us. They have a chain people who drink these teas and there is change of this type of shop-keepers. They put in some sort of a material which gives addiction; and so, the consumers become addicted.

And I am sure, Sir—I am sorry to say—that a few administrators also have connections with the shop-keepers. Otherwise, in broad day light how can such things be sold for years after years ?

I like to point out that on page 8 of the Bill under Clause 9(2), the various powers to give permit are given. I say that caution should be taken about issuing of the permits or licences, because the anti-social people also cultivate this drug business and they have got connections with the cultivators also. The anti-social people will take the help of those cultivators and use these articles.

I would like to say that there should be proper arrangements for providing the necessary information to the villagers—as a friend has already said here—and that apart from the government officials, members of Panchayat and voluntary social workers have special duty in this regard, and they must be very active and should take proper action to disseminate the knowledge of the evil effects of this cultivation.

Coming to page 9 of the Bill, where under Clause 10(iv) the powers of State Government to give permits are mentioned, I would request the hon. Minister to be very careful in giving the permits for medical use. It is needless to say various pharmaceutical institutions are not free from illegal drug transactions. There are a few spurious manufacturers all over the country producing

different types of medicines, and a close watch is to be kept on them to see that none of the manufacturers get any opportunity to misuse the drugs. I must say that unless the society as a whole improves the social consciousness and helps the administration with the information of the misuse of drugs and also the administrative people working for this purpose are very conscious of their duties and the ill effects of this addiction in ruining our young generation, it will be difficult to achieve fully the objectives of this Bill. It is known to all of us that there are a number of research reports on the use of these drugs. An hon. friend has already mentioned it and I would just like to say that I feel very sorry for the future generation, because, I do not think unless we take a proper care of the drug addiction we do not know what will happen to our society in the near future. I hope that the administration will fight and also the people of different categories in our society will act together and fight together to finish this menace in our country and save our country, particularly the younger generation.

MR. DEPUTY SPEAKER : Shri Jaipal Reddy.

AN HON. MEMBER : He is Jaipal before Lokpal ?

MR. DEPUTY SPEAKER : That is later.

SHRI S. JAIPAL REDDY (Mahbubnagar) : I welcome this Bill. I only wish that it had been brought forward much earlier.

Studies conducted by the Indian Council of Medical Research in several universities of the country have confirmed that the drug addiction amongst students has assumed alarming proportions. They start off with hashish, charas and then go on to heavier stuff like LSD, cocaine and barbiturate etc.

According to a survey conducted in 1984, among students of Delhi University about 33 per cent of students have become drug addicts. The Indian Council of Medical Research team has discovered one-third of students in an English medium high school in Delhi to be drug addicts. Another survey

[Shri S. Jaipal Reddy]

in Bombay reveals that of 4000 students questioned 320 admitted having been on hard drugs. I, therefore, would like to know from the hon. Minister as to what exactly are the steps to be taken by the Government for combating this menace among students. Naturally you cannot punish them in the same way as you can punish others.

Secondly, it has been found that India is sandwiched between the Golden Triangle consisting of Thailand, Burma and Laos in the east and Golden Crescent in the west consisting of Pakistan, Afghanistan, Iran and Turkey. India thus becomes a nodal drug centre. It has been mentioned in the Vienna meeting recently that India has begun to figure prominently on the world narcotic map. But the maximum punishment in India is 3 years whereas in USA it is 7 years of minimum punishment and in Singapore any person carrying five grammes of drugs is liable for execution. Our Government did come forward with, of course, necessary provisions in this regard. But the Minister knows that the provision in the budget for administration of this Act is only Rs. 5 crores. Do you think that this amount will suffice to wipe out this menace? Will the Minister be able to throw some light in this regard?

In January, 1984 drugs worth an astounding \$ 103 million were seized from a freighter by the US authorities off the coast of New Jersey. The evidence collected by Sunday Times of London strongly suggests that the narcotics came from Cochin where an Australian, James Howard, allegedly masterminded operations from his yacht. The yacht employed for this purpose was fitted with electronics gadgets. I would like to know from the Minister how James Howard was allowed to operate from Cochin for a number of months. Another Australian by name Milgate who complained about Howard's activities was put in jail. The complainant was in jail and this man was allowed to go scotfree. I hope, the Minister will be able to throw some light on this aspect.

Whatever laws we may bring forward, we must be able to streamline the administrative machinery. I would like to know as to what steps are being taken to streamline the machinery so that the laws can be administered properly.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, there are 83 clauses in this Bill. If this Bill is passed hurriedly. I feel that the Members of the Lok Sabha will not be able to do justice to it.

I would like to point out that smuggling activities were being carried on, on a very small scale in the country. But today it cannot be understood how hundreds of smugglers have entered this field.

The smugglers are becoming rich in no time. They are becoming millionaires in a matter of a few months. The Bill introduced by Government is a welcome step. There are 83 clauses in this Bill and the hon. Deputy Speaker is trying to restrain us. The farmers in Rajasthan are being played with. Opium is produced in Chittor district of Rajasthan. They get merely Rs. 250 for 5 kgs of opium while the same quantity of opium is sold off for Rs. 1 lakh abroad.

Shri Ishwar Chopra has built a palace in Fatehpuri. Where did he get so much of money? Have you ever bothered to inquire into it? The hon. Minister has to get this Bill passed and therefore, he would force us to withdraw our amendments. Why has the Government decided to pass this bill in haste. The Members of opposition are sitting here only for the Lokpal Bill.

(Interruptions)

PROF. MADHU DANDAVATE : We are at your disposal.

SHRI MOOL CHAND DAGA : We are highly obliged for that. I would request you to speak on this. This Bill is playing with the lives of college students. The children, who are nation-builders of tomorrow are in danger. What has Government done for thousands of students who are falling victim to it?

Recently, we came across a news item that the students and the research scholars in the laboratory of Lucknow University were selling opium in the form of heroin and hashish. Are you aware of it? Was this question raised in the U.P. Assembly?

Sir, is there any machinery which can check it? The police officers, top officers,

the officials of Revenue Department and police Agencies have been included in clause 41, but they have not been told about their specific duties. It has often been observed that there are big gangs which are involved in smuggling. The real brain behind the whole operation sits in a remote area and somebody else is caught in his place. Even women are involved in smuggling. Smugglers are adopting new techniques. Smugglers visit places with women. They are not the wives of the smugglers, but generally they say that they are. This is the position. You have stated that improvements will be made. What is stated in clause 71 ? The Government has not categorically stated anywhere that under such and such provision improvements will be made. The clause 71 states :

[English]

"The Government may,"—What is that 'may', I don't know—"in its discretion, establish many centres....."

[Translation]

How much expenditure will be incurred on this.

[English]

Who will bear that expenditure ?

[Translation]

The Bill should clarify as to what improvements will be made to reform the addicts ? What provisions have been made for them ? The Government has not been able to conduct a survey of the number of students who are addicts ? It was decided in the U.N. that every should conduct such surveys to find out the number of addicts. It is most unfortunate that neither this department nor any other department has ever conducted any such survey to find out the number of addicts in Madras, Bombay, Delhi or at other places. No survey has been conducted to find out the number of addicts in Jawahar Lal Nehru University or other Universities. The Government does not have any figures what no ever. If on the one hand, the country makes progress and on the other hand the use of such narcotics increases, what will happen to this country ? Caravans of camels laden with such narcotics are crossing our borders in Rajasthan. The

police officers and other officials are in the know of it. They are adopting a set procedure. This is one of their means to earn more money. Do the Income Tax Officials or the officials of the Ministry ever care to raid the Custom Officers or their Offices ? If they have ever done so, could you cite an example.

Please look at clause 17 and 18. You can yourself understand the position of farmer under it. Shri Bairagi has well said and he knows how to lash at a person in a polite way because he is a poet and a learned man. That is why, he has spoken in a very polite manner. Is the Government not aware of the price that is being paid to the farmer for opium ? According to the prevailing rates a kilo of opium can fetch Rs. 1,500 in Delhi market. If anyone wants to buy it in Bombay he gets it for Rs. 5,230...(Interruptions)... do not know the price in Calcutta.

SHRI BALKAVI BAIRAGI : One can get it at Rs. 6,000 in Calcutta.

SHRI MOOL CHAND DAGA : Its price has increased to Rs. 1 lakh in the world market. Heroin and Hashish is also the same thing. They are all derived from opium. If the farmer consumes it, what will happen to him ? He will be sent to jail for ten years. But the farmer does not believe in this culture. (Interruptions). I had proposed that this Bill be referred to the joint Select Committee. The Bill which has such a wide scope and which affects the interests of so many people should be referred to Select Committee so that people can get justice. Heavens will not fall if it is delayed for a month or two. But you are bent upon getting it passed today itself. We will abide by what you say, but I would once again strongly request you to get it examined by the Select Committee and discuss it clause by clause and make no haste in this regard. After the Select Committee has examined it, you can get it passed in the next session which is to be held in November-December. I cannot understand the idea of introducing it at the fag end of this Session. Our whip Shri Gulam Nabi Azad is insisting on passing it at the earliest. We will vote as our party directs us, but then it will be the sole responsibility of Government and not ours if any injustice is done...(Interruptions) I had moved an amendment to refer it to the Joint

[Shri Mool Chand Daga]

Select Committee. The Bill which has so many clauses, at least that Bill must be referred to Select Committee. If you wish to save the college students from this evil, then it is all the more necessary to discuss it at length. The women are also falling victim to it and this evil is spreading in the religious places. It has even spread in temples, a classic example of which is Puri in Orissa. The people of Banaras have left consuming 'Bhang'. Shri Vishwanath Pratap Singh who belongs to that place is well aware of it. The people in Ajmer consume it by filling it in the cigarettes. Some times Hashish is also filled in the cigarettes in a holy place like Pushkar.. The people get addicted to it. (Interruptions) I would request the hon. Minister to refer it to the Joint Select Committee so that all these problems are given a serious thought. A deadline may be set for the submission of the report. Our whip is also present at the moment. He may consult the Minister in this regard and if it is referred to the Select Committee, it would be very good. You should never think that Parliament wishes to prolong this matter—it has never been our intention.

[English]

DR. KRUPASINDHU BHOI (Sambalpur): What are the CIA people in the name of 'box item' doing about the use of narcotics by the students?

[Translation]

SHRI MOOL CHAND DAGA : I was submitting that opium is being smuggled into our country through the Nepal border and our Border Security personnel are also involved in it. I have mentioned the names of 44 police posts and how the BSF personnel are working hand in glove with the smugglers. How do you expect that your Bill would be implemented successfully when the public servants themselves are not honest and patriotic? Through this Bill, you have opened the floodgates of corruption and this Bill will further encourage corruption. Summing up, I would like to submit that if justice is to be done, the Bill should be referred to the Select Committee.

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI

JANARDHANA POOJARY): Sir, I am thankful to the hon. Members for having taken part in this debate and also for giving valuable and concrete suggestions.

Sir, about 16 hon. Members participated in this debate. The names of those hon. Members are—Shri Manoj Pandey, Shri R. P. Das, Shri Balkavi Bairagi, Shri Ajay Mushran, Shri Chinta Mohan, Shri Jujhar Singh, Shri Anoopchand Shah, Shri V. S. Krishna Iyer, Shri Dal Chander Jain, Shri Ramashray Prasad Singh, Shri Somnath Rath, Shri D. B. Patil, Shri Shantaram Naik, Shrimati Phulrenu Guha, Shri Jaipal Reddy and Shri Mool Chand Daga.

Sir, the hon. Members know that on the day of the Calling Attention on this, i.e., 7-8-1985—Hon. Member, Shri Dagaji also participated in that debate and also other hon. Members including Shri Amitabh Bachchan participated in that Calling Attention—We have replied in this House to a number of questions, also Starred and Unstarred, from the hon. Members. The press in the country also expressed concern. Inside the Parliament and outside the Parliament the people expressed their grave concern about the menace of this drug abuse. The Government expressed its concern, and in fact it is felt by the nation that deterrent action should be taken against the smugglers, and also for the illegal activity that is being carried out in this country. The only hon. lady Member who has taken part in this debate has also brought to the notice of the House the menace that it has created and its impact on the minds of ladies. The hon. Member of this House, Shrimati Vyjayanthimala Bali had also earlier brought this...

(Interruptions)

MR. DEPUTY SPEAKER : She would have raised it previously.

SHRI JANARDHANA POOJARY : Not today. I know that only one lady Member has taken part in the debate today. Earlier, Shrimati Vyjayanthimala Bali had also brought to the notice of the House the plight of the people. But here we have before the nation a graphic account of the menace that has been created and the question is whether we have to go to the root of the cause and whether we have to take action.

Hon. members have studied and gone through the provisions of the Bill. They have given their valuable suggestions.

Some of the hon. Members have said that so far as punishment for the consumption is concerned, one year or fine or both, is very lenient and it is not adequate. They said that deterrent punishment should have been there. They said that the purpose of the Act would be defeated because of this leniency which has been shown for the addicts.

Before proceeding further, I may refer to Section 27. It is true that the punishment that has been given in this Act is one year or fine or both. (*Interruptions*).

PROF. MADHU DANDAVATE : The Bill has to be referred to Select Committee.

SHRI JANARDHANA POOJARY : Which are the people that are becoming addicts? Some of the people whom the House has been referring to are some students and some girl students also who are studying in the Colleges.

As stated by hon. Member Shri Amitabh Bachchan earlier, sometimes even children who are students are administered this dose of drugs.

What would happen after consuming this dose of drugs? There will be the urge to take more to the extent that they go in for a second dose.

PROF. MADHU DANDAVATE : Are you speaking from experience?

MR. DEPUTY SPEAKER : He is describing the things.

SHRI JANARDHANA POOJARY : When they go for second dose, or a subsequent dose, they will become addicts. (*Interruptions*).

SHRI AJAY MUSHRAN : I am on a point of order.

MR. DEPUTY SPEAKER : What is your Point of Order?

SHRI AJAY MUSHRAN : My point of order is this is not a Bill against students. It is a Bill against the masses.

SHRI JANARDHANA POOJARY : I have stated some of the practices.

MR. DEPUTY SPEAKER : You tell me what is it that the hon. Minister has violated. What is the rule which he has violated? What is the procedure that he has violated?

SHRI AJAY MUSHRAN : Under Rule 357, it cannot be treated like this.

SHRI AMAL DATTA : The hon. Minister is getting carried away by narcotics.

SHRI JANARDHANA POOJARY : I am touching Clause 27.

MR. DEPUTY SPEAKER : Have you given him some opium?

SHRI AJAY MUSHRAN : The point he is making is that it is a student problem.

SHRI JANARDHANA POOJARY : I am referring to some of the addicts. I have said that earlier in this very House, points have been made regarding the students who are becoming addicted and who have become addicts also.

What I said is that some of the students and also some girls are becoming addicts and they have been administered with some sort of eatables. Last time, it was pointed out that even in ice-candy and even in tea, it is being administered. When this is administered, the urge would be to go for second dose. And when they go for second dose, they will become addicts. In such cases, even unknowingly, these people are becoming addicts. They draw the sympathy of the society. Not only that. They draw the sympathy of the court also (*Interruptions*).

SHRI AJAY MUSHRAN : Sir, we had a debate on the Bill. The point is, why the Government cannot identify the holders of small quantities. But he is talking about students, the first dose, the second dose, etc.

MR. SPEAKER : The only difference is that you want the dose to be given somewhere and he is giving it somewhere else.

SHRI AJAY MUSHRAN : We want the hon. Minister to answer to the point that we have raised.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K.P. SINGH DEO) : He is a difficult person. He may require more.

MR. SPEAKER : You know better because you were in the Army.

SHRI JANARDHANA POOJARY : He thinks that I have not touched his point. Others also have participated in the debate, and I am trying to cover all the points one after another. The hon. Member should have some patience. I will come to the point about holders of small quantities also. If he remains patient, I will touch all the points.

PROF. MADHU DANDAVATE : Come to the next dose.

SHRI JANARDHANA POOJARY : The point is, how to deal with these people. Sometimes what is happening is this. I referred to some of the students being addicted. In some cases—this has been brought to the notice of the Government also—some girls are administered the drug for the purpose of raping and molesting. What would be the position if they are sent to jail? Will it not be difficult for them to get married? And if they are to be sent to jail and kept there along with hard criminals...

SHRI G. G. SWELL (Shillong) : We are taking about drug-traffickers and drug-pushers.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Why does he presume that they will be kept along with hard criminals?

SHRI G. G. SWELL : I think, the debate has gone off the tangent. We are dealing with drug-traffickers and drug-pushers and not with students and girls who may become innocent victims.

(Interruptions)

SHRI JANARDHANA POOJARY : I am coming to that also. So many points have been raised. I did not interfere when they were taking part in the debate, I heard them patiently. If they are not satisfied, they will have the opportunity to seek clari-

fications at the end. They should not interfere, like this, at every stage...

AN HON. MEMBER : But you provoke us.

PROF. MADHU DANDAVATE : Sir, you must protect his right to irrelevance.

SHRI JANARDHANA POOJARY : Government has to take into consideration all the aspects. Sometimes some of the people, without their knowing, are addicted. Provision is made under Clause 71 to the effect that we have to identify these addicts. For re-integration, for rehabilitation, for treatment, we have made provisions.

Another point I am making is this. For example, while identifying those people, if the punishment is very harsh, whether the people will come forward for rehabilitation and treatment...

SHRI G. G. SWELL : Which people?

(Interruptions)

SHRI JANARDHANA POOJARY : For their rehabilitation and treatment also, we have to make provision. Now, coming to...

PROF. MADHU DANDAVATE : The subject.

SHRI JANARDHANA POOJARY : ... the quantity for possession which has been referred to, here also we must be very careful. Some of the hon. Members have made a point that holding small quantities is not punishable. Possession of even one single gram is punishable, and the minimum punishment for that is provided in the Bill, and where it is not punishable, the burden is on the person concerned to prove that the minimum is kept—and that is to be prescribed by a notification. There Sir, if it is used for the consumption of the people who have become addicts and who take it in small doses, in such cases the burden is on them to prove this. Otherwise even for the small quantity which they are in possession of, they are punishable and this punishment is as prescribed under other provisions and not under Section-27. The punishment of one year or fine or both is not available under that section. So, this doubt is also cleared. I think the hon. Members will be happy to know that even to be in the possession of small quantity is punishable under this Act.

AN HON. MEMBER : I am not happy
Sir.

(Interruptions)

[Translation]

SHRI BALKAVI BAIRAGI : With your permission, Sir, I would like to ask what will happen to the farmers in Rajasthan and Malwa region where the host has to offer *Asal Kasumba* as a matter of courtesy and therefore to meet this need they have to keep a small quantity of it in their house ?

(Interruptions)

AN HON. MEMBER : What will happen to those who get it to celebrate the birth of a child or there are other similar occasions ?

MR. SPEAKER : He will not require it again.

(Interruptions)

[English]

SHRI JANARDHANA POOJARY : In the course of the debate the Hon. Members have raised some points. If they raise some more points even while I am answering, how could it be done, Sir ?

(Interruptions)

Either they should say that I need not answer their other points.

MR. SPEAKER : They will pass it just like this.

SHRI JANARDHANA POOJARY : Now coming to the cultivation, where you were also interested...

PROF. MADHU DANDAVATE : First he came to the drug addicts and now he is coming to you Sir !

(Interruptions)

MR. SPEAKER : Then after that it will be the turn of.

(Interruptions)

[Translation]

SHRI BALKAVI BAIRAGI : I want to make one more submission. The payments to the farmers is based on slab-system. The result is that the farmer who produces more, gets very little price for his produce. In the statistical jugglery it seems that we are paying them a high price but it is not so. The farmer whose yield is between 30 to 45 kgs, is paid at the rate of Rs. 180 per kg., but the farmer whose yield is between 45 to 60 kgs. is paid at a meagre rate of Rs. 150 per kg. All the automobile and shoe manufacturers sell their goods at the uniform rate. A shoe costs the same price for one single pair or any number of pairs, while the farmer's produce does not fetch the same price with the increase in production.

[English]

SHRI JANARDHANA POOJARY : Sir, an international convention on narcotic drugs prohibited the cultivation of the opium for exports by other countries. India is the only country that has been permitted to produce opium for exports. Because they thought that it is a traditionally producing country and also there is a very well control for the cultivation. But here sir, unfortunately for us, even though we are the only country producing this for exports, some other countries also have given the challenge by producing the opium straw, the poppy straw. E. g. countries like Australia, Turkey, Spain and other countries are also producing. Now because of this challenge, the supply has to be controlled, production has to be controlled because there is already the accumulation of stock in our factories to the tune of 2000 metric tonnes. Earlier we used to cultivate it on about 64,000 acres and this has been now reduced to 25,000 acres.

I would like to point out that the cultivation is on account of Central Government. Nobody is allowed to produce without licence. All the produce of opium has to be sold to the Government. The cultivation is controlled.

Sir, I would like to submit that there are difficulties, I do not say that nobody is expected to contravene the law but if they commit any offence than they are liable to be punished. Law prohibits consumption. Even production is done with licence. If anybody contravenes the law then he is

[Shri Janardhana Poojary]

liable to be punished whether he is a farmer or any other person. It is the law of the land and Parliament. So, everybody should obey the law.

Sir, hon. Members raised the point regarding the price to be given to the farmer. I assure the hon. Members that this aspect will be examined.

MR. SPEAKER : The point made by the hon. Member was that it is only the farmer who is put to hardship. Therefore, some way should be found to assess the worth of the officer when he is posted in that area and also what is his worth after he is transferred from that area.

SHRI JANARDHANA POOJARY : Sir, if the officer connives then he is also punishable. The minimum punishment is five years. I fully agree with you that we must be very strict about the implementation and also we must take action against these people. We have to take stern action against the people who are responsible for contravening the provisions. If the officers connive or withdraw from discharging their duties then punishment has been provided for them. They are liable to be punished.

The hon. Member, Shri V. S. Krishna Iyer mentioned where is the provision for abetment and conspiracy. For abetment provision is there. For abetment and conspiracy we can take action under Clause 29.

Sir, in the year 1984 we have detained 112 people under COFEPOSA Act. The hon. Member, Shri Mushran has stated that this Bill has been brought in a hurry and no consultation has taken place. He said that it should not have been brought without consultation. For the information of the hon. Members I may submit that consultation has taken place. Ministries of Home Affairs, Finance, Social Welfare and Health were consulted.

14.00 hrs.

After consulting all the concerned people, this comprehensive legislation has been brought before the House. Due attention has been paid to the various aspects raised by the hon. Members.

SHRI AJAY MUSHRAN : If the hon. Minister for Social Welfare was consulted, did she agree to such a weak provision as Section 71 ? It is a very important point. No budgetary or mandatory provision has been made. Nothing has been mentioned about the education centre, dispensaries, homes etc. for the addicts. I do not think, the hon. Minister for Social Welfare would have agreed to this provision.

SHRI JANARDHANA POOJARY : Clause 71(1) reads :

"The Government may, in its discretion, establish many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social re-integration of addicts and for supply, subject to such conditions and in such manner as may be prescribed by the concerned Government of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity."

Proper provision has, therefore, been made.

SHRI AJAY MUSHRAN : Instead of 'may', it should be 'shall'.

MR. SPEAKER : If there are such people, they will naturally do it. It is the duty of the Government.

SHRI JANARDHANA POOJARY : Sir, the suggestions made by the hon. Members will be paid due attention. I thank the hon. Members once again for their support.

DR. KRUPASINDHU BHOI : Shri Daga had asked a very pertinent question and that has not been answered. India is a place through which the smack and other such things are passing. Some CIA and other people educate the students in the anti-India culture. They give smack in the cigarettes, tobacco etc.

MR. SPEAKER : Where do they do ?

DR. KRUPASINDHU BHOI : Bombay, Delhi, Calcutta and other places.

[Translation]

SHRI K. D. SULTANPURI (Simla) : Something is happening in Kulu also.

(Interruptions)

[English]

MR. SPEAKER : No more clarifications.

Shri Dega, you have moved your amendment to the motion for consideration.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendment to the Motion for Consideration.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER : The question is :

"That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected there with, be taken into consideration."

The motion was adopted.

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

Clause 2—Definitions

SHRI D. B. PATIL (Kolaba) : I beg to move :

"Page 3 line 17,—

omit "medicinal cannabis", (2)

MR. SPEAKER: I shall now put amendment to clause 2 moved by Shri Patil to the vote of the House.

Amendment No. 2 was put and negatived.

MR. SPEAKER : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Power to add to or omit from the list of Psychotropic Substances

SHRI D. B. PATIL : I beg to move :

Page 5, line 14—

after "solid" insert—

"is contained in every one hundred grams". (3)

Sir, I add 'one hundred grams' because I feel that it has been left out inadvertently. I hope it will be accepted.

SHRI JANARDHANA POOJARY : In respect of Clause 3, the basis for calculating the percentage in the case of liquid preparations has been proposed with reference to the volume of liquid preparation. So, this provision is to be retained. We are not agreeing to the amendment.

MR. SPEAKER : I put amendment No. 3 to Clause 3 moved by Shri D. B. Patil to the vote of the House.

Amendment No. 3 was put and negatived.

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

MR. SPEAKER : Mr. Munsli, are you moving your amendment to Clause 6 ?

SHRI PRIYA RANJAN DAS MUNSI : No Sir.

MR. SPEAKER : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

MR. SPEAKER : Mr. Munsli, are you moving your amendment to clause 8 ?

SHRI PRIYA RANJAN DAS MUNSI : No Sir.

MR. SPEAKER : The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—Power of Central Government to permit, control and regulate

SHRI PRIYA RANJAN DAS MUNSI : I beg to move :

[Shri Priya Ranjan Das Munsi]

Page 7, line 42—

for “and regulate” substitute “regulate
and ban” (13)

Page 8,—

after line 16, add—

“(viii) the cultivation, sale, import,
export use or abuse of the cannabis plant
of the genus *cannabi* or *ganja* etc.”
(14)

Mr. Speaker, Sir, this is a very simple thing. It is said that subject to the provisions of sections 8, the Central Government may permit and regulate the cultivation. I add only one word, namely ‘ban’. I feel that it is very necessary for the Government to have a provision to ban the cultivation.

MR. SPEAKER : I do not think there is much in it. I put amendments Nos. 13 and 14 to Clause 9, moved by Shri Priya Ranjan Das Munsi to the vote of the House.

Amendment Nos. 13 and 14 were put and
negatived.

MR. SPEAKER : The question is :

“The Clause 9 stand part of the
Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10—Power of State Government to
permit, control and regulate

SHRI PRIYA RANJAN DAS MUNSI :
I beg to move :

Page 9, line 21,—

for “and regulate” substitute “regulate
and ban”(15)

Page 9,—

after line 41, add—

“(vii) the cultivation, sale, import,
export use or abuse of cannabis plant
of the genus *cannabi* or *ganja*, etc.”
(16)

I have moved this amendment because I think that at the stage of drafting, the officers might have committed this mistake. I also draw the attention of the Minister to page 9,

line 41. He has not made any mention about the cultivation of cannabis plant of the genus *cannabi* or *ganja* and about their sale, import, export, use or abuse. I do not know why it is excluded. He does not make it complete, which means that it will be left out. Will the Minister clarify ?

MR. SPEAKER : Mr. Minister, do you have anything to say ?

SHRI JANARDHANA POOJARY : No,
Sir.

MR. SPEAKER : I put amendment Nos. 15 and 16 to Clause 10, moved by Shri Priya Ranjan Das Munsi to the vote of the House.

Amendments Nos. 15 and 16 were put
and negatived.

MR. SPEAKER : The question is :

“That clause 10 stand part of the
Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

MR. SPEAKER : Mr. Patil are you moving your amendment ?

SHRI D. B. PATIL (Kolaba) : No.

MR. SPEAKER : The question is :

“That Clause 11 stand part of the
Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 to 14 were added to the Bill.

Clause 15—Punishment for Contravention
in relation to poppy straw

SHRI MOOL CHAND DAGA (Pali) :
I move :

Page 11, line 28,—

for “two lakh rupees” substitute—
“five lakh rupees” (51)

Page 11, line 30,—

for “two lakh rupees” substitute—
“five lakh rupees” (52)

MR. SPEAKER: Now, I put Shri Daga's
Amendments to the vote of the House :

Amendments Nos. 51 and 52 were put
and negatived.

MR. SPEAKER : The question is :

"That Clause 15 stand part of the
Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—Punishment for Contravention
in relation to Coca plant and Coca leaves

SHRI PRIYA RANJAN DAS MUNSI
(Howrah) : I beg to move :

Page 12, line 8,

for "one lakh" substitute "five
lakh" (17)

Page 12, line 8,

for "two lakh" substitute "ten
lakh" (18)

Page 12, line 10,

for "two lakh" substitute "ten
lakh" (19)

My Amendment today is the sum total
of the speeches of the hon. Members. If
there is a fine of only one lakh, then why
not five lakhs ?

SHRI JANARDHANA POOJARY :
I am sorry, even in earlier Amendments also,
I wanted to submit that there is a provision.
So far as this hon. Member is concerned,
he would have gone through it. I don't want
to say that didn't go through that. If the
hon. Member goes through Clauses 10 (a) (i)
and (10)(2), it is very clear. Here also if
you kindly go through it the provision is
there. There also it is very clear the Court,
may, for the reason to be recorded in the
judgement, impose a fine of Rs. 2 lakh.

MR. SPEAKER : Now I put Shri
Munsi's Amendment to the vote of the
House.

Amendments Nos. 17, 18 and 19 were put
and negatived.

MR. SPEAKER : The question is :

"That Clause 16 stand part of the
Bill,"

The motion was adopted.

Clause 16 was added to the Bill.

MR. SPEAKER : Mr. Priya Ranjan
Das Munsi, are you moving the amendments
to clause 17 ?

SHRI PRIYA RANJAN DAS MUNSI :
No, Sir.

MR. SPEAKER : Shri Mool Chand
Daga—not present.

The question is :

"That Clause 17 stand part of the
Bill."

The motion was adopted.

Clause 17 was added to the Bill.

MR. SPEAKER : Are you moving the
amendment to clause 18 ?

SHRI PRIYA RANJAN DAS MUNSI :
No, Sir.

MR. SPEAKER : The question is :

"That clause 18 stand part of the
Bill."

The motion was adopted.

Clause 18 was added to the Bill.

MR. SPEAKER : There are amendments
to clause 19 in the name of Shri Priya
Ranjan Das Munsi.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That clause 19 stand part of the
Bill."

The motion was adopted.

Clause 19 was added to the Bill.

MR. SPEAKER : There are amendments
to Clause 20.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That Clause 20 stand part of the
Bill,"

The motion was adopted.

Clause 20 was added to the Bill.

MR. SPEAKER : Are you moving the amendment to clause 21 ?

SHRI PRIYA RANJAN DAS MUNSI : No, Sir.

MR. SPEAKER : The question is :

"That Clause 21 was added to the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

MR. SPEAKER : Now Clause 22. Mr. Das Munsi, are you moving your amendment ?

SHRI PRIYA RANJAN DAS MUNSI : No.

MR. SPEAKER : The question is :

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

MR. SPEAKER : No Clause 23. Mr. Das Munsi.

SHRI PRIYA RANJAN DAS MUNSI : I am not moving the amendment.

MR. SPEAKER : The question is :

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

MR. SPEAKER : Now Clause 24. Shri Das Munsi.

SHRI PRIYA RANJAN DAS MUNSI : I am not moving.

MR. SPEAKER : The question is :

"That Clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

MR. SPEAKER : Now Clause 25. Shri Das Munsi.

SHRI PRIYA RANJAN DAS MUNSI : I am not moving.

MR. SPEAKER : The question is :

"That Clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

MR. SPEAKER : There is no amendment to Clause 26. The question is :

"That Clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27—Punishment of illegal possession in small quantity to personal consumption of any narcotic drug or psychotropic substance or consumption of such drug or substance

MR. SPEAKER : Now Clause 27. Now Mr. Shantaram Naik, are you moving ?

SHRI SHANTARAM NAIK : Yes, I am moving. I beg to move :

Page 15, lines 18 and 19,—

for "may extend to one year or with fine or with both".

substitute—

"shall not be less than two months but which may extend to one year." (5).

Page 15, lines 22 and 23,—

for "may extend to six months or with fine or with both"

Substitute—

"shall not be less than one month but which may extent to six months." (6).

MR. SPEAKER : Mr. Das Munsi, are you moving ?

SHRI PRIYA RANJAN DAS MUNSI : Yes, I am moving. I beg to move :

Page 15, line 19,—

for "one year" substitute "there years" (47)

Page 15, line 22,—

for "six months" substitute "two years" (48)

SHRI SHANTARAM NAIK : All the hon. Members who participated in the discussion have agreed that those who consume even very small quantities *i.e.* for personal purposes, must be awarded imprisonment compulsorily. That has been the tone of the House. Here, as the Clause stands, if I have got a small quantity of narcotic in my pocket, and if I say that I have got it for my consumption...

MR. SPEAKER : I think they have some licence...

SHRI SHANTARAM NAIK : No. If say that it is meant for my personal consumption, then I can be left free, with fine. If I say it is for sale, then I will be sent to jail for ten years, etc. This is the substance of the Clause. I am again requesting the hon. Minister to say something.

MR. SPEAKER : Now Shri Das Munsi, do you want to say anything ?

SHRI PRIYA RANJAN DAS MUNSI : The provision is very peculiar. If somebody consumes it, the imprisonment is only for six months. There is a gang in India operating in universities and colleges which tries to increase its strength; thereby, it tries to enthrone other young men to take them, even through tea and coffee. No exemplary punishment is given. Anybody can become a gang leader, and anybody can become an addict. Their parents have a prestigious position in society, so, nothing will happen. If they are sent to prison for six months, they will come out through bail. They will again go inside the jail, and give them these things there also. So, why not provide that those who consume it will have to suffer two years' imprisonment ? Six months is nothing. (*Interruptions*) Does it mean anything ? What is the meaning of this provision ? (*Interruptions*) You are trying to create a tradition that consuming it is no crime. So, you can consume; only selling and giving it is a crime. That is bad. I say that even those who consume and encourage others to consume should be punished, and made to suffer imprisonment for not less than two years. That is my amendment. If it is six months, it is no use. People will feel that if they are caught, they will have imprisonment only for six months, and that it is nothing. (*Interruptions*).

SHRI JANARDHANA POOJARY : I have earlier indicated in my main reply under what circumstances a Judge has to act. The punishment has also been prescribed. The minimum is not prescribed. The point is, as I stated earlier, that the Judge can award even six months. After seeing the gravity of the offence, he can give three months, six months or nine months.

SHRI PRIYA RANJAN DAS MUNSI : Let the hon. Minister show the provision whereby the Judge can extend it. As he cited the provision earlier, he can now show the provision regarding this. I have also gone through it.

MR. SPEAKER : Do you mean to say that this time he has not gone through the provision ?

SHRI PRIYA RANJAN DAS MUNSI : He is following the earlier provision not the one relating to this case. Option is there only in respect of fine. (*Interruptions*)

SHRI JANARDHANA POOJARY : I had it earlier also.

SHRIMATI VYJAYANTHIMALA BALI (Madras South) : I have spoken in detail on this subject.

SHRI JANARDHANA POOJARY : I am reading Clause 39 which deals with the power of courts :

"39. (1) When any addict is found guilty of an offence punishable under Section 27 and if the court by which he is found guilty is of the opinion, regard being had to the age, character, antecedents or physical or mental condition of the offender, that it is expedient so to do, then notwithstanding anything contained in this Act or any other law for the time being in force, the court may, instead of sentencing him at once to any imprisonment, with his consent, direct that he be released for undergoing medical treatment..."

SHRI PRIYA RANJAN DAS MUNSI : That is about the addicts.

SHRI JANARDHANA POOJARY : According to Criminal Jurisprudence also, it is prescribed that seeing the age, and seeing the gravity of the offence also, the Judge has the discretion.

[Shri Janardhana Poojary]

Earlier, some people, innocent people were administered the punishment and that has been given in this House and some people, as I stated earlier, some girls,... (Interruptions).

MR. SPEAKER : They are asking you about the punishment. They should be deterrent punishment.

SHRI JANARDHANA POOJARY : If one possesses small quantities, it is for him to show that it is for his personal purposes.

SHRI SHANTARAM NAIK : I have seen that in Goa for the last five years only Rs. 50 is the fine awarded; even if it is given 10 times, it will not be deterrent.

MR. SPEAKER : They want at least five years imprisonment; not six months.

SHRI JANARDHANA POOJARY : If I am in possession of quantity and I am using it for somebody else, and that is an offence, that is if that possession is an offence, the burden is on me to prove that it is for my consumption. Otherwise the presumption is against me.

SHRI PRIYA RANJAN DAS MUNSI : The provision may be read again.

What happens to gangsters groups ? They collect certain quantity of the drug for the gangsters and distribute it among the group, then each of the members will have only some small quantity. Certainly, there will be only small quantity with them. Such gangsters will not be punished or they will get only less than six months. Nothing will happen. I do not understand this. This is what happening in the Universities. The provision is there too but they do not get a higher punishment.

SHRI JANARDHANA POOJARY : Sir, I will just make it very clear. I am having something for the purpose of giving it to others, or to administer it to others, then it is punishable and I cannot possess it, and only Section 27 is there. If I am possessing some quantity if it is for my personal consumption the burden is on me to say that it is for my personal consumption.

MR. SPEAKER : Do I put all the amendments to the vote of the House, then ?

SHRI SHANTARAM NAIK : I do not press it; I will withdraw it.

SHRI PRIYA RANJAN DAS MUNSI : I also do not press it and I will convince the hon. Minister after the session.

MR. SPEAKER : Is it the pleasure of the House that the amendments moved by Sarvashri Shantaram Naik and Priya Ranjan Das Munsi be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 5, 6, 47 and 48 were by leave withdrawn.

MR. SPEAKER : The question is :

"That Clause 27 stand part of the Bill.

The motion was adopted.

Clause 27 was added to the Bill.

Clauses 28 to 33 were added to the Bill.

Clause 34—Security for abstaining from Commission of offence

SHRI D. B. PATIL : I beg to move :

Page 17, line 17,

after "abstaining" insert—

"after such person has completed the term of imprisonment"(7)

Page 17, lines 20 to 23,—

Omit "and the provisions of the Code of Criminal Procedure, 1973, shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code"(8)

The court has been authorised to ask for a bond after the conviction of the offender. I am suggesting one condition. There are instances that the offenders are set free even before they have completed their term of imprisonment. I know a specific case in Maharashtra. One industrialist who was convicted for economic offences, was set free before he had completed his term of imprisonment. It is known as Fadco affair. That matter was raised in the State Assembly and the Chief Minister had to express regret for that in the House. That is why, I have given my amendment.

MR. SPEAKER : Now, I put both the amendments of Shri Patil.

Amendments Nos. 7 and 8 were put and negatived.

MR. SPEAKER : The question is :

“Clause 34 stand part of the Bill.”

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35 to 45 were added to the Bill.

Clause 46 was added to the Bill.

Clause—46A (New Clause)

SHRI PRIYA RANJAN DAS MUNSI :
I beg to move :

Page 21, —

after line 26, insert—

“46A. Any person who provides positive and valid information of unauthorised cultivation of poppy and cannabis plant, manufacture or sale, use or abuse, import or export of materials like charas, Hashis, ganja, heorin and other narcotic and psychotropic substances to the Government at appropriate level shall be rewarded with an amount varying from two thousand rupees to one lakh rupees according to the nature of information and the satisfaction of the department as per the quantity of material seized or dispossessed.”(50)

The Minister, at the outset, had stated in the House that the whole object of the Bill was to frustrate the designs of those people who were encouraging this trade to poison the young generation of our country. There are many officers connected with the Narcotics Commissioner, who can deal with it appropriately. My amendment is that any person who provides positive and valid information, he should be suitably rewarded. For instance, a few day back, in Rajasthan and somewhere in UP, gangs of people were caught who were carrying Hashis and Charas worth a few crores of rupees. That news came to Government not by the police agency but by the local villagers. The people who help the society should be rewarded. I propose that let there be a healthy tendency among the young people to stop sale of narcotic drugs in the black-market, export

and import illegally and unauthorised cultivation of poppy and cannabis plants, etc.

There is a new tendency developed in the medicine shops. After 9.00 P. M. any time you go and find some people sending their agents to collect manadrine tablets. There are distributed to the students with Thums UP and Limca. And these are consumed in bulk. With that they consume a preparation called marijuana. Marijuana is the combination of hashish and charas. They mix it with that tablet and put it in Thums Up and Limca. These things are stored in respective places. So, I say if this kind of information is always given to catch hold of those things which are unauthorisedly stored, then why not you reward them also ? They will do it. If you go on rewarding them, the whole of your Department will collect the information. This is my only submission to the Minister if he can accept it.

SHRI JANARDHANA POOJARY : The suggestion will be considered.

MR. SPEAKER : I now put amendment No. 50 moved by Shri Priya Ranjan Das Munsi, to the vote of the House.

Amendment No. 50 was put and negatived.

MR. SPEAKER : The question is :

“That clauses 47 to 77 stand part of the Bill.

The motion was adopted.

Clauses 47 to 77 were added to the Bill.

Clause 78 was added to the Bill.

Clauses 79 to 83 were added to the Bill.

MR. SPEAKER : The question is :

“That the Schedule stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

MR. SPEAKER : The question is :

“That Clause I, Enacting Formula and Title stand part of the Bill.”

The motion was adopted.

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

SHRI JANARDHANA POOJARY : Sir,
I beg to move :

"That the Bill be passed."

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

14.33 hrs.

[English]

LOKPAL BILL

Re : Motion for reference to Joint
Committee

MR. SPEAKER : Next item is Lokpal Bill. Shri Ashok Sen. Before you start Mr. Sen, I have a bundle of amendments and I have gone through the Press reports also. I thought it was better to talk to the hon. Opposition Leaders as well as the ruling group. I came to the conclusion that it needed more exhaustive study and clarification before we put it to the House. So, I think both the parties have agreed to my suggestion and I will like now that this Bill be referred to a Joint Select Committee. Mr. Sen, you bring a motion. How much time will you take ?...

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur) : I have only one observation, Sir (Interruptions).

MR. SPEAKER : We will take it up afterwards.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : We can discuss in the House and then it can be referred to the Committee.

MR. SPEAKER : No, we will just refer it to the Committee. They will discuss it and...(Interruptions).

PROF. MADHU DANDAVATE : Sir, as far as the records are concerned, let not the suggestions come from the Chair.

MR. SPEAKER : Let it be a consensus of the whole House.

PROF. MADHU DANDAVATE : Except obituary reference, nothing should come from the Chair.

SHRI INDRAJIT GUPTA (Basirhat) : Sir, they are not yet ready with their motion. It seems they will take some time... (Interruptions).

MR. SPEAKER : It will just take a few minutes.

SHRI INDRAJIT GUPTA : Then why don't you permit in this House a general discussion ?

MR. SPEAKER : If I once start permitting, it will take four hours. There will be no end to that...

(Interruptions)

MR. SPEAKER : Shri K. C. Pant.

MR. SPEAKER : So, you will come at 4.30.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : At 4.30 we have a meeting. We shall come at 4 O'clock.

PROF. MADHU DANDAVATE : Why do they require so much time ? There is a readymade motion. Three times in the past they have moved sending the Bill to a Joint Select Committee.

(Interruptions)

14.36 hrs.

AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT BILL

(As passed by Rajya Sabha)

[English]

THE MINISTER OF EDUCATION (SHRI K. C. PANT) : Sir, I beg to move* :

"That the Bill to amend the Auroville (Emergency Provisions) Act 1980, as passed by the Rajya Sabha, be taken into consideration."

*Moved with the recommendation of the President.

Sir, before the House begins discussions on the Bill. I think it would be useful to recall, briefly, the background of this proposal. The setting up of an international cultural township was a part of the vision of Sri Aurobindo and the Mother. This township, which was inaugurated by The Mother in 1968, was named Auroville. Many nations participated in the inaugural ceremony. The fundamental objectives of the township were laid down. The Government of India and UNESCO welcomed the setting up of this township. At the initiative of the Government of India, UNESCO passed Resolutions in 1976, 1968 and 1970 commending Auroville to those interested in UNESCO's ideals, and inviting its Member States and international Governmental and non-Governmental organisations to participate in the development of Auroville as an international cultural township to bring together the values of different cultures and civilisations in a harmonious environment with a design for living which corresponds to man's physical and spiritual needs.

14.38 hrs.

[SHRI VAKKOM PURUSHOTHAMAN
in the chair]

Funds came to be provided by different organisations in and outside India. Substantial grants were also made by our Central and State Governments. Sri Aurobindo Society, a non-governmental organisation, was a major channel for these funds. This society is quite distinct from Sri Aurobindo Ashram and Auroville.

Serious problems arose after The Mother left her body in 1973. Complaints were received with regard to the misutilisation of funds by Sri Aurobindo Society, and a Committee was set up under the Chairmanship of Lt. Governor of Pondicherry in 1976 to enquire into these complaints. After a detailed scrutiny of the accounts of Sri Aurobindo Society, as also a report of the Audit Team, then, the Committee found instances of serious irregularities in the management of the said Society, mis-utilisation of its funds and their diversion to other purposes.

Since the Government of India was interested in the orderly and systematic development of Auroville, it made several

attempts to bring about an amicable solution to various problems and disputes. Residents of Auroville were dissatisfied with the Sri Aurobindo Society as a result of which serious difficulties had arisen with regard to the management of Auroville. It was in these circumstances that the President of India promulgated an Ordinance on the 10th November, 1980 to provide for taking over, in the public interest, of the management of Auroville for a limited period. The Auroville Ordinance was subsequently replaced by the Auroville (Emergency Provisions) Act on the 17th December, 1980.

The Auroville Act vested the powers of management of the property relatable to Auroville in the Central Government for a maximum period of five years. Initially, the take-over of the management was for a period of two years from the 10th November, 1980, but it had to be extended on a year to year basis upto November 1985 under the provisions of the Act.

Sri Aurobindo Society challenged the validity of the Auroville (Emergency Provisions) Act, in the High Court of Calcutta and later in the Supreme Court. Because of the interim directions given by the Supreme Court, the Act could not come into full operation until November, 1982, when the Supreme Court upheld the validity of the Act. Thus a period of two years was practically lost due to the action of the Sri Aurobindo Society. Moreover, the legal proceedings instituted by the Central Bureau of Investigation against Sri Aurobindo Society for irregularities and financial improprieties are still pending in the Courts in Pondicherry and Orissa. Finally, efforts are being made to place the management of Auroville on a sound footing. The progress registered during the last three years needs to be further encouraged and consolidated. The areas in which progress has been registered include those of agriculture, horticulture, soil conservation, water conservation, utilisation of solar energy and bio-gas and education, drama, music and other cultural activities. Last February, in the International Youth Year, Auroville organised an International Seminar on Youth and Human Unity which was attended by the youth representing 50 countries from all over the world.

[Shri K. C. Pant]

I am sure that the hon. Members will appreciate the circumstances necessitating our bringing forth this Bill to further extend the management of the Government for a further period of two years.

With these words, I beg to move that the Auroville Amendment Bill be taken into consideration.

MR. CHAIRMAN : Motion moved :

"That the Bill to amend the Auroville (Emergency Provisions) Act, 1980, as passed by Rajya Sabha, be taken into consideration."

Now, Dr. Sudhir Roy.

DR. SUDHIR ROY (Burdwan) : Mr. Chairman, Sir.

I welcome this Bill. It seeks to give two more years for the Government to clean the state of affairs and to consolidate the Project. Sir, in the post-independence period, a mushroom growth of religious missions and trusts have taken place. We often found that schools and colleges and charitable institutions were founded by them to get Government money and to seek donations from national and international agencies. We often found that in the secular State of ours, Babas and Matajis have had thriving growth. Also we have found that they have been setting up more and more institutions to grab more and more money from the Government. They have little intention of doing anything good to the people. Their only ambition is to get money—nothing else. This Auroville started with a bang. It was started with the intention that it would usher in a new era of international understanding and fraternity. Consequently huge donations were received from national and international agencies, UNESCO and many other agencies under the scheme. Sir, we thought that this New Township would bring in an atmosphere of international understanding and friendship and that this atmosphere would transcend the limits of narrow nationalism, parochialism, regionalism and linguism. But what is the outcome today? This Aurobindo Society tried to make money out of the whole Project. There have been many irregularities. Government was compelled to appoint an Enquiry Committee; there were

many skeletons in the cupboard. Many irregularities were unearthed. And consequently the Act was passed to take over the Management. When the Act was passed, the Holy Men tried to create new complications. As a result, Government could do little because of unending litigation process. The hon. Minister said that still many cases are pending in the Orissa High Court and Pondicherry High Court.

Now, therefore, our contention is this.

Government should take over the Management for a further period of 2 years. But, Government should not lend any sort of respectability to any religious association or denomination whenever they profess some idea.

In a secular State of ours we find that this secularism of ours is being eroded by these religious institutions and denominations, and often these registered Societies, these Trust Societies tend to be fool the people, they try to exploit them and hence, at the end, I would request the Government not to associate themselves with any such Society, that is, Sri Aurobindo Society etc. Any religious society should not be encouraged in a secular State like India.

With these words, I conclude.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Sir, I support this measure to extend the period of management by the Government by a further period of two years.

Sir, the hon. Minister has explained the circumstances in which the Government has been compelled to bring forward this measure before House. As has been said, a reference to the Supreme Court delayed the very process of consolidation and streamlining for which the Government took over the management and therefore, the real work started in 1982 and I have been able to visit that area personally last year and I found some activity going on there.

Sir, I do not agree with the convention that this is an attack on our secularism. I think the promotion of our cultural heritage is the commitment that our Government has to the nation and it should be continued

and it should be encouraged. The Government would like to see that Auroville emerges as a dream city or as a city of dawn, as was envisaged by the Holy Mother when it was inaugurated on 28th February, 1968.

Sir, as you are aware, the various aspirations and hopes of the people at that time were that Auroville will be a place of an unending education, that is, continuing education, of constant progress and of a youth that never ages and also that Auroville would be a bridge between the past and the future. These are the very noble ideas and this city which was to transcend all nationalities, all differences of caste, clime and culture, was to witness the material and spiritual resurgence for a living embodiment of actual human unity, and as Aurobindo had a vision of humanity as revealed in his various writings, so was the city supposed to be a sign for such a future hope of humanity and with these aims, Auroville was set up. It is natural that when an institution is founded by an organisation, sometimes various discrepancies creep in, there are many shortcomings and therefore, it is possible that because of certain lacunae, because of certain discrepancies, Auroville may not have developed as fast as the vision could have it or as the people would hope for it. But the Government owes it to the country that the vision of Sri Aurobindo and the Holy Mother be given the fullest possible opportunity to develop and to fashion the city as the City of Dawn, as the city of the future, as was envisaged.

Sir, this idea of continuing education is the modern idea where, when the definition of 'education' is to be taken like this, all that has been learnt in the schools and colleges has been forgotten and what remains is education and it is a continuing process. So, a famous Chinese scholar, Confucius, also said in Chinese that one should continue to learn till the last day of his life. So, it is with this vision that winds would blow, they would blow from all sides, Streams will flow from all sides, from all cultures, and what would emerge would be, a harmonious blend of the East and the West, something akin to what Tagore had envisaged by Visva Bharati.

PROF. MADHU DANDAVATE
(Rajapur) : Gandhiji also.

PROF. NARAIN CHAND PARASHAR:
Yes, Prof. All men of vision have a vision for the future but in case of the management, what is to be the final pattern? The Government does not intend to carry on this burden for ever. The Government has no such design and I also hope that the courts also, where these references are being made, will look beyond the immediate complications and processes of litigation and the permanent solution for Auroville would be the setting up of an organisation for self-Government for the residents of Auroville, those who decide to settle there, those who decide to shape their destiny in the new environment, for the promotion of culture in the widest and largest sense of the term possible. They would be ultimately responsible for carrying on the organisation and this line of approach has also been indicated in Section 6 of the Auroville Emergency Provisions Act, 1980 which was inserted in this Act at the personal instance of late Smt. Indira Gandhi who had great respect for the Holy Mother and, therefore, the idea would be that such an organisation that emerges would ultimately ensure that the ideals for which Auroville was founded which may be called Auroville International Advisory Council or some other name and they may keep these ideals in view and work for the establishment and encouragement of these ideals. It is also to be expected that when such an institution is being fashioned by such an organisation which consists of scholars and researchers in the field of spirituality from all sides, from all countries, transcending the boundaries of nations, then the Members there are allowed the freedom to grow and develop activities and institutions for the fulfilment and of the aspirations as envisaged in the Charter of Auroville.

Auroville is not to be looked upon as an ordinary city or a settlement. It has to be looked upon in the context in which Shri Aurobindo thought and brought about a new vision before our country.

Linked with Auroville is the idea of India emerging as the mother of culture for the entire community and for this, the Government may do whatever is possible in its strength and capacity and ultimately the Government should not cling to it. This is not a child to be carried on wooden legs. It

[Prof. Narayan Chand Parashar]

is a flower to be allowed to blossom in the fullest sense of the term and the fragrance of this garden of flowers must spread to the whole of mankind and enrapture humanity with a new spiritual order that transcends all differences.

With these words, I support this measure.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Sir, this Auroville Bill is just merely a step to dissociate from important measures, keeping in view the Supreme Court judgment that the tenure may lapse by November 1985. This Bill has been brought to meet that point. I welcome this step.

I am rather surprised to hear the speech of my hon. friend from the opposite Mr. Sudhir Roy belonging to the Marxist party. He tried to compare Aurobindo and Auroville and this Bill, in a religious manner and that, like other religions, it is merely a religious centre. I think Mr. Roy, a learned friend of this House, a teacher, who talked in this manner, has not understood the matter properly. I could not understand on what grounds he tried to compare Aurobindo merely as a religious leader. Aurobindo's vision is not a concept of a particular narrow point of religion. His concept of a divine truth, the best spirit of the human life, how to live and let live, is a concept of not a particular religion but for all religions of humanity of the world. First, Aurobindo should be understood by my Marxist friends and then only they should make their comments. It was the great Aurobindo who, before his conviction or realisation about the divine truth and the eternity of the human soul, taught the young people of Bengal the life of revolution, as you know, before his imprisonment in Alipore Jail in Calcutta, it was he who incalculated a spirit of revolution among the young people. And when he started seeing that the young people were taking to the line of terrorism, it was the great Aurobindo who told them that ultimately it was the devotion to the Mother that would live long and not merely terrorism. Why I say this now is because his great words uttered later are very much relevant to India in its present condition.

I will make only three or four points for the consideration of the hon. Minister.

There is a crisis, the crisis is, the confrontation, rightly or wrongly, that has developed just after the death of the Great Mother, in fact, during her life-time also this problem started—the confrontation between the Aurovillians and the Aurobindo Society. It is a fact that the concept of Auroville is an international concept, the Aurovillians throughout the world do worship Aurobindo not merely as a religious teacher; the concept of the Mother, the concept of Aurobindo, is for the total humanity, for the world as a whole. The CBI investigation, the Supreme Court judgment and many other things exposed their activities, and the Mother also during her life-time said many things against this. (*Interruptions*) I would only request the hon. Minister to be very particular about two points.

After the term under the provisions of this Bill is over, what will be the permanent arrangement in respect of the Aurobindo Ashram there? It belongs to India, it is a pride for Indians and the Indian civilization. The Aurovillians are campaigning that it should be given back to the Aurovillians. The Society is campaigning that it should be given back to the Society. I am opposed to both these ideas. Why I am saying is because of this. The international concept is good. But who knows what will happen in the future? Under the garb of international movement centring at Pondicherry, a strategic centre of India lying in the extreme south, through Auroville something may come out which may be a headache one day to the Home Ministry and to India. I say it because this has happened in many parts of the world wherever such sanction was granted. Therefore, with all my regards for the objectives of Auroville, I am opposed to the idea of giving it back either to the Aurobindo Society or to the Aurovillians. I am making this suggestion since the Mother and the Great Aurobindo shed light to the whole world. I propose that, after the term under this Bill is over, Government should have a permanent Committee on which, if not the total control, at least a partial control of the Government should always be there—it is not a question of today or tomorrow, it should always be there—to look into the activities there. If you allow the Aurobindo Society to come in fully, they may grab it, destroy it and do all corrupt

things; and if you give it to the Aurovillians, some kind of a conspiracy by some international agencies may be started some day and I am afraid that some day, just as we had to face the problem in regard to Bindrenwale in the Golden Temple in Amritsar, may be after ten years or so a similar problem may be faced there also with those foreigners. I am not accusing them because they are foreigners, I am only pointing out that India has become a land or a target for many conspirators of the world who are just smelling where they can penetrate. So, this is my only submission to the hon. Minister, A permanent body should be there representing the Government of India, the Tamil Nadu Government, the Pondicherry Government; you may include there men of eminence of the Society, the people of the Aurobindo Ashram and Society, who are considered to be the best persons. But do not give the exclusive command to anybody; otherwise, the fate will be disastrous and it will become a headache of the Home Ministry and the Government of India.

With these words, I conclude.

15.00 hrs.

SHRI CHINTAMANI JENA (Balasore): Mr. Chairman Sir, I rise to give my whole hearted support to this Amendment Bill. I must congratulate our hon. Education Minister who has brought this Bill, seeking to extend the term of this Act by two years.

Sir, we all know that in the 7th Lok Sabha we passed this Bill. At that time also we apprehended so many things which are actually going on in the Sri Aurobindo Society as well as the activities of Aurovillians. I am not going into the points made by my hon. good friend Shri Das Munsi. I am not criticising that society. I fully agree with him that Aurovillians should be managed and controlled by the Government of India and not be given the administrative control to them or to the Society. We all know why the Aurobindo Act was passed by this House in the 7th Lok Sabha.

The hon. Minister has already told us in his introductory speech that there are conflicts as to who will take the money and who will utilise, between Sri Aurobindo

Society and the Aurovillians. Auroville could come up only because the Divine Mother and Sri Aurobindo thought of a place which will be the city of dawn, where there will be no administration by other countries and anything of that sort. That was the pious intention with which they have started. But it could not be completed before the Divine

15.02 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Mother expired. Though she is not with us now, she is always with us judging our activities in the mortal world. Her intention was to make the world and also the human beings remain in peace and harmony. But the members and the office bearers of Sri Aurobindo Society and the Aurovillians, forgetting the ideology of the Divine Mother and Sri Aurobindo, started dearrelling with each other. On this, the Government of India has intervened. At that time our late Prime Minister Smt. Indira Gandhi brought this Bill and we passed it with the hope that there will be some sort of amicable settlement among them. The ideologies of the Divine Mother and Sri Aurobindo to have a land of dawn which will be administered itself so that the human beings all over the world can come and stay there without any fear. But that could not be possible.

So, my humble request to the Hon. Minister would be that even though we are going to extend it by two years, it should be administered by the Government of India and not either by the society or by the Aurovillians. Otherwise the same thing will come up again. The hon. Minister has already told us that the works which were started there would continue. Whoever will go there will appreciate the ideology of Shri Aurobindo. But due to our misfortune it could not be achieved in the lifetime of Sri Aurobindo as well as in the lifetime of Divine Mother. The hon. Minister is a very pious man and, as such, I would request him to see that the thoughts of Shri Aurobindo and Divine Mother are implemented through our present Education Minister. That place should be considered as the land of dawn or city of dawn.

The hon. Minister also mentioned that so many developments had been started but

[Shri Chintamani Jena]

the same could not be completed due to dearth of resources. Aurovillians are blaming the Society for this and at the same time Sri Aurobindo Society is blaming the Aurovillians. Many of the Aurovillians are foreigners. Their culture is not equal to the customs of our countrymen. So, these types of conflicts are there. Some court cases are pending between them in the State of Orissa and elsewhere and if after the decision in the court case if this goes again to the control of either of the two then the same thing will get repeated. I, therefore, request that the hon. Minister may kindly look into it.

Sir, no research work is going on there. It has been put to a stop. I would like to request the hon. Minister to see that the activities of horticulture, agriculture and other developmental activities may be started in full swing with the help of the Government of India.

I would also like to submit that at the call of Divine Mother funds were coming from the foreign countries. I would request the hon. Minister that he may look to this aspect so that foreign money may come for the development of this land of dawn or city of dawn.

With these words I once again congratulate the hon. Minister and give him my wholehearted support.

SHRI K. RAMACHANDRA REDDY (Hindupur) : The concept of Auroville was supposed to develop an International township where people of many religions and faiths would come and stay. Even people who do not have any faith can also come and stay there. They are supposed to live there to become one culturally. In so many fields they are supposed to develop. It is sort of experiment. It is a concept of "बसुधैव-कुटुम्बकम्" i.e., whole world is one. For the past 20 years steps have been taken to develop that concept. It is a good and noble idea. The only thing is that in the present day circumstances it is an impracticable idea which cannot be achieved. It is an ideal that can be successful in imagination are not practice. "बसुधैव-कुटुम्बकम्" but here people of different religions are supposed to be there. Take the case of our country. In

our country, we have got a number of religions, but we are not able to adjust with each other, with people of other religions; we are fighting with them, we are having a number of quarrel with them. When we have got the same historical background, same culture and so many other common backgrounds and are not able to adjust, how can people belonging to different countries and professing different faiths and having different backgrounds adjust themselves here? Can we bring all these people together? You may say that the whole world is one family, and you are going to develop oneness, but I feel that it is not possible.

Religion is supposed to be the greatest divider of persons. Selfishness of a man has increased manifold; man has become highly avaricious. It is only the selfishness of man that is responsible for so many ailments in the world.

Huge funds have been invested in this Society. The people responsible for the management of this society have been accused of misappropriating the funds. Government has, therefore, come forward with the idea of taking over the management.

Religion and regionalism have divided mankind into separate compartments. As long as religion continues to rule and have sway over the passions of mankind, and gains ascendancy over human being, the philosophy of united mankind, world as one family can never be realised. Concept of oneness and religion do not go together. If one is prepared to forget the religion, then only the concept of oneness can be achieved. The ego of man, *aham Brahma* is there. He thinks that he is *Brahma* himself. When all such people reside together, it is just an empirical mixture, not a scientific mixture. As long as they remain there, they feel that they are one, but their images are separate. This concept of oneness cannot, therefore, succeed.

Probably, it is the height of hypocrisy, when we think that people from 25 or 30 different countries can live together, form a society and become one, when we see what has been happening in Assam. In Assam, we are trying to deport people, saying that they are not Assamese, they do not have the right to vote, though they have been there for ten years.

People from different countries come here and they are asked to stay together and develop the concept of oneness. On the other hand, what do we see in Assam? Is it not solely hypocritical, when we say one thing in Assam and take a different view in Auroville.

This international society at Auroville has become a place of international smuggling a playground for anti-nationals and a home for plots against our country. In 1978, 45 people were deported from this place and in 1980, 10 people were asked to leave this country. All these things go to show that everything is not all right with these people. These people have not developed the idea of oneness or living there, they have come to that place with an idea of doing something bad to our country.

It has been our experience that whenever the Government has taken over the management of any undertaking, they do not succeed even by spending a lot of money. For example, take the case of sugar mills or textile mills. Whenever the Government has taken over their management, the sickness does not disappear; it has always aggravated and increased. So, it has proved almost that the Government management of these undertakings do not succeed. About two and a half years back this management was dragged to court and the cases are pending in the Supreme Court and the Calcutta High Court. The hon. Minister has not come forward to show what they been able to achieve in these two and a half years. Has the management been able to promote the idea of oneness? Has it made any improvement? Now, he has asked for an extension of another two years. What is it that they would be going to achieve by increasing the extension to two more years? All these things are not spelt out. I do not think that there is any thing wrong in giving two years extension. But the question is : can the Government achieve anything? It may result into an exercise in futility and it will be much ado about nothing. I hope, in spite of my criticism, the Government will really achieve something in Auroville. If that were so, my hat off to the Government and I appreciate the Government if they are able to achieve something others.

SHRI CHINTA MOHAN (Tirupati) :
Thank you very much for giving me this

opportunity. Before I welcome this Bill I would like to give two suggestions for the consideration of the hon. Minister.

Actually, the spiritual workshop has turned into a devil's workshop now. I recently visited the Auroville Ashram near Pondicherry, where the foreign nationals had intruded into the Ashram and spoiled the reputation of the Mother. It was started in 1964 with 2,200 acres of land and about Rs. three crores of investment. They had collected some funds from the Central Government also. But the administrators, joining their hands with the foreigners, swallowed about Rs. 77 lakhs of rupees for which the Government appointed a CBI Commission to inquire into all those things. We have given sufficient time for two years and after the two years, I wish that the Central Government gives it again to the Aurobindo Society. The Aurobindo Society should form a Committee comprising spiritual, pious and religious people from all over India, people who are really interested in this organisation. Then only we can save the present Society which was started by Shri Aurobindo.

Also, I would like the hon. Minister to give an assurance that this Ashram will be given to the Aurobindo Society, which was started long back. Secondly, instead of keeping it in this way, why should not we form it into a Friends University, to give religious courses for people who are really interested in such things? With this, I conclude.

SHRI EDUARDO FALEIRO (Mormugao) : Mr. Chairman, this is one of those cases where high-minded individuals, spiritual leaders with great moral strength, start institutions devoted to the causes of international brotherhood, fairness, justice for all, and then these institutions as soon as these spiritual leaders cease to be, as soon as these great men pass away, very often fall in the hands of lesser persons, no less corrupt and no better than the average run of men. And then we have the sad spectacle that we have been witnessing in Auroville today, or atleast witnessed until a few years ago, until 1980, when persons without scruples, under the guise of spiritualism pretending to inherit the great spiritual tradition of those who have died, indulge

[Shri Eduardo Faleiro]

themselves in corrupt deals, mismanage affairs, commit frauds and bring disrepute to these institutions built under such great and noble ideas. This is really the case of the Aurovindo Society, about which my hon. friend from the opposite was waxing eloquence. I arrived at the fag end of his speech, but I can see that the case he was trying to make is a case for the Society, which has been indicted (I must say this for the education of my colleague) by the Supreme Court as an institution consisting of individuals and individuals who have committed fraud, at the time when the cases were filed. This is a matter of record. This is a matter that can be seen from the judgments of the Supreme Court of India in the writ petition number 5874 of 1980, now very well known as the Auroville case. Sir, the Supreme Court has indicated not only on one but on several counts of mismanagement, of fraud and of misappropriation of funds by the Auroville Society and therefore there cannot be any discordant voice in supporting this provision or for that matter in supporting the original Act. The Act was brought precisely for this reason. Auroville Society indulging in all these mal-practices by bringing evil ways, has brought disrepute not merely to the great teachings of Shri Aurobindo but also to the institution built by the lady who went by the name of Mother. Sir, it is interesting to see now how the mother visualised this institution. And I quote The Mother on these words :

“Earth needs a place where one can live away from the natural hurdles, social conventions, self-contradictory, moralities and contending religions, a place where human beings freed from all slaveries to the past can devote themselves only to the discovery and practice of the genuine consciousness. It is a concept, set up Shri Aurobindo whose statue, whose bust we have here in Parliament House at the entrance of the Central Hall. That is seeking to manifest itself. Auroville wants to offer itself to all who aspire to live the truth of tomorrow”.

Sir, after the Government took it over by legislation of 1980, an Advisory Council was constituted of such eminent persons, as the former Foreign Minister and now the Defence

Minister, Shri P. V. Narasimha Rao, the Director-General of the UNESCO Mr. Embo, Shri J. R. D. Tata and new late lamented madam Zukowa, who at that time Education Minister of Bulgaria. This Council is not meant for the eminent people only. This Council has been meeting often and the work of the Council is indeed very commendable. A lot of good things have been done. I have no time here to mention all of them, but some of the outstanding things that have been done under the management of the Council, under the management or supervision of the Government of India, have been ratified, fully justified by the decision and the judgement of the Supreme Court.

Shri Auroville International Institute of Educational Research was founded in 1984. The Centre for Scientific Research was established in January, 1984. World Seminar of Human Unity held, to celebrate the International Youth Year, in February, 1985, National Seminar on International Understanding in August, 1984, Cultural Programmes and Music, Dances and Drama and Art were hosted as well as the Educational exhibits. UNESCO had sponsored several exhibitions like ‘learning to teach.’ Teacher training materials are under production on an all India basis and architectural inventions are also being experimented. The Construction of Matri Mandir is progressing on an all India level, which is a unique one for all globe, spiritual centre religions.

Sir, lot of achievements have been seen since the Government began supervising Auroville. Now there cannot be a discordant voice, if the persons who want to voice their views are aware of the facts, they have to support this piece of legislation, so that the Government and the Council give overall freedom to the genuine residents, the well-meaning residents of the Auroville. We support this piece of legislation. The two years that were taken in litigation in the Supreme Court must be made good, because at that time the Supreme Court began with a stay of the operation of the Act. Therefore, it must be made good.

I would ask the Government : instead of bringing in this piece-meal legislation, which you call emergency legislation but which we call a temporary piece of legislation, why should you not bring in a comprehensive

piece of legislation to deal with Auroville and institutions connected with it ?

Secondly, the cases against this Aurobindo Society which has been indicated by the Supreme Court, must be pursued to their legitimate conclusion. The case is filed by the CBI. What has happened to it ? Why are more cases not being filed, when there are so many allegations of malpractice ? We know that there are big and powerful forces at work. But I must congratulate my colleague from West Bengal—once in a while when they do the right thing, I must congratulate them—and the West Bengal Government for having instituted an enquiry into the affairs of the Aurobindo Society.

DR. SUDHIR ROY : We have no faith in any religious society.

SHRI EDUARDO FALEIRO : The Aurobindo Society is not a religious society. The West Bengal Government has instituted, an enquiry into malpractices, very secular malpractices.

This Society has ramifications not merely in West Bengal and Tamil Nadu, but all over the country. Will Government take action and probe into the several irregularities committed by this Society all over the country ?

Thirdly, whilst the Government maintains a supervisory jurisdiction in Auroville over the activities there, it should continue, as it has been doing, to encourage all initiatives from the residents of Auroville, at the same time giving them protection, giving them encouragement and also controlling and seeing that the objectives set forth by Shri Aurobindo are fulfilled, and the objectives set forth by the founding fathers of Auroville are not distorted.

With these words, I support this piece of legislation, and I commend the Government of India for bringing it in. My only point is that instead of bringing in a piecemeal legislation, a comprehensive legislation must be brought in at the earliest.

[Translation]

*SHRI P. SHANMUGAM (Pondicherry) : Mr. Chairman, Sir, I rise to support

Auroville (Emergency Provisions) Amendment Bill.

In 1968 the foundation-stone of the international township of Auroville was laid with sand brought from 25 countries in the presence of 5000 and more international luminaries. The concept of Auroville was to have a habitat, for an international cultural community, leaving petty racial differences and religious contradictions. Auroville was to be the confluence of different cultures of the world. It was planned to be a bridge between the past and the future. Many distinguished people from various countries of the world came to live in Auroville and wanted to be an example of self-exertion of human beings. They wanted to create the 'international man', which was the dream of Sage Aurobindo. They wanted to show to the world that the entire universe is of one family.

The Central Government gave a grant of Rs. 97 lakhs and a sum of Rs. 3.38 crores came as donations from international sources. The construction and management of this township was entrusted to the registered society entitled Aurobindo Society. Everything was perfectly working so long as the Holy Mother headed this Society. She was the beacon light for the inhabitants of Auroville. The concept that language was the bridge between men was given up and divinity became the bond between the residents. But in 1978 many allegations of malpractices were made about the working of the Aurobindo Society. They Holy Mother had by then shed her physical body. Malpractices relating to money matters were bandied about. Mundane matters overtook the spiritual quest of men. The Government of India investigated into these allegations and the C.B.I. also filed cases against Aurobindo Society. In 1980 the Auroville Emergency Provisions Act was passed by this House entrusting the Central Government to manage the day to day affairs of this township for a period of five years. But the Aurobindo Society got a stay from the Supreme Court and it took two years to get this Stay vacated. Consequently, the Centre could take over the management of this township only after two years of getting this

[Shri P. Shanmugam]

Act passed. The Supreme Court also indicted the Society for mismanagement.

The Central Government appointed as Administrator a retired High Court Judge. Under Justice L. P. Nigam an international advisory Council was formed and during the past three years, this Council has been efficiently discharging the onerous task of management of this township. During the past three years, there has been significant progress in Auroville. There are no charges of malpractices. Law and order are prevailing. Many developmental schemes have been undertaken successfully. In February 1985 an International Seminar was organised with 200 delegates from 55 countries participating in this Seminar.

The first two years after the Act was passed could not be utilised for such developmental activities. Hence the Government brought forward this amending Bill seeking the approval of the House for extension of enforcement of this Act by two more years, as was originally intended. At the same time I would like to say that some permanent solution should be found for this problem. Besides the international advisory council, the Centre should constitute a high level committee comprising representatives of local residents. The task of running the affairs of this Committee should be entrusted to this Committee. The Members of this Committee should be given administrative training because ultimately they can take over the management of this township from the international advisory council. The local people should be enthused to participate in the affairs of this township. Then only Auroville will truly become the centre of international culture and a place for realising the divinity propounded in all religions of the world. With these words I conclude my speech.

15.35 hrs.

**STATEMENT RE: "REVIEW OF
FISCAL LEVIES ON TEXTILES"**

[English]

**THE MINISTER OF FINANCE AND
COMMERCE (SHRI VISHWANATH**

PRATAP SINGH) : As the House is aware, the Textile Policy Statement of 1985 aims, *inter-alia*, to increase the production of cloth of acceptable quality at reasonable prices. While cotton would continue to enjoy the role of predominant fibre, it has also been considered necessary to reduce fiscal levies on man-made fibres/yarn in such a manner that benefit flows to the consumer in the form of lower prices of synthetics and blended fabrics. The fiscal package that I am going to announce represents the first instalment of the reforms proposed to be carried out in the indirect tax structure and covers the steps which I thought could be taken at this stage without waiting for the next Budget.

2. Government have been consistently encouraging the production of blended fabrics with certain proportion of polyester fibre through progressive reduction of duties on blended yarns and fabrics following the 1981 Textile Policy Statement. Having regard to the broad objective of making cloth of acceptable quality available at low prices, as a measure of further relief in this area, I propose to reduce excise duty on polyester fibre from Rs. 45 to Rs. 25 per kg. I also propose to reduce the excise duty on polyester cotton blended yarns containing more than 40% but less than 70% by weight of polyester fibre from Rs. 5 to Rs. 2 per kg. On similar blends of polyester viscose blended yarn, the duty is proposed to be reduced from Rs. 10 to Rs. 4 per kg. As regards polyester cotton blended fabrics, a concessional rate of 2% is already available. However, concessional rates are not available for polyester viscose blended fabrics. I propose to reduce the excise duty on polyester viscose blended fabrics with certain polyester content to 5% ad valorem from existing rates, which vary upto a maximum of 13.2%. However, to ensure that the benefits of reduction of duty go mainly to cheaper fabrics, I propose to increase the incidence of duty on cotton and man-made fabrics, of assessable value exceeding Rs. 25 per square metre, containing polyester fibre by Rs. 2 per sq. metre. The increase is being effected mainly through increase in the component of additional duty in lieu of sales tax so that interests of the States are protected. The reduction in the duties for low priced fabrics are expected to bring down retail prices by about 10 to 15%.

3. A scheme for larger production of low priced blended fabrics is also being formulated for which polyester fibre would be made available without payment of excise duty or additional (countervailing) duty of customs, which at present is Rs. 45 per kg., subject to production and supply of such low priced fabrics as per programme approved by the Department of Textiles. Such a programme has been worked out by the Department of Textiles for the Units of the N.T.C.

4. Acrylic fibre has become quite popular and has been supplementing the production of raw wool. As a measure of relief to this industry, I propose to reduce the excise duty on acrylic fibre from Rs. 17.50 to Rs. 10.00 per kg.

5. These proposals are estimated to result in revenue loss of about Rs. 131 crores in a full year, and about Rs. 77 crores for the rest of the year 1985-86.

6. Notifications giving effect to the above proposals are being laid on the Table of the House.

7. The fiscal package has been formulated with the objective of increasing the availability of such reasonably priced fabrics to the consumers. It is proposed to carry out a review after some time whether this objective has been sub-served on which will depend the continuation of this scheme.

15.39 hrs.

PAPERS LAID ON THE TABLE—Contd.

[English]

Notification under Central Excise Rule, 1944 and Customs Act, 1962

THE MINISTER OF FINANCE AND COMMERCE (SHRI VISHWANATH PRATAP SINGH) : Sir, I beg to lay on the Table—

- (i) A copy each of Notification Nos. 190/85-CE to 198/85-CE (Hindi and English versions) published in Gazette of India dated the 28th

August, 1985 together with an explanatory memorandum issued in the context of the Textile Policy Statement of 1985, issued under the Central Excise Rules, 1944.

[Placed in Library. See No. LT-1419/85].

- (ii) A copy of Notification No. 276/85-Customs (Hindi and English versions) published in Gazette of India dated the 28th August, 1985, together with an explanatory memorandum regarding exemption to polyester fibre from the whole of the countervailing duty of Rupees 45 per kg. subject, *inter-alia*, to the condition that such polyester fibre is used in the manufacture of low priced fabrics containing more than 40 per cent but less than 70 per cent by weight of polyester fibre, as per manufacturing programme duly approved by the Department of Textiles, under section 159 of the Customs Act, 1962.

[Placed in Library. See No. LT-1420/85].

15.40 hrs.

STATEMENT RE: "APPROVED PROGRAMME FOR PRODUCTION AND SUPPLY OF LOW PRICED BLENDS"

[English]

THE MINISTER OF STATE OF THE MINISTRY OF SUPPLY AND TEXTILES (SHRI CHANDRASHEKHAR SINGH) : The main objective of the new Textile Policy, 1985, is to "increase the production of cloth of acceptable quality at reasonable prices to meet the clothing requirements of a growing population". For achieving this objective there is a provision in the policy which, *inter-alia*, states that "adequate availability of man-made fibres and yarn at reasonable prices shall be ensured" and that "fiscal levies on man-made fibres/yarn shall be progressively reduced in such a manner as to facilitate absorption of increased domestic production so that the benefit flows to the consumer in the form of lower prices of synthetic and blended fabrics".

[Shri Chandrashekhar Singh]

2. My esteemed colleague, the Finance Minister, has just now announced specific duty relief measures with a view to achieving the above objectives. The duty relief has been extended to polyester fibre, polyester cotton blended yarn, polyester viscose blended yarn, polyester viscose blended fabrics for increasing consumption of blended fabrics and also to acrylic fibre for supplementing the availability of raw wool in the country for use in Knitwear and Hosiery articles. I would like to make it absolutely clear that the intention of the Government is not to bring down the prices of the higher priced fabrics. In order to minimise the loss of revenue, the excise duty on higher value fabrics is being increased by Rs. 2 per sq. metre, if the value exceeds Rs. 25 per sq. metre.

3. We have placed greater emphasis on bringing down the cost of blends desired widely by the common man. Thus the present demand for blended shirting material of medium price range is 134 million metres per annum with a substantial growth potential. In order to achieve this objective, the Government has great pleasure in announcing the launching of a new programme, viz., "Approved Programme for Production and Supply of Low Priced Blends". Under this programme, the National Textile Corporation, alongwith such other organisations, as may be admitted to participate in this programme, from time to time, will arrange production and sale of blends at prices fully reflecting the reduction of duties. The N.T.C. has immediate plans to increase the production of blended shirting and trousers from the present level of 24 million metres to 80 million metres. Out of this, 8 million metres would constitute controlled cloth under the existing scheme, 8 million metres to DGS and D and Public Sector Undertakings and balance 64 million metres to the open market. The N.T.C. will make all efforts, under the approved programme, to bring down the retail price range around Rs. 12.00 per sq. metre for shirting and maintain that of heavier cloth around Rs. 40.00 per sq. metre for trousers. The programme is basically designed to impart a price discipline over the market and ensure that the duty relief is actually passed on to the consumers in full.

4. The industry has a great responsibility cast on them when Government is making a revenue sacrifice. The Government hopes that the industry would respond suitably by increasing production of medium-priced fabrics and will pass on the benefit to the consumers. The Government will watch the pricing of such fabrics and may take further measures, if considered necessary, to ensure that the duty relief is passed on to the consumers by the industry.

15.44 hrs.

AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT BILL—Contd.

[English]

MR. CHIRMAN : Shri K. C. Pant may reply to the debate on the Bill.

THE MINISTER OF EDUCATION (SHRI K. C. PANT) : Sir, I would like to thank the hon. Members who have participated in this debate. There is really no difference of opinion on the provisions of this Bill and I think none of the hon. Members has really opposed the extension of the Government's management by two years in Auroville. But while extending their support, some hon. Members have raised other issues and I think I will very briefly touch upon these. Shri Roy referred to the fact that in his view Auroville is a religious body. I think Shri Faleiro clarified that this issue, in fact, was discussed before the Supreme Court and the Supreme Court finally came to the conclusion that it was not a religious body. Therefore, I think that my friend Shri Roy should, if he is interested, go into the judgement of the Supreme Court. He will be satisfied on that score so far as the Supreme Court's judgement and decision is concerned.

Basically, Auroville is a vision in action. Behind it lies a certain vision. Some of my hon. friends, including Prof. Parashar, have referred movingly to this vision. I think we must concede that while all of us talk in terms of the need for international brotherhood and understanding, it takes a real man of vision to experiment with this concept in terms of bringing together people of various backgrounds, various cultures various religions to live together; to try to understand

each other, to try to get away from their prejudices and fears and hatreds, their narrowness and ultimately blend into a harmonious community. It is now only fitting that Sri Aurobindo and The Mother should have pioneered such a concept, such a project, because Sri Aurobindo occupies a place of great dignity in the history of India of the last few decades. He has been an outstanding person. He has not only contributed to the freedom struggle, he at one stage has lighted a new flame in the hearts and minds of the young people as was mentioned by Sri Priya Ranjan Das Munsi, and then bent his formidable energies, his powers of the spirit, his gigantic intellect to experiment with the ideas to project his understanding of India's culture, his vision of the future of this concept he projected and projected in a manner of which we in this country can be proud. He projected them in a manner which was untremmelled by the narrow confines even of nationalism. Therefore, it is but fitting that the man who could think with his visions, whose horizons were almost limitless should have conceived of this nation, of an international cultural community. The Mother should have placed it and it should have come into being.

In this nuclear age, all of us intellectually accept that a war will annihilate humanity. But even while accepting this and accepting the need for bringing people together, we hesitate because the prejudices of the past do not lightly leave us. All of us are prey to these prejudices. Therefore, it takes a man of extraordinary vision like that of Sri Aurobindo to conceive a project and I think we should pay a tribute to that vision.

It is true that the vision has not been realised fully. Although there are people from 25 countries, who are living in Auroville today, yet there have been unseemly squabbles, there have been various mal-practices related to monetary matters to which a reference has been made in the House and there is no denying the fact that all this has affected not merely the functioning of the Auroville, but its good name as well. Therefore Government had to step in. But basically I hope that the House agrees that the vision is such that we should not despair of it. I don't think that we should completely write off the possibility of being able to make it work in the spirit in which Shri

Aurobindo conceived of it, or the Mother conceived of it. It is difficult no doubt. But just as we never despair of human nature in spite of seeing all its distortions in spite of seeing it go wrong in so many ways, in the same way, this concept of living together, bringing people together from different countries and being able to establish international communities, is perhaps a vision of the future. It may not appear practical today but it is certainly an experiment which is attractive in its trust. Therefore I would request the House not to give up this concept but to persist with the concept. At the same time we have to see that the weaknesses that have crept into Auroville are removed and with the support of this international body, with the support of this House and other well-meaning people, we are able to restore it to full health.

Now, some questions had been raised. One of these questions is as to what should happen after these two years are over. Who should run Auroville? Should it go back to the society? Should a new Committee be formed? Should it go back to the residents or should it be handed over to the residents of Auroville? In the original Act, Section 8(1) and (2) provides for Auroville being handed back to the society. Other suggestions have been made. They are not germane to this Bill. But they are very pertinent so far as the basic concept of Auroville is concerned.

So, I welcome the suggestions which have been made. But I do not want to finally make up my mind here and now as to what the ultimate form of management will be. For the time being this Bill enables the Government to take over the management for a brief period temporarily with the view ultimately of handing it back. I don't think the Government as such would like to hold on to the management for too long. It is better that such institutions be developed by people who are dedicated to its ideals. And while today we have the International Advisory Council of very eminent people who are guiding in a very broad sense the affairs of Auroville—we have an Administrator who has been a Judge—and under them there has been progress. A question was asked what progress has there been. The Member from Pondicherry, Mr. Shanmugam, himself told you what progress there has

[Shri K. C. Pant]

been in the last few years. He mentioned various projects. He mentioned various concrete steps that have been taken. In addition to all that he has said, I would like to add one more and that is, of the law and order situation, that has definitely improved in Auroville. So, there is improvement since the Government took over. I think we will continue this improvement also.

Then some points were made. There was a reference to foreigners indulging in smuggling. I made some enquires. The Administrator is here. I am told that no cases of smuggling have been reported.

PROF. N. G. RANGA (Guntur) : They were fighting among themselves.

SHRI K. C. PANT : That is true; they were fighting among themselves. But I mention this because while we should be careful about security matters naturally we should not make sweeping changes or general charges unless there is a basis for them. If there is smuggling then certainly it must be stopped. But I have not received reports of smuggling. And so I would request hon. Members to be a little careful about the nature of the charges that are branded about in the House.

The other point which was mentioned is that the residents of Auroville should be associated in the functioning of Auroville. They should be given a sense of participation. I entirely agree and I am glad to tell my hon. friend that actually even today the Administrator is putting groups of residents in charge of various developmental activities at Auroville and it is very necessary with a view to involve them. So I think, with these points, well taken, the Administrator who is here, who has heard this debate will also keep them in mind.

The last point I want to make is that Shri Eduardo Faleiro referred to the CBI cases and I mentioned in the beginning also that CBI has instituted three charge sheets, one in Orissa and two in Pondicherry. This is the current situation. If there is anything more to be done, then Shri Eduardo Faleiro is most welcome to let me know if there are any facts to be investigated. But this is the current situation and I would leave it at that.

SHRI CHINTA MOHAN : What about West Bengal Government enquiry ?

SHRI K. C. PANT : West Bengal enquiry is something which I do not know much about. About West Bengal Government, I can always know. I can find out from them. I do know about that which directly concerns us. I would not like to comment on that enquiry. I have really not gone into the facts.

With these words, I thank the hon. Members for the support that they have given to the Bill.

MR. CHAIRMAN : The question is :

"That the Bill to amend the Auroville (Emergency Provisions) Act, 1980, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : Now we will take up Clause consideration of the Bill.

Clause 2—Amendment of Section 3

SHRI BHOLANATH SEN (Calcutta South) : I beg to move :

"Page I, line 7—

add at the end—

and after the existing proviso, the following proviso shall be inserted namely :

"Provided further that during the aforesaid period the Central Government shall establish an authority for management of Auroville on permanent basis and vest the management in such authority."(1)

Everything has been said about the scope of Auroville and the philosophy of Shri Aurobindo and the philosophy of Mother in establishing Auroville as the International Cultural town. There is nothing to add to that. But the present Bill is for increase of the period of management by two years.

Section 8 (2) says :

"On and from the date specified in the Order made in sub-section (1), the management of the property of the

society forming part of, or relatable to, Auroville, shall vest in the governing body (by whatever name called) of the society and such management shall be carried on in accordance with the provisions of the West Bengal Societies Registration Act, 1961, so however, that the steps, if any, in relation to the management of the property, of the society, forming part of, or relatable to, Auroville, may be taken after the publication of the order made under subsection (1)."

Therefore, if we do not change this very Act including this Section, this provision will be reaffirmed. After another two years, it will vest in the society itself. The management will go back to the Governing Body of the society. When the society was started, the Mother was the founder President of the society and Auroville stated under a Charter. Mother is no longer there. There are three cases. One case is being heard today. Nobody knows how long these cases will go on. An Authority should be constituted and management should be transferred to that Authority and not the society. If the law is not changed, the power of the management will go back to the society though the Mother is not there now.

Though I am not pressing my amendment, I request the hon. Minister to consider my point and decide within this period of two years and establish an Authority for transfer of power to management.

16.00 hrs.

SHRI K. C. PANT : I fully understand the purpose of the amendment. The hon. Member wants the Government to take a final decision on the pattern of management to be instituted after the Government completes this two year period of management; I understand that. But this amendment does not fit into this particular Bill because, as he says, this Bill is for temporary take-over. When a permanent arrangement is to be thought of, perhaps this will have to be acquired; I do not know. In any case, acquisition would require a separate piece of legislation, and that would have to be carefully considered in all its implications. But this does not find any place in this Bill. So, if the hon. Member's suggestion is to be

considered—I think, it is certainly worth considering—that can be considered separately and not through this amendment.

MR. CHAIRMAN : Shall I put the amendment to vote...

SHRI BHOLANATH SEN : I would like to withdraw my amendment.

Amendment No. 1 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI K. C. PANT : Sir, I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

16 02 hrs.

LOKPAL BILL

[English]

Motion Re : Suspension of Rule 74

MR. CHAIRMAN : The House will now take up item 10 of the agenda. Shri A. K. Sen.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : Sir, I beg to move :

"That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bill to provide for the appointment of a Lokpal

(Shri A. K. Sen]

to inquire into allegations of corruption against Union Ministers and for matters connected therewith, to a Joint Committee of the House."

MR. CHAIRMAN : The question is :

"That this House do suspend the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, to a Joint Committee of the Houses."

The motion was adopted.

16.03 hrs.

LOKPAL BILL

[English]

Motion for reference to Joint Committee

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : Sir, I beg to move :

"That the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely :

- (1) Shri Asoke Kumar Sen
- (2) Shri H. K. L. Bhagat
- (3) Shri K. P. Singh Deo
- * (4) Shri H. R. Bhardwaj
- (5) Prof. N. G. Ranga
- (6) Prof. K. K. Tewary
- (7) Shri T. Basheer
- (8) Shri C. D. Patel

- (9) Shri B. V. Desai
- (10) Shri Aziz Qureshi
- (11) Shri Y. S. Mahajan
- (12) Shri G. G. Swell
- (13) Shri P. Chidambaram
- (14) Shri Braja Mohan Mohanty
- (15) Shri Brahma Dutt
- (16) Shri Manoranjan Bhakta
- (17) Shri Shyam Lal Yadav
- (18) Shri Mool Chand Daga
- (19) Shri Zainul Basher
- (20) Prof. M. R. Halder
- (21) Shri Priya Ranjan Das Munsri
- (22) Shri Eduardo Faleiro
- (23) Shri Sharad Dighe
- (24) Shri D. K. Naikar
- (25) Shri C. Madhav Reddi
- (26) Shri Amal Datta
- (27) Shri P. Kolandaivelu
- (28) Prof. Madhu Dandavate
- (29) Shri Indrajit Gupta
- (30) Shri Ebrahim Sulaiman Sait

and 15 from Raja Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by 15th March, 1986;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabhathat Rajya Sabha do join the

*Substituted by Shri K. P. Unnikrishnan.

said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

MR. CHAIRMAN : The question is :

"That the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely :

- (1) Shri Asoke Kumar Sen
- (2) Shri H. K. L. Bhagat
- (3) Shri K. P. Singh Deo
- * (4) Shri H. R. Bhardwaj
- (5) Prof. N. G. Ranga
- (6) Prof. K. K. Tewary
- (7) Shri T. Basheer
- (8) Shri C. D. Patel
- (9) Shri B. V. Desai
- (10) Shri Aziz Qureshi
- (11) Shri Y. S. Mahajan
- (12) Shri G. G. Swell
- (13) Shri P. Chidambaram
- (14) Shri Braja Mohan Mohanty
- (15) Shri Brahma Dutt
- (16) Shri Manoranjan Bhakta
- (17) Shri Shyam Lal Yadav
- (18) Shri Mool Chand Daga
- (19) Shri Zainul Basher
- (20) Prof. M. R. Halder
- (21) Shri Priya Ranjan Das Munsi
- (22) Shri Eduardo Faleiro
- (23) Shri Sharad Dighe
- (24) Shri D. K. Naikar

(25) Shri C. Madhav Reddi

(26) Shri Amal Datta

(27) Shri P. Kolandaivelu

(28) Prof. Madhu Dandavate

(29) Shri Indrajit Gupta

(30) Shri Ebrahim Sulaiman Sait

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by 15th March, 1986;

that in other respects the Rules of procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

The Motion was adopted.

PROF. MADHU DANDAVATE : Mr. Chairman, I may point out to you that similar Bills were referred in 1968, 71 and 77 to Joint Select Committees. Every time it was referred to Joint Select Committee the Lok Sabha was dissolved. I don't know whether it is an indication of the coming...

(Interruptions)

SHRI A. K. SEN : Prof. Dandavate is a better astrolonger than ourselves. We do not want to compete with him.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI H. K. L. BHAGAT) : Sir, the only difference is that at that time it was the Janata Government, which knew how to dissolve itself, but it is now the Congress Government which knows how to stay.

(Interruptions)

PROF. MADHU DANDAVATE : What about 1971 ?

(Interruptions)

MR. CHAIRMAN : Now we shall take up the next item.

16.09 hrs.

PONDICHERRY UNIVERSITY BILL
(As passed by Rajya Sabha)

[English]

THE MINISTER OF EDUCATION
(**SHRI K. C. PANT**) : Sir, I beg to move.*

“That the Bill to establish and incorporate a teaching and affiliating University in the Union territory of Pondicherry and to provide for matters connected therewith or incidental thereto as passed by Rajya Sabha, be taken into consideration.”

Before the House begins the general discussion on the Bill, I think it would be useful to give briefly the background of this proposal. Sir, the proposal to establish a University in Pondicherry came up for consideration in 1971 when the Sri Aurobindo Centenary Celebration Committee began its deliberations on various programmes for the Centenary year. At the suggestion of this Committee, this proposal was examined in consultation with the University Grants Commission. The Commission accepted the proposal in principle. The Pondicherry Administration was anxious that the University should be established as a Central University as they have no resources to establish and develop a University on their own. After further examination, the Government approved in principle the proposal to establish a Central University in Pondicherry in January, 1974 and appointed an Expert Committee to work out the details for its establishment. The Committee submitted its report in July, 1974. On the basis of this report proposals were formulated for establishment of the University. But due to paucity of resources, the establishment of the University was deferred from time to time.

The decision of the Government to establish a Central University in Pondicherry had aroused great expectations in the Union Territory. The people have been expressing their anxiety over the delay in its establishment. The Government, therefore, felt that any further delay in the matter would be a great source of disappointment for the people of Pondicherry. We have, therefore, come forward with this Bill to establish the University.

The Bill envisages the establishment of a Central University named as the Pondicherry University. It will be a teaching-cum-affiliating University offering facilities for advanced studies and research. The teaching departments of the University will concern themselves with postgraduate education, while the affiliated colleges will be largely responsible for undergraduate education. The Colleges in Pondicherry are at present affiliated to three Universities :

- (1) The University of Madras;
- (2) The Andhra University; and
- (3) The University of Calicut.

With the establishment of the Pondicherry University, the entire Union Territory of Pondicherry can hope to have a unified system of education.

The proposal to establish the Pondicherry University as I said earlier, emanated from the deliberations of the Sri Aurobindo Centenary Celebrations Committee. Sri Aurobindo has left a profound impact on his times, not only in the context of Pondicherry which owes its fame to him, but also in the context of the Indian Renaissance and the advancement of mankind. His contribution to the Indian freedom struggle, the intellectual and spiritual life of the country, and the way in which he projected the many-sided genius of India to the whole world need no reiteration. The vision of Sri Aurobindo, though rooted in the soil of India, transcended the boundaries of the East and the West. We have, therefore, decided that the University should establish a School for studies in Eastern and Western Thought to be named after Sri Aurobindo.

*Moved with the recommendation of the President.

We have also decided that the University should commemorate Sri Subramania Bharathi, who made monumental contributions to national awakening and national integration. The Pondicherry University will have a School of Studies in Tamil Language and Literature named after Subramania Bharathi, a Tamil poet of the first rank.

As the House is aware, Pondicherry in an ideal centre for the promotion of French studies in the context of its historic past. We have, therefore, made a provision that the University will give particular attention to the development of French Studies.

The University will have jurisdiction over the entire Union Territory of Pondicherry. We have also made an enabling provision under which the Union Territories of Andaman and Nicobar Islands and Lakshadweep can, if they so desire, come within the jurisdiction of the Pondicherry University. Colleges in these Territories can seek affiliation to this University, if the Administrations of these territories so decide with the approval of the Central Government. This provision does not imply that the Colleges in these two Union Territories should compulsorily be affiliated to the Pondicherry University.

The structure and organisation of the Pondicherry University are by and large the same as those of other Central Universities. There are, however, some special provisions which are designed to enable the University to give greater attention to certain important areas which have unfortunately remained neglected by most Universities in the country. We have proposed that the Pondicherry University should have Directors specially appointed to organise programmes of educational innovation and rural reconstruction; culture and cultural relations; and physical education, sports, national service and students welfare. We have also made a provision to constitute a Planning Board as a statutory authority to review the educational programmes from time to time, to promote innovation and experiment, to develop new teaching and learning processes and create an environment conducive to the promotion of value orientation in education.

As this is a new University which has to start functioning immediately after the enactment of this Legislation, we have made pro-

visions, as in the case of all new Universities, under which the Visitor, who is the President of India, can appoint the first Chancellor, Vice-Chancellor and other officers and to constitute the first Court, Executive Council and Academic Council.

I do hope that the establishment of a Central University in Pondicherry will fulfil the aspirations of the people of the Union Territory. I am sure that Members from all sections in the House will support this measure whole-heartedly.

MR. CHAIRMAN : Motion movedu :

"That the Bill to establish and incorporate a teaching and affiliating University in the Union territory of Pondicherry and to provide for matters connected therewith or incidental thereto as passed by Rajya Sabha, be taken into consideration."

Shri S. M. Bhattam.

SHRI S.M. BHATTAM (Visakhapatnam) : Sir, the suggestion for setting up a university at Pondicherry originally emanated from the Centenary Celebrations Committee of Sri Aurobindo. The idea was well taken but the name was not given. Some reasons were given. Perhaps they are valid from the point of view of the Government, because they have to make compromises at every stage. But may I humbly submit for the consideration of the House, and particularly the Minister, whether it is not a fact that the Government are succumbing at every stage to some pressures, whether valid or invalid, whether correct or incorrect, whether rational or irrational, and giving a go by to the original idea as conceived by the centenary celebrations Committee, and which was taken up by the Government. This is how, compromises made at every stage go against the basic concept and the fundamental ideas.

In the year 1974, the Government took a decision in principle to establish the Central University in Pondicherry, but actually in 1985, the Government is coming before the House with this Bill. They took about 11 years. That is how the educational programme in the country are progressing, and that is the importance that in being given normally to education and matters connected with education.

[Shri S. M. Bhattam]

Sir, I thought that the Minister would be presenting a model Bill. After all, he gave certain ideas recently during the course of discussions on the floor of this House, and, therefore, I was wondering whether it would embody all the high ideals of education for which the Government is now committed. But unfortunately, it cannot be taken as a model Bill and from any point of view is not setting up an example. The Minister may, therefore, have to review the Bill itself after two or three years. There are several defects in the Bill itself.

Firstly, let refer to the question of autonomy of the Universities in general. As a matter of fact, the Minister has inherited the education system which is full of defects. The educational institutions are in an anarchiac condition, highly disorganised and indisciplined and all sorts of things are happening in these institutions.

Recently, we read in the press how in Bihar, the Governor of Bihar demanded the resignation of Vice-Chancellor of Bihar University for certain reasons. If he did not agree to that, it would have amounted to his vacation of the office under certain Statute of the Universities. Where is the autonomy of the Universities? Not only that, the Governor also contemplated entrusting the entire matter to the criminal investigation Department of the State Government. There may be lapses on the part of the Vice-Chancellor. Certainly, those can be rectified, looked into, enquired into by a competent body in the field of education, but not entrusted to the Criminal investigation Department of the State Government. The details of various corruption charges levelled against the Vice-Chancellor were also given in the Press Communique of the Governor. So, this is the way, the autonomy of the universities is generally being curbed, by the Government. On the one hand this is the extreme position that the Government are taking and on the other, the situation in the universities should also be looked into.

Recently we have seen in the press that in the Delhi University, the Vice-Chancellor appointed a large number of teachers just on the eve of laying down his office and most of

these appointments are considered to be irregular as they do not conform to the regulations of the university. And these things go on increasing in number.

We have again seen in the press today that in Kashi Vidyapeeth similar things have occurred. 37 new teaching departments were created in the year 1983 and 153 teachers were appointed, and all such appointments were against the provisions of the University Statute. So, Sir such things are happening in the universities. What is the remedy? On the one hand we find universities which are resorting to all sorts of things which are unhealthy and on the other, the Government takes an extreme position and tries to curb the autonomy of the universities. There must be something, in between, which the Government must be able to do.

I know a particular case in Andhra Pradesh. In a place called Eluru in the West Godavari District, a post-graduate centre was to be opened. The Government of Andhra Pradesh has given its clearance. The Andhra University in one of its meetings of the Syndicate, has passed a resolution approving the proposal in principle. Therefore, the university could have okayed the opening of the new classes in the post graduate centre which is already in existence. But then it was said that it was necessary for the college to obtain permission from the University Grants Commission. I do not know why. The university agrees, the State Government also agrees, yet the college has to run to the University Grants Commission for approval. And I had also occasion to talk to the concerned vice-president in the UGC. He said that it was necessary that they should approach the UGC. I am very sorry to inform the House that the proposal was turned down and it was not accepted. This is the way in which the UGC behaves, in such a peculiar fashion.

As far as the South is concerned, all the Ministers of Education of the South recently met in a conference and voiced their grievances what the South is being neglected by the University Grants Commission. Therefore, they wrote to the Government of India to set up a regional branch of the University Grants Commission.

Sir, I am only giving expression to rectify certain maladies which have beset the present

educational institutions. Recently, the Government have taken a decision to set up model schools. There again, the medium of teaching would be either in English or in Hindi. Andhra Pradesh has taken objection to that. What happens to the regional languages? In every district we have a centre. In all the district centres, should we necessarily have to impart education only through English medium and not through the regional language? I suppose it is not good and it is not proper. We have accepted the three language formula and that should be in existence and that should continue. Any variation or any choice will not be acceptable to us and it will not be good also. I may here in this connection refer to in Clause 8(1) :

"The University shall be open to persons of either sex and of whatever race, creed, caste, or class, etc., etc."

Sir, in respect of caste, class or race consideration, our people uniformly get equal opportunities for admission to the University, that is the purpose. Now may I humbly ask the Minister whether in the admission forms, where the student is asked to necessarily give out the name of the caste to which he originally belongs? This is the existing practice everywhere and the name of the caste has got to be necessarily mentioned, whether a candidate belongs to Scheduled Castes or Scheduled Tribe. It is but necessary that they should give out the name of the caste. Wherever they do not obtain such benefits from such reservations, they necessarily need not give the name of the caste. Therefore, the Government should make it compulsory on the part of every educational institution to delete that particular portion and no student should be compelled to give the names of the caste to which he belongs. Here again in the proviso, it is stated, "provided nothing in the sections shall be given to prevent the university from making such provisions for the weaker sections of the people and in particular the Scheduled Castes and Tribes," etc.

As far as the weaker sections are concerned, that means other backward classes apart from the scheduled castes and tribes. So, that is one subject which was engaging the attention of the nation. This House should have been seized of the matter; all political parties should have been consulted and

national consensus should have emerged. But we are not seized of the matter. Therefore what is the provision for other backward classes and what is the reservation which is being provided to them here? There are definite instructions from the Government of India, though all the organisations are stating that they have not received these, unless some national consensus has emerged. Therefore this has to be put in cold-storage until such time a national consensus has emerged in this regard.

After having a cursory glance at the various provisions in the Act, we find this is opposite of democracy. Instead of democratisation, we find the reverse of it in this Bill. All are nominated. Everybody is nominated. Of course first set of office bearers will be nominated necessarily; there cannot be any election. But then, I refer to page 7 :

"The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes".

Because he has got to be necessarily appointed and there is no other way to go. But, some statutes are made. I refer to page No. 9 :

"Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :

"the election and continuance in office of the Members of the said authorities and bodies, the filling of vacancies of members, and all other matters relative to those authorities and other bodies for which it may be necessary or desirable to provide."

So, the nominations may continue. This is optional and it is not compulsory that election should be there. And it is no longer there.

At page 11 it is said :

".. (2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes."

The first ordinance shall be made by the Vice-Chancellor, with the previous approval

[Shri S. M. Bhattam]

of the Central Government. It means that the Central Government invariably comes into the picture. The first Statutes are those which are set out in this Schedule, apart from those which are made by the Vice Chancellor. They must be approved by the Central Government. So, the hand of the Government can be seen everywhere. Unless Government okays, nothing moves. That is the situation to which the Universities are reduced.

And again, you may find here that these statutes cannot be amended subsequently. They can be amended only subject to the approval of the Visitor. Otherwise they cannot be amended, in future also. So, they are made first only by the Governor, and they cannot be amended; and they can be amended only with the express sanction of the Government. Otherwise, the Vice-Chancellor or the Visitor has to give permission to this. This is the situation to which the Universities are reduced.

Again, coming to democratization of these bodies, the participation of students and their role, both in academic and other matters occupy some importance and significance.

Apart from this, I may point out here that if some disciplinary action is to be taken against a student, opportunities are made available to him to make an appeal to the executive Council or to the Tribunal of Arbitration. It that is the case, what happens? At every stage, no action can be taken by the Vice-Chancellor against any single student. It is impossible for him to proceed with it, because there is an appellate authority. It can ask the Executive Council to look into the matter. So, there must be sufficient safeguards, in-built safeguards for maintaining proper discipline in the Universities. The Visitor has to take into consideration this aspect also.

PROF. K. V. THOMAS (Erpakulam) : First of all, I congratulate the hon. Minister of Education, Shri K. C. Pant for bringing in this Bill. To different colleges in the Union Territory of Pondicherry are till date affiliated to the Calicut University in Kerala, to the Madras University in Tamil Nadu, or the Waltair University in Andhra Pradesh. So, these colleges in Pondicherry, as well as in Mahe can now be affiliated to a single University.

It is also commendable that this Central University has taken a decision to start schools in the name of Shri Aurobindo and also in the name of Subramania Bharati. I am sure this will help the students who come to the portals of this University to study about the great cultural heritage of our nation, and the deepest moral values we cherish.

I would like to make certain suggestions regarding some of the important bodies which will be formed in the University. One is the Executive Council and the other is the Academic Council. My submission is that these two important bodies which will determine the functions of the University, the academic quality should not have the said plight of the Senates and Syndicates of our Universities. Look at how the Syndicates and Senates of our established universities are functioning, how the Senate Members and the Syndicate Members are selected or nominated. Many of the Senate or Syndicate members are like *abkari* contractors, those who are connected with criminal proceedings.

Then there are very few fortunate academicians and their academic qualification is that once or twice in their lifetime they have entered the portals of the colleges or schools just to get shelter from a heavy rain or the hot sun! So, this sad plight should not be there when you from the Executive Council or the Academic Council, in the Pondicherry University. It should be those persons who have got an excellent academic character, who have excellent academic record; it should not be any other consideration. Usually the man who can bring more political pressure, he comes to these important offices of the University. When Vice-Chancellors are being selected, not his academic calibre we are counting, but it is the political pressure that he can bring. So, my humble request is that this consideration should not be there. There should not be any political consideration. It should be only on merits.

Another thing which I noted is the formation of a tribunal for arbitration. If there is a dispute between the University and the employees of the University, usually what happens in our country is that they go on strike. Here there is a provision that they can go to a tribunal for arbitration which is formed once a member from the Executive Council or a member of the employees, they

are the persons who are being nominated by the Visitor who functions as an Umpire. This is a very good procedure.

Similarly, if there is any dispute between the students and the University that dispute is also being referred to a similar tribunal. This method, can be used by many of our universities functioning the different States.

Sir, there is another provision also, that is, the Students' Council. Look how they are functioning in the universities and colleges which we have got. If we look at the way our college elections are being conducted or the university elections are being conducted, we will think of the times of William the Conqueror. At that time, when a civil case goes to him, or even a criminal case goes to him, it is not decided on the basis of the merits. But both the people, that is the man who makes the complaint and the accused, they are both asked to fight and whoever wins that man is the gainer. Similar is the case in our colleges and universities. There the people or the students are winning elections not by their merits but by the pressure they can use and see how many people can stand elections there. A few days back I read in the newspapers that the Delhi University was spending Rs. 1 lakh just to conduct the elections. Are the Universities and colleges meant only to train some politicians? Let us think about it.

SHRI K. C. PANT : I commend his objectivity.

PROF. K. V. THOMAS : What I am telling is that universities and colleges should not be used only for that purpose. By doing so, 85 per cent of the students are affected.

Here in the Bill it is said that for forming the Students Councils students of calibre will be taken. This is a better suggestion which can be used by other Universities.

SHRI HARDWARI LAL (Rohtak) : I do not oppose the Bill. We have in the Education Minister a highly persuasive debater and normally I cannot resist his arguments. But he is unable to persuade me to support this Bill whole-heartedly. I think, nobody can if he is aware of the serious handicaps besetting higher education in the country.

From 27 in 1951, the number of Universities has gone upto 140. Some of us delude ourselves and think that this increased number represents a signal achievement in the field of higher education. Actually we have neither the teachers of adequate calibre to man our numerous universities, nor the adequate financial resources to develop them properly.

As to teachers, we must not permit ourselves to be misled by a myriad of fake processors in which the Indian educational world has come to abound. Just as every holder of honorary degree of degrees is calling himself a doctor in this country, every teacher, whether he is a tutor, a lecturer or a reader, has chosen to call himself a professor, whatever his rank in the academic hierarchy. So, we think that we are rich so far as professors are concerned, but we are quite mistaken.

About the finances, set apart by the Education Ministry for distribution among various universities of the country and colleges through the UGC, the less said the better. Every State university feels aggrieved because it does not get adequate grants for development. UGC itself is a beleaguered institution, the State universities crowding round it and the Education Ministry being unable to meet its demands.

We have been admitting for many years that we have been permitting undue proliferation of universities and colleges and have been resolving all these years that further proliferation must stop. In actual fact, every year witnesses establishment of new universities and colleges. Today, more than half a dozen universities are awaiting recognition at the hands of the UGC, for Central grants. And here we are rapidly adding to the number of Central universities which, even with their existing strength, are swallowing the bulk of the funds which the UGC gets for distribution among all the universities of the country.

One would not mind the Centre bearing the cost of maintaining a few universities if they were performing any national tasks, if they were centres of excellence, if they were page-setters for State universities. But the Central universities are no better than many

[Shri Hardwari Lal]

State universities. How, for example, is Delhi better than Madras ?

To know the truth about the actual working of the Central universities, we have to refer to the Report of the Committee appointed by the UGC to enquire into the working of the Central universities. In the matter of catering to the needs of the country with regard to higher education, none of the seven central universities is a national institution. Two of them, North Eastern Hill University and Hyderabad University are frankly local institutions, being financed by the Centre, as a result of conscious political decisions. But the other universities which the Centre is financing, are supposed to be national institutions.

Let us start with Banaras Hindu University. In late sixties, there was a committee appointed by the UGC to enquire into the working of this university and that committee said that it is anything but a national institution. The Education Ministry called a meeting of Vice-Chancellors and Education Ministers, and they also thought that the Centre should finance the universities if they performed any national task. It is the same with regard to Aligarh University. The admission policies followed by this University have not been conducive to the maintenance of an all-India character. As regards teaching staff, about 70 per cent of the staff in the case of Banaras University and 81 per cent of the staff in that of Aligarh University is from U. P.

Delhi University has a special position. But the rules of admission restrict the intake of students in post-graduate courses, to its own graduates. In the matter of teaching staff, 40 per cent of it belongs to Delhi, and 82 per cent of the posts of professors and 77 per cent of Readers are filled by internal candidates. This has come to be termed as in-breeding. So, even Delhi cannot claim for itself an all-India character.

About Visva Bharati, the less said the better. The university is actively striving to develop on the lines of traditional universities. 82 per cent of the students are from West Bengal and 80 per cent of the teaching staff also belongs to West Bengal. I submit that Gurudev's soul must be writhing in pain

at all this. He wanted it to be an all-India institution.

Even J.N.U. has to review its admission policy to ensure an all-India character of the student population.

In short, none of the Central universities has an all-India character. I won't quote from the Report because the time is very short, otherwise the Report of the Committee appointed by UGC is very very revealing.

Now I ask one question from the hon. Education Minister. What will the new university—the Pondicherry University—be like ?

A local or regional institution or an institution of national importance; and if the latter, how do we guard against the university being reduced to a local affair ? I have seen the objects of the University as given in the Bill and also as given in Clause 6 of the Bill which mentions the establishment of schools.

Now, so far as integrated courses and interdisciplinary studies are concerned, it is all new terminology being pressed in service to draft the Acts of every new university. Those to whom it falls to operate these Acts, the new terminology means nothing. They are never serious about it at all.

Another significant feature claimed for the new university will be 'special provision for studies in French.' Now, surely, you don't need to establish a university to arrange for studies in French.

Madras university could well be entrusted with the job. In fact, so many of our universities are running diploma course in French. These could be strengthened.

Clause 6 mentions the establishment of schools. One is Tamil school. You already have a Tamil University at Thanjavur. The sole object of it is to promote the study of Tamil and its literature.

I shall read out the Preamble of the Act of that University. It is very revealing.

"An Act to provide for the establishment and incorporation of Tamil University at Thanjavur;

Whereas it is expedient that University should be formed exclusively for the Tamil language which has a glorious and ancient literary and cultural..."

"tradition and heritage and whose contribution in the areas of Prose, Poetry, Drama, Dance, Sculpture, Paintings, Medicines, Philosophy and other allied areas is far more extensive than has been realised by the Indian Scholars till today;

And whereas it is desirable to establish a University of unitary and residential type for furthering the advancement of learning and prosecution of research in Tamil;

Be it enacted by the legislature of the State of Tamil Nadu in the Thirty-third year of the Republic of India."

Now, there is a whole university catering to the promotion of Tamil. As to the second school, it is going to be for study in Eastern and Western thought. The whole thing is intriguing. What studies? Studies of the religious and meta-physical thought of the East and of the West or studies in the oriental and occidental political thought? Now, there is nothing much to study as regards the former, so far as it relates to the West.

So far as comparative political thought is concerned, all the existing universities have arrangements for its study and you don't need a new university to study it. If you have money to spare, strengthen the departments of political sciences of a couple of universities, which can be selected for advanced studies of the subject. The UGC already does it with regard to certain subjects.

As to the creation of environments conducive to study and scholarship, the less said the better. Central Universities are known more for turbulence, attacks on teachers, rustication of students, than for cultivation of intellects or performance of any national tasks. That everybody knows.

According to the UGC committee's report, Central universities are in a state of perpetual crisis.

Then the relationship of the Central Universities with the UGC is emerging as a problem, not in the matter of finances alone, but even as regards academic guidance. Assured of funds, these universities are turning contumacious. One should have thought that while putting up a new university to be financed by the UGC, the role of the

UGC in relationship to it will be clearly defined. But there is no such definition in the Bill.

Sir, I wonder if UGC has been consulted at all in regard to the establishment of this university. There has been the question of the Vice Chancellors' appointment. This also should be looked into. The problem of higher education in the country must be looked into in the context of the situation obtaining in the country as a whole.

Now you are giving a Central University to Assam; the Prime Minister has already promised that. A campus of NEHU at Cachar has also been promised. You are setting up an expensive Open University. Only the other day the Education Minister piloted the Bill. You are seriously mooting the taking over of the Calcutta University. We see that in the papers every day. There is the plan for the universalisation of elementary education. You want every adult to become literate. I myself would advocate the establishment of one Central University in every State. But where is the money for all these ventures? That is the main point.

Sir, a Central University is to be established due to a variety of reason; there may be national interest to be served or political expediency. It should be made clear just as it was made clear in the case of NEHU. If it is a regional thing it is all right. But if it is national institution then we should be enlightened about it. Quite clearly the proposed university will not perform any national task. Is it then the Finance Minister's case that 'Political expediency' or 'the need of a Union Territory warrants the establishment of a University at Pondicherry posing this question I resume my seat.

SHRI SURESH KURUP (Kottayam):
Mr. Chairman, Sir, there was a long-felt necessity to have in Pondicherry. I wholeheartedly welcome this Bill. I would also like to mention that this is the first of its kind in the South of the Vindayas. Sir, any University anywhere in India is welcome.

Only a very few percentage of our schools boys and children go to higher education. And even for that number there are adequate facilities for higher education,

[Shri Suresh Kurup]

A very serious debate is going on in our academic community regarding how universities and centres of learning should function.

I would like to point out that in this Bill, there is no mention about how the officers of the university are to be appointed and how elected bodies should be formed, that is, the Executive Council, Academic Council and such important bodies of the university. The university Grants Commission is supposed to control higher education in this country; its important functionaries regularly air the view that 'there is no need of an elected body and elected academic council or any form of elected bodies in the universities'. Now, the argument which they put forward is that all these elected bodies make the University

17.00 hrs.

politicalised as if a nominated body will function without any influence of politics. I do not know what is their concept about politics. In our State we are proud that the University Board is in our State except the new University. Both the Universities in our State are functioning democratically including the students' representation in the Syndicate. I think the two Universities in Kerala, the University of Trivandrum and the University of Calicut, are the only two universities which allow representatives of students in the Syndicate the highest body of the University.

SHRI SAIFUDDIN CHOWDHARY :
How are they running ?

SHRI SURESH KURUP : They are running as democratically as any other Universities in the country.

SHRI SAIFUDDIN CHOWDHARY :
What about their performance ?

SHRI SURESH KURUP : Their performance also is very good.

SHRI SAIFUDDIN CHOWDHARY :
That is very bad.

SHRI SURESH KURUP : What I would like to mention to the Minister through you, Sir, is that the Minister should give a categorical assurance that this new

University will be functioning democratically and I would also like to have his opinion about the views of the UGC that there should not be an elected students' body. Already there is a provision in this Act that students' union should be formed, that is left to the discretion of the Executive Council and all that. Here also I would like to stress that a students' body should be formed and it should be an elected body. Because of the students, the teaching community and all other democratic sections in the country, I would request the Minister through you, Sir, that this proposed University should have democratically functioning bodies and that is one important point that I would like to mention.

The second thing is about the name of the University. Sir, you know, the idea of this University was sprouted in 1972 when the Birth Centenary of Shri Aurobindo was celebrated. Generally, people were under the impression that if a new University is going to be started in Pondicherry, it will be named after Shri Aurobindo, and as you know, the name of the great patriot, Subramania Bharati is also very much associated with Pondicherry. So, why not the Government name this University after Sri Aurobindo-Bharati ? *(Interruptions)* Let the people not be under the impression that the fight for freedom was conducted by only one family in the country. All those freedom fighters who gave their life and blood to the country should be properly honoured and it is quite natural that all the patriots in our country expect that when a new University is going to be started in Pondicherry, the very same place where Sri Aurobindo and Subramania Bharati lived, that should be named after them. I, therefore, suggest to the Minister that the new University should be named as Sri Aurobindo-Bharati University.

PROF. N. G. RANGA (Guntur) : Why not leave it to their Syndicate ?

SHRI SURESH KURUP : They cannot do. Why can't this august House do that ? We should show the way.

The two or three other minor things which I would like to mention here are that a teaching centre of the new University should be started in Mahe so that the people in Kerala can have an easy access to that

centre, students affiliated to the Calicut University can easily go to the centre that can be started in Mahe.

Another suggestion is that there should be facility for all higher studies in all the South Indian languages, that means, Telugu, Tamil, Malayalam and all other South Indian languages. There should be proper facilities.....

AN HON. MEMBER : Kannada.

SHRI SURESH KURUP : In Kannada also, there should be proper facility for higher studies.

One other suggestion is that it is mentioned that only teaching facilities will be from post graduation onwards. There should be teaching facility from Degree Class onwards. That is my suggestion.

I think the hon. Minister will consider all these important suggestions.

[Translation]

SHRI P. SHANMUGAM (Pondicherry): Mr. Chairman, Sir, I extend my whole-hearted support to Pondicherry University Bill, 1985.

The establishment of a Central University in the Union Territory of Pondicherry has been the long-felt need. The decision to set up such a University in Pondicherry was taken in 1974. It has taken 11 years for the Government to implement this decision. Though it has been inordinately delayed, the student community of Pondicherry Union Territory has universally acclaimed this step of the Government of India.

As a member elected from Pondicherry Union Territory I know the problems of student community. The Union Territory of Pondicherry is spread over three States—Tamil Nadu, Andhra Pradesh and Kerala. The students were to seek admissions in University of Madras, University of Calicut and Andhra University, Waltair. The students had to go to these places in Karala, Tamil Nadu and Andhra Pradesh. They had to meet heavy expenditure in pursuing their studies. Many times they were not getting

seats also in these Universities. Now their problems have been resolved by the setting up of this University in Pondicherry. I am also happy to note that the jurisdiction of Pondicherry Central University will be extended to the Union Territories of Andaman and Nicobar Islands and Lakshadweep. The students of these Union Territories are also beholden to the Education Minister for extending facilities for them in this University. I would like to inform the Education Minister that Pondicherry Union Territory is a backward territory with no job opportunities. The hon. Minister of Education should ensure that job-oriented courses are introduced in this University. Then only the students will be able to derive maximum benefit from the University.

The Committee set up in 1974 had estimated a non-recurring cost of Rs. 8 crores spread over a period of ten years, and recurring cost of Rs. 2.2 crores over a period of five years for the establishment of the University. Now it is 1985. The Bill provides for Rs. 15 crores on non-recurring items spread over a period of ten years and Rs. 3 crores on recurring items for five years. Sir, the prices have soared six times and more in 1985 as compared to 1974. Naturally the provision that has been made is insignificant. I should say that a realistic picture of cost escalation has not been taken into account while providing this sum. I need not tell much about this because our Education Minister is a talented and capable Minister. I request him to provide Rs. 30 crores on non-recurring items spread over a period of ten years and Rs. 5 crores on recurring items for five years. I make this suggestion because the paucity of funds should not stand in the way of setting up this University. Already it has been delayed by 11 years.

The expenditure will be met by the University Grants Commission from its plan allocation. This means that the U.G.C. will provide funds from its 7th Five Year Plan allocation, as sixth Five Year Plan is already over. The Seventh Five Year Plan has not yet been approved by the National Development Council. In other words, there is likely to be delay in the allocation of funds by the U.G.C. for Pondicherry University. I take this opportunity to suggest that the students

* The speech was originally delivered in Tamil.

[Shri P. Shanmugam]

of Pondicherry Union Territory will not have patience to wait any longer. It must be ensured that immediately the U.G.C. allocates some *ad hoc* money for the setting up of this University. The U.G.C or the Central Government should give advance Plan assistance to the setting up Central University in Pondicherry. Then only further delay can be averted. I am sure that the hon. Minister of Education will look into this and do the needful.

Before I conclude I would also suggest that all the South Indian languages should be given a place of honour in post-graduate teaching in Pondicherry University.

With these words I once again welcome this Bill and conclude my speech.

[English]

SHRI SHANTARAM NAIK (Panaji) : Sir, several universities have been established in this country on the same pattern. My suggestion is that in future at least, every University has to be a distinct University from the other. If you look at the Act of any University, you will find the same pattern namely, Chancellor, Vice-Chancellor, Visitor, Statutes, Ordinances, rules and regulations. This is the normal pattern.

MR. DEPUTY SPEAKER : Yesterday we discussed about Open University.

There is no Chancellor. There is only Vice-Chancellor.

SHRI SHANTARAM NAIK : The same pattern except Visitors has been added in some of the Universities. I am speaking from my own experience. Recently we have opened one University in Goa, hardly three months back. Initially we do not get the grants. We just open the University in some premises. The Goa University has been opened in a small premises in the Medical College complex. They were able to give us some rooms and there, it has been opened with a skeleton staff of Vice-Chancellor and one engineer. On the day when the University was opened, the entire University consisted of one Vice-Chancellor and one engineer in charge of the proposed building, and both of them were moving in the complex of

the Medical College; they constituted the University. When some students wanted to enquire about courses, etc., there was nobody to tell them. This problem can be solved, as has been suggested by my friend, Mr. Shanmugham, if in advance some grants are provided by the UGC. (Interruptions) The UGC rules say, "Show us the building and a bank account of Rs. 2 crores; then only we will finance you". Initially the UGC does not finance us. Therefore, I agree with the suggestion made by my colleague that some grants at the outset should be given by the UGC.

Also the Universities that we establish must be distinct Universities. In Goa we have a distinct University. In Goa University, subjects like environment, marine science and allied subjects are going to be introduced. Similarly you have to look into this aspect of subjects which are suitable to Pondicherry. Therefore, the UGC and the other concerned authorities will have to lay a special stress on subjects.

Secondly, the same pattern of Statute should not be there everywhere. Even in the Central Act and other Acts, we have the Act, rules, etc. In an institution like University, you have various types of rules. There is an Act, there are rules, then you have Ordinances, then you have, what are known as, Statutes. These internal legislations overlap and, therefore, there is scope for conflicts. Most of the time Statutes and Ordinances conflict with each other. An Ordinance is supposed to be of a temporary nature. But what are the items covered under that? Substantial questions of academic interest are covered under Ordinances. Let us see these items. Admission of students—it is all right. Then, the courses of study to be laid down for degrees, diplomas, certificates, etc., the medium of instruction and examination, the award of degrees, the fees to be charged, the conditions for the award of fellowship the conduct of examinations, including the term of office and of appointment and the duties of examining bodies, examiners and moderators, the conditions of residence of the students of the University, etc., etc.—these are things which have to be covered under a substantial statute to be enacted by the Executive Council. These are not things to be left for 'Ordinances'. There should be only one subsidiary legislation, apart from the Act. You

may call it anything. But there should be only one and not four things like Ordinances, regulations, rules, etc.

Then I would say that you have to create the necessary atmosphere outside also. A little while ago, we had discussed the Bill, the Narcotic Drugs and Psychotropic Substances Bill. If Universities are to be kept clean, the disciplinary powers of the authorities have to be revised. Unless they are made strong with some deterrent punishment—of course, after giving them all sorts of opportunities—a clean atmosphere in the university campus cannot be created. At the same time Government must also have strong legislations for controlling their activities outside the campus. If Government controls the students' activities outside the campus by strong legislations, then the atmosphere inside the campus will be clean. I therefore, humbly submit that—at the end I have given one amendment which will come up when we go to clause-by-clause adoption—we are establishing a university for the people of the union territory of Pondicherry. When we establish a university for Pondicherry, we owe some duty towards the people of Pondicherry. The admissions are open to all the people in Pondicherry. The relevant clause provides for some reservations for ST and SC and weaker sections, it can be there. But should there not be some reservation or some quota for the students of Pondicherry themselves? What will be the fate of the students if people from other universities also go there? What will happen when everywhere people apply to go to Pondicherry. When we are establishing a university for the people of Pondicherry there must be some reservation for the small section of people of Pondicherry. It may be 40% or 50% whatever it is, but there must be some quota.

I have moved an amendment and hope that you accept that.

SHRI V. S. KRISHNA IYER (Bangalore South): Mr. Deputy Speaker, Sir. I welcome this Bill. Sir, this was long overdue. This has been awaited since 1971, the birth centenary of the great saint Sri Aurobindo.

In this connection I would like to make a few suggestions. Whenever a new university is opened, the UGC must make sure

that it gives grant to that university. Because under the present set up, the States have got powers to have any number of universities. They start the universities in anticipation of the grant by the UGC; but unfortunately it has happened in so many instances that the UGC has not been able to give the grant for indefinite period. E.g. in our own State of Karnataka, for two of the universities—Gulbarga and Mangalore Universities—which were started about five years ago, till this date, have not been given a single pie. The State Government has spent nearly Rs. 16 crores over these universities. So, no university should be started without the approval of the UGC, unless you make sure about that. Otherwise they will meet the same fate of Gulbarga and Mangalore universities. Of course, I am happy that the Education Minister and our State Education Minister have sorted out the issue and both the universities will be recognised very soon.

So, Sir from the start itself UGC must be able to finance the universities. The Pondicherry University about which we are discussing now, is a central university. I am happy that it will lay stress on imparting education for post graduation and leaving the under-graduate courses for the affiliated colleges—that is very necessary.

Another point is that here a special study for the French courses is also made. As you know, Pondicherry has its own culture. Another feature is that a school for the eastern and western thought to commemorate the great saint Aurobindo and another School for development of Tamil Language in the name of the Tamil saint great Subramanya Bharati is being started. In this connection I would like to endorse the opinion given by my esteemed colleague Shri Suresh Kurup that it would be very appropriate that a university is named after these two great persons who have not only contributed in the field of education, but also they have contributed a lot for the freedom of our country. They inspired the freedom movement in our country in those days. So it is very appropriate.

Just a few minutes ago, the hon. Minister spoke so high about great Aurobindo.

I would like the hon. Minister to explain during his reply whether this Bill fits in with

[Shri V. S. Krishna Iyer]

the new education policy announced through the Education Report and which is now being kept open for national debate.

I am happy that when I went to my constituency the other day, the educationists there were extremely happy that a revolutionary change is being made in the field of education. They also wanted copies of the detailed report of the education made available to the public. But unfortunately even for the Members it is not made available. So, I request the hon. Minister to make it available.

SHRI K. C. PANT : All of you will get it.

SHRI V. S. KRISHNA IYER : We find that a practical approach has been made in the field of education delinking degrees from jobs and introduction of aptitude test for entry into Degree course and thrust will be on Vocational Education. All this really deserves to be encouraged. People have welcomed it. I went to know from the hon. Minister whether this Bill fits into with the latest objectives of the Government of India in this matter.

I would like to say that Central universities must be a model for the State universities. I am sorry to say that it has not been so. The condition of many Central universities is worse than that of several State universities. It is very necessary that they should be a model for the other universities. Further you should protect the autonomy of the University at all cost. The essence the functioning of the University lies in the autonomy given to the University. Government should not interfere with the affairs of the university.

In this Bill I find that there is one spoke between the Visitor and the Vice-Chancellor, namely, Chancellor. In the State universities we do not have this procedure. In the Bill you have mentioned that Chancellor will preside over the convocation. What are the powers of the Chancellor? Why do you want one more spoke? There is no need because Visitor is there. Visitor can preside over the convocation. The entire executive power is vested with the Vice-Chancellor. I request the hon. Minister to explain it.

In our State and other States all the bodies of the University are elected bodies. Here it has been mentioned that the statutes will decide about the mode of selection of members of these university bodies. Majority of the members should be elected members. I find in one of the bodies, namely, planning body six members are to be nominated by the Vice-Chancellor from among the members of academic council. It is wrong. It should be left to the Academic Council. They should be no nomination at all. This nomination element should be the least in the universities.

With regard to the Ordinances the first Ordinance will be made by the Central Government on the recommendation of the Vice-Chancellor. The first Ordinance should be approved by the Visitor instead of the Central Government. You should not bring the Government in the picture. I know it is the Government which provides funds but the Government should interfere least in the University affairs.

Sir, what is important today is maintenance of discipline in the universities. In every university we find there is lot of indiscipline. We should find the reasons for this indiscipline. It may be because of our moral values having got eroded. At the time of Mahatma Gandhi we attached importance to morality and principles even in politics. Unfortunately, today our national character is at its west ebb. So, special attention must be given to education based on national integration and moral values. For this necessary provision should be made. So, with these words, I commend and welcome this Bill. This Bill also looks like any other University Bill. Each University must have a distinct character. I hope the hon. Minister will take note of all my suggestions.

[Translation]

SHRI ZAINUL BASHER (Ghazipur) : Mr. Deputy Speaker, Sir, I rise to support the Bill on opening of a Central University in Pondicherry. I welcome it.

Since the present Government came to power it has been observed that the Education Ministry is also active now. The hon. Education Minister has got many Bills passed in this august House. The Indira Gandhi

Open University Bill has already been passed and the Bill regarding opening of a Central University in Pondicherry is being passed. The question of a complete change in the education system itself has been raised and we hope that under the leadership of our hon. Education Minister we can expect to bring about wide reforms.

Mr. Deputy Speaker, Sir, just now some hon. Members pointed out that the condition of the Central Universities is worse than the State Universities. I do not agree with this contention. Though the Central Universities may not have achieved the standard it ought to have yet they are much better than the State Universities in many respects. The way the qualified and brilliant students from far and wide compete to get admission in Central Universities like Delhi University, JNU, Banaras Hindu University and Aligarh Muslim University is in itself a proof of the fact that the standard of education and discipline is definitely far better than in many of the State Universities. When the modern education was introduced in our country and Universities were set up, since that time the standard of education in our Universities used to be very high. Some of the Universities were not only famous within country but abroad as well. The Calcutta, Allahabad, Madras and Bombay Universities were some of the Universities which were famous even abroad. All these Universities are closely associated with the history of modern education in India. Without these Universities, we cannot even imagine about the development of modern education in India, but unfortunately we have not been able to accord them the status of Central University. It is very unfortunate that the States were asked to look after these great Universities. The State Governments look after many Universities and it is impossible for them to give priority and allocate more funds to one university and neglect the other university. The University Grants Commission gives grants to the Central Universities, but it provides partial assistance to the State Universities. In the present circumstances the standard of education and discipline is fast deteriorating in these great universities which we have inherited as national legacy. We come across the situation prevailing in Calcutta University through the reports in daily newspapers. The same is the situation in Allahabad University. The standard in Madras Univer-

sity is slightly better but it is not very good as compared to Delhi University. Therefore, it is need of the hour today that the Calcutta, Allahabad, Bombay and Madras Universities be declared as universities of national importance and these should be immediately accorded the status of Central University.

I thought it proper to speak on this Bill, because I wanted to emphasize and appeal that the standard of these universities, which are part of our national heritage and which are closely associated with advancement of modern education in India should not be allowed to deteriorate. These are the universities which have given us great people in all walks of life whether it is politics, social work, administration or education. Eminent personalities, scientists, scholars and administrators are the products of these universities. These universities showered on them the mantle of greatness. The India of today is proud of these eminent personalities who were product of these universities.

But it is very unfortunate that their standard is fast deteriorating because of paucity of funds and negligence on the part of the Government. Therefore, with all the power at my command, I would like to appeal to the hon. Education Minister to introduce a Bill which may declare Calcutta, Allahabad, Bombay and Madras Universities as Central Universities so that they may make progress.

AN HON. MEMBER : Why have you left out the Patna University.

SHRI ZAINUL BASHER: These universities are our heritage. If you speak of Patna University why do not you speak of the other universities? (*Interruptions*) I would request the Members of CPM party to allow the Calcutta University to become a Central University. Do not bring in politics in this matter. This university has given a new lease of life to Bengal. It has given eminent personalities to Bengal. Dr. Radhakrishnan and Dr. Rajendra Prasad are the products of this university. If I go on counting the names, there will be no end to it.

These great universities are our legacy. We should not hand them over to the States. Therefore, I would request you to introduce a Bill which may confer the status of Central Universities on the Calcutta, Madras,

[Shri Zainul Basher]

Bombay and Allahabad Universities. I believe that everyone in the country will welcome this and it would help in the propagation of modern education in a better way.

[English]

SHRI A. E. T. BARROW (Nominated Anglo-India) : Mr. Deputy-Speaker, Sir, the position that I take is that I am not against the introduction of this Bill, as there is increasing pressure on the number of under graduates, on the number of persons entering the Universities, and that in spite of our intentions to delink jobs from the degrees, this will continue for many years.

But, I must express my grave disappointment that it is another stereo-typed measure copied from previous Acts, and that no provisions have been included to ensure that we are not going to produce more and more graduates of poorer and poorer quality. Not provision has been made to ensure that there will be no deterioration in standards.

The Prime Minister has announced that there will be another Central University in Assam.

I think, this was the proper time for the Minister to look to the deficiencies in the other University Acts and bring forward a model Bill, so that the other Acts can be amended and the deficiencies removed.

This was also an occasion for the Minister to have examined the aims and objectives of the Central Universities and to give a new direction to these objectives and aims. The original objective of the Central Universities was to be reflected in admissions, appointments on an all-India basis and on the nature of their courses. The Central Universities have failed in the matter of their admissions. I have no doubt that the opening of these Central Universities in other areas will take care of this, so that the admissions of local persons into the Central Universities will be there. But in the matter of courses, there is no uniformity at all and in the matter of standards, these vary from one central university to another.

The new direction should be that such Central Universities will concentrate on

making local admissions, but in doing this, the Central Universities should recruit their staff on an all-India basis and at the first degree level, not at the research and post-graduate level, there should be uniform courses in all these universities, there must be uniform courses in all our Central Universities. There should also be uniform standards set in the examinations. It is, these two things, uniform courses and uniformly high standards that will make our Central Universities model universities in the areas in which they are situated. This should be our aim, that these universities will be model universities in the areas in which they are located.

I want to focus my attention on the omission in this Act and in the Acts of other Central Universities, on the relationship between the University Grants Commission and these central universities. This relationship has not been brought out and made explicit in this Act. The University Grants Commission Act makes it clear that the UGC is responsible for the determination, maintenance improvement of standards of university education and research. Now, there should be no misunderstanding or misconception that because the universities are autonomous, they are not subject to regulation in academic matters. This should be made clear in the Act and therefore I have moved an amendment asking that before courses are prescribed in a university they should and must have the concurrence of the University Grants Commission and in this way we will ensure that our Central Universities have uniform courses. I want to make it clear that there should be no element of doubt in the universities that the University Grants Commission has the legal authority to control and also to regulate their academic work and that they have the right to control and prescribe the qualifications of their staff.

As I see it, the present deterioration in our standards is because of our kept teaching in the universities. I believe this is because at one time, after trying to enter, what was the old Indian Civil Service, persons after leaving university, went in for university teaching, but they try Industry, they go for commerce, Engineering and Medicine and then lastly they enter the teaching profession. But Sir, I believe that even with this poor quality of the persons in the teaching profession and their will, 'not to teach properly',

we can still bring uniformity in our central universities and here I would ask the Minister to kindly pay heed to to me in this matter. We should have a Central Body for examining of central universities. There should be a body under the University Grants Commission which will undertake the examination, at the first degree level of all our Central Universities, so that we will produce persons of high quality and of a uniform quality in each area. This can only be done by having a Central Examining Body. Delhi University, at present, is having great difficulty in conducting all its examinations. There is no uniformity in examination. Delhi University examines at the end of the first year, it examines at the end of the second year and it examines at the end of the third years. Other Central Universities do not follow this system. If we have an examining body which examines uniformly at the end of each years, I think then we will be able to have uniformity. This should be done at the first degree level. As regards the post-graduate and research work each university must carry out its own programmes. But at the first degree level, we should have uniform courses in the humanities, uniform courses in Economics, Commerce and Science and then we should have a uniform examination. Then and then only, Sir, we will be able to have uniformly high standards in our Central Universities they can then become centres of academic excellence, and models for the regional universities.

The University Grants Commission should also be given its proper role in deciding the question of prescribing salaries, increments and allowances. Universities and colleges should not be allowed to increase their scales and their allowances and complicate the already confused financial position, as far as education is concerned.

I want to draw the attention of the Minister to Clauses 21 and 22 of the Bill with regard to membership of the Executive Council and Academic Council. I am against the principle of elections to the Academic Councils and to the Executive Councils. I am against this and I am against students being on the Executive council. Where teachers are concerned, if they are to be on these bodies, they should come on by a system of rotation. Where students are concerned, they should be on selected merit. I do not think that students should be on

the executive body where the staff are discussed and where examiners are appointed.

Finally, I think that the Court of the university is an anachronism in this day and age and the court should be abolished. This Parliament is responsible for the funds which it gives to the University. The Court was a mechanism in the old days, by which you had a forum where persons from outside were associated and the view of the public could be gauged in determining the policies of the university. The reports of the University and the accounts of the University have to be placed before this Body Parliament and I think, it is the best form for determining the policies and the direction of the University. I think that the Court should be abolished.

With these words, I will say once again that I am not against this Bill.

17.44 hrs.

LOKPAL BILL

[English]

Re : Motion for reference to Joint Committee

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : In the Motion for referring the Lokpal Bill to the Joint Committee of the Houses, the name of Shri H. R. Bhardwaj who is a member of the Rajya Sabha has been inadvertently mentioned. It is therefore submitted that his name be substituted by Shri K. P. Unnikrishnan.

MR. DEPUTY SPEAKER : I hope the House will agree to it.

SOME HON. MEMBERS. : Yes. We welcome it.

PONDICHERRY UNIVERSITY BILL —Contd.

[English]

MR. DEPUTY SPEAKER : Now Dr. Rajhans.

[Translation]

DR. G. S. RAJHANS (Jhanjarpur) : Ms. Deputy Speaker, Sir, while discussing

[Dr. G. S. Rajhans]

the Pondicherry University Bill, our attention is automatically drawn to the new education policy which has been placed before the House by the hon. Education Minister just now. Though all the hon. Members have not received the copy of that report, yet I have secretly gone through it. When that report comes before all of us, you would find that the report contains quite a few interesting things.

It has been started therein that there are many such universities where there are no education activities. The hon. Minister will correct me if I have said anything wrong. There are many universities where the Vice-Chancellor is prisoner in the hands of others and nobody is bothered about studies. One group vies with another to bring the functioning of the university to a grinding halt. The group which can do this for a maximum number of days is hailed a lot. An hon. Member has rightly pointed out that there is competition among the university lecturers and all of them call themselves professors, even though they are teaching or lecturers or readers. Sir, though a detailed discussion on the subject will be held during the next session, I would like to request you that now it is the opportune time to perform surgery on university education which has become rotten.

My friend, Shri Kurup while expressing his views, has said that one should not have allergy against politics. What is politics and why should politics not be allowed to enter the education system. Elected representatives of the people should be associated with Academic Council, Senate or Syndicate etc. But I would like to tell him the meaning of politics as it is understood in Uttar Pradesh, Bihar and Northern India. Perhaps he does not know as to what is the meaning of politics there. When one uses the word 'politics' in Bihar and Uttar Pradesh, people say—

[English]

"Don't do politics with me." That means "don't ditch me."

[Translation]

I would, therefore, appeal to you to keep the politicians away from the universities

and do not allow politics of any kind in the universities for God's sake.

As has been said in Pondicherry University Bill, the task of setting up Pondicherry University was thought as early as 1971 but it took more than 14 years before it could be completed. If we say that it could not be set up due to the paucity of funds, none will believe it. The Bill further states that more attention will be paid on French Language which will be taught as a subject at the university. I think that French is spoken by large number of people in Pondicherry and that is why you want that more emphasis should be laid on the study of French in Pondicherry University, but it is not proper. Along with French, stress should also be laid on the study of other South Indian Languages like Tamil, Telugu, Malayalam etc. I would not speak in favour of Hindi lest I may be misunderstood. If Hindi is also introduced as a subject of study, there is nothing like that.

At one place in the Bill, it has been indicated that more attention will be paid on Inter-disciplinary study and research in Pondicherry University. Our friend, Shri Hardwari Lal has well said that this word Inter-disciplinary teaching has come from America and most of the people in our country do not know what it means, may be, some may understand it. If this method is adopted in the real sense of the term the country can make progress. When I spoke on the Open University Bill I had pointed out that a student of economics should get an opportunity to study Engineering subjects and similarly an Engineering student should be allowed to study Statistics and Medical Science.

On page 3 of this Bill it has been stated that teachers from other universities will be appointed for a specified period. But from my personal experience I would like to say that a Lecturer who is not able to get promotion as Professor or Reader in his own University goes on promotion as a Reader in other University for a specific period of 2 or 3 years, but what actually happens in such a situation is that he manipulates to stay there for a longer period and when he returns to his previous post he demands that as he had gained enough experience of a Reader he should be given a Reader's post. A person

who cannot become a Reader in his own university, manipulates his way to promotion in this manner.

Mr. Deputy Speaker, Sir, the provision you have made in it about donation is very dangerous. You should make it an academic university. To provide for donation is not proper. Since you have rung the bell, Sir, in conclusion, I would submit that you may make this Pondicherry University an academic university. Make it a University which may prove to be a model university for the entire country and let this University of Shri Aurobindo prove itself an ideal university.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, I have to say something basically about the education. More than 70 per cent population of the country lives in villages to whom basic education is imparted in the primary schools where neither chalks nor blackboards are available. Nor have they any *tat-pattis* to sit on. The children who come to schools are hungry and poor. If it is raining, the schools are closed and if it is too hot, even then schools are closed. In winter also when there is too much cold, the schools are closed. This is the condition of our villages in our country. I would like to say to the Hon. Education Minister that requisite funds are not being spent on the primary education. Of the total education Budget, only 35 to 40 per cent is being spent on the primary and secondary education. 60 per cent of the Education Budget is being spent on University education and higher education. The result is that thousands of degree-holders are coming out every year from the Indian Universities and roaming jobless, knocking at the employment exchanges but without success. On the other hand, the children of the labourers etc. whom we should provide education are not getting even primary education; they are being deprived of even primary education. You are spending on the education more in urban areas and less in rural areas. From the Report of the Kothari Commission on Primary and Secondary Education we observe that there are schools where there is a single teacher for 200 students. The result is that if the teacher comes, school is opened, otherwise school remains closed.

I would also like to know from the hon. Education Minister as to what is being done

in the Seventh Five Year Plan about the New Education Policy. You are going to establish an Open University in Delhi. There is one in Hyderabad. Kindly tell us what is your policy about education ?

[English]

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : I do not know any university in India where primary education is given.

MR. DEPUTY SPEAKER : He is insisting that instead of spending so much on higher education, more should be spent on primary education.

[Translation]

SHRI C. JANGA REDDY : I would like to submit to the hon. Minister that for all the new schools you are going to open in the Seventh Five Year Plan, the States will be dependant on the Centre for them and the funds you are spending in urban areas are proportionately more. More money should be spent on primary education. Where population is more, how can a single teacher teach 200 children.

About university education it was stated just now that by imposing conditions of inter-discipline you are enacting this law. We should think about the discipline and other aspects at university level.

In Hyderabad, a Central University has been opened but no college has been attached to it. It is located in an area of about one thousand acres of land but what is the number of the students in it ? Not more than 500. The grant being given by UGC should be properly utilised.

The Education Ministers of the Southern States, in a meeting, said that the money being spent on Southern Universities is less than the money being spent on Uttar Pradesh or North Indian Universities. What is the reason for this ? Matching grants for Southern Universities is less. For this they have demanded a separate UGC. Their demand is not proper. I object to that demand.

The UGC whose HQs are in Delhi should ensure that it gives equal grants to

[Shri C. Janga Reddy]

the Northern and Southern Universities. It should not think on the lines of South and North. Telugu Desam friends are demanding a separate UGC for South India and pleading with the Central Government for it. I lodge my strong protest against such a demand. There should not be a separate U.G.C. for South India but the Southern Universities should get the amount equal to the Northern Universities.

I had told the hon. Education Minister that UGC Chairman was to go to the Convocation of the Kakatia University but she did not attend the function as the State Government did not spend the required amount. Its matching grant is also not being released.

I want to submit that in South there are certain residential universities like the Nagarjuna University and Kakatia University. They should have some colleges also. There is a University in Hyderabad but without affiliation of colleges and without its own colleges. Only research work is being done there. It is not going to be beneficial in any way. My request is that the University you are going to open in Hyderabad or Pondicherry should have colleges also. By merely appointing certain professors, readers and talented persons, you are not going to achieve anything. I request that the Central Government should also open colleges there.

You are doing research on certain new subjects in every University. For them separate schools should be opened. Just now my friend said that in the States the Universities are of better standard or the Central Universities are of better standard. I do not want to go into the dispute as to whether the universities in the States are better or the Universities in the Centre but this much I know that there are two universities in Delhi. One is Jawahar Lal Nehru University where Smt. Indira Gandhi had gone for convocation some 2 or 3 years back but when the students there shouted slogans against her she came back. The tendency developing in this University should be curbed promptly.

Many students study in the J. N. University. It is a Marxist University. The students coming out of this University after completing their studies become Marxists.

People from South do not like their children to study in this University. You should, therefore, control all these things and take strict action in the matter.

With this request I conclude.

18.00 hrs.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Sir, I submit that the time of the House be extended till we pass this Bill.

MR. DEPUTY SPEAKER : I think the House will agree to this.

SOME HON. MEMBER : Yes.

AN HON. MEMBER : How much time it is likely to take ?

MR. DEPUTY SPEAKER : I think within another half-an-hour it will be over. Approximately I am telling. I request the other Members to be very brief and be to the point. Now Shri Sriballav Panigrahi.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Deputy Speaker, Sir, this is a very good piece of legislation and I welcome this Bill. In fact, the Government in the Education Ministry and particularly the Education Minister, deserve congratulation for having brought in two Bills within two-three days' time seeking establishment of two universities. One is Indira Gandhi National Open University and the other is this Pondicherry University. The genesis of this proposal traces back to 1971 when the nation was celebrating the centenary of Shri Aurobindo who was a great *rishi* in modern sense of the term. He was a real patriot, a great philosopher and a great educationist and a very dignified personality whose reputation is not confined to the boundaries of our country but is spread all over the world. His philosophy is a happy blending of the two philosophies, eastern and western. It is a welcome feature that under this university there will be a school for the study of eastern and western philosophies or thought which will be named after him. There are some good features in this Bill. It is rather

regrettable that Pondicherry, which was otherwise famous not only in India but in the whole world, is yet to have a university of its own. Its institutions were hitherto affiliated to three universities located in three different States—Calicut University in Kerala, Andhra University in Waltair in Andhra Pradesh and Madras University in Tamil Nadu.

There are certain special features in this Bill and those are the establishment of a school for study and development of Tamil language and literature and also for study of French language. I do not want to dwell at length on these things because of lack of time. There is a planning board contemplated for this university—generally we do not come across such organisations in other universities—to review the educational development from time to time, besides the academic institutions or bodies which are traditionally there in the universities. One thing which is disturbing and which has also been discussed in this House today is about the moral degradation of our students. There are now about 114 universities in the country. So many colleges are being opened every year in different parts of the country. They are really centres of learning and culture. They are supposed to become beacons of light to the society. But in actual practice what is happening? The conduct of some students is very much disturbing. More and more of them are becoming addicts to drugs as was noticed from the discussions in this House during the first hour of today. The figures are also being quoted. I do not want to take the valuable time of the hon. House by quoting the figures here. The main objective of our educational system, particularly the university education is to prepare the man worth the name. The development of all facets of the personality of a child was the highlight of Sri Aurobindo's own education policy, like Shri Tagore and Mahatma Gandhi, Shri Aurobindo was also an educationist. He had his own ideas and thinking about education. As you know he was a great rebel patriot. He was the first rebel patriot in India to give a call for complete independence of the country. He gave such a statement to the famous paper, LONDON TIMES, in those days in the month of September, 1906. But this rebel patriot withdrew subsequently from the freedom movement. According to him, freedom was inevitable and nobody

could check it. He felt that around 1947 India was bound to achieve independence, But what will happen after that? what will happen to the students to the youths, to the human race at large on which everything depends and to the society and the world at large? He was worried about that. That is why he was having his own system of education i.e. development of all facets of the personality of the child, be it physical, be it mental, be it spiritual or be it aesthetic. He took great care to see that with the development of all these aspects of the child's personality, he becomes a real instrument for the social and economic change in the years to come. As I said earlier, his idea was the blending of the Eastern and the Western thought and also a combination of spiritualism together with the scientific advancement. What a wonderful idea he had! We are proud of Sri Aurobindo.

It would have been better if this university would have been rightly named after Sri Aurobindo, who had envisaged an integrated system of education. Today also in this new university some highlight of this system of education should be emphasised. The emphasis should be on the integrated development of the personality of the child so that he does not become a disturbance to the society and to the parents. All this has happened because we have not changed our systems and policies after achieving independence. With slight modifications here and there we are continuing with the same old system.

What is important is not the establishment of universities and colleges. They are welcome being the temples of learning. For the successful implementation of democracy in the country we want to spread education. But what type of education? Is it the type of education that we are at present having or something else? Naturally the ideal type of education should be such as to develop the all round personality of the students to enable them, as the Prime Minister has said, to enter into the 21st Century successfully.

Sri Aurobindo believed in world Family Vasudeva Kutumbkam, and of course with India playing a leading role in it unless our children's personalities are developed properly and unless they become effective instruments in bringing about the desired changes things will become worse. So, the

[Shri Sriballav Panigrahi]

moral type of education is also to be emphasised. With moral education the spiritual side should also be taken care of. Education is not only importing the knowledge. It also imports moral values properly shape the students.

Now, the Status Report for a new education policy has been circulated for a debate. These facts should be emphasised in the new education policy.

With these words I support this Bill. I also congratulate the Hon. Education Minister and the Union Government for bringing forward Bills in the course of one or two days for the establishment of two universities.

SHRI VIJAY N. PATIL (Erandol) : Mr. Deputy Speaker, Sir, this Bill appears to be a stereo-typed Bill as Bills of other Central Universities, with two specialities, that these will be a School for Eastern and Western Thoughts in the name of late Shri Aurobindo and Subramania Bharati School for Tamil and other languages. There is also a provision for the appointment of Directors for Rural Reconstruction and other subjects.

I just want to give some suggestions. This Pondicherry University may be covering the areas of Andaman and Nicobar and even Lakshadweep. There is a provision for that. So, why not include other subjects also like Oceanography and advanced training in deep sea fishing so that it will be pertinent to that area and also be fulfilling the requirements of the coming generations ?

Now, Sir, some people have demanded that a separate UGC should be set up in Southern India. I would like to suggest that there can be a Zonal Office of the UGC either at Hyderabad or at Bangalore.

As far as the Academic Council and Executive Council and other bodies are concerned I do not agree with the proposal of my hon. friend from Kerala that there should be elections. I say this because bringing politics into universities may create lot of problems. So, the arrangements envisaged in the Bill for nominations are sufficient. Of course, I agree, the powers of the Vice Chancellors should be increased. Also, efforts should be made to see that

whatever amount is invested is used for real, proper training and education in that area and in the surrounding areas.

Sir, there was a suggestion from one hon. Member that there should be some reservation for local people. I also agree with that. I say this because students of merit from other areas might encroach in the Pondicherry university and the local people may be left out.

Then I would like to make one last suggestion and it is this :

In these Central Universities there should be some incentives to the students of the parents who adopt the small family norms. In Up, the Chief Minister has already declared some concessions and some incentives to Government servants who adopt the small family norms. Here also if we can give some concession for such of the students who have got only 2 real brothers or sisters, that is, whose parents have only three children, it will be of great help. In this Central University you can think of giving this concession to such children from small families. With this suggestion of mine I support the Bill although I have some reservations in my mind about the Bill, because, Open University would have covered the purpose of imparting higher education even to the people of Pondicherry, But even then as it is a remote area and you will be covering Andaman and Nicobar and also Lakshadweep, therefore, I support the Bill and I thank the Chair for giving me the time.

[Translation]

SHRI AZIZ QURESHI (Satna) : Mr. Deputy Speaker, Sir, I rise to support the Pondicherry University Bill and I would like to extend my special congratulations to the hon. Education Minister for incorporating a special provision regarding French studies as has been mentioned in the Statement of Objects and Reasons. He certainly deserves congratulations for this. I remember that at the time of merger of Pondicherry in Indian Union the then Prime Minister of India, Pandit Jawahar Lal Nehru had declared that ;

[Shri Aziz Qureshi]

[English]

"French culture and language in Pondicherry shall be preserved, protected and promoted."

[Translation]

I am happy that those words of Panditji seem to be translated into reality through this Bill.

[English]

'To be preserved, protected and promoted.'

[Translation]

In this Bill under Section 32, mention has been made of affiliated colleges. I would like to tell the hon. Education Minister that the Bills are presented by his Minister about the Universities on a routine proforma. I think the Bills are introduced here by merely changing the names. Now that we have a very dynamic and efficient Education Minister, I would like that you should direct your officers that they should change this routine and bring some radical changes and present a revolutionary point of view before the society. I think the officials of his Ministry have still been left with this much wisdom and intellect. I would like to submit that so many sins are committed in these affiliated colleges that these temples of education have turned into vicedens and have become commercial centres. Instead of imparting education these colleges have been reduced to teaching shops. The big wigs of the society have seized them and they are the persons who are instrumental for corruption there. May I hope from our able and efficient Education Minister that through another Bill he will announce that those persons who are in any way related to politics, they or any of their family members will not be allowed to have any connection with the management of any educational institutions. A ban should be imposed on them. May be even the courageous person like our Education Minister is not able to take such a bold step and does not come with this type of Bill. I would like to say that where you have made provision for the affiliated college, this should also be ensured there that the students who

get admission in them, their Governing Body, the teachers are not exploited and the salaries and status of the teachers are fully protected. After that only, you should give affiliation to any college.

Mr. Deputy Speaker, Sir, you have opened hundreds of Universities in the country, but I would like to submit one thing before this House. In Delhi, there is an institute which has been keeping the torch of education lighted in the country for the last 70 years and that is—Jamia Milia Islamia. This Institution was established by eminent persons like Dr. Ansari, Hakim Ajmal Khan and Dr. Zakir Hussain under the leadership of Mahatma Gandhi. The Institution was set up because Aligarh University had become the centre of activities of Muslim League and to give an answer to their communalism Jamia Milia Islamia was set up, but it is very unfortunate that even after 38 years of independence, Jamia Milia remains a deemed University and the Government has failed to accord it status of a full-fledged University. Who were the persons in the University? They were personalities like Dr. Zakir Hussain, Dr. Abid Hussain, Prof. Mujid who got double Ph.D. Degrees from Germany as well as London in 1920 and gave away their whole life to Jamia Milia Islamia by serving at a salary of Rs. 40 p.m. and awakened the feelings of nationalism among the people. I would request the hon. Education Minister to go through the golden pages of our History which are gathering dust. He should make a declaration granting a status of full-fledged University to Jamia Milia, through which our leaders have served the country. Chairs should be set up in the name of persons like Dr. Abid Hussain and Prof. Mujib who spent their entire life in the University so that the future historians do not throw the very dust on our faces which we have allowed together on the golden pages of our national history.

With these words I support the Bill.

[English]

DR. PHULRENU GUHA (Contai) : Sir, the establishment of a University in the Union Territory of Pondicherry has been a longfelt necessity. I support the Bill wholeheartedly. I am also supporting all the objects of the Bill.

[Dr. Phulrenu Guha]

I would like to say that even 10% of the population of our country cannot go and do not go for higher education. Even then the present Universities are not able to accommodate them. So, I welcome this new University Bill.

So far, the colleges of Pondicherry are affiliated to three Universities. Now it will have a unified system of education.

There is no uniform pattern of Acts for all the Universities in our country. The time has come when the Central Government and the Education Ministry should give the outlines and the framework of all the Universities of the country so that all Universities of the country work within the framework that will be suggested.

I also suggest that the representatives of the UGC should be in the Selection Committee because UGC gives the grant.

I would not like to go into all the details of this. I suggest that one of the academic representatives of that particular subject should be sent by the UGC.

A University should not be a hot-bed of politics. That should be seen. In this University, from the very beginning, I would like to suggest that the teachers and students should meet periodically and discuss their problems and all the academic problems. It is only then that they will come together and they will be able to produce good results and the students will develop themselves.

There is an alumni association. I was not able to find out what will be the function of the alumni association. I welcome alumni association but I hope that something will be explained to us what will be the function of the alumni association.

I do not know whether it can be done but I feel that the educationists and particularly the hon. Minister should find out that in many Universities, at least in some Universities, a few students do not study. They are in the University for years only to do politics. I am a product of student politics. I do feel that students should do politics. But that does not mean that some people will go from one year to another year from one subject to another subject and continue to

disturb the University. Not only that. They do not allow the education of the University to continue. They do not study. But they create a situation in such a way that the others too cannot study. I do not know what can be done but something should be done because time has changed and according to the change circumstances, the new laws, new thinking must be introduced.

I support this Bill and I welcome this Bill.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, I would like to express my thanks to the hon. Education Minister for bringing two Bills in a week. Opening of Pondicherry University is a good step. Today, in our country, education is needed and education is an essential pre-requisite for the development of any country. The present condition of education is not satisfactory. I would not say much due to paucity of time. I would say only this that required change is not taking place in the field of education. Opening of more colleges or universities is not a criterion for improvement in education. The poor remain deprived of education. Arrangements should be made to make education available to them also. The hon. Education Minister has said that a new Education Policy is going to be presented. Had this been done after the presentation of the new policy, that would have been better. The hon. Minister should bring forward a policy which may help the integration of the country. Had he brought a Bill for bringing about uniformity in education, the country would have benefited more by that and that would have helped the country in becoming stronger. Today, the education has turned into a Commercial business and has become very expensive. It is meant only for the rich. The education should be such that more and more people should be benefited from it.

I am not talking on regional lines, but I want to submit that Bihar is the most backward State. Therefore, if a Central University is opened in Bihar, the maximum number of people will be benefited. I would, therefore, request the hon. Minister to consider this. It should not be said that due to paucity of funds we are unable to do it.

I would also like to say that in developed countries maximum funds are spent on education. Ours is a developing country and it should spend more and more on education. Only then it can stand shoulder to shoulder with the big developed countries.

With these words I conclude and express my thanks to you for giving me a chance to speak.

[English]

SHRI K. C. PANT : Sir, I am grateful to the hon. Members who have participated in the debate, and I am also thankful to supporting this Bill. There was no opposition to the Bill as such. The farthest any hon. Member went was Shri Hardwari Lal who said that he could not wholeheartedly support the Bill, but as he expounded his views, it became obvious that he was really dealing with a large canvas and not so much with this particular Bill. He was against setting up of new Universities as such, particularly Central Universities. I will come to that point he made.

But one point which I must touch upon right in the beginning is the one relating to the name of the University. Several hon. friends have said that the University should have been named after Shri Aurobindo. There was a suggestion that the names of both Shri Aurobindo and Shri Subramania Bharati should have been associated with the University. The House is aware of the background; they know that this idea of establishing a University in Pondicherry had its genesis in the recommendation of the Aurobindo Centenary Celebration Committee in 1971, and against that background it is logical to expect that the University would be named after Shri Aurobindo. Besides, as has been so eloquently pointed out by the various hon. Members, Shri Aurobindo occupies a unique position in the development of Pondicherry. His name is not merely associated with Pondicherry, Pondicherry is known because of him. As a patriot, as an intellectual, as a visionary, as a man who achieved great spiritual power, as a freedom fighter, as a writer, I think his place in the history of this country is secure amongst the top people that we have produced in this century, there is no doubt about it.

He is one of our leading personalities and we shall continue to draw inspiration from him. Therefore, I find myself in sympathy with those who have urged that Shri Aurobindo's name should have been associated with the university. Actually "associated" is a wrong word, they should have said that it should have been after Shri Aurobindo.

Unfortunately one of the reasons why this proposal took so long in maturing is the controversy over the name. There were some people—I do not want to mention which parties, or which people—who did not accept the name. Now it find it distasteful even to go into this matter. I personally think that associating Shri Aurobindo's name with the university does honour to the university rather than to him. And so I don't think that one should drag his name into a controversy. Once there was a difference of opinion, then I thought that it might be better to go to the cabinet with the proposal where we keep Shri Aurobindo's name out of the controversy.

There was a demand to associate also Shri Subramanya Bharati's name. That is also legitimate and we have now established two schools named after these two personalities and I think that the House will understand the complication that arose without asking me to spell it out further. This is the reason. Now we have this university and it is in response to a long standing demand and it answers the aspirations of the people of Pondicherry. It is in that spirit that I see that the House has welcomed this proposal and all sections have supported it.

There were several points made with reference to this Bill as well as the larger panorama of education in our country and in fact some speeches went beyond university education and went into school education as well. There was a reference to the document which we produced recently called "Challenge of Education—the Policy Perspective". Hon. Members wanted to look at it. I shall see to it that all Hon. Members receive copies of this Report and I shall welcome their full association with the consideration of this report and the evolution of an education policy.

Sir, the points and suggestions which have emerged during the course of the debate

[Shri K. C. Pant]

covered such a wide area that I don't think I shall be able to deal with all of them. But I would like to assure my friends that we will take note of all suggestions and we will try to benefit from those suggestions. At the same time certain things have been said which must be dealt with.

Shri S. M. Bhattam referred to the establishment of a branch of the UGC in the South and Shri Reddy answered him forcefully. The point is that we must appreciate the purpose for which the UGC has been set up and view the functioning of the UGC in the light of the charter which this Parliament has approved. The hon. Member said that UGC has turned down certain proposals which emanated from Andhra Pradesh. The charter of the UGC requires it to maintain certain standards. Parliament expects it to maintain standards of the university. It is admittedly a difficult task and in the speeches today we saw how concerned Members were about falling standards. The only time when the UGC can exercise some control is when the university comes to it for a certain grant. Then it says I will give you the grant provided certain things are done, provided certain number of teachers are kept so that certain standards can be maintained.

If every time a State university comes to the UGC and UGC raises some objection and if that is looked on as a regional factor then UGC cannot function. Obviously all of us will have to have a certain understanding and tolerance for the restrictions imposed by the UGC provided the restrictions are imposed uniformly on all and the thrust of those conditions is that the standards of education are maintained. This, I think, is logical and necessary and the House will support this proposition. Therefore, basically if you are going to object to the UGC merely on the ground that any proposal of ours is not accepted by the UGC and on that basis we propose a separate branch of the UGC in the South, West or East then that would be unfair and, I think, it would be putting undue pressure on the functioning of the UGC.

SHRI C. JANGA REDDY : We do not want a branch of UGC but a Commission itself for the South.

SHRI K. C. PANT : I have received a copy of that resolution. I have considerable

sympathy of the point expressed by Shri Hardwari Lal ji that one should try to see that existing universities are allowed to develop, their resources are utilised so that they can upgrade their standards, improve their facilities and so on. I can appreciate that point of view. But if he implies that more universities should not come up at all that we should put a lid on the number of universities that I am afraid would not be a practical proposition because the number of universities in this country may appear large but the population has also grown, the number of educated people coming up in school stream has grown and will continue to grow and, therefore, we cannot put a lid on it. No doubt, we will have to control and regulate it. I would like expansion of higher education to be properly regulated and standards maintained if we try to put a lid on it that no further universities that I do not think would be a practical proposition. In fact, he himself used the word 'undue proliferation' and therefore he and I can agree when we are approaching the problems from different angles. Then, Sir, he referred to the School for Eastern and Western thought and he himself referred to the philosophical aspect of Shri Aurobindo's work in harmonising Eastern and Western thought and some of his writings represent confluence of Western and Eastern thought. He also referred to the political dimension of Eastern and Western thought. Now, it is well-known that this was an area in which Shri Aurobindo made a significant contribution and, therefore, I could not quite understand why he found it difficult to appreciate the setting up of an institution like the School of Eastern and Western thought.

Then, he referred to the functioning of Central Universities. Now, I am not going to defend the Central Universities. I am not going into the details. It is upto us to see that the Central Universities improve. I think some of them are doing fairly well and some of them are having difficulties and we have to bring up their standards all round. But one thing does strike me and one hon. Member mentioned it—I think Shri Zainul Basher mentioned it—that there is a rush of students to the Central Universities and students generally prefer Central Universities to the State Universities. I am not producing the Certificates for Central Universities. But it does indicate that the Central

Universities in the population perspective are doing better than the State Universities. I do not even think that all the State Universities are not doing well. Some State Universities are doing well. It is not a matter of debate or polemics. I wish that all Universities do well and I wish you are happy as I am happy if the Central University as also the State Universities do well. But the other point is also worth consideration, that is, there is pressure not only from Shri Zainul Basher but from so many others who wanted that the whole lot of the State Universities should be made into the Central University and this pressure is mounting. This can only be explained if one again takes cognisance of the population perception and that the Central Universities are somehow better than the State Universities.

AN HON. MEMBER : They get more money.

SHRI K. C. PANT : That is also a relevant factor and the fact is that they get more money because the UGC is asked to finance maintenance and development of Central Universities. Whereas the U.G.C. supplies more to the State Universities which are complementary to whatever the State gives for the maintenance of these Universities for the development of those universities and the functions are different. So, the U.G.C. Act provides for this. You cannot blame the U.G.C. for acting according to its charter. It has its charter and that is the reason why the Central Universities get finances.

Now, there was one small point made by Shri Kurup. He wanted to have a University Centre. That is a matter to be decided by the University bodies as they are to be set up. I will take his point into consideration. Then, Shri Hardwari Lal very briefly referred to another aspect. He asked "what is the justification for the Central University in Pondicherry". Now, I have explained the background of this idea and the only other thing I would like to say is that there were colleges affiliated to three different universities in three different States and it is in the fitness of things that these colleges are now affiliated to one University. It provides for uniformity of higher education within the territory of Pondicherry I think, that is purely an academic ground. There are more grounds also, but that itself

is a fairly strong ground, apart from the fact that there has been a persistent demand in Pondicherry and satisfaction of this demand seemed necessary not only to this Government, but to Governments that went before that.

Shri Krishna Iyer different from some of the other friends, who spoke that no University should be started without the approval of the University Grants Commission, whereas some friends thought that the University Grants Commission was already interfering too much. I appreciate his anxiety, because really speaking, a number of Universities today are coming up under State laws, there are State Universities set up by State Legislatures and we at the Centre really have no way of controlling them. As things stand today, it is possible to establish Universities in the States provided the State Governments and the State Assemblies agree to it. That is the present situation. I personally appreciate the anxiety of Shri Krishna Iyer, but I do not think it is so much a matter of regulation as of a national consensus. I think, we should put our heads together in the context of framing the new Education Policy and decide how many Universities, at what pace, we should have them, what should be the overall objectives of University education and so on and so forth. In that context, we should take a decision, where the States and Centre jointly observe certain discipline in the matter of setting up institutions. That is how these things can be tackled best; it is not a matter of confrontation, but working together for larger objectives.

Then, he questioned the provision for a Chancellor, who presides over the convocations. Well, obviously, he would not like to preside over every convocation of every Central University, but that is a minor point; the major point is that chancellorship may not have an executive functions, but it always associates an eminent personality with the University, which adds to the dignity of the University. A University is not merely a functional body, it has a certain aura, certain atmosphere and that various things are done in the University to produce that aura and atmosphere. I think, a personality well known and dignified and intellectually accepted among the intellectuals that kind of a person would be a

[Shri K. C. Pant]

good person to be selected as a chancellor and that is the kind of chancellors, most of the Universities have.

Then Mr. Barrow made various suggestions and he was obviously concerned about the standard of University education. I fully appreciate his concern and I have made a note of the suggestions he has made. The only point that I will touch upon is and that he mentioned that the court is unnecessary because Parliament can look into the policy and direction of the Universities. While in theory that may be correct, but Mr. Barrow is a very old Member of the House and he knows that the House seldom has time to go into the functioning of individual Universities, and, therefore, the court does perform certain functions and I do not think, this substitute will really work in the practical sense. I do hope that Parliament will find more time for Universities. This Bill provides for placing Statutes etc. before the Parliament, so that discussions can follow and I hope that will be taken advantage of, but you know the problem of time is there, so far as the Parliament is concerned.

A suggestion was made by Shri Patil about the study of oceanography. It is for the University to decide, and I will only personally commend the idea he has put forward. I think, it is a good idea. But it is not for me to accept or reject it; it is for the University to accept or reject it. There were some criticisms that the Bill had no special features. But Shri Panigrahi pointed out the special features contained in the Bill. I would like the hon. friends who referred to this matter to particularly take into account what Shri Panigrahi said in this connection because he has touched in a few minutes on particular features of this Bill which provide for certain special provisions which are different from some of the other Universities. Sir, I wanted to take up a few other points also, but I am fully conscious of the fact that you have been very patient and it has been a very long day and that we must not extend the House beyond what is absolutely necessary. So, if the House is generally satisfied with the reply that I have given, I would like to end here and thank you once again for the support you have extended to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That the Bill to establish and incorporate a teaching and affiliating University in the Union territory of Pondicherry and to provide for matters connected therewith or incidental thereto as passed by Rajya Sabha, be taken into consideration."

The Motion was adopted.

MR. DEPUTY SPEAKER : Now, we shall take up Clause by Clause consideration of the Bill.

MR. DEPUTY SPEAKER : There are Amendments to clause 2 by Shri A.E.T. Barrow. Are you moving your Amendment ?

SHRI A.E.T. BARROW (Nominated Anglo-Indian) : I am not moving my Amendments.

MR. DEPUTY SPEAKER : Shri E. Ayyapu Reddy. He is absent. I shall now put Clause 2 to the Vote of the House.

The question is :

"That Clause 2 stand part of the Bill."

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was also added to the Bill.

MR. DEPUTY SPEAKER : There are Amendments to clause 4 to this Clause by Shri A.E.T. Barrow. Are you moving your Amendments ?

SHRI A.E.T. BARROW : I am not moving my Amendments.

MR. DEPUTY SPEAKER : I shall now put Clause 4 to the Vote of the House.

The question is :

"That Clause 4 stand part of the Bill."

The Motion was adopted.

Clause 4 was added to the Bill.

SHRI K. C. PANT : I may tell Shri Barrow that he has suggested some Amendments with regard to the language and we

shall see to it that wherever necessary, we shall make the changes at the appropriate stage.

SHRI A.E.T. BARROW : So what I want to say is that whenever an Education Bill comes before the House, it has obvious mistakes in the language, which pains me.

MR. DEPUTY SPEAKER : There are Amendments to Clause 5 by Shri Barrow and Shri Munsu. I think they are not moving their Amendments. So I shall put Clause 5 to the Vote of the House.

The question is :

"That Clause 5 stand part of the Bill."

The Motion was adopted.

Clause 5 was added to the Bill.

Clause 6—Establishment of Central Schools

SHRI PRIYA RANJAN DAS MUNSI :
I beg to move :

Page 4, line 42,—

"and also a school of classical music to be known as "Ustad Allaiddin Khan School of Indian Classical Music" to further train the students in music of India and to preserve the rich heritage of Indian Classical Music."(22)

DEPUTY SPEAKER : Would you like to say something.

SHRI PRIYA RANJAN DAS MUNSI :
Yes Sir, Sir, I would like to submit to the hon. Minister through you that in this Bill there is a provision for establishment of Schools for studies to be known as Sri Aurobindo School and Subramania Bharti School. It is a nice piece of legislation, I must say. I had already submitted to the hon. Minister through you Sir, that in India, right after Tansen and Bhanubhatta, the classical music and its tradition is not being preserved by any University. Since it is the Central University, so after Tansen, Ustad Allaiddin Khan, who was the legendary figure and his disciples are trying to preserve the tradition in the best manner like Ali Akbar Khan, Pandit Ravi Shankar and Bismillah Khan, I feel that Pondicherry University will be the only University in India, if that could find some arrangements

to preserve this heritage of Allaiddin Khan *Ghana* through the School of Music. If within the body of the Bill it cannot be accommodated and if the Minister feels that by any other provision of the management, they can find arrangement, it will be a fitting tribute to the Indian classical music which is not there in any University in India. That is my only submission.

SHRI K. C. PANT : Universities can be established in a number of places. The idea for establishment of Schools for Indian Classical music is good and commendable. It should be left to University whether it would like to establish such a School or not.

SHRI PRIYA RANJAN DAS MUNSI :
I don't press it.

MR. DEPUTY SPEAKER : Has Mr. Das Munsu the leave of the House to withdraw his amendment ?

Amendment No. 22 was, by leave,
withdrawn.

MR. DEPUTY SPEAKER : The question is :

"That Clause 6 stand part of the Bill."

The Motion was adopted.

Clause 6 was added to the Bill.

MR. DEPUTY SPEAKER : Clause 7 has no amendments. The question is :

"That Clause 7 stand part of the Bill."

The Motion was adopted.

Clause 7 was added to the Bill.

MR. DEPUTY SPEAKER : Clause 8—Mr. Shantaram Naik is not present. Shri Ayyapu Reddy is also not present. The question is :

"That Clause 8 stand part of the Bill."

The Motion was adopted.

Clause 8 was added to the Bill.

MR. DEPUTY SPEAKER : In Clauses 9 and 10 there are no amendments. The question is :

"That Clauses 9 and 10 stand part of the Bill."

The Motion was adopted.

Clauses 9 and 10 were added to the Bill.

MR. DEPUTY SPEAKER : Clause 11. Are you moving the amendment, Mr. Das Munsi ?

SHRI PRIYA RANJAN DAS MUNSI : No.

MR. DEPUTY SPEAKER : Clauses 12 to 19 have no amendments. I am putting Clauses 11 to 19 together to the vote of the House. The question is :

"That Clauses 11 to 19 stand part of the Bill."

The Motion was adopted.

Clauses 11 to 19 were added to the Bill.

MR. DEPUTY SPEAKER : Now Clause 20. Mr. Das Munsi, are you moving ?

SHRI PRIYA RANJAN DAS MUNSI : No.

MR. DEPUTY SPEAKER : The question is :

"That Clause 20 stand part of the Bill."

The Motion was adopted.

Clause 20 was added to the Bill.

Clause 21—The Executive Council.

MR. DEPUTY SPEAKER : Clause 21. Mr. Das Munsi, are you moving ?

SHRI PRIYA RANJAN DAS MUNSI : Yes; I am moving.

Page 8,—

after line 36, insert—

"Provided that three members of the Executive Council shall be elected by the employees, teachers and students respectively in the Executive Council as their representatives." (25)

I would like to submit to the Minister the reason why I wanted this provision. Many things have been said by the hon. Minister about the democratic character of this

University. Why I insist on this amendment is that when some serious problems start between the teachers and the students, and in the Executive Council the voice of the students is not heard, and that of the elected representatives of the teachers is also not heard, the students suffer. I will cite an example : there is a student of Archaeology in the Delhi University, a very bright student who has stood First Class First all through, by name Mrs. Lahiri. She is the only Research Scholar under the Head of the Department of Archaeology, Prof. Dilip Chakraborty. Because there is politics going on in Delhi University between a group of professors and Prof. Dilip Chakraborty who is the only authority in Archaeology, they have started ruining the career of the students, to create a situation—which is within the knowledge of the Minister—so that the teacher is removed from the Department of Archaeology, and the students also suffer because they are not able to continue with the research scholarship. When such things happen in the Executive Council, who will raise their voice ? This was one of the reasons for which I thought that only such an amendment could protect these students, and teachers also, in the Executive Council.

It is in this spirit that I thought that this amendment would help. But I think the Minister will definitely answer again in his own usual style, viz. that things will be decided by the University. But I think the Minister, with his sympathy for the students, will finally do something and examine how the future of these students can be protected.

That is the only reason why I moved this amendment.

SHRI K. C. PANT : Since the hon. Member knows my answer, as well as his question, I hope he will withdraw his amendment.

SHRI PRIYA RANJAN DAS MUNSI : I do not press it.

MR. DEPUTY SPEAKER : Has Mr. Das Munsi the leave of the House to withdraw his amendment ?

Amendment No 25 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : The question is :

"That Clause 21 stand part of the Bill."

The Motion was adopted.

Clause 21 was added to the Bill.

MR. DEPUTY SPEAKER : In Clauses 22 to 24, there are no amendments. The question is :

"That Clauses 22 to 24 stand part of the Bill."

The Motion was adopted.

Clauses 22 to 24 were added to the Bill.

MR. DEPUTY SPEAKER : Clause 25. Mr. Barrow, are you moving ?

SHRI A. E. T. BARROW : I am not moving.

MR. DEPUTY SPEAKER : The question is :

"That Clause 25 stand part of the Bill."

The Motion was adopted.

Clause 25 was added to the Bill.

MR. DEPUTY SPEAKER : In Clauses 26 to 30, there are no amendments. The question is :

"That Clauses 26 to 30 stand part of the Bill."

The Motion was adopted.

Clauses 26 to 30 were added to the Bill.

19.00 hrs.

MR. DEPUTY SPEAKER : Now we come to Clause 31. There is an amendment, No. 15, Shri E. Ayyapu Reddy. The hon. Member is absent.

The question is :

"That Clause 31 stand part of the Bill."

The Motion was adopted.

Clause 31 was added to the Bill.

Clauses 32 to 34 were added to the Bill.

Clauses 35 to 41 were added to the Bill.

Clauses 42 to 44 were added to the Bill.

The Schedule was added to the Bill.

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

SHRI K. C. PANT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The Motion was adopted.

MR. DEPUTY SPEAKER : The house stands adjourned till 11 A.M. tomorrow.

19.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 29, 1985/ Bhadra 7, 1907 (Saka).