

16.53 Hrs.

COMMITTEE ON THE WELFARE OF  
SCHEDULED CASTES AND SCHEDULED  
TRIBES

Election of Shri Ramanarayan Goswami, Member, Rajya Sabha to the said Committee

SECRETARY GENERAL : I am further to inform the Lok Sabha that in pursuance of the above motion, Shri Ramnarayan Goswami, Member, Rajya Sabha has been duly elected to the said Committee.

16.54 hrs.

EXTRADITION (AMENDMENT) BILL—  
*contd.*

*As Passed By Rajya Sabha*

[English]

SHRI P. G. NARAYANAN (Gobichetipalayam): Mr. Chairman, Sir, I think the Extradition (Amendment) Bill, 1993 further to amend the Extradition Act, 1992 is a piece of legislation to which there would not be much objection. But the question is whether it will be able to serve the purpose for which it has been brought.

The main aim of this Bill is to make the extradition treaty more effective. It is high time that we tried to remove all sorts of anomalies in this field. Our country has entered into treaties with so many other countries. I am not going into that aspect now. But I am very much concerned about those countries where anti-social elements and terrorists are seeking refuge after committing heinous crimes in India. They commit crime and escape into other countries.

What happened in Bombay? Those terrorists, who were involved in the bomb blasts, simply left this country. Some of them have taken shelter in Pakistan and the Government is not in a position to take any action against them because we do not have an extradition treaty with Pakistan. Because of them, we are not in a position to force them to extradite those terrorists to India. Pakistan is a member of SAARC. In spite of this, we are unable to do

anything in the matter. Memon brothers, who were allegedly involved in the Bombay-blasts, have entered Pakistan. The Government of India had approached Pakistan Government. And Pakistan's reply was, if the Government of India is in a position to find out Memon brothers in Pakistan, the Government of Pakistan will hand them over to us. It is an impossible task.

Moreover, merely passing this Bill and saying that we got extradition treaty with other countries is not going to help us. There must be some external pressure for this purpose. What is important is how to get the maximum benefit out of this Act. Merely making some amendments in the original Act will not help. It will not complete the process of extradition also.

I would like to know from the Government whether this Amendment Bill will enable the Government of India to implement bilateral and multilateral treaties. How many countries are there with whom we are having extradition treaties?

We are, therefore, of the considered opinion that the proposed amendments and the new law of extradition would not, in any way, affect the traditional protection India gives to the fundamental rights and freedoms of the individual and its objectives and it should be consistent with the present trends at the international level.

[Translation]

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Chairman, Sir, while supporting this Bill I would like to ask 3-4 questions. I would like you to inform the House the time by which the Extradition treaty with Pakistan and Bangladesh will be signed and the efforts being made and the steps proposed to be taken by the Government in this regard. We already have laws regarding narcotics drugs and criminals. That is being discussed the world over and news-papers are also waging a war against it. Are you proposing to organise a conference at the international level to have a discussion for its solution and reach an agreement on the lines of GATT?

17.00 hrs.

We have good relations with Nepal just across the Border. The criminals who ask for

[Sh. Kamla Mishra Madhukar]

ransom are taking refuge in Nepal. Do you propose to have a talk with the Government of Nepal in this regard? Is the Government of the opinion that they are going to achieve their target by merely amending this treaty? If that is not the case, then I would like to know what measures are proposed to be taken?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R. L. BHATIA): Mr. Chairman, Sir, first of all I would like to thank all the hon. Members who have participated in the discussion. All participants have supported this Bill. As Shri Rajveer Singh has said that though all of us support the Bill but the question is whether the Government has also will to fulfil it. I would like to state in this regard that an amendment has been brought to strengthen the earlier Extradition treaty Bill and to bring terrorism and other such activities under its purview. It is a comprehensive Bill. It empowers the Government to make some more addition in the existing treaties and to enter into fresh treaties with other countries with which we do not have any treaty. This is the main intention to bring this Bill.

Shri Narayanan and other hon. Members have mentioned about Prabhakaran. So far as Prabhakaran is concerned, I would like to state that we do not have any extradition treaty with Sri Lanka but we have agreement of superstation Act with Sri Lanka and according to that we can claim his extradition. But before that we have to complete certain requirements. FIR is there and case is going on in the Court but there should be a verdict of the Court. First of all we have to start a trial and get final verdict, and then along with witnesses and other relevant documents we have to apply for the extradition. Prabhakaran case is under trial in special court in Madras but final verdict has not yet come. When final verdict will be received, then we will ask Sri Lanka for his extradition under SAARC treaty. This is the position of Prabhakaran's case.

Then question was raised about Dawood Ibrahim. He is residing in UAE. We also do not have extradition treaty with UAE.

SHRI RAJVEER SINGH (Aonla): You have friendly relations with UAE.

SHRI R. L. BHATIA: From friendly relationship point of view we have approached

to UAE. During my visit I had requested that Government for extradition but they have given us a proposal for a treaty. They have their own Shariat law and we have our own common law. That is why we have not accepted their proposal. We have submitted our own draft on which they are considering. We are putting pressure on them to accept our draft at the earliest so that both countries may enter into a treaty. As all the hon. Members have asked as to why all criminals go to that country, so I would like to say that it is happening because we do not have treaty with that country. That is why we cannot put pressure on them. Due to friendly relationship we are asking them for the extradition of some persons. They are considering the cases of 1-2 persons. About the economic offenders, about whom many things have been said here, a talks are going on. So far as Win Chadha is concerned, we have cancelled his passport. On this he has gone to the Court. Case is going on in Delhi High Court but his passport has been cancelled. He has applied for a fresh passport in our Embassy in Dubai but that has been rejected. Here the case is similar that we do not have any extradition treaty with that country. That is why we cannot bring him back but we are putting a lot of pressure...*(Interruptions)*...I am telling about Memon brothers also. You are saying that after the incident when they left the country, why action was not taken. That incident occurred on 12th and on 17th Police came to the conclusion that it was the work of Memon brothers. At the same time we approach that country and they assured us that they would look into it. As it had become a much debated issue in India and appeared in the newspapers all over the world.

SHRI RAJVEER SINGH: I had read a statement of Police Commissioner of Dubai. In that statement it was stated that the Indian Government had not given them any prior information about Memon brothers coming to their country and a watch should be kept on them. Now they have left for Pakistan.

SHRI R. L. BHATIA: We came to know about it on 17th and on the same day we sent a message to our Ambassador there but by that time they had left for Pakistan. This is the position.

SHRI RAJVEER SINGH: Your department has caused delay in giving information.

SHRI R. L. BHATIA: There is nothing like that.

SHRI RAJVEER SINGH: They got information on 17th but they passed on the information on 22nd. There was a gap of 5 days.

SHRI R. L. BHATIA: It is not correct. We had given information to them on 17th. CBI had given information to interpol but when we approached them by that time they had left. There was no delay in it. So far as Pakistan is concerned, we approached Pakistan on the same day that Memon Brothers have gone to their country. The name of plane and list of passengers were given to Pakistan. At first they did not agree but later on they said that they would try to find out them. When our Prime Minister met his Pakistani counterpart and stressed to handover them to India, they said that they were trying to identify them but after that despite repeated inquiry they gave no response.

SHRI LAL K. ADVANI (Gandhi Nagar): Our Government approached Pakistan on 23rd. It is being said repeatedly by Pakistan that they got first information from Indian Government on 23rd whereas the incident of bomb blasts occurred on 12th. Information regarding Memon Brothers was received on the night of incident itself when their car was found there, who will explain this delay?

SHRI R. L. BHATIA: As I have said that information was not received on the same day but after an inquiry it was found on 17th that it was the work of Memon brothers and by that time they had left India for Dubai. We approached Dubai Government on 17th but this news appeared in all the newspapers as a result of which they escaped to Pakistan. This is the position.

SHRI LAL K. ADVANI: I am asking this question repeatedly that when you informed Dubai Government on 17th, why you have not informed Pakistan on the same day?

SHRI R. L. BHATIA: But when we came to know about it we did not have any proof of it. It took some time to get a copy of the FAX. As soon as we got the proof we submitted it to Pakistan.

Besides, the name of countries were also asked by the hon. Members with whom we have Extradition treaty and with whom we are going to sign extradition treaties. At present we have Extradition treaty with Bhutan, Nepal, Belgium, USA, Neitherland, Uganda, Canada and U.K. and we are going to sign extradition treaty with Switzerland, Sweden, Tanzania, Australia, Singapur, Srilanka, Papua, New Gini, Fizi and Thailand.

17.12 hrs.

(MR. DEPUTY SPEAKER *in the Chair*):

Besides it was also asked as to how much time will be taken to sign such treaty with Bangladesh. So far as Bangladesh is concerned, there is a SAARC Superstation Act which has been signed by all the members countries. It was signed by Bangladesh and Pakistan but they have not yet got it rectified from their respective legislatures. In every meeting we remind them. The Bangladesh Government says that it does not need to enact a separate law for it but it requires to make certain amendment in its local law. We have asked them to take early step in this regard and we hope they will do it at the earliest.

Secondly, Shri Madhukarji has asked as to why all the countries do not hold a joint meeting, like GATT meeting, to take a decision on extradition on some specific crimes. In this regard I would like to say that these are bilateral treaties and are signed between two concerned countries only.

These were the main questions asked by the hon. Members. All members have contributed to the Bill and have also given suggestions. Such treaties give us strength and we are covering more areas particularly terrorism by these treaties. Treaty with U.K. has proved beneficial because there was a terrorists base in U.K., and this treaty has also helped in restoring peace in Punjab. I think, now we can have such treaties with more countries and it will enable us to bring back the culprits living abroad.

With these words, I thank you all and request you to pass this Bill unanimously.

[English]

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Extradition Act, 1962, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER: We will now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 18 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 18 were added to the Bill.*

MR. DEPUTY SPEAKER: The question is:

"That Clause 1 the Enacting Formula and the long Title stand part of the Bill."

*The motion was adopted.*

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

MR. DEPUTY SPEAKER: The Minister may now move that the Bill be passed.

SHRI R.L. BHATIA: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

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17.15hrs.

#### TRANSPLANTATION OF HUMAN ORGANS BILL

As passed by Rajya Sabha

[English]

THE DEPUTY MINISTER IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI PABAN SINGH GHATOWAR): On behalf of Shri B. Shankaranand, I beg to move that the Bill to

provide for the regulation of removal, storage and transplantation of human organs for therapeutic purposes and for the prevention of commercial dealings in human organs and for matters connected therewith or incidental thereto, as passed by Rajya Sabha be taken into consideration.

Sir, Hon. Members are aware that the Government had promised to bring forward a legislation on the transplantation of human organs. Accordingly, the Transplantation of Human Organs Bill, 1992 was introduced in the Rajya Sabha on 28th August, 1992 and that House passed it on 5-5-1993. The question of enacting a legislation arose in order to prevent unauthorised removal and sale of human organs and to ensure that nobody indulges in commercial dealings which are, more often than not, exploitative in nature, as has been stated in various fora, including this august House. At the same time, we have the wherewithal to perform organ transplants. It is our moral obligation to provide for a legislation which would allow for a human organ to be removed and transplanted with adequate safeguards to ensure safety and dignity of the person concerned. We also need a suitable legislation to provide for the removal of human organs from deceased persons and from those who are declared to have reached a stage known in medical vocabulary as brain-stem death. Such removal of organs which are of no value whatsoever to either the deceased or the brain-stem dead persons can be used by other members of the society prolonging their productive life.

The organs which can be transplanted in the human body are the eyes, ear-bones and ear-drums, bones, bone-marrow, skin, heart, liver, pancreas and lungs. The Bill seeks to identify three categories of donors, namely:—

- (i) deceased persons
- (ii) brain-stem dead persons
- (iii) living persons desirous of donating an organ.

The Bill contains the definition of the deceased persons and brain-stem dead persons.