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Title: Discussion on the Land Ports Authority of India Bill, 2009 moved by Shri Ajay Makan (Bill Passed).

MR. CHAIRMAN: The House shall now take up item no. 21.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): On behalf of Shri P. Chidambaram, I beg to move:

"That the Bill to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto, be taken into consideration."

The Land Ports Authority of India Bill 2009 as introduced in the Lok Sabha on 7th August, 2009 was referred to the Department Related Parliamentary Standing Committee on Home Affairs for its examination and Report. The Committee considered the Bill and presented its Report to the Lok Sabha on 22nd February, 2010 and to the Rajya Sabha on 24th February, 2010.

The amendments recommended by the DRSC in the Bill have been duly considered. We have accommodated almost all the recommendations. Whichever recommendations that have not been adjusted in the Act, we will try to provide for that in the rules.

With this, I would request the House that the Bill be taken into consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto, be taken into consideration. "

19.23 hrs. (Dr. M. Thambidurai *in the Chair*)

श्री निशिकांत दुबे (गोड्डा): धन्यवाद सभापति महोदय, यह हाउस थक गया है और चाहता है कि जल्दी-जल्दी बिल पास करा दे। लेकिन यह संसद जब कोई चीज पास करती है तो उसके बारे में डिबेट होनी चाहिए। इसके बारे में मेरे कुछ कंसर्न हैं और कंसर्न इसलिए हैं कि मैं बिहार का रहने वाला हूँ, झारखंड से सांसद हूँ। माननीय लालू जी अभी नहीं हैं, उनका मैं बहुत आदर करता हूँ, कल वे कुछ बातों से भड़क गये। इस देश में डेमोग्राफी बदल रही है, आप और पूरा देश उसके लिए चिंतित है। आप जो यह सुपर-रेगुलेटर बनाना चाह रहे हैं, माननीय सलमान खुर्शीद जी बगल में बैठ रहे हैं, कंप्टीशन कमीशन जिस तरीके से उन्होंने बनाने की कोशिश की, उसी तरह से यह लैंड-पोर्ट्स-अथॉरिटी ऑफ इंडिया बिल आप लेकर आये हैं। इसमें आप चैक-पोस्ट्स बनाना चाहते हैं, उसमें आप नेपाल, भुटान, चाइना बार्डर को कवर करना चाहते हैं तथा जेएंडके को कवर करना चाहते हैं। लेकिन ट्रेड और कॉमर्स आपका सब्जैक्ट नहीं है, यह होम-मिनिस्ट्री लेकर आई है, यदि कॉमर्स मिनिस्ट्री इस बिल को लेकर आती तो बात समझ में आ सकती थी कि ट्रेड और कॉमर्स की बात आ रही है। किस तरह के बार्डर्स हैं? आपको पता है कि जो कंधार हाईजैकिंग हुई, इसमें बार्डर से नेपाल लोग गये थे और वहां से उन्होंने प्लेन हाईजैक किया था। वह बार्डर खुला हुआ है। आप जीएमआर की तरह सिस्टम बनाना चाहते हैं, आप कहते हैं कि जैसे जीएमआर एक इंफ्रास्ट्रक्चर क्रिएट कर रहा है, उसी तरह से हम एक इंफ्रास्ट्रक्चर क्रिएट कर रहे हैं। जीएमआर इसलिए इंफ्रास्ट्रक्चर क्रिएट कर पा रहा है क्योंकि दिल्ली एयरपोर्ट से जाने और आने वाले लोग पासपोर्ट से आते हैं, पासपोर्ट होल्डर्स हैं, लेकिन हम जिस बार्डर को व्यापार के लिए खोलने की बात करते हैं, वह खुला हुआ बार्डर है और यह मिनिस्ट्री ऑफ होम के अंतर्गत, बार्डर मैनेजमेंट के अंतर्गत आ रहा है। कहां सीमा खत्म होती है, नेपाल की, कहां सीमा खत्म होती है बंगलादेश की, कहां सीमा खत्म होती है जम्मू-कश्मीर की, कहां सीमा खत्म होती है, भूटान की, किसी को कुछ पता नहीं है। आप यदि राजस्थान, जम्मू चले जाएं, सभी बार्डर खुले हुए हैं और आप वहां 13-14 प्वायंट इनिशियल बनाने की कोशिश कर रहे हैं। मेरा कहना है कि कंधार हाईजैकिंग यदि हुई, तो नेपाल से हुई थी। कसाब भी आया, इसके बाद जो आपका टार्गेट है, वह पोर्ट्स पर है। लैंड के बाद आप पोर्ट्स पर जाएंगे। हमारी सीमा जो पाकिस्तान के साथ है, वह पोर्ट भी खुला हुआ है।

मैं कुछ बातें आपके संज्ञान में लाना चाहता हूँ, जो आर्टिकल छपा है - "J&K: Border trade money used to fund terrorists, claim police." यह हम नहीं कह रहे हैं।

"On October 4, 2009, Police Station Sadar in Srinagar received a docket to the effect that an active member of LeT Mushtaq Ahmed Lone of Budgam, with the help of his associates Pakistani militant commander Furqan and a local terrorist Mehmood Ahmad Dar of Kulgam – who have been in PoK for last 18 years, are sending trade items and grains through a firm Sartaj Traders in Purkhoo area of Jammu City, they said.

The amount of Rs.13,85,000 obtained from selling these items was distributed among LeT terrorists and their associates to spread terrorist activities in Valley, they said. "

यह मैं नहीं कह रहा हूँ, बल्कि पुलिस कह रही है और आपका ट्रेड कैसे हो रहा है। ट्रेड यह कह रहा है कि

"Goods worth Rs.272.13 crore have traded via two LoC cross points of Salamabad and Chakan-da-Bagh in Baramulla and Poonch districts of Jammu and Kashmir since October 21, 2008 when the cross border trade between J&K and PoK was started.

While goods worth Rs.160.21 crore were brought from PoK, those worth Rs.111.92 crore were sent from J&K during the period, they said."

ये आपकी श्रीनगर पुलिस कह रही है। मेरी चिंता है कि आप इस प्रकार के जो सुपर रेग्युलेटर बनाने की कोशिश कर रहे हैं, क्योंकि जब हम नेपाल जाते हैं या भूटान जाते हैं, तो हमें बार्डर में पासपोर्ट की आवश्यकता नहीं है। माननीय शाहनवाज जी किशनगंज से सांसद हुआ करते थे, असरारुल हक साहब हैं, नदी के उस पार से लोग यहां आते हैं, किशनगंज शहर में रिकशा चलाते हैं और शाम को बंगलादेश वापिस चले जाते हैं। उस दिन सदन में बहस हो रही थी कि बंगलादेशी घुसपैठ का मुद्दा सांप्रदायिकता से जुड़ा मुद्दा नहीं है, बल्कि रोजगार से जुड़ा हुआ मुद्दा है। हमारी सुरक्षा से जुड़ा हुआ मुद्दा है और इसके बारे में यदि आप प्रोपर बार्डर मैनेजमेंट नहीं करेंगे, आप बार्डर पर फेंसिंग नहीं करेंगे, तो उत्तराखंड, झारखंड, बिहार, वेस्ट बंगाल के बार्डर हैं और उन जिलों में जो डेमोग्राफी चेंज हो रही है, जो पीओके का बार्डर है और ये जो कहानियां हैं, ये हल होने वाली नहीं हैं।

भूटान में आपने जो बनाया है, नार्थ-ईस्ट डवलपमेंट फाइनैशियल कोरपोरेशन के अध्यक्ष श्री के.एन. हजारीका हैं। वे क्या कह रहे हैं कि

"Tight security is necessary to boost trade relation with Bhutan," Hazarika said while speaking at an interactive seminar on 'Enhancing Trade Relation between Bhutan and North East India' here."

मेरा कहना है कि जो लोग जहां मौजूद हैं, चाहे भूटान के लोग मौजूद हैं, चाहे नेपाल के लोग मौजूद हैं, आपके पास सिक्योरिटी को रखने का मैकेनिज्म क्या है? कस्टम का क्या रोल है, इमिग्रेशन का क्या रोल है, बार्डर पर जो मिलिट्री है, उसका क्या रोल है? आप यहां से उठाकर वह कुनबा, वहां से उठाकर यह कुनबा रख रहे हैं, आपका राज्य पुलिस पर क्या अधिकार है? एसईजेड में माननीय चिदम्बरम साहब जब वित्त मंत्री थे, तब वे उस चीज को डील कर रहे थे कि डीटीए से ईओयू में, ईओयू से डीटीए में सामान जा रहा था, तो एक एससीजेड आथोरिटी आपने बना दी थी और कहा था कि एक नोडल आफिसर एसईजेड को देखेगा। क्या वहां रेवेन्यू लोस नहीं हुआ है? क्या वहां लोगों ने चोरी नहीं की है? चिदम्बरम साहब आपके पेपर मेरे पास पड़े हैं कि आपने कई कम्पनियों पर इस प्रकार के आरोप लगाए हैं। उसी तरह से आप लैंड एंड पोर्ट्स आथोरिटी बना रहे हैं, इसमें कस्टम को आप कैसे कंट्रोल कर रहे हैं? इमिग्रेशन को कैसे कंट्रोल कर रहे हैं? बार्डर रोड आर्गनाइजेशन को कैसे कंट्रोल कर रहे हैं? बीएसएफ कैसे कंट्रोल होगा, सीआरपीएफ कैसे कंट्रोल होगा और पासपोर्ट कैसे कंट्रोल होगा? क्योंकि वहां पासपोर्ट नहीं है। आपकी जेएमआर की तरह स्थिति नहीं है। वहां खुलेआम बार्डर है, जिन्हें नेपाल जाना होता है वे जाते हैं। वर्ष 2003 में माननीय अटल बिहारी वाजपेयी जी का कन्सेप्ट था, उसके बाद कमेटी ऑफ सैक्रेट्रीज बनी। डायरेक्टर, आई बी स्वयं यह क्वेश्चन कर चुके हैं। हमें पता नहीं डायरेक्टर, आईबी के कन्सर्न को देखा है या नहीं? वे कहते हैं -

"We are very acutely aware of the need for adequate security measures at each and every land check post. I may refer to the trade posts in Jammu and Kashmir, i.e. Kaman and Chakandabad. You are very right, Sir, we are always on the watch that in the garb of trade whether militants from across would try to infiltrate weapons, ammunition and other items to aid the terrorists who are already in our country."

डायरेक्टर आज भी बोल रहे हैं, मैं नहीं बोल रहा हूँ। यदि आप देखें तो उसी तरह से फॉरने सैक्रेट्री कह रही हैं कि यह ठीक है कि यह होम मिनिस्ट्री कर रही है, सरकार कर रही है लेकिन इसमें बहुत ज्यादा संशोधन की आवश्यकता है। सबसे पहले बार्डर रोड आर्गनाइजेशन को रोड बनाने की आवश्यकता है, फेंसिंग की आवश्यकता है। मेरा मानना है कि आपका प्रयास अच्छा हो सकता है, हम समर्थक हो सकते हैं। यह माननीय अटल बिहारी वाजपेयी जी का 2003 का कन्सेप्ट था, आप सात साल बाद इसे लेकर आए हैं लेकिन जब तक आप सिक्योरिटी कन्सल्ट को ठीक नहीं करेंगे तब तक लैंड पोर्ट्स अथोरिटी बिल कभी कामयाब नहीं होगा।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

MR. CHAIRMAN : Those hon. Members who have written speeches can lay them on the Table of the House and they will form part of the proceedings. I request other Members to make their points in brief.

*SHRI PREM DAS RAI (SIKKIM): I support this Bill. For far too long the land trade routes have been stymied because of the uncertain relations we have with our neighbours. It has been so since 1962 and prior to that in many parts of North East India. In a globalized world this is absolutely untenable.

We have to take advantage of the scale of savings in terms of cost and opportunity that arises if we start looking at our land routes which have but been underperforming tremendously. In fact a lot of what we term as un-official trade goes on which is many times the amount shown as official through the huge number of trade points. It is therefore important that this Bill is given effect and the Land Ports Authority of India is constituted at an early date. This will both boost trade and also serve to help the North Eastern people get more livelihoods and build entrepreneurship which has been curtailed due to the landlocked nature of the States. This is behind the spirit of the Look East Policy that the Government of India has initiated with great fanfare.

I would like to remind that on 6th July, 2006 the Nathula border trade was re-opened after a gap of 44 years. The Nathula trade route was closed after the 1962 war with China. Sikkim was then a sovereign country and only in 1975 did the people of Sikkim seek to join the Indian Union as the 22nd State of India.

The Nathula trade route has been doing some small business and as I understand it is picking up. Most recently this month the route has been reopened after the winter hibernation period.

However, I would like to bring the following to the notice of this august House:

1. Proper infrastructure in terms of linkage by road. The road is being prepared on a war footing. Hopefully it will be completed on time.
2. The trade mart at Sherathen is being upgraded by our State Government.
3. The trade items are but very scarce and inappropriate for doing any meaningful business – only 29 items of export and 15 items of import.
4. There is a strong demand from the business people of Sikkim to expand the list of items.
5. There is a strong demand from the tourism sector to expand this route to a full fledged port from where people can go and visit Tibet by taking on the spot visas. This would enable the answer to a long standing demand from people who have relatives on the other side of the border. Sikkim has had, historically, very strong ties with Tibet.

So we welcome this Authority which will see to it that a land port is set up and formal trade and exchanges of people for pilgrimage and tourism purposes is started.

With these few words, I conclude.

DR. THOKCHOM MEINYA (INNER MANIPUR): Mr. Chairman, Sir, I thank you very much for giving me this opportunity and I support the Land Ports Authority of India Bill, 2009.

First of all, I would like to congratulate the hon. Home Minister and his team. They have done a good job by bringing this Bill. There are a lot of Entry and Exit Points on the international borders of our country. My friend has just mentioned about the Northern and Western borders of our country. He has, of course, briefly mentioned about the North East also. Since I come from Manipur, we have got long international borders on all sides like Indo-Myanmar border and Indo-Bangladesh border. We have got some Trade Centres there. They are Jakhawthar in Mizoram, Moreh in Manipur, Pangsha in Nagaland, Tawang in Arunachal Pradesh and Nathula Pass in Sikkim. We have been there quite often to these places and the situation there is

quite awful. A lot of persons move across these border posts and a lot of goods are also moved across the borders. So, we have to manage our borders properly.

Sir, the most important thing is, good border management is mandated by the country's security concerns. Unless we have a good border management, it is very difficult to check infiltration. The important part of this Bill is the proposed establishment of Integrated Check Posts having all the modern facilities. First of all, these areas are to be sanitized. The modern facilities to be provided include dedicated passenger and cargo terminals, customs and immigration facilities, security and scanning equipment, health check-up facilities, duty-free shops and other passenger amenities. The passenger amenities include restaurants, parking space, and dormitory for drivers etc. The Bill proposes to establish the Land Ports Authority of India to undertake the construction and maintenance of Integrated Check Posts.

I congratulate the hon. Minister for bringing this Bill and I wish that this Bill is passed unanimously by the House. I, once again, would like to repeat that good border management is mandated by the country's security concerns.

श्री शैलेन्द्र कुमार (कौशाम्बी): महोदय, आपने मुझे भारतीय भूमि पत्तन एवं प्राधिकरण विधेयक, 2009 पर बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ। अभी निशिकांत जी इस बिल के बारे में बोल रहे थे। सही मायने में देखा जाए तो इसमें हमारे देश से जुड़ी अखंडता और एकता का सवाल इसमें है कि हम सीमा की सुरक्षा को कैसे महफूज रख सकते हैं क्योंकि तमाम लोग घुसपैठ करके इधर का माल उधर और उधर का माल इधर लेकर जाते हैं। जहां तक देश की अंतर्राष्ट्रीय सीमाओं पर ...(व्यवधान) आप भारत की अंतर्राष्ट्रीय सीमाओं पर यात्रियों के माल की सीमा और संचालन के सुविधाओं के विकास और प्रबंधन के लिए जांच चौकी बना रहे हैं। यह बड़ी अच्छी बात है। इसमें आपने यह प्रावधान भी किया है कि चाहे सीमा शुल्क हो, चाहे परिवहन और सड़क मार्ग की बात हो या रेल मार्ग से माल का आवागमन हो, उस पर तमाम सुविधाओं की व्यवस्था जैसे टर्मिनल बनाना और जो लोग इससे जुड़े हुए हैं, उनके स्वास्थ्य की व्यवस्था करना, वहां वेटिंग रूम, जलपान गृह, विश्राम कक्ष, पार्किंग, भंडार कक्ष, ड्राइवरों के शयनकक्ष और ईंधन से संबंधित तमाम इसमें व्यवस्थाएं की हैं।

महोदय, एक बात आपने कही कि इस प्राधिकरण में जो हमारे चेयरमैन होंगे, वह परिवहन, उद्योग, वाणिज्य, विधि, वित्त और लोक प्रशासन का ज्ञान एवं अनुभव रखने वाले होंगे। मेरे खयाल से एक व्यक्ति इतना अनुभवी और विशेषज्ञ नहीं होगा कि वह यह सब देख सके। इसलिए इसमें आपने जो यह व्यवस्था की है, मेरे खयाल से सह-अध्यक्ष की भी इसमें व्यवस्था होनी चाहिए। एक व्यक्ति इतने विषय का विशेषज्ञ नहीं हो सकता है। इसीलिए किसी को भी बैठाने की व्यवस्था करके उसमें जो सदस्य मंडल हैं, उसमें आप एक्सपर्ट लोगों को बैठाये तो मेरे खयाल से भारतीय भूमि पत्तन प्राधिकरण विधेयक, 2009 का हमारा मूल मकसद पूरा होगा।

इन्हीं सुझावों के साथ मैं भारतीय भूमि पत्तन प्राधिकरण विधेयक, 2009 का पुरजोर समर्थन करते हुए अपनी बात समाप्त करता हूँ।

SHRI A. SAMPATH (ATTINGAL): Thank you, Mr. Chairman, Sir, I understand that The Land Ports Authority of India Bill, 2009, has been elaborately discussed in the Standing Committee of Home Affairs. The clause 3 of the Bill provides for creation of The Land Ports Authority of India. So, I understand that this is following the footsteps of the Airports Authority.

Sir, my humble submission is that this Land Ports Authority shall not be a *modus operandi* for privatization. When we go through clause 11, Chapter 3 of the Bill, we find it very vast and comprehensive and we understand that it needs not only the cooperation but the participation of the State Governments. But what I understand is that only three State Governments have given their suggestions or recommendations regarding this Bill.

Sir, about 13 integrated check posts are going to be established. These 13 integrated check posts will be in the States of Bihar, Punjab, West Bengal, Manipur, Meghalaya, Assam, Tripura and Uttar Pradesh. Here, we should proceed very cautiously because the porous landlocked borders with Bangladesh, Nepal and Myanmar are very sensitive and most of the border that we have with China is not demarcated, the largest area remains demarcated. So, it is advisable to have more consultation and to seek more cooperation and participation of the State Governments concerned because many of our refrained borders have become the haven of illegal activities, illegal arms trade, flushing of people, fake currency, human trafficking, etc.

With your permission, Sir, I would like to say that recently in a newspaper called *Sunday Guardian* of May 2nd, there was a news item.

In that news item, one of the hon. Ministers of State has made a statement...*(Interruptions)*

MR. CHAIRMAN : The Minister wants to say something.

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Mr. Sampath, it is not correct. The Minister concerned has issued a statement denying that newspaper report. He has categorically denied it, and that copy has been made available to the Presiding Officer of the other House. Do not make that allegation. He has categorically denied it.

SHRI A. SAMPATH : Mr. Chairman, Sir, I would accept what the hon. Minister of Home Affairs has stated in the House. I will be one of the happiest persons if that denial is true. I believe in truth; and always the truth shall prevail; *Satyameva Jayate*. So, I will accept whatever the Minister of Home Affairs has stated. I believe it.

I would like to bring to your notice another matter which is very important. Recently, in the State of West Bengal, in the district of Cooch Behar, there was indiscriminate firing by the BSF people thereby killing a very old lady along with a child.
...*(Interruptions)*

MR. CHAIRMAN: Kindly try to conclude.

...*(Interruptions)*

MR. CHAIRMAN: Order, please.

...*(Interruptions)*

SHRI A. SAMPATH : Sir, let me utilize my time; you have to protect me. ...*(Interruptions)*

MR. CHAIRMAN: Please conclude.

...*(Interruptions)*

SHRI A. SAMPATH : More facilities have to be provided for movement of goods as well as people because we want people-to-people relation; we want very good relation with our neighbouring countries. One integrated check-post has to be established in the Into-Bhutan border also especially in a place called Jaigaon. We need one check-post there. We want more integrated check-posts along our border.

With these words, I conclude.

*m07

SHRI S. SEMMALAI (SALEM): Thank you, Mr. Chairman, Sir for giving me this opportunity. I welcome the Land Ports Authority of India Bill as it envisages unifying the various functions now performed by different agencies which are nevertheless inadequate.

It is an independent Authority. It should be an independent authority. The Authority is entrusted with the task of developing and managing facilities for cross-border movement of passengers and goods at designated points.

Clause 19 of the proposed Bill empowers the Authority to levy fees or rent for the cargo handling, warehousing, parking of trucks, parking of passenger vehicles, and other amenities etc. But the authority determines levying of fees or rent with the previous approval of the Central Government. I think this is obnoxious. It undermines the independent nature of the Authority. So, I suggest that the expression 'with the previous approval of the Central Government' in clause 19 of the Bill may be deleted to give unfettered power to the Land Ports Authority.

Then I come to Clause 7 of the Bill. It provides for the re-appointment of members to the Authority inasmuch as the term of a whole-time member is for a period of five years or till he or she attains the age of sixty years. I feel there is no need for the re-appointment of the whole-time member again to the Authority. It is because, I think it will create vested interest. Hence I would request the hon. Minister that Clause 7, enabling for re-appointment of a member for another successive term, be deleted.

On the whole, I welcome the Bill as it provides additional and centralized power to the Land Ports Authority to keep constant vigil and set up security measures.

With these words I conclude.

SHRI B. MAHTAB (CUTTACK): Mr. Chairman, Sir, I stand here to support this Bill.

There are several designated entry and exit points on the international borders of the country. Through this, persons, goods and traffic move across each other. Integrated Check Posts are coming along both Eastern and Western international borders.

This Bill seeks to establish, as has been said by the Minister, Integrated Check Posts at entry points and exit points. I am of the view that this should be a great facilitator for trade at the border with the neighbouring countries of Bangladesh, Nepal, Myanmar and Pakistan.

As has been stated here, there are seven such Posts in the Bangladesh border; four in the Nepal border; one in the Myanmar border; and one in the Pakistan border, totaling 13 land ports, but not a single one in the China border. Is it because there is no recognized international border with China or are you going to develop one in Nathula Pass?

With the changed circumstances, Sir, there is a need to boost border trade through hi-tech integrated check posts. There is a need to develop coordination among various agencies and service providers to facilitate cross border movement of goods and passenger traffic, while also addressing – this is more serious which, Shri Nishikant Babu has just mentioned during his intervention – the security concerns. Sir, it is important to put in place systems which address security imperatives but the major purpose is to facilitate trade and commerce. Here the catch lies. The European countries, at one point of time, had built land ports in every border. There are around 17 countries. But with the European Union coming into force, most of the land ports are vanishing day after day. The Interior Ministry was the key Ministry both in Europe and also in the United States, which look after the land ports. Be it with Canada or with Mexico, the United States has land ports which are looked after by the Interior Ministry. 'Interior Ministry' means the Home Ministry in our country. So, in that respect, I fully support the view that it is the Home Ministry which has to coordinate. It is not the Trade and Commerce Ministry which should do it. It is the Home Ministry which should coordinate this aspect, and should look after it; that should be the nodal agency.

Before I conclude, I am reminded some two-and-a-half decades back, that is, around 25 years back, it was during Mrs. Gandhi's time when the SAARC concept came, seven sisters or seven countries of the Indian sub-continent. We are building borders, land ports, we are fencing our borders, and we are concerned about our security. When will the time come when we will have free borders with the SAARC countries? I would be very happy if such things happen during my lifetime. If that happens, then there will be free movement of passengers, there will be free movement of goods, and there will be free movement of traffic within the SAARC countries but we should be careful about the international border which is beyond the SAARC countries.

Sir, with these words, I support this Bill.

[*SHRI PRASANTA KUMAR MAJUMDAR \(BALURGHAT\)](#) : Hon. Chairman Sir, this Land Ports Authority of India Bill 2009 is a good Bill and it can also be supported to some extent but I have certain apprehensions and my fear might come true. It might lead to privatization as was the case with the airports – this is the question. The Government must ensure that privatization does not take place under any circumstances.

Moreover Sir, only 13 Port Authorities have been proposed to be set up. West Bengal is almost entirely a bordering state. We have Bangladesh on the other side and Hili is the biggest commercial centre. My request to Hon. Minister would be that even if he decides to have only one integrated check post in our state, that should be the Hili checkpost. This place is very renowned and well known and should get its due.

Secondly Sir, there is a provision of acquisition of land, "under the provisions of the National Highway Act 1956 or any other law for the time being in force"- therefore it is not clearly mentioned that which department is to handle the cases of compensation for displacement arising out of land acquisition, if any, - whether the National Highway Authority will take the responsibility or any other department will take the onus is not clear. This should be kept in mind.

Thirdly, another point is about SOR; it has been said that "the authority would plan develop, construct, manage and maintain integrated

check post, coordinate the functions of various agencies working at such check post and also coordinate with various ministries and departments concerned of the Government of India and the agencies for regulating the entry and exit of the passengers, goods and establish necessary service facilities". Thus whether the Port

Authority will manage everything or various other departments will work together, is not known. So there will be clash of interest and responsibilities between the former and the latter. This paradox must be seriously looked into so that there is no overlapping of duties and rights.

With these few words, I thank you for allowing me to speak on this Bill and conclude my speech.

*SHRI PRATAP SINGH BAJWA (GURDASPUR): I thank you for giving me this opportunity to participate in the discussion on the Land Ports Authority of India Bill.

At the outset, I wish to thank the hon. Minister for conceiving this idea of establishment of Integrated Check Posts (ICPs) at entry and exit points on the international land borders to facilitate trade and commerce. The Land Ports Authority which is going to be constituted has been entrusted with the responsibility of construction, management and maintenance of these Integrated Check Posts, and I welcome this move.

For the first time, all the regulatory agencies such as immigration, customs, banking, health and quarantine facilities, dedicated passenger and cargo terminals, besides providing for various passenger amenities in a single complex and this will definitely help in boosting trade and commerce with our neighbouring countries.

Now, I wish to highlight a few points in regard to the provisions contained in this Bill.

As regards land acquisition for these ICPS, it is provided in the Bill that any land needed by the Authority shall be deemed to be needed for a public purpose and that the Authority has the power to enter into any contract necessary for executing its duties.

In this regard, I wish to bring to the notice of the hon. Minister of Home Affairs that around 10 acres of land was acquired by the State Government of Punjab and around 122 acres of land was acquired by the Central Government for the establishment of the Check Post at the Attari Border, of WAGAH Border and you have laid the foundation stone in February this year. We hear that the farmers were not very happy as they did not receive adequate compensation for the lands acquired from them. The per acre price for Category A land which was paid to the

farmer was Rs. 30 lakh and in case of Category C land, the price paid was Rs. 14 lakh. The farmers are agitated over the fact that their fertile lands were acquired by the Government at a price which is much below the market price. It is not a question of the farmers not willing to part with their land, but it is a question of getting adequate compensation for the same.

I request the hon. Minister to look into this matter and ensure that adequate compensation is paid whenever such fertile lands are acquired by the Government.

One of the concerns expressed by the Standing Committee on Home Affairs is the private sector participation in non-sovereign functions such as opening and operating hotels, parking lots, etc. The Committee felt that this may affect the security of the country adversely. I am sure, the Government has taken all the security concerns into account. Jurisdictional issue is another point raised by the Committee, that is, when Trade and Commerce is a subject matter of the Ministry of Commerce, then how come the Ministry of Home Affairs is handling this issue. The hon. Minister may please clarify this point. In case of any dispute arising within various agencies located in this Integrated Check Posts or if a problem relating to the Land Ports Authority has to be addressed, will it be the Home Ministry which would address those problems or not is something which has to be clarified.

The presence of a multiplicity of authorities means that there should be synergy amongst these various agencies in order to accomplish the objectives. Therefore, the jurisdiction, powers and responsibilities should be clearly demarcated.

A very important aspect that needs our highest attention along these international borders is the high incidence of smuggling of arms and ammunition and drug trafficking taking place from across the borders, especially the Golden Triangle. In this context, the management of borders acquires a high priority. There are several reports of smuggling of heroin worth

several crores of rupees in the international market, and most of these smugglers are coming *via* these international borders. We all know that Terai region has become notorious for the smuggling of Fake Indian Currency Notes. Similarly along our borders with Bangladesh, we know that smuggling of rice and jute is very rampant. Therefore, these aspects also need careful handling and a sustainable mechanism should be put in place to address the security imperatives and for the prevention of these cross border crimes.

Another important point is that as part of Confidence Building Measures (CBMs), we have accorded the Most Favoured Nation Status (MFNS) to Pakistan, but the same has not been reciprocated by them. As you know, on both sides of the borders, we have people who really have close relations and they want good neighbourly relations to prevail upon in this region.

Before I conclude, I would like to once again thank the hon. Minister for addressing the felt need for effective and efficient regulation of trade and commerce along the international borders by establishing this Authority and ICPs along the international borders.

*m11

गृह मंत्रालय में राज्य मंत्री (श्री अजय माकन): सभापति महोदय, मैं बहुत ही संक्षेप में कोशिश करूँगा कि सभी माननीय सदस्यों द्वारा उठाई बातों का जवाब दे सकूँ।

सबसे पहले इस बात का प्रश्न उठाया गया कि गृह मंत्रालय इस बिल को लेकर क्यों आया। सभापति महोदय, हमारे यहाँ पर एयरपोर्ट्स भी हैं और सीपोर्ट्स भी हैं। एयरपोर्ट्स को सिविल एवियेशन मिनिस्ट्री देखती है और सीपोर्ट्स को मिनिस्ट्री ऑफ शिपिंग देखती है। तो ज़ाहिर बात है कि जब लैन्डपोर्ट्स की बात आएगी और जिसके अंदर मूवमेंट केवल गुड्रज के नहीं होंगे, बल्कि लोगों का भी मूवमेंट होगा तो होम मिनिस्ट्री उसको देखेगी और कॉमर्स मिनिस्ट्री उसको नहीं देखेगी, इसलिए इस बिल को लेकर हम आए हैं।

दूसरा, मैं माननीय सदस्यों से कहना चाहूँगा कि अगर स्टेटमेंट ऑफ ऑब्जेक्ट्स एंड रीज़न्स देखें तो उसके अंदर दूसरी लाइन में ही कहा गया है कि - Good border management is mandated by India's security concerns. हम लोगों के सिक्यूरिटी कंसर्न से हमने इसकी शुरुआत की, इसकी परिकल्पना की और लैन्डपोर्ट्स अथॉरिटी ऑफ इंडिया इस तरीके से आया। एक और विषय इसमें उठाया गया कि कस्टम्स के साथ क्या इंटरबेस होगा, दूसरे डिपार्टमेंट के साथ हमारा क्या तालमेल होगा। मैं आपके माध्यम से माननीय सदस्यों और सदन को बताना चाहूँगा कि यह लैन्डपोर्ट्स अथॉरिटी ऑफ इंडिया एक स्टैटुटरी बॉडी होगी जिसके अंदर मिनिस्ट्री ऑफ एक्सटर्नल अफेयर्स के रिप्रज़ेंटेटिव्स, रेलवे के, डिफेंस के, डिपार्टमेंट ऑफ कॉमर्स के, रैवेन्यू के, रोड ट्रांसपोर्ट एंड हाइवेज़ के, और जो कंसर्न स्टेट गवर्नमेंट्स हैं, उन सबके रिप्रज़ेंटेटिव्स उसमें होंगे। तो आपकी जो आशंका है, उन सब बातों का हम उसमें अच्छे से ध्यान रख पाएँगे।

उसके अलावा बहुत सारी बातों के लिए आपने कहा कि जैसे बॉर्डर्स को और स्ट्रेंडैन करने की ज़रूरत है। फेन्सिंग, फ्लडलाइट्स का काम, रोडज़ बनाने का काम, ये सब की सब चीज़ें तो अपनी स्पीड से चलेंगी, किसी के ऊपर कोई कंप्रोमाइज़ नहीं किया जाएगा। इसी के साथ मैं माननीय सदस्यों को बताना चाहूँगा कि 1377 किलोमीटर का रोड इंडो-नेपाल बॉर्डर पर और 313 किलोमीटर का रोड इंडो-भूटान बॉर्डर पर बनाने का भी प्रस्ताव है। इन सब चीज़ों के साथ इंटीग्रेटेड चैकपोस्ट जो कि हमने लगभग 13 बनानी हैं, फर्स्ट फेज़ में सात और दूसरे फेज़ में छः बनेंगी, तो इन सब चीज़ों को हम अच्छे से करेंगे। मैं आपके माध्यम से माननीय सदस्यों और सदन से कहूँगा कि इस बिल को पास करें।

श्री निशिकांत दुबे (गोड्डा): मैं एक क्लैरिफिकेशन चाहता हूँ। (व्यवधान)

यदि हम बॉर्डर पर लैन्डपोर्ट्स बनाएँगे, उसमें होटल बनाएँगे, रेस्टोरेंट बनाएँगे तो दूसरे देश वाले भी बनाएँगे। उसमें यदि टैरिस्ट एक्टिविटीज़ बढ़ती हैं तो हमारे पास उसको चैक करने के लिए कौन सी अथॉरिटी होगी क्योंकि हम पहले शुरू कर रहे हैं?... (व्यवधान)

दूसरा मेरा कहना यह है कि जो फेक करेंसी है, उसका नेपाल और बंगलादेश सबसे बड़ा सेंटर है और वह बॉर्डर खुला हुआ है, उसमें कोई पासपोर्ट नहीं है। वहां कोई भी व्यक्ति कहीं से जा सकता है और आ सकता है। उस फेक करेंसी को रोकने के लिए चैक पोस्ट के पास क्या अथॉरिटी है?

श्री अजय माकन: सभापति महोदय, मैं आपके माध्यम से फिर से दोहराना चाहता हूँ, जैसे मैंने कहा कि लैंड पोर्ट्स अथॉरिटी ऑफ इंडिया बनाने का और इंटीग्रेटेड चैक पोस्ट बनाने का मतलब यह नहीं होगा कि हम बॉर्डर के ऊपर अपनी सिक्योरिटी को स्ट्रेंथन कर रहे हैं, उसके ऊपर किसी भी किस्म से कोई कमी आएगी। हम लोगों का फेंसिंग, फ्लड लाइटिंग और रोड्स का काम तो चलता रहेगा, और तेजी से चलेगा। इसके अलावा स्टेट गवर्नमेंट के रिप्रज़ेंटेटिव हमारे लैंड पोर्ट्स अथॉरिटी ऑफ इंडिया की बॉडी के अंदर रहेंगे और डिफेंस मिनिस्ट्री के रिप्रज़ेंटेटिव भी उसके अंदर रहेंगे, ये इन सब चीज़ों का ध्यान रखेंगे।

MR. CHAIRMAN : The question is:

"That the Bill to provide for the establishment of the Land Ports Authority of India for the development and management of facilities for cross border movement of passengers and goods at designated points along the international borders of India and for matters connected therewith or incidental thereto, be taken into consideration. "

The motion was adopted.

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

Clause 2

Definitions

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3

Constitution of Authority

Amendments made:

Page 2, for line 32, *substitute*,--

"(b) two Members, out of which a member shall be Member (Planning and Development) and other Member shall be Member (Finance);". (4)

Page 2, line 39,--

for "of the respective State"

substitute "not below the rank of the Secretary to the Government of the respective State". (5)

Page 2, for lines 41 to 43, *substitute*,--

"(e) two representatives, one of whom shall be from recognized bodies of workers and the other shall be from traders, to be appointed by the Central Government; and". (6)

Page 3, line 6,--

for "field of transport"

substitute "field of security, transport". (7)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 10 were added to the Bill.

Clause 11

Functions of Authority

Amendments made:

Page 4, line 30,--

for "develop and manage"

substitute "develop, sanitize and manage". (8)

Page 4, *after* line 33, *insert*“

"(a) put in place systems, which address security imperatives at the integrated check posts on the border;". (9)

Page 4, line 34,--

for "(a)"

substitute "(b)". (10)

Page 4, line 36,--

for "(b)"

substitute "(c)". (11)

Page 4, line 38,--

for "(c)"

substitute "(d)". (12)

Page 4, line 43,--

for "(d)"

substitute "(e)". (13)

Page 5, line 1,--

for "(e)"

substitute "(f)". (14)

Page 5, line 2,--

for "(f)"

substitute "(g)". (15)

Page 5, line 4,--

for "(g)"

substitute "(h)". (16)

Page 5, for lines 6 to 8, *substitute*,--

"(j) make appropriate arrangements for the security of integrated check posts and provide for regulation and control of movement of vehicles, entry and exit of passengers and goods in accordance with the respective law concerning them;".

(17)

Page 5, line 9,--

for "(i)"

substitute "(j)". (18)

Page 5, line 11,--

for "(j) regulate and control the plying of vehicles"

substitute "(k) regulate and control the movement of vehicles".

(19)

Page 5, line 15,--

for "(k)"

substitute "(l)". (20)

Page 5, line 18,--

for "(l)"

substitute "(m)". (21)

Page 5, line 20,--

for "(m)"

substitute "(n)". (22)

Page 5, line 23,--

for "(n)"

substitute (o)". (23)

Page 5, after line 25, insertâ€

"Provided that sovereign functions of the Authority shall not be assigned to any private entity;".

(24)

Page 5, line 26,--

for "(o)"

substitute (p)". (25)

Page 5, line 28,--

for "(p)"

substitute (q)". (26)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill. "

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12

Responsibilities and Powers of other agencies

Amendment made:

Page 5, for line 44,--

after "or State police"

insert "as per the provisions of the law for the time being in force". (27)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 to 18 were added to the Bill.

Clause 19 **Power of Authority to charge
fees, rent etc.**

Amendment made:

Page 7, line 3, *omit* "with the previous approval of the Central
Government". (28)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 to 31 were added to the Bill.

Clause 32 **Power of Central Government
to supersede Authority**

Amendment made:

Page 10, line 3,--

for "at the earliest opportunity"

substitute "in the immediate subsequent session of Parliament". (29)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That clause 32, as amended, stand part of the Bill."

The motion was adopted.

Clause 32, as amended, was added to the Bill.

Clauses 33 to 37 were added to the Bill.

Clause 1 **Short title and
commencement**

Amendment made:

Page 1, line 5,--

for "2009"

substitute "2010". (3)

(Shri Ajay Maken)

MR. CHAIRMAN: The question is:

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

The motion was adopted.

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

20.00 hrs.

Enacting Formula

Amendment made:

Page 1, line 1,-

for "sixtieth"

substitute "Sixty-first" (2)

(Shri Ajay Maken)

MR. CHAIRMAN (DR. M. THAMBIDURAI): The question is:

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

The motion was adopted.

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

Long Title

Amendment made:

Page 1, in the Long title,-

after "the Land Ports Authority of India"

insert "to put in place systems which address security imperatives and"

(1) (Shri Ajay Maken)

MR. CHAIRMAN: The question is:

"That the Long Title, as amended, stand part of the Bill."

The motion was adopted.

The Long Title, as amended, was added to the Bill.

SHRI AJAY MAKEN: On behalf of Shri P. Chidambaram, I beg to move:

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

MR. CHAIRMAN: The question is:

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

The motion was adopted.

