

>

Title: Discussion on the motion for consideration of the Unlawful Activities (Prevention) Amendment Bill, 2011 (Discussion not concluded).

MR. CHAIRMAN: Now we will take up Item No.8.

THE MINISTER OF HOME AFFAIRS (SHRI SUSHILKUMAR SHINDE): Sir, I beg to move:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

The Unlawful Activities (Prevention) Act was passed by Parliament in 1967. The Act has been enacted to provide for more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith. The Unlawful Activities (Prevention) Act, (UAPA), *inter alia*, deals with matters relating to combating of terrorism in all its facets, including terrorist financing. It criminalizes raising funds for terrorist acts, holding proceeds of terrorism, membership of a terrorist organization, support given to a terrorist organization and raising fund for a terrorist organization.

The UAPA 1967 also provides effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith. The scope of the Act was widened in 2004 and the terrorist activities were criminalized by bringing various facets of terrorism. All political parties joined together and unanimously passed the Act 35 of 2008 to amend the Unlawful Activities (Prevention) Act to overcome some of the difficulties in its enforcement and to update the legislation at par with international commitments and make certain provisions that made the Act more effective and stringent.

It is also relevant to mention about the Financial Action Task Force. The Financial Action Task Force, an inter-Governmental organization set up to devise policies to combat money laundering and terror financing. It admitted India as its 34th member in June 2010. On the basis of commitment made by India at the time of admission to the said FATF, various legislative and other legally binding measures were required to be taken on a medium term basis, *i.e.*, by 31st March, 2012 including some changes in the UAPA. These are also being accounted for in the Amendment Bill,

Further, an Inter-Ministerial Group which evaluated the existing provisions of the UAPA 1967 had recommended other necessary amendments to the said Act in order to deal with the current threat scenario.

The Unlawful Activities (Prevention) Amendment Bill, 2011 was introduced in the Lok Sabha on 29.12.2011. The Bill was referred to the Parliamentary Standing Committee on Home Affairs. The Committee gave its report on 28.03.2012. Out of the 14 clauses in the Bill, 10 clauses have been recommended for adoption without any change by the Standing Committee. The Committee has recommended changes in four clauses of the Amendment Bill. Thereafter, the matter was referred to the State Governments, Thus, the Bill before this House today has taken into account, the recommendations of the Standing Committee as well as the observations of the State Governments,

I would like to highlight some of the salient features in the proposed amendment Unlawful Activities (Prevention) Amendment Bill, 2011, before the House.

The Bill proposes to -

- (a) increase the period of declaration of an association as unlawful from two years to five years as specified under section 6;

17.00 hrs.

(b) Amend Section 15 of the aforesaid Act (which defines Terrorist act) to include therein

(i) Economic security and damage to the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or any other material as the existing provisions of the aforesaid Act do not include within their scope an act done with an intent to threaten or threaten likely to economic security of India and counterfeiting Indian paper currency or coin;

(ii) Any international or inter-Governmental organisation against which any person indulges in acts as described in the clause (c) of Section 15, since the existing provision does not explicitly mention such international or inter-

Governmental organisation;

(iii) Act of demanding any bomb, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious or other chemicals or any biological, radiological nuclear material or device with the intention of aiding, abetting or committing terrorism.

(c) Enlarge the scope of Section 17 of the aforesaid Act relating to punishment for raising funds for terrorist act and include within its scope raising of funds both from legitimate or illegitimate sources, by terrorist organisation or by a terrorist gang or by an individual terrorist.

(d) Insert new Sections 22A, 22B and 22C in the aforesaid Act to include within its scope, offences by companies, societies or trusts and provide punishment therefor.

To conclude, the proposed amendments to the Unlawful Activities (Prevention) Act, 1967, thus aim to bring more clarity to the existing legal regime, and remove the deficiencies identified in the implementation of the provisions of the said Act by the Central and State Intelligence and investigating agencies.

I am sure that these objectives will be achieved with a consensus in the House.

MR. CHAIRMAN : Motion moved:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

...(Interruptions)

DR. M. THAMBIDURAI (KARUR): Sir, in the All Party meeting we all opposed certain clauses relating to the interference in the matters of the State Governments. If this is the same Bill containing those clauses then we are opposing that and it should not be taken up now. It is because already in the All party meeting we have discussed this matter and there was no consensus on that and therefore if at all the Government is proposing to take up that Bill, then we are totally opposed to it and we do not want this Bill to be taken up now unless there is consensus on this from the political parties. Unless a consensus is reached on this, there is no point in taking up this Bill now. This Bill may be deferred. We request you to defer this Bill and we will consider it afterwards...(Interruptions)

MR. CHAIRMAN: Hon. Member, you made your point. The hon. Minister is on his feet.

...(Interruptions)

SHRI JAGDAMBIKA PAL (DOMARIYAGANJ): Sir, I am on a point of order. How can they oppose the Bill now? ...(Interruptions) The hon. Minister has already moved the Bill. This is the property of the House...(Interruptions)

DR. M. THAMBIDURAI : This can be taken up afterwards. The Government may defer this Bill...(Interruptions)

MR. CHAIRMAN: Hon. Members, you have made your points. Let the hon. Minister first reply to this. Please sit down. Please do not disturb now.

...(Interruptions)

SHRI SUSHILKUMAR SHINDE: Hon. Members, I would like to submit that...(Interruptions)

MR. CHAIRMAN: Nothing, except what is being said by the hon. Home Minister, will go on record.

(Interruptions) * * *

SHRI SUSHILKUMAR SHINDE: Sir, there were two important issues. One is UAPA Bill and another is NCTC. The NCTC was opposed and in this, we had referred to all the Chief Secretaries of all the States. We have received their replies also. I

personally discussed the matter with some Chief Ministers because earlier it was discussed and when I took over, I myself specifically consulted with the Chief Minister of West Bengal. So, you are talking of NCTC and not this Bill.

MR. CHAIRMAN : Now, Shri Arjun Ram Meghwal may speak.

...(Interruptions)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Our humble request is to defer it.

SHRI SUSHILKUMAR SHINDE: Why to defer it? You are talking of NCTC. You are talking of National Counter Terrorism Centre and you are not talking of UAPA Bill. You should understand what the hon. Member, Dr. Thambi Durai was suggesting.

SHRI BHARTRUHARI MAHTAB : The six page amendment Bill is for your consideration. What our hon. Colleague, Dr. Thambi Durai, was saying was that for the last three to four days, we could not transact any business. We are not saying that we are opposing this Bill. We are not saying that we are not going to discuss this Bill. We are only saying that to defer it by some days. That is our only concern.

SHRI SUSHILKUMAR SHINDE: We will discuss it at length.

MR. CHAIRMAN: Let the discussion start.

SHRI SUSHILKUMAR SHINDE: Sir, we can discuss it.

SHRI BHARTRUHARI MAHTAB : Let us not rush through the Bill....(Interruptions)

MR. CHAIRMAN: I have already called Shri Arjun Ram Meghwal. Hon. Member, you have made your point. Please sit down now.

...(Interruptions)

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

...(Interruptions)

SHRI ARJUN RAM MEGHWAL (BIKANER): This is the beauty of Indian Parliament....(Interruptions)

श्री अर्जुन राम मेघवाल (बीकानेर): महोदय, यह भारतीय संसद की खासियत है। आपने मुझे अन-लॉफुल एक्टिविटी प्रिवेंशन अमेंडमेंट एक्ट, 2011 पर बोलने का अवसर दिया, इसके लिए बहुत-बहुत धन्यवाद। जैसा मंत्री जी कह रहे थे कि हाउस में जब अमेंडमेंट बिल पेश हुआ, उसके बाद होम अफेयर्स की जो स्टैंडिंग कमेटी है, उसमें यह बिल गया। 29 दिसम्बर, 2011 को पेश हुआ और होम अफेयर्स की स्टैंडिंग कमेटी ने 28 मार्च, 2012 को सर्वसम्मति से सिफारिशों के साथ वापिस भेजा। मेरा कहना है कि यह सरकार का वेलकम स्टेप है। 1967 में यह मूल रूप से बिल आया था और जब एनडीए की सरकार थी, तब हम पेटा अधिनियम लाए थे। उसका बहुत विरोध हुआ, जबकि वह बहुत अच्छा कानून था, लेकिन आपने हमारी बात नहीं मानी। जब यूएन सिक्वोरिटी काउंसिल में पेटा की प्रोसीडिंग पर चर्चा हुई और भारत सरकार के प्रतिनिधियों को कहा गया कि आपके देश में आतंकवाद से लड़ने के लिए सशक्त कानून नहीं है, तो आपके ध्यान में हमारा पेटा का अधिनियम भी आया, लेकिन चूंकि वह एनडीए की सरकार के समय पास हुआ था, अच्छा अधिनियम था, इसलिए आपने उसका पोलिटिकली विरोध किया था। लेकिन अब फाइनेंशियल एक्शन टैंस्क फोर्स में जो कमिटमेंट आपने किया, उसके तहत आप यह पीस मील में अधिनियम ला रहे हैं, लेकिन यह आतंकवाद को रोकने का जो काम आप कर रहे हैं और आंतरिक सुरक्षा के नाम पर देश में जो खतरा उत्पन्न हो गया है चाहे वह नॉर्थ ईस्ट में हो गया हो, चाहे वह कश्मीर में हो गया हो, चाहे वह नक्सलवाद के माध्यम से सेन्ट्रल इंडिया में हो गया हो, जहां कहीं भी यह खतरा उत्पन्न हुआ है, उसको ठीक करने के लिए, दुरुस्त करने के लिए हालांकि आप पीस मील में अमेंडमेंट ला रहे हैं, लेकिन हमारी पार्टी इसका स्वागत कर रही है।

यद्यपि अभी तक यह बहुत कठोर कानून अभी तक नहीं आया है, जैसा कि यू.एन. सिक्वोरिटी काउंसिल में आप कमिट करके आए हैं। मेरा इस संबंध में यह कहना है कि आपके पास कानून तो पहले से थे लेकिन इसमें प्रोसीड ऑफ क्राइम जब कोई हो जाता था तो उसको आप डील नहीं कर पाते थे। मैं एक उदाहरण से आपको समझाना चाहता हूँ कि जैसे विदेश में कोई एक गैंग है और भारत में उसने कई आतंकवादी घटनाएं घटित कर दीं। वहां वह अभियुक्त था और उसका मर्डर हो गया, उसके कुछ लोग कार लेकर भाग गये तो जो कार लेकर भागे, उनको आप किसी भी एक्टिविटी में डील नहीं कर सकते थे। आपके पास कोई ऐसा कानून ही नहीं था। 'पेटा' में ऐसे कुछ प्रावधान थे लेकिन आपने यह सोचा कि यह होना चाहिए और आपने यू.एन. सिक्वोरिटी काउंसिल में जो बात कही, जो फाइनेंशियल एक्शन टैंस्क फोर्स में कमिटमेंट दिया, उसके तहत आप यह बिल लाए हैं, इसलिए हम इसमें आपका समर्थन करते हैं। लेकिन एक चीज का मुझे बड़ा अफसोस है...(व्यवधान) यह 'पेटा' से टफ हो। यह अभी तक लाए नहीं हैं। टफ कानून लाएं तो अच्छा है। पेटा का तो इन्होंने वैसे ही विरोध किया जबकि पेटा जैसा ही अब ये

ता रहे हैं। एक चीज का मुझे अफसोस है... (व्यवधान) यह पोटा से भी मोटा है। अभी मोटा नहीं है। लेकिन आना चाहिए। हम चाहते हैं कि इस देश में आतंकवादी घटनाएं रुकें। इस देश में जो ये अलगाववाद की घटनाएं हो रही हैं, वे रुकें। देश महत्वपूर्ण है। कोई भी एक्टिविटी करने वाला संगठन महत्वपूर्ण नहीं है। इसलिए अगर देश को एक रखने में, देश की एकता और अखंडता को बनाये रखने में ऐसा कोई भी अधिनियम लाएंगे तो भारतीय जनता पार्टी उसका समर्थन करेगी।

मुझे अफसोस के साथ कहना पड़ रहा है कि स्टैंडिंग कमेटी में एक पनिशमेंट रेज करने के लिए आपको सुझाव दिया गया था कि यह सजा दो से सात साल होनी चाहिए। मंत्री जी, इस देश में ज्यूरिस पूडेंस की दो थ्योरी हैं। एक थ्योरी रिफॉर्मेटिव है कि अगर कोई आदमी अपराध करता है और अगर सुधार सकता है तो उसको सुधारने का अवसर दिया जाना चाहिए। इसलिए हमारे देश में जेल का नाम भी सुधार गृह रखा जाता है। लेकिन कुछ ऐसे हैं बिबुअल ऑफेंडर होते हैं, ऐसे अपराधी होते हैं कि जो रिफॉर्मेटिव थ्योरी में विश्वास नहीं करते हैं। इसलिए ज्यूरिस पूडेंस में एक सिद्धांत है जिसका नाम डिटरेट थ्योरी है और इस डिटरेट थ्योरी के तहत स्टैंडिंग कमेटी ने बहुत विस्तार से इस पर डिसकशन किया और यह कहा कि डिटरेट थ्योरी के तहत इसमें पनिशमेंट सात साल का होना चाहिए। जब आप एग्जम्पलरी पनिशमेंट देना ही चाहते हैं कि जो देश को तोड़ने वाले लोग हैं, जो देश में आतंकवाद और अलगाववाद फैलाने वाले लोग हैं, तो फिर जो सजा स्टैंडिंग कमेटी ने सात साल की थी, उसको आपने सात साल से पांच साल किस आधार पर कर दिया? आप दो मन से मत चलिए, या तो आप रिफॉर्मेटिव थ्योरी में विश्वास करिए या आप डिटरेट थ्योरी एक्सेप्ट करिए जो स्टैंडिंग कमेटी में एडॉप्ट की गई थी। स्टैंडिंग कमेटी में इस विषय पर बहुत चर्चा हुई कि पनिशमेंट कितना होगा? पनिशमेंट पर भी चर्चा हुई और फिर सारे दल के लोग स्टैंडिंग कमेटी में होते हैं और सभी ने कहा कि इसमें सजा सात साल ही होनी चाहिए। फिर आपने अचानक इसको पांच साल कर दिया। इसलिए मेरा आपसे यही कहना है कि जब आप जवाब देने के लिए उठें तो इसमें यह आप जरूर देखें और यह जरूर बताएं कि किस आधार पर पांच साल सजा की गई और किसने आपको सजेशन दिया?

जब एक बार आप स्टैंडिंग कमेटी में मैटर ले जाते हैं तो वहां बहुत डिटेल् में डिसकस होता है। मेरा यह भी कहना है कि पार्लियामेंट में कोई आश्वासन दिया जाता है या स्टैंडिंग कमेटी में रिक्मेंड किया जाता है, मान लीजिए कुछ सामाजिक संस्थाएं आ गई, उनके कहने से पार्लियामेंट और पार्लियामेंट से जुड़ी हुई स्टैंडिंग कमेटी का स्टेटस मत कम कीजिए। इससे पार्लियामेंटरी सिस्टम वीक होगा। अगर यह वीक होगा तो देश के लिए खतरा होगा। मेरा यह कहना है कि पार्लियामेंटरी स्टैंडिंग कमेटी की डिटरेट थ्योरी को मानते हुए जो सजा सात साल की थी, उसे सात साल ही बरकरार रखने की कोशिश करें।

माननीय मंत्री जी, मैं कहना चाहता हूँ कि आपने फंड्स रेज करने वाले लोगों को भी इसमें सम्मिलित किया है। यह अच्छी शुरुआत है लेकिन आप इसे इम्पलीमेंट कैसे करेंगे? क्या सरकार के पास वह इच्छाशक्ति है जिस तरह से ये चीजें ली गई हैं? आपने सैक्शन 17 में कहा है - "Section 17- Punishment for raising funds for terrorist act." यह पोलिटिकल पार्टी के बारे में नहीं है। यह पनिशमेंट फार रेजिंग फंड्स फार टेररिस्ट के लिए है। पोलिटिकल पार्टी अगर कोई आतंकवादी घटना करेगी तो इसमें आ जाएगी। आतंकवाद इस देश से बड़ा नहीं होना चाहिए लेकिन और कई जगह यह हो गया है। नक्सलवाद चैलेंज कर रहा है कि हम कंट्रोल करेंगे। होम मिनिस्टर साहब जानते होंगे कि नार्थ-ईस्ट में इस तरह की पैराल आर्मी बन गई है। इस देश की आर्मी के लोग उन्हें सैल्यूट करते हैं, उनके साथ चाय पीते हैं। यह देश के लिए कोई शुभ संकेत नहीं है। हालांकि आपने इसमें लिखा है - Punishment for raising funds for terrorist act. आप कभी इम्फाल जाकर देखिए कि प्राइवेट लोगों की आर्मी, जिन्हें हो सकता है फंड बाहर से आ रहा हो, इन लोगों के साथ आर्मी के लोग बैठकर चाय पीते हैं, सैल्यूट करते हैं। हमारी कमेटी गई तो वे लोग लेने आए, हमने पूछा कि ये लोग कौन हैं तो वे बोले कि यह कोई टेररिस्ट ग्रुप है, इसकी अलग आर्मी है। हमने पूछा इनके कितने लोग हैं, उन्होंने कहा 2000 लोग हैं। मैं पूछना चाहता हूँ कि प्राइवेट 2000 लोगों का दल, जो बाहर से पैसा ले रहा है, उससे हमारे देश की इतनी मजबूत आर्मी क्यों डर रही है? आपको कहीं ने कहीं स्ट्रॉंग एटीट्यूड लेना होगा। ठीक है, वार्तालाप में वे चुप रहें, बाहर न निकलें, वे आर्मी की ड्रेस में बाहर निकलते हैं, हाई वे ब्लॉकेज कर देते हैं, छ-छ: महीने तक उगाड़ी करते हैं, लोगों को राशन नहीं मिलता है, स्कूल बंद हो जाते हैं। नार्थ-ईस्ट में आतंकवादी घटनाएं होती हैं, क्या वहां भी इस एक्ट को लागू करने का प्रयास करेंगे? क्या यह आपकी भावना है? आप इस एक्ट को लाए हैं तो इस उद्देश्य से लाए हैं कि इस देश में अलगाववाद न फैले, आतंकवाद न फैले। इस देश को पृथक्वादी ताकतों आंखें दिखा रही हैं, ऐसी ताकतें नहीं फैलनी चाहिए। आपने ये सब चीजें इसमें कहीं न कहीं जोड़ी हैं। आज मनी लॉर्डिंग का अच्छा बिल पास हुआ है, वह भी आर्थिक अपराध से जुड़ा हुआ है। यह बिल भी इसके साथ लिंकड है। हम इन दोनों बिलों का स्वागत करते हैं लेकिन इसकी इन्फोर्समेंट मशीनरी को भी देखना होगा कि जिस पवित्र उद्देश्य से स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स इसमें लिखे हैं, वे पूरे हों। स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स तो हर बिल में लिखे होते हैं। मैं किसी मीटिंग में गया था, वहां कोई सोशल ऑर्गेनाइजेशन की कोई महिला कह रही थी कि पार्लियामेंट में स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन्स ऐसे ही लिख देते हैं, कोई पढ़ता नहीं है। गलत परसेप्शन जा रहा है, यह नहीं होना चाहिए। मैं राजस्थान से आता हूँ, इस बिल में आपने कुछ प्रावधान रखे हैं। लेकिन कुछ टेलिफोन काल्स जो पाकिस्तान से आती हैं, जैसे मेरे पास भी एक काल आई थी और मैंने जीरो ऑवर में एक प्लन भी रेज किया था। वह हमसे पूछता है कि आप अपने डिटेल्स दीजिए, आप कोई इनाम जीत गये हो, हम आपको पांच लाख रुपये देंगे, दस लाख रुपये देंगे। कोई आदमी उन्हें डिटेल्स दे देता है और घर का एड्रेस दे देता है तो उसके बाद वह फंस जाता है। वह इन्फोसेन्ट होता है, उसने देखा कि पांच लाख या दस लाख रुपये मिल जायेंगे। डबल जीरो नम्बर की कोई काल होती है, इस तरह की काल्स इंटरनेशनल बार्डर के पास रहने वाले नागरिकों के पास अक्सर आती हैं। जो हमारे नार्थ-वैस्ट राजस्थान में रहने वाले लोग हैं, बाड़मेर, जैसलमेर, बीकानेर, श्रीगंगानगर और जोधपुर में पाकिस्तान से मोबाइल पर टेलिफोन काल्स आती हैं और उन पर कोई कार्रवाई नहीं होती या तो कोई एक्ट ही नहीं था। यदि वर्तमान में कोई है तो आप उसके तहत भी कार्रवाई कर सकते हो। लेकिन वे कहते हैं कि हम कोई कार्रवाई नहीं कर सकते।

मेरा आपके माध्यम से कहना है कि ऐसी काल्स में कई लोग फंसे हैं। उन्होंने अगर घर का कोई एड्रेस दे दिया तो उस घर के एड्रेस पर जैसे पचास हजार रुपये एडवांस फिस्त भेज दी। अब जैसे ही पचास हजार रुपये की फिस्त आती है और एड्रेस के साथ टेलिफोन नम्बर होता है तो पाकिस्तान में बैठा हुआ कोई टेररिस्ट गैंग यह कहता है कि तुम हमारे नेट पर आ गये हो। अगर तुम हमारे लिए आतंकवादी गतिविधियों में सहयोग नहीं करोगे तो हम आतंकवादी दस्ते को बता देंगे कि यह हमारा आदमी है और यह हमारा सहयोग नहीं करता। वह आदमी वैसे ही फंस जाता है। मैं समझता हूँ कि ऐसी चीजों के लिए भी आपको इसमें प्रावधान करना चाहिए। क्योंकि यह इंफोर्मेशन टैक्नोलोजी से जुड़े हुए, साइबर क्राइम से जुड़े हुए कुछ अपराध हैं, जिन्हें आपने इसमें डील नहीं किया है। मैं समझता हूँ कि इसमें आपको इन्हें भी डील करना चाहिए। साइबर क्राइम से जुड़े हुए अपराध, मोबाइल के माध्यम से, इंफोर्मेशन टैक्नोलोजी के माध्यम से जो टेलिफोन काल्स आ जाती हैं, ऐसे अपराधों को भी आपको इसके माध्यम से डील करना चाहिए।

अंत में मैं एक बात कहकर अपनी बात समाप्त करता हूँ कि आपने सैक्शन-4 का जो अमेंडमेंट किया है, उसमें आपने फेक करेन्सी के बारे में भी जिक्र किया है - काउंटर फेक इंडियन पेपर्स और फेक करेन्सी, जो हमारे राजस्थान में या बाँके में कई जगहों पर बड़ी मात्रा में आ गई है। कई बार पता नहीं चलता कि पांच सौ का

नोट असली है या नकली है, हजार का नोट असली है या नकली है। देश में यह एक बहुत गम्भीर समस्या पैदा हो गई है। आतंकवादी गतिविधियों के द्वारा जो इस देश में अस्थिरता पैदा करने वाले लोग हैं, जिन्हें इस एक्ट के माध्यम से आप डील करना चाहते हैं, उनसे जुड़ी हुई ही ये गतिविधियां हैं, आप इन्हें भी बहुत स्ट्रॉंगली डील कीजिए, हम आपके साथ हैं। आतंकवाद, अलगाववाद, पृथक्तावाद जैसी कोई भी शक्तियां इस देश को हिला न सकें, इस देश को तोड़ न सकें, इस देश के खिलाफ आंख उठाकर भी न देख सकें, इसके लिए हम आपके साथ हैं। आप यह बिल लाये, उसके लिए हम आपको बहुत-बहुत धन्यवाद देते हैं।

सभापति जी, आपने मुझे इस महत्वपूर्ण बिल पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देता हूँ।

SHRI P.C. CHACKO (THRISSUR): Sir, I rise to support the Bill moved by the hon. Home Minister. This Bill probably should have been discussed much earlier. This country is facing the grave situation in the field of terrorism. Existing laws are inadequate to meet this challenge. Terrorism as it is spreading all over the world has become a global phenomenon. India is one of the worst victims of terrorism. If our laws to face terrorism are inadequate, it is the fundamental and primary responsibility of this House to pass sufficient legislation.

Today, after a long gap, probably the 2011 when the Report of the Standing Committee was before the Government; and the Cabinet approved the proposals; it should have been passed much before. Shri Meghwal was very heartily supporting this Bill but we could not pass this Bill in the last Monsoon Session, thanks to the hon. Members of Opposition, because it was a wash out Session so we could not pass.

But at least when it came now, a very senior and very serious Member of this House Shri Mahtab was also saying that this may be deferred to some other day. I can understand the argument which the hon. Member Dr. Thambidurai has advanced that there was a controversy about another Bill which was brought to tackle terrorist activities and that is regarding the National Counter Terrorism Centre (NCTC). That was probably in the mind of many other hon. Members that this Bill is another incarnation of that proposal.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Actually, the Act of 1967 empowers the Government to go into this type of amendment. That is why we wanted some more time to deliberate on this and come back so that the discussion can be more fruitful.

SHRI P.C. CHACKO : First this Bill was introduced and then it went to the Standing Committee, it came back to the House and it was to be discussed in the last Session. After a lot of time was wasted during the last Session, we got an opportunity now and when I heard Shri Mahtab saying that it should be postponed, I was a little disappointed. However, I am not questioning his intention. When the NCTC Bill was mooted by the Government, I remember the political differences that were there at that time. We are in a federal polity. The powers of State Governments should not be encroached upon by the Centre. Even when we accept this in letter and spirit, when the unity and integrity of the country is challenged by external forces, by terrorist forces abetted by hostile forces, it is our bounden duty to come to a conclusion. But there was a big controversy. Whom is it going to help? Should there be a controversy on the powers of the Centre and States? We can have a controversy on any other subject, but not on this kind of a Bill to set up NCTC. As the Home Minister said, that Bill is still in the pipeline and that may come with the consensus of the hon. Chief Ministers.

Sir, we all know that the purpose of this Bill, as has been briefly explained by the hon. Home Minister, is to widen the scope of the existing Act. This Act was first passed in the year 1967, 45 years ago. In these 45 years, the landscape in various countries has changed a lot, not only here but all over the world. In 2004, we made an amendment to this Act and in 2008 we came up with another amendment. Again, when we are coming now for another amendment, we are faced with new problems and how to tackle those new problems is what is being addressed in this Bill.

Sir, the main thing, as explained by the hon. Minister, is the definition of terrorist act to cover the activities affecting the economic security. At one point of time, we all thought that it is the bomb, gun, chemical weapons are helping terrorism. But today we find that the security of a country can be more effectively threatened through money laundering or fake currencies or the economic security of a country can be sabotaged through various other means. Today it is not a secret that Indian currencies which are printed in the neighbouring countries are being transported in bulk into India. In the past, huge consignments of fake currencies were seized in the borders many times. We do not know how much is being pumped into the Indian economy. In our country, we are struggling to cope up with many problems. We have poverty, we want to eradicate poverty, we have unemployment and we want to eradicate unemployment. Growth of economy is the only solution for eradicating poverty. No slogan can solve it. But a country which is growing comparing to many other countries at a higher pace, today there are many people who are envious of the growth of India. They think that the right thing is not to attack with Army, not to attack with weapons, but they think that the right thing is to destabilise India economically. So,

the definition of terrorism has been expanded to cover the economic security. In that angle probably and rightly so fake currency and money laundering are included. Just now this House passed Money Laundering Bill. It is accidental but it is very interesting and welcome thing that immediately after the Money Laundering Bill, we are passing this legislation also.

This legislation has very clearly defined that all acts which are sabotaging and torpedoing the economic stability of this country will be covered in the terrorist activity. Sir, with all the difference, all the Parties, I am sure will welcome this.

Another major thing is the period for which an association involved in terrorist acts could be declared unlawful raised from two years to five years. Sir, this was discussed in detail in the Committee. In our country, there are many organisations which apparently say that they are social organisations and other kinds of organisations, but their activities are anti-India, anti-national and subversive. Our existing laws are quite insufficient to tackle any organisation working with an ulterior motive and if that comes to the notice of the Government because we believe that in our Constitution article 21 very clearly says that personal liberty is uppermost. No person can be deprived of this liberty without due process of law. This is the fundamental thing of our Constitution.

Sir, India is famous for personal liberty. We uphold personal liberty in our Constitution. We give it prime importance. But at the same time when it is being misused and when many organisations with a façade of social service and other things are working to undermine the integrity of this country, such organisations can be banned or prohibited. There are so many agitations going on in various parts of the country that the ban should be lifted. I know that very responsible political Parties are also supporting such agitations.

What more it has done? Is it to deprive the personal freedom? Is it to deprive the personal liberty? There may be arguments like that. But, unfortunately, when with clear evidence and things come before the Government that subversive activities are resorted and terrorist activities are abetted by such organisations, they are banned. That ban period now is for two years and once in every two years it is to be reviewed. None of us expect that within two years they will become good people and they will be nationalist and all. So, now this period has been extended to five years for whoever is indulging in subversive activities.

Another point is that 'the courts to get powers to attach property equivalent to the counterfeit Indian currency involved is an offence' is very mild. I hope the hon. Minister will reconsider it. If property is acquired through illicit or fake currency that property can be attached by the Government equivalent to the currency as if it is a trade. The Government should have the powers to take over the property of anybody who has done unlawful activity and apportioned wealth in this country, There, this clause that 'equivalent to the counterfeit Indian currency involved in an offence' will lead to all kinds of complications because offence is an offence. Offence is against the nation. When it comes to the notice of the Government, the Government should have the power to do that.

Sir, in spite of all the shortcomings, the existing Bill which is a very important legislation in tackling the terrorism in our country, this is adding to that and giving some teeth to existing Bill.

Here there is some very important thing to be brought to the notice of the hon. Minister. Since I have gone through the report of this Committee also, there is a definition of the 'person'. The Bill amends the original Act to include the definition of a person. A person shall include – I think the hon. Minister will give us an explanation – an individual, a Hindu undivided family, a company etc. I do not understand the significance of including Hindu undivided family in this context. Probably there was a thinking that this can be changed. That was the explanation given to the Committee at that point of time. I do not know whether it is amended or whether it is still there. If it is so, that may not be very appropriate. Terrorism has nothing to do with Hindu Undivided Family. So if it has crept in as a mistake, then I hope the hon. Minister will explain that. It is because, in the definition of this Act, when you define this, I do not think that it is appropriate at least in this context that this definition is there.

The terrorist organisations are spreading in numbers. There are so many terrorist organisations but they appear to be very innocent and engaged in other activities. But, now, in some States, some organisations which have committed heinous crimes in this country and which have assassinated national leaders, they were behind that also, when such organisations are banned, at least there is somebody now to say that the ban should be lifted. Here at least, we have to have a consensus on that. In spite of all our political differences, we can evolve some kind of a common approach in such things. The Governments may come and Governments may go, but the people who are involved in heinous crimes against the security and integrity of the country, such people should be dealt with. As said by Meghwal ji, there cannot be any compromise on that. Here we have extended the ban period to five years, but any suspected organisation, any organisation which has past involving crimes or subscribing to disintegration, such people should not be glorified. Such people should not be whitewashed. That should not be the consideration whether it is inconvenient to the present Government or not. It may

be a great threat tomorrow for this country. So in that kind of a situation, political parties will have to have a common approach that such undesired elements should not be supported.

All these amendments which are included in this Bill are giving this Bill the most important anti-terror legislation which is in India today. It is giving it more meaning, more teeth and more effectiveness to deal with it. I am very happy that the hon. Minister has presented it. I am sure that there will be contribution to enrich this Bill in its present form also, and whatever suggestions we have given also will be considered. I hope that this Bill finds a wider acceptance in this House. I think that that is the view of the common man of this country. With great happiness, I support this Bill.

श्री शैलेन्द्र कुमार (कोशाम्बी): माननीय सभापति महोदय, आपने मुझे विधि विरुद्ध क्रियाकलाप निवारण संशोधन विधेयक, 2011 पर बोलने का अवसर दिया, इसके लिए मैं आपका आभारी हूँ।

अभी इस बिल को लेकर कुछ संशय हुआ, लेकिन माननीय गृह मंत्री जी ने उस बात को स्पष्ट किया। जहाँ तक इस विधेयक में संशोधन की बात है, इसमें पूरे तरीके से दिया गया है कि काले धन को सफेद करना आतंकी हरकत समझा जाएगा, आतंकियों पर लगेगी आर्थिक पाबंदी, और इस बिल को अगर देखा जाए तो यह गैर-कानूनी गतिविधि कानून विधेयक है जिसमें यह स्पष्ट है कि आतंकवादियों के गुटों को धन मुहैया कराने की हरकतों को आतंकी गतिविधि माना जाएगा, यह इस बिल से स्पष्ट है। इस बिल में आतंकियों को वित्त पोषण, मनी-लॉन्ड्रिंग और नकली भारतीय करेंसी, नोट पर लगाम लगाने की बात है।

17.40 hrs.

(Shri P.C. Chacko in the Chair)

इसके पहले हम जिस विधेयक पर चर्चा कर रहे थे, यह विधेयक उस विधेयक से मिलता-जुलता है। इसलिए इसकी लगभग सभी बातें आ चुकी हैं। जहां तक जाली नोटों की बात है, यह देखा गया है कि पाकिस्तान, नेपाल और बांग्ला देश बार्डर से नकली नोट आने की बात किसी से छिपी नहीं है। इस प्रकार के विधेयक से इन पर कहीं न कहीं लगाम लगेगी। इस विधेयक में कहा भी गया है कि जुर्मों के अतिरिक्त सज़ा को सात वर्ष तक बढ़ाया गया है। मैं तो चाहूंगा कि इसे सात से दस वर्ष किया जाए... (व्यवधान) हो सकता है कि सरकार को यह डर लग रहा हो कि हमारे लोग इसमें कहीं प्लिशमेंट न पा जाएं। मैं तो चाहूंगा कि इसे सात से दस वर्ष किया जाए। आप सात से पांच कर रहे हैं, यह गलत है। फाइनेंशियल एक्शन टास्ट फोर्स में 34 देशों में भारत को भी शामिल किया गया है। वह स्वागत योग्य है कि कम से कम अंतर्राष्ट्रीय स्तर पर भारत की एक अलग पहचान इससे बनेगी। इस बिल पर बहस में तमाम सम्मानित सदस्यों ने अपने विचार रखे हैं। अगर देखा जाए तो बाहरी आतंकवाद से तो हम लड़ ही रहे हैं, लेकिन देश में जो उग्रवाद पनप रहा है, वह भारतवर्ष के लिए चिंता का विषय है। हम लोगों को अक्सर पूर्वोत्तर राज्यों में जाने का मौका मिला तो वहां हमने देखा कि पूर्वोत्तर राज्यों में जो हाल ही में घटनाएं घटीं, उनसे सभी लोग बहुत दुखी हुए और खास कर पूर्वोत्तर राज्य के उग्रवादी संगठनों ने भी यह महसूस किया कि हिंसा का जो स्वरूप है, जो अफ़वाह और भय का वातावरण है, उससे देश को और उनको खुद को बहुत नुकसान हुआ है। हमने बराबर इस सदन के माध्यम से हमेशा सरकार को इंगित किया है कि देश के ऐसे जो उग्रवादी संगठन हैं, उनसे बातचीत के द्वारा समस्याओं का हल निकाल सकते हैं। लेकिन कभी किया गया, कभी नहीं किया गया। मेरे ख्याल से इसमें बराबर प्रयत्न करना चाहिए कि इस प्रकार के जो संगठन हैं, जो आपसे वार्ता करना चाहते हैं, शांति वार्ता करना चाहते हैं, उनसे वार्ता करनी चाहिए और निरंतर करनी चाहिए। जब देश के अंदर उग्रवाद पनपेगा तो मेरे ख्याल से देश में कभी खुशहाली या विकास नहीं हो सकता है। इस बिल में यह भी कहा गया है कि तमाम उग्रवादी संगठनों द्वारा जो ज़बरन कसौली, फ़िरौती, इस प्रकार की बातें आयी थीं, उसमें कमी आयी है, आपने रोका है, आप इसके लिए बधाई के पात्र हैं। हमें अपने पड़ोसी देशों से भी हमें बेहतर रिश्ते बनाने चाहिए। बांग्ला देश के पास प्राकृतिक गैस की अपार संपदा है और हमें यहां उद्यमी पूंजी भी है। हमें कोशिश करनी चाहिए कि उन देशों के साथ मिलकर हम विकास करें। हमें वहां रोज़गारपरक व्यवस्था करनी चाहिए ताकि वहां रोज़गार मिले, विकास हो। जिन पड़ोसी देशों से हमारे रिश्ते मधुर नहीं हैं, उनमें प्रगाढ़ता आएगी और हम आगे बढ़ेंगे। अभी कुछ सम्मानित सदस्यों ने नेशनल काउंटर टैरिज्म सेंटर, एनसीटीसी के बारे में यहां बात कही है। मैं इसके विस्तार में नहीं जाऊंगा, लेकिन एनसीटीसी पर सभी राज्यों के मुख्यमंत्रियों से वार्ता करनी चाहिए और आम सहमति बनानी चाहिए। अभी जब दिल्ली में बैठक हुई थी तो उसमें पुलिस महानिरीक्षक और बड़े अधिकारी आए थे। 12 राज्यों ने इसका विरोध किया था। उनको यह महसूस हो रहा था कि राज्य के अधिकार केन्द्र छीन रहा है। मेरे ख्याल से मंत्री जी ने उस बात को स्पष्ट कर दिया है, इसलिए मैं उस पर ज्यादा नहीं बोलना चाहूंगा। जहां तक इस विधेयक की बात है, यह बहुत अच्छा विधेयक है। मैं इस विधेयक का समर्थन करता हूँ।

MR. CHAIRMAN : Prof. Saugata Roy.

PROF. SAUGATA ROY (DUM DUM): Mr. Chairman, Sir, I have not yet been assigned the seat. Can I speak from this seat?

MR. CHAIRMAN: Yes, you can speak now.

PROF. SAUGATA ROY : Sir, I am supporting this Unlawful Activities Prevention (Amendment) Bill, 2011 to honour a commitment which our Party leader Kumari Mamata Banerjee made a few months ago. On 23rd August, a meeting of the UPA Coordination Committee was held and it was attended by the West Bengal Chief Minister, Kumari Mamata Banerjee. She gave a commitment that our Party would support this Bill. Though we are no longer a part of the UPA, our Party is keeping its commitment and supporting this Bill in the House today.

Sir, this Bill is coming at a time when Shri Shinde has got many congratulations on the silent hanging of Ajmal Kasab, the only terrorist who lived after the Mumbai carnage. He did it so secretly. He told the Press that not even the Prime Minister and the UPA Chairman were aware of it. If he has done so, *kudos* to him. All operations should be carried out in secret.

Sir, this Bill, as other hon. Members have spoken, seeks to enlarge the scope of the unlawful activities, which is why we are not opposing this Bill. But let me state at the outset that our Party and the State Government of West Bengal are totally opposed to the National Counter Terrorism Centre. We have opposed it at the earlier meeting of the Chief Ministers; we have opposed it at the meeting of the DGPs for the simple reason that the proposed NCTC, as it was proposed then, impinges on the right of the States and is violating the federal character of the Constitution.

Knowing the Home Minister's nature, I am sure that he will try to arrive at a consensus with the Chief Ministers of the States since law and order is a State subject how the terrorist activities can be controlled without taking away the basic power or right of the States. No effort should be made as it was made earlier in rushing through the National Counter Terrorism Centre. Ultimately it will be the State Governments which will have to control law and order and hold the baby. So, it is better to take them on board in having the National Counter Terrorism Centre.

Mr. Chairman, Sir, you spoke on this Bill and at that time you were not in the Chair. I agree with the way that you have put and said that this Bill has three aspects. One is to bring amendments that have been recommended by the Financial Action Task Force, of which India has become the 34th member. We just discussed another Bill, that is, Prevention of Money-Laundering (Amendment) Bill, where also we have tried to implement the recommendations of the Financial Action Task Force. There is no doubt that laundered money is being used to fund the terrorist organizations worldwide. It is a genuine problem in the country.

The Home Minister himself has said that laundered money of the terrorist organizations is entering the stock market. He also said on record that laundered money is going into the real estate on the construction business. He will obviously enlighten this august House as to what the Government of India with its huge machinery, is doing to prevent laundered money, terrorists' money from getting into the real estate business or into the stock market. The Home Ministry and the Finance Ministry need to work in tandem to meet this challenge.

If you know, Sir, originally when this Bill was brought in 1967, terrorism was not an issue in India. It was only in 2004 that the terrorism also became a matter in India; it was amended in 2004 by criminalising, raising of funds for a terrorist act, holding proceeds of terrorism, membership of a terrorist organisation, support given to a terrorist organisation and raising funds for a terrorist organisation by inserting specific chapter.

So, it is an old Bill; it is 45 years old. But it was totally amended in 2004. The definition of property was also expanded to bring the legislation in line with the requirements of the International Convention for suppression of the financing of terrorism. So, the Act was amended to make it more effective in prevention of unlawful activity and dealing with terrorist activity.

But if I may say so, Sir, we in India were new to terrorism and had not been as successful as the Americans. Look at what the Americans have done after 9/11. After 9/11, not a single major terrorist incident has taken place on America's soil. But why even after the Prime Minister of the country was assassinated in her own house, and so many years later, the Mumbai carnage could take place? Why did the Poona German Bakery blast take place? There is something wrong, something porous, something weak and something vulnerable. Through the system, we are not being able to prevent terrorist incidents from being happening.

I am sure that the hon. Home Minister would ponder over these questions and devise newer ways to prevent terrorist acts from taking place in the country.

Sir, one of the major thrusts of the Bill is the making of high quality counterfeit notes a punishable offence. This is very correct. I come from a State, which is situated on the border of several sovereign nations -- Bangladesh, Nepal and Bhutan. Even Chinese border in Tibet is not so far from our State. I was an MLA from a border Constituency; and we have seen how Indian counterfeit notes come into India; how they are used to finance illegal activities.

Sir, let me tell the House that the Government of the West Bengal is trying its best. But you would be surprised to know that in some parts of North Bengal, even a year and half ago, Chinese currency was circulating openly as an instrument. This is causing a great danger. It is very probable that this high quality counterfeit Indian currency is sought to be breached by sovereign support and has been made into terrorist offence. This if allowed, will destroy our monetary system and severely damage our economy.

Sir, the present Bill also gives the power to ban organisations for five years instead of two years earlier. I think it is prudent

because you cannot take a decision for more than five years. I do not agree with my colleague Shri Shailendra Kumar that 'you do it for seven years or 10 years'. There are 32 organisations, which are banned under this Act, at present. Sometimes, demands are made about SIMI. The Milli Council says: "raise it." Sometimes, demands are made about the LTTE, which is a banned organisation in the country, that the ban should be lifted. No quarter at all should be given to any terrorist organisation.

The Government should not only have all-party support but also across the board support in meeting the challenge of terrorism, which has emerged as a major threat to the world security in the 21st century. In this, we are one with the Government.

I would only request the Home Minister to take the State Governments on board so that together the Central and the State Governments can meet the challenges forced by terrorism. If we can achieve international cooperation through the Financial Action Task Force and other Bodies, why should there not be across the board cooperation between the Centre and the States in meeting this global menace of terrorism.

Thank you, Sir. With these words, I support this Bill.

SHRI PRABODH PANDA (MIDNAPORE): Thank you, Mr. Chairman, Sir for giving me this opportunity to speak. This is another Bill relating to prevention -- Unlawful Activities (Prevention) Amendment Bill. Before taking up this Bill, we have just now discussed and passed the Prevention of Money Laundering (Amendment) Bill.

So, we are discussing the Bills concerning prevention after prevention. Money laundering is earning money with illegal activities. Now, we are discussing about the unlawful activities.

Firstly, there should be a clear idea and demarcation as to what are the illegal activities and what are the unlawful activities.

It appears that this sort of a Bill has been brought again under compulsion of the global fora. As our Government happens to be the signatory, these sorts of Bills are coming.

The Standing Committee has made some valuable recommendations. But it is not understood why the family would be identified as a person. A person and a family are not identical. So, what is the reply in this regard? It should be clarified in clear terms whether all the family members should be identified as a single person.

My next point is this. About any association with terrorist outfit, the time has now been extended from two years to five years. What is the reason behind it? Even for a single day, association with the terrorist outfit is allowed. If it is allowed for two years, is it allowed up to five years? Why is such a definition there and why is such an enhancement of the year being made? Please clear all these things.

Otherwise, the Bill is all right. I do support it. I think nobody is there to oppose this Bill. But all these aspects are very important.

18.00 hrs.

Another unlawful activity very clearly mentioned by several speakers here is about the fake currencies and also about the illegal foreign currencies. It is spreading over different parts of our country. All these things are there. The laundered money is being used for terrorist activities. Not only that, but the laundered money is being used for some political purposes and political activities also. Why will all they be escaped? Why will they all not be brought into this Bill for consideration? All these things should be considered.

MR. CHAIRMAN : Panda Ji, do you want to conclude in a minute or do you want to continue tomorrow?

SHRI PRABODH PANDA : I am ready to continue my speech even tomorrow.

MR. CHAIRMAN: If you can finish it in a minute, then you can continue now.

SHRI PRABODH PANDA : I may continue tomorrow.

MR. CHAIRMAN: All right, thank you. For you it may be a very difficult exercise. Be on your feet till tomorrow.

MR. CHAIRMAN: Now, we are taking up 'Zero Hour' submissionsâ€”Mr. Bwiswmuthiary. Please be brief.