

*Disease*  
(vi) **Need to take urgent steps to check the spread of epidemic in Marathwada district in Maharashtra**

DR. VENKATESH KABDE (Nanded): Sir, the water supply schemes in Beed, Nanded, Latur and other districts of Marathwada (in Maharashtra) are in a very poor shape and in the recent Monsoon seasons, protracted epidemic of ineffective hepatitis (jaundice) have erupted in these districts, resulting in several deaths due to this disease caused by contaminated water. Thousands of people are still having jaundice and face the threat of being afflicted with intractable and deadly liver diseases. The Maharashtra State Government has not been able to contain the ravages of this disease and the health of people is in danger. Dangerous bacteria were found in 110 samples out of 550 samples of water tested by public health laboratory in Nanded district.

I request the Central Government to intervene and send a Central expert team to investigate into the causes of this serious epidemic and suggest ways and means of prevention and control of disease.

MR. DEPUTY SPEAKER: The house now stands adjourned to meet again at 2 p.m.

13.00 hrs.

*The Lok Sabha then adjourned for Lunch till Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch at Nine minutes past Fourteen of the Clock*

[MR. DEPUTY SPEAKER in the Chair]

STATUTORY RESOLUTION RE. DISAPPROVAL OF THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ORDINANCE, 1990;

*CONTD*

PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT BILL)  
*CONTD.*

STATUTORY RESOLUTION RE. DISAPPROVAL OF THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE, 1990; AND—*CONTD.*

CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) BILL  
*CONTD*

MR. DEPUTY SPEAKER: Well, we will take up items 11 to 14 of the Agenda. Shri Surya Narayan Yadav was on his legs. He is not here. Shri Hamendra Singh Banera. Your name is given to me.

SHRI HAMENDRA SINGH BANERA (Bhilwara): Do your like me to speak?

MR. DEPUTY SPEAKER: I don't lime. I don't want you to speak. But you name is here.

Now, Shri Balgopal Mishra.

*(Interruptions)*

AN HON. MEMBER: What is the subject? *(Interruptions)*

MR. DEPUTY SPEAKER: If you have the agenda with you, you will be discussing the Statutory Resolution and the Bill on Narcotic Drugs and Psychotropic Substances.

609 *Stat. Res. re. disapproval of Prev. of Illicit traffic in Narcotic Drugs & Psychotropic substances (Amend.) Ordn.; & Prevention of Illicit traffic in Narcotic Drugs & Psychotropic substances* BHADRA 12, 1912 (SAKA) (Amend.) Bill 610  
*re disapproval of cons. of foreign exch. & Prev. of smuggling activities (Amend.) Ordn. Cons. of foreign exch. & Prev. of smuggling activities (Amend.) Bill*

[Translation]

SHRI MAHESHWAR SINGH (Mandi):  
Mr. Deputy Speaker, Sir, I was speaking that day.

[English]

MR. DEPUTY SPEAKER: Are you Mr. Surya Narayan Yadav?

SHRI MAHESHWAR SINGH: I am Maheshwar Singh.

MR. DEPUTY SPEAKER: Were you speaking on these subjects?

SHRI MAHESHWAR SINGH: Yes, Sir. I had just started the other day. It is on the record.

MR. DEPUTY SPEAKER: My record is different from what you are saying. You can speak afterwards. Now, Shri Bal Gopal Mishra will speak.

SHRI BAL GOPAL MISHRA (Bolangir):  
Mr. Deputy Speaker, Sir, I rise to support the Bills brought by the Minister of Finance. Narcotic and Psychotropic drugs have become a social menace. At this juncture, when we are talking of sterilisation and when we are talking of going to the 21st century, this disease from the so-called civilised countries is invading our country at a very fast rate. This menace is not only confined to the urban area but it has gone to the remote village also and particularly this is creating a danger in the society. In the public schools and modern schools. So, by taking these things into consideration, I request the Government through the Finance Minister and through you that the measures proposed in this Bill should not be lenient because there is no legislation in this country so far, to confiscate the entire property earned through illegal means. Today, somebody makes money and somebody else is caught and he goes to jail. The property acquired by these illegal practices is left for him to enjoy when he comes out of jail. So, taking all these things into consideration, it would be better in the interest of the society and in the interest of the future generation that some

legislation should be brought whereby the property acquired from these things should be confiscated totally to the States and if somebody thinks it is very strict, then there has to be some provision to give some support to the minors or at best to one of the dependents of the family. Now, we are talking of curbing the black money. By the narcotic drugs also, a huge amount of black money is generated which adversely affects the economy of this country. So, taking all these things into view, again I request the hon. Finance Minister to make these laws more stringent. Sufficient and exemplary penal measures should be put so that in future these things shall not take place. I do not agree with the Islamic laws. But if you think some portions of the Islamic laws, they are deterrent in nature. Here, the punishment is not stringent. At least, the drug traffickers should be imprisoned for life because they are killing thousands of people, they are spoiling the life of thousands of innocent people. They are spoiling the life of thousands of people.

Lastly, I again urge upon the hon. Finance Minister to convert this imprisonment to life imprisonment. Thank you.

MR. DEPUTY SPEAKER: Mr. Maheshwar Singh, I am sorry. The record tells me that you were on your legs. You may continue your speech now.

[Translation]

SHRI MAHESHWAR SINGH (Mandi):  
Mr. Deputy Speaker, Sir, I was explained on that day that trafficking in narcotic drugs is not only confined to cities but this menace has reached our hill areas also. Himachal Pradesh has also not remained unaffected. Kulu and Manali are also parts of my constituency. With the arrival of hippies in Himachal Pradesh, honest and innocent youths of the state have gone stray. The youth of this area are imprisoned in other places in the country. They are involved in court cases at many places. I have collected the figures of last 10 years in this connection. According to these figures, the trafficking in narcotics is in full swing in Kulu district. The population of

[Sh. Maheshwar Singh]

this district is only 2,16,000 32 Kg. Charas was seized in 1981 from there, 45 Kg. in 1982, 27 Kg. in 1983, 39 Kg. in 1984, 15 Kg. in 1985, 10 Kg. in 1987, 29 Kg. in 1988 and only 2 Kg. charas was seized in 1989-90. It does not mean that the trafficking would stop gradually there. As the police have become more gillant the traffickers have started adopting new methods and techniques in carrying on their illegal trade. Mr. Deputy Speaker, I would like to give you an example, youth of our Kulu district was arrested in Frankfurt last year.

MR. DEPUTY SPEAKER: No, please do not give examples. Try to be brief. There is a paucity of time.

SHRI MAHESHWAR SINGH: All right, Sir, I want to say that purpose will not be served by merely extending the period of validity of the Bill. This Bill needs to be made practical and meaningful and cooperation of all the social organisations connected with it should be sought. So far as the question of cultivation of opium is concerned, Himachal Pradesh had been a large producer of opium in the past but later on its cultivation was banned by Government. Shri Harish Rawat has started that he is in favour of putting complete ban on opium cultivation. He wants ban on cultivation of opium at least in Uttar Pradesh but I do not agree with him., Mr. Deputy Speaker, Sir, we not only get opium from its cultivation but also get poppy seeds from it which is a staple food of the local people. Therefore, I would like to submit through you that ban on opium cultivation should be removed in Himachal Pradesh and cultivators should be allowed to carry out opium cultivation there. Shri Rawat has said that trafficking in opium is increasing, so its cultivation should be banned. But, liquor is produced from jaggery and rice in our country so whether cultivation of rice and sugarcane should also be banned. Therefore, I do not agree with him. I want that this law should be meaningful and stringent. There is also need to have the cooperation of all social organisations so that trafficking in

narcotic drugs could be checked, in the country. With these words, I thank you for giving me opportunity to speak.

SHRI J.P. AGARWAL (Chandni Chowk): Mr. Deputy Speaker Sir, I am happy that you have brought a Bill in the House to extend the period of validity of the Bill. The situation in the country is that a large number of youths have become addicted to narcotic drugs. Their parents are very much perturbed and they want them to be put behind the bars. They should remain outside the houses. They have become addicted to drug and smack and other drugs. These are freely available in every market and street of the country. There is a channel of the drug peddlers. I am very much pained to point out that our administrative machinery has field in apprehending them. Crores of rupees are involved in this business. It is also correct that every person is not engaged in it. The number of drug traffickers is very small and they have one or the other channel through which they supply drugs. If you want, you can also get it. I want hon. Minister to accompany me one day, without any police or security and if you would ask the person on a 'Pan' shop that you want smack, a child would come and give a *pudiya* in your hands and would disappear. This is the situation today. Therefore, I would like to submit through you that stringent action should be taken against the drug peddlers, their property should be confiscated and they should be barred from borrowing from financial institutions. These people take loan in the name of other business from the banks and they invest all the money in drugs trafficking. In this way, these people are spoiling the children. They supply the drugs through them. I want to draw your attention towards it.

Mr. Deputy Speaker, Sir, I am sorry to inform the Hon. Minister that drug trafficking is being carried on openly in various places of old Delhi. The police has set up some camps for treatment of drug addicts but the drug traffickers are roaming freely in the area. Everyone knows their names and would tell you if you ask them. But why Government and the administration is not able to ap-

peared them? What is the reason? What is a reason that even today they are roaming freely and carrying on illegal trade. There is no check on them. There is a large network of such people, so purpose will not be served by apprehending two or four of them. There are certain people in the police department as well as in the administration who are patronising the illegal drug trafficking. Therefore, I want that sides taking action against the traffickers stringent action should also be taken against the administration and police officials of that area.

Mr. Deputy Speaker Sir, what is the reason that youths today are being spoiled by supplying smack and narcotic drugs. The whole generation is being spoiled. Therefore, I want to urge that more attention should be paid towards it and stringent action should be taken so that it can be checked.

SHRI NAND KUMAR SAI (Raigarh): Hon. Deputy Speaker, Sir, I rise to express my views on the proposed amendment. As my other friends have just said, this is a very serious problem before the country. The way smuggling of narcotic drugs is increasing it is a matter of serious concern. Government have made and are making efforts to check the smuggling by enacting legislation but I do not think that it has helped in checking it.

Hon. Deputy Speaker, Sir, I would stress upon the Hon. Minister that there is a need to amend the law but there is also need to bring awareness in the society against this evil. We are not working as vigorously as we should to create the awareness in the society against this evil that it why we have not been able to do much in this field. Just now one of my friends said that cultivation of opium etc. should be banned. I feel that if cultivation of opium etc. is banned, it would be a wrong step. But there must be some control over it. We can earn a good amount of foreign exchange from it. Therefore, it is essential to check its smuggling. We should review the methods being adopted to check the smuggling on the border and also the postings made for the purpose. We would have to see who are posted there and for

how many they are posted. We would have to review all these things. We should go into all these things and also consider the ways to seek public cooperation and their involvement. You would not feel any difficulty in obtaining the narcotic drugs. These are available everywhere, in every nook and corner of the country. We should pay attention towards it. There is a need to create awareness in the whole society. All should cooperate with Government to check it. I would like to impress upon the need of public participation in the matter of implementation of the already existing laws as also in the laws to be enacted in the future.

SHRI HAMENDRA SINGH BANERA (Bhilwāra): Mr. Deputy Speaker, Sir, in regard to the PSA and NDPC Bills presented in the House by the hon. Minister of Finance, I would like to say that at present drugs pose greater threat to humanity than atom bomb. Atom-bomb take 5-10 minutes to cause destruction but drugs are causing destruction everyday and in every house. This situation is very explosive and lawful. Statistics at the end of this decade will show that by the end of this decade about 1-1/2 crore youth will become drug addicts. We are facing such a lawful situation. We must cooperate with the Government, if it takes certain stern measures to deal with this problem. I would like to raise two-three points in regard to this Bill. The Government time and again introduces bills to renew the provision of punishment of two years. Every time, why do Government not make this measure permanent? If Government succeeds in controlling this situation, it can amend this provision accordingly. Instead of renewing this provision again and again, make it permanent one. Secondly, Delhi Airport is 'High Vulnerable Area' to Smuggling'. All the airports throughout the country should be declared as "High vulnerable area to Smuggling". Besides, an area of 100 km. inside the Indian territory on coastal border should also be declared as Area of High Vulnerable. In addition to it, I would like to submit that a person apprehended and detained under COFEPOSA manages to get himself released on stay order even before his case

[Sh. Hamendra Singh Banera]

reaches the Advisory Board. My submission to the hon. Minister of Finance is that the authority issuing the detention order should ensure that such order sustains the judicial scrutiny. The officer issuing such order should be held responsible where the case is dismissed due to minor technical mistake.

I would like to submit that "Hassish in large quantity has been seized in Bhilwara. No due reward has been given by the Finance Ministry to the person who helped in this seizure. I would like to give an example of Jamnagar. An officer remained posted there from 1987-1990. Smuggling of crores of rupees takes place in that area of Kutch, but not a single case of smuggling was detected by the Customs and Excise Department during his complete tenure. Some minor cases were detected by the Police. I would like to urge the Minister of Finance to appoint only honest officers in such sensitive areas and take action against those who are not sincere to their duty.

I would like to point out one thing relating to my constituency. Opium, is smuggled on a large scale. In several parts of that area opium is cultivated at large scale and it is a great source of income to us. In view of this, it would not be advisable to ban its cultivation there. The poor cultivators should be given due compensation and relief for the loss they suffer to their crops due to hailstorm or heavy rain. The whole matter should be investigated thoroughly and please do not form your opinion on the basis of reports submitted by the local officers, so that interests of cultivators could be safeguarded.

With these words, I conclude.

[English] 5.5.12

PROF. K.V. THOMAS (Ernakulam): Sir, I support both the amendment Bills brought by the hon. Finance Minister. Drug trafficking and smuggling are the problems being faced not only by the developed nations but also by the developing nations.

Coming to drug trafficking, it has got two angles...

(Interruptions)

MR. DEPUTY SPEAKER: Let us not go into the theoretical aspect. Whatever you have, it is acceptable to the entire House. These Bills just relate to the extension of life of the laws. There are other important subjects on which more time can be given.

PROF. K.V. THOMAS: One is, India being in the golden triangle, these smugglers as well as drug traffickers get in touch with anti-social elements and they create a real havoc specially in the border areas. Now in certain places, for example, in the North-East area, there was a news item in December 1989 that some of the para-military forces were also connected with this drug trafficking. Government should find out how this situation can be met.

Coming to smuggling, now the South-West coastal area of our country has become more concentrated in smuggling activities especially of gold and electronic items. Now the smugglers are much more better equipped than the custom agencies.

MR. DEPUTY SPEAKER: Prof. Thomas, the Bill is very simple and they just want to extend it. So, let us not go into all these things.

PROF. K.V. THOMAS: I would like to make only one point. Sir, recently in one of the ships caught by the Customs agencies near Lakshadweep, the smugglers were having better communication systems. They have got even satellite communication system whereas our Customs people do not have any such system to face these smugglers. They have got much more better equipments. I would like to know whether the Government will look into this so that the Customs people are also better equipped.

Earlier there was a decision to give ten per cent of the total cache—the value of the smuggled item—to the Customs officials and

617 *Stat. Res. re. disapproval BHADRA 12, 1912 (SAKA) (Amend.) Bill Stat. res. 618*  
*of Prev. of Illicit traffic in Narcotic re. disapproval of cons. of foreign*  
*Drugs & Psychotropic substances exch. & Prev. of smuggling activities*  
*(Amend.) Ordn.; & Prevention of (Amend.) Ordn. Cons. of*  
*Illicit traffic in Narcotic Drugs & foreign exch. & Prev. of*  
*Psychotropic substances smuggling activities (Amend.) Bill*

ten per cent to the informants. In one of the cases in the Supreme Court, the officials were deprived of this award. I would like to know whether the Government will take up this matter so that this legitimate right is given to the Customs officials.

[Translation]

SHRI RAJVEER SINGH (Aonla): Mr. Deputy Speaker, Sir, in regard to this Bill, I would only submit that these drugs are like poison, and are causing great damage to the whole society. Youth girls and boys are becoming addict to it and ultimately it will lead to dreadful results. However, the poor cultivators should not be made to suffer only because these drugs are causing and will cause great damage to the society. The fact is that.....

MR. DEPUTY SPEAKER: This point has already been made by other Members.

SHRI RAJVEER SINGH: I am suffering on that count.

[English]

MR. DEPUTY SPEAKER: The points which have already been made, need not be repeated.

[Translation]

SHRI RAJVEER SINGH: Mr. Deputy Speaker, Sir, I have already made a number of submissions to the hon. Minister. Today, I would like to submit it through you. What is actually happening is that I want to raise a very important matter, I have already spoken to the hon. Minister... (Interruptions)... I am making new point. I am not repeating. Actually, for the last 2-3 years, these cultivators of opium...

MR. DEPUTY SPEAKER: 4-5 persons have already made the same point.

SHRI RAJVEER SINGH: Nobody, has raised the point which I am making. I will certainly mention the name of opium be-

cause it is cultivated. What I am submitting has not been raised by anybody.....

MR. DEPUTY SPEAKER: Everybody has raise it.

SHRI RAJVEER SINGH: That has not been made. I am unable to understand why are the objecting to it. Unfortunately the opium cultivators for the last three years, have been facing the hailstorms or heavy rains every year near the harvest time or holi festival, which caused great damage to their crops and brought down their average. They are unable to give the prescribed average when they go to the procurement centres to sell their produce. I have submitted to the hon. Minister that there is a great discontentment among the farmers as they are threatened of non-renewal of their licences for the next year on the plea that they failed to give prescribed average. If you want to put ban on cultivators, put on all of them. Ban on some of them would breed corruption. Those cultivators who grease the palm of the local officials, get good reports and also his licence is renewed but those cultivators who fail to do so do not get the licence for the next season. I had submitted to the hon. Minister earlier and again would like to submit through you that Government should see that the poor cultivators do not suffer anymore and the drug smugglers are given stringent punishment.

With these words, I conclude.

SHRI SYED MASUDAL HOSSAIN (Murshidabad): The most wicked thing is religious hypocrisy, which is not there is this Bill.

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, in a few words, I too want to make a submission that our first priority should be to strictly enforce the laws, pertaining to Narcotic substances. Alongwith it, I would also like to request that it should be made obligatory on the part of the Advisory Board to make its recommendations within a period of six months. If this is done, I am sure that there won't be any

[Sh. Girdharilal Bhargava]

need to extend the time given to the board.

Similarly, I would like to submit that if any official is found to be involved in this, he too should be brought to book.

Secondly, jails are among the foremost hot-beds of drug trafficking and in those jails, it has been observed that criminals accused of drug peddling are put together with common criminals. Therefore, in order to curb such nefarious activities within the precincts of prison walls, such criminals should be kept separate from the common criminals. If the prevalence of such activities in jails are found, severe punishment should be awarded to those officials who work hand in gloves with the criminals.

Thirdly, I would like to say that these drugs are valued at one crore rupees per kilogram in the international market and we claim that we destroy the narcotic substances that are seized by burning but in fact, they are not destroyed. The officials return them to the criminals and these drugs re-enter the market and thus this never-ending circulation goes on. Therefore, I would request you to give a serious thought to this issue. Apart from this, I would like to say that there is much utility of these substances in countries like United States of America and if we sell it to those countries, it would not only save us from the losses we suffer due to its destruction, but would also bring the much needed foreign exchange. Then hippies who come to the country in large numbers too are active in spreading this drug menace and it is the pilgrimage centres which are misused by these people. Therefore, along with Varanasi, the pilgrim centres of Pushkar, Mathura Allahabad, Gaya, Hardwar etc. too should be brought within the scope of this Bill. Hemp plants are grown in the premises of the Rest house of the Forest Department situated in the Sarisk Dam Project area of Rajasthan. The Government should initiate stringent action against those found responsible for planting and nurturing those hemp plants.

I would also like to say something with

regard to the international borders. Why only fifty kilometres of inland area from the coast of India and international borders has been demarcated as 'areas highly vulnerable to smuggling' kilometres. Why is there a difference between the two? I would like to make a submission to the hon. Minister that it should be extended to one hundred kilometres. I would also like to make a submission regarding smuggling activities. Consumer goods seized from the smugglers are sold by the National Consumers Co-operative Federation, but it has been observed that consumer items like watches, Television sets, Video Cassette Recorders remain at the residences of the officers for months and they maintain that they are not in possession of smuggled goods. This is a clear cut case of cheating the consumers or the common people who are interested in buying these goods. In order to ensure that the seized goods are not misused by the officials and that they are auctioned in the proper manner the list of perspective buyers should be registered at the sales centres.

Regarding gold smuggling, I endorse the Board's recommendations on levying only a minimum customs duty from the Non-Resident Indians bringing gold into the country. Bofors issue too is related to this. Although, the present Government is led by a party supported by us, I would like to submit that the Government had announced twice in two months that they would nab the accused of the Bofors case but no significant action has been taken in that regard in the past eight months. The Government has not made much headway in finding out the details about the foreign accounts and in fact this law has come to be treated as lightly as a joke. I would like the Government to give a serious thought to this issue.

Lastly, I would like to say something with regard to the smuggling of tiger skins from the country. The tiger population at the Saarisika wildlife sanctuary which stood at 45 in 1988 came down to 19 during 1989. This means that the rest of the tigers have been killed and their skins have been smuggled out. I hope, that the Minister would give due consideration to these two matters

621 *Stat. Res. re. disapproval of Prev. of Illicit traffic in Narcotic Drugs & Psychotropic substances (Amend.) Ordn.; & Prevention of Illicit traffic in Narcotic Drugs & Psychotropic substances* BHADRA 12, 1912 (SAKA) (Amend.) Bill 622  
*re. disapproval of cons. of foreign exch. & Prev. of smuggling activities (Amend.) Ordn. Cons. of foreign exch. & Prev. of smuggling activities (Amend.) Bill*

and take stringent action. With these words, I thank you for giving me an opportunity to speak.

[English]

621

DR. THAMBI DURAI (Karur): Sir, while speaking about drug trafficking, I want to bring to the kind notice of our Minister the news that we came across two days earlier about a lady who tried to take away brown sugar to some other country but was caught in Madras. You must have also read about it. It is a very serious problem about drugs in Tamil Nadu because some foreign people come and stay there. It affects our life. There are many instances of drug trafficking. I do not know what the Government is doing.

Another instance we heard was that some people brought a large number of arms. But when they reached near the seashore, our Customs seized the arms worth Rs. 10 crore. I do not know what action has been taken by the Government against those persons.

Sometimes many people want to give the clues about what is happening. Our Government also tells that they would give some incentive to the persons giving the information. But the Department does not fulfil the promises. There is also a danger to the life of the person who gives such clues. You also announce monetary benefit like 10 per cent and now 20 per cent. But that is also not properly distributed. I request the Minister to take note of all these things, particularly what is happening in Tamil Nadu. It affects the whole country.

Especially the younger generation is affected in that State. When people bring such drugs, the students also consume them. Their life is spoilt. Therefore, I request you to take the necessary action in this respect.

[Translation]

621-22

SHRI RAM KRISHAN YADAV (Azamgarh): Mr. Deputy-Speaker, Sir, trafficking in narcotic drugs and psychotropic

substances and smuggling of other commodities are not only a crime against the nation, but also against the society and the harshest possible punishment should be awarded to the culprits involved in such activities but here I would also like to submit that even the stringent punishment is not going to deter these anti-social and anti-national elements from committing such heinous crimes and for this the police force is to be blamed. The effective enforcement or non-enforcement of laws depends much on the policemen. Almost all the policemen turn a blind eye to smuggling and drug trafficking and it is the innocent people, who are victimised in the process. What I want to say is that, irrespective of whether the punishment is light or harsh, the sincere implementation of the laws is possible, if the policemen take their job seriously.

Secondly, I would like to submit that in our country, smuggling is considered as a means to gain social respectability and the illicit trafficking and consumption of intoxicants and drugs have come to be considered as part and parcel of the present day socio-cultural set-up. A notorious smuggler had claimed once that there was not a single politician who does not pay his visits to the former and who does not take money from him.

I would like to say that political protection and patronage to policemen and politicians indulging in such nefarious activities are the two major reasons providing encouragement to smuggling and drug trafficking. If our intention and also that of the law enforcement staff becomes clear, then I am quite certain that drug trafficking and smuggling can be stopped. The problem is that social respectability is given to such activities. I would like the Government to give teeth to such laws and to make proper arrangements to ensure its effective implementation.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Mr. Deputy Speaker, Sir, the scope of these two Bills, which I have moved in the House for consideration is limited. I shall definitely consider

[Prof. Madhu Dandavate]

the questions concerning poppy cultivation, drug trafficking and other related issues, which were raised by the hon. Members during the course of discussion. First of all, I would like to say that, in the statutory resolution moved by Shri Jaswant Singh and supported by other hon. Members, the former had put forward a correct argument that had the Government brought forward all these questions before the House during the Budget Session, there would have been no need to promulgate these ordinances and I completely agree with them in this regard.

The first Speaker of the Lok Sabha, Shri G.V. Mavalankar had repeatedly stressed in his rulings given by him from time to time, that the promulgation of ordinances was against the spirit of democracy and principles of the Parliament that it should be issued only in exceptional and unavoidable cases and that all laws should be made effective by getting the Bills passed through the Parliament. He emphasised this, twice in his correspondence with the then Prime Minister Pandit Jawaharlal Nehru. I completely agree with his views. Here, I would like to remind the hon. Members that the special provisions contained in sub-section (1) of section 10 of the Prevention of illicit traffic in Narcotic drugs and psychotropic substances Act, 1988 and in sub-section (1) of section 9 of the Conservation of Foreign exchange and prevention of smuggling activities Act, 1974 were going to expire on 31st July 1990 and the new session was to commence on 7th August. There was a vacuum in between and this in my opinion, would have proved as a boon to both smugglers and drug peddlars and this in turn would have caused immense harm to the country. Now you may ask as to why it was not done earlier. I would like to tell you that we would not have felt the need to promulgate these ordinances, had we taken a final decision, in the budget session itself on that provision of 44th constitution Amendment Act which specifically mentions that special circumstances under which the offenders could be put under detention for a period of more than three months, without

obtaining the permission of the advisory board. Since we were unable to arrive at a final decision on it and as the special provisions of these Acts were enforceable only till 31st July, we had no option, but to issue these ordinances for a limited period, in order to fill the vacuum that with reference to this Bill, I have to say only this much that it is regarding the extent of assistance that is to be provided to the Advisory Board in order to elicit their opinion and also regarding the extent of detention in such cases. I have also moved an amendment which seeks to change the existing detention period in such cases. From the speeches made by the hon. Members, it is quite clear that all the hon. Members, irrespective of their party affiliations, support these two Bills, in order to effectively counter the threat posed by smugglers and drug peddlars. Not only this, they also gave some solid suggestions in this regard. I don't want to go into the details, but the hon. Members rightly observed that the scope of these Bills is limited. Almost all the questions raised here do not come under the purview of these two Bills. Some of our friends from Uttar Pradesh and other areas observed that a blanket ban on poppy cultivation would not be in the interest of the farmers. I too agree that opium farming as such is not a wrong thing but we have to check and put an end to its blatant misuse. To achieve this goal, it is not essential to impose a ban on its cultivation. One hon. Member rightly observed that even sugarcane is grown by the farmers, and that same sugarcane is used to produce liquor and other intoxicants. We just cannot impose a blanket ban on sugarcane cultivation as it would affect the supply of sugar to the common people. Therefore, we shall have to pay serious attention to check the misuse of opium.

I would also like to make a reference to the issue of granting licence to the farmers and also regarding the difficulties being faced by the farmers in getting their produce examined manually or through machines. In this regard, I would like to give an assurance that through necessary legislative measures, we shall endeavour to solve the difficulties being

625 *Stat. Res. re. disapproval of Prev. of Illicit traffic in Narcotic Drugs & Psychotropic substances (Amend.) Ordn.; & Prevention of Illicit traffic in Narcotic Drugs & Psychotropic substances* BHADRA 12, 1912 (SAKA) (Amend.) Bill Stat. res. 626  
*re. disapproval of cons. of foreign exch. & Prev. of smuggling activities (Amend.) Ordn. Cons. of foreign exch. & Prev. of smuggling activities (Amend.) Bill*

faced by the farmers in this very session itself.

SHRI MAHESHWAR SINGH (Mandi): The licence should be given to Himachal Pradesh also.

PROF. MADHU DANDEVATE: All right, I agree that the effect of Opium is not only in Uttar Pradesh but also in Himachal Pradesh. (Interruptions)

DR. LAXMINARAYAN PANDEYA (Mandsaur): Why are you forgetting Madhya Pradesh?

PROF. MADHU DANDEVATE: All right, almost all the states where poppy is cultivated are under the ill effects of opium. I will try to clear all the hurdles in providing the licences to all these states.

[English]

MR. DEPUTY SPEAKER: I would like to say that let there be no competition in this.

PROF. MADHU DANDEVATE: That is all right.

[Translation]

Mr. Deputy Speaker, Sir, you are quite right. You have correctly advised that there should be no competition in this regard. I do not want to take much time. As you have also told that those bills have a limited scope, I have moved them for consideration. I hope that these bills will be adopted unanimously.

[English]

MR. DEPUTY SPEAKER: Shri Jaswant Singh is not here. I will now put his Resolution to the vote of the House.

The question is:

"That this House disapproves of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1990 (Ordi-

nance No. 4 of 1990) promulgated by the President on the 30th July, 1990."

*The motion was negatived*

MR. DEPUTY SPEAKER: Now, I will put the consideration motion to the vote of the House.

The question is:

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

*The motion was adopted*

MR. DEPUTY SPEAKER: The House will now take up Clause by Clause consideration of the Bill. Clause 2. There is an amendment suggested by Shri Piyare Lal Handoo. Are you moving?

#### Clause 2

*Amendment of Section 10 of Act 46 of 1988*

SHRI PIYARE LAL HANDOO (Anantnag): I beg to move;

Page 1, line 10,—

*for "31st day of July, 1993" substitute 31st day of July 1991" (2)*

Sir, there are no two opinions about the present Bill. As it is, it has got to be supported. But I want to sound a word of caution and the word of caution is necessary because of what the hon. Finance Minister himself has said and that is regarding detailing the reasons why Ordinance had to be passed. One of the two Acts is dated 1974 and the other Act is dated 1988. The Act which is dated 1974 has now been in existence for the last sixteen years. We would have very much liked if in the note given along with the reasons for the Ordinance—you had given a bird's eye view of what have

[Sh. Piyare Lal Handoo]

we achieved having such draconic measure, as Section 9 of the Act, of Statute Book. While we pass these laws, we cannot lightly forget the mandate of Article 22 of the Constitution. What we are enacting today is a major exception of Article 22 of the Constitution, which is much more stronger, much more distinctive than the one we have incorporated in the National Security Act and perhaps for a good reason when it was enacted. But right now, 16 years after, when we are trying to give this power again for three more years, something more is required to be said in the reasons which is not there. On the other hand, what prompts me to introduce this amendment is one small line which is contained here, and also in the Statement of Objects of Reasons:

"However, a comparative analysis of the figures in regard to seizures of narcotic drugs and psychotropic substances effected in the highly vulnerable areas during the last two years...

that is, since 46 of 1988,

"...shows that the menace of illicit traffic in narcotic drugs and psychotropic substances has not abated in any way in the said areas."

Therefore, the existence of this law in these particular areas which are known as vulnerable areas is such that the situation has not abated at all. I would request the Finance Minister to tell us how does he foresee that for the next three years, if the same exceptional power is given, the position will improve in any manner whatsoever by detention under Section 9 or detention under Section 10 read with Section 11 of the other Act? In respect of the other Act, which is now on the Statute Book for more than 16 years...

MR. DEPUTY SPEAKER: You want that it should not be extended upto 1993. You want it to be extended upto 1991. (Interruptions) What is the rationale behind your amendment please tell us.

SHRI PIYARE LAL HANDOO: My rationale is that the provision has been in existence for more than 16 years, the position today being, as it is described in the Reasons is, that it has not abated at all. By giving these exceptional powers while carving two exceptions for Article 22, you are making it possible for the detaining authority to seek the advice of the advisory board during a period of six months, when the Constitution allows only ten days or three weeks. You are making a distinction between a vulnerable and a non-vulnerable area, and extending the detention for more than a year there, and for two years in certain areas. Despite the existence of this power the position not having improved, it is not proper to give this power for more than a year in any case whatsoever. This is my submission.

PROF. MADHU DANDAVATE: I can very well see the point that is meant by the hon. Member. But I can assure him that though we are making the provision upto 1993, if on the basis of experience at a later stage we find that really some difficulties are being created, in that case, the issue can always be reviewed. But we want to take a long term perspective, and see that a deterrent effect can actually be exerted; and that is the reason why we have kept the Bill as it is; but we will take cognisance of the point that he has suggested, and at a later stage, really speaking, even if we restrict it upto 31st July 1993 we will be amenable to reason and amenable to the advice that he has given. So, let us have the Bill passed as it is.

MR. DEPUTY SPEAKER: Mr. Handoo, would you like to press your amendment, or withdraw it?

SHRI PIYARE LAL HANDOO: In view of the assurance given, I withdraw it.

MR. DEPUTY SPEAKER: Has Mr. Handoo the leave of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

*Amendment No 2 was, by leave, withdrawn*

629 Stat. Res. re. disapproval BHADRA 12, 1912 (SAKA) (Amend.) Bill Stat. res. 630  
of Prev. of Illicit traffic in Narcotic re. disapproval of cons. of foreign  
Drugs & Psychotropic substances exch. & Prev. of smuggling activities  
(Amend.) Ord.; & Prevention of (Amend.) Ord. Cons. of  
Illicit traffic in Narcotic Drugs & foreign exch. & Prev. of  
Psychotropic substances smuggling activities (Amend.) Bill

MR. DEPUTY SPEAKER: There is no amendment to Clause 3. So, I will put Clauses 2 and 3 together to the vote of the House. The question is:

"That Clause 2 and 3 stand part of the Bill."

*The motion was adopted*

*Clauses 2 and 3 were added to the Bill*

MR. DEPUTY SPEAKER: The question is:

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

*The Motion was adopted*

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

MR. DEPUTY SPEAKER: The Minister.

PROF. MADHU DANDAVATE: I beg to move;

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The Motion was adopted*

MR. DEPUTY SPEAKER: It will be corrected. Mr. Jaswant Singh is not here.

Now the question is :

"That this House disapproves of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1990 (Ordinance No. 5 of 1990) promulgated by the President on the 30th July, 1990."

*The Motion was negatived*

15.00 hrs.

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, be taken into consideration."

*The motion was adopted*

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

#### Clause 2

*Amendment of Section 9 of Act 52 of 1974*

SHRI PIYARE LAL HANDOO (Anantnag): I beg to move:

Page 1, line 10,—

for "31st day of July, 1993" substitute "31st day of July 1991." (2)

MR. DEPUTY SPEAKER: Is your argument the same? Is it the same thing as you had spoken in the case of Resolution?

SHRI PIYARE LAL HANDOO: It is the same thing.

MR. DEPUTY SPEAKER: You do not want to add anything more?

SHRI PIYARE LAL HANDOO: No.

PROF. MADHU DANDAVATE: My answer will be the same as you have decided to withdraw it.

MR. DEPUTY SPEAKER: Are you pressing it?

SHRI PIYARE LAL HANDOO: No.

MR. DEPUTY SPEAKER: Has Mr. Handoo leave of the House to withdraw his amendment?

631 Stat. Res. re. disapproval SEPTEMBER 3, 1990 Stat. res. re. basic exc. duty 632  
of Prev. of Illicit traffic in Narcotic Drugs & leviable on motor cars &  
Psychotropic substances (Amend.) Ordn.; other motor vehicles  
& Prevention of Illicit traffic in Narcotic Drugs  
& Psychotropic substances (Amend.) Bill Stat.  
res. re. disapproval of cons. of foreign exch. & Prev. of  
smuggling activities (Amend.) Ordn. Cons. of foreign exch.  
& Prev. of smuggling activities (Amend.) Bill

SEVERAL HON. MEMBER: Yes.

*Amendment No.2 was, by leave, with-  
drawn*

MR. DEPUTY SPEAKER: Since there is no amendment to clause 3, I shall put clauses 2 and 3 to the vote of the House together. The question is:

"That Clauses 2 to 3 stand part of the Bill."

*The motion was adopted*

*Clauses 2 to 3 were added to the Bill.*

MR. DEPUTY SPEAKER: There are no amendments to Clause 1, enacting formula and the long title. The question is:

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

*The motion was adopted*

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

[Translation]

PROF. MADHU DANDAVATE: I beg to move

"That the Bill be passed."

[English]

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted*

15.03 hrs.

*Automobiles*

STATUTORY RESOLUTION RE. BASIC  
EXCISE DUTY LEVIABLE ON MOTOR  
CARS AND OTHER MOTOR VEHICLES

[English]

THE MINISTER OF FINANCE (PROF  
MADHU DANDAVATE): I beg to move:

"That in pursuance of sub-section (2) of section 3 of the Central Excise Tarrif Act, 1985 (Act No. 5 of 1986), this House approves the notification of the Government of India in the Ministry of Finance (Department of Revenue ) No. 136/90-Central Excise, GSR 721 (E), dated the 22nd August, 1990, which was laid on the Table of the House on the same day, increasing the basic excise duty leviable on motor cars and other motor vehicles principally designed for the transport of persons (other than those of Heading No. 87.02), including station wagons and racing cars from 40% *ad valorem* to 50% *ad valorem* from the date of issue of the said notification."

MR. DEPUTY SPEAKER: Motion moved:

"That in pursuance of sub-section (2) of section 3 of the Central Excise Tariff Act, 1985 (Act No. 5 of 1986), this House approves the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 136/90-Central Excise, GSR 721 (E), dated the 22nd August, 1990, which was laid on the Table of the House which was laid on the Table of the House on the same day, increasing the basic excise duty leviable on motor cars and other motor vehicles principally designed for the transport of persons (other than those of Heading No. 87.02), including station wagons and racing cars from 40% *ad valorem* to 50% and *ad valorem* from the date of issue of the said notification."