

In Haroti region of Rajasthan, there are areas which produce the best quality of oranges in the country and the bulk in which they are produced may be the second biggest after Nagpur in the country. Since there is no facility available for processing and preserving oranges, a big percentage of orange produce gets waste every year.

Similarly we grow peas in big quantity in Chabra area of Kota district and vegetables around Kota town but these too go waste in big quantity for want of processing industries.

I would, in view of these facts, request the hon. Minister of Food Processing Ministry to establish food processing plants for oranges at Bhawani Mandi and for other perishable crops at Chabra and Kota.

12.15 hrs.

STATUTORY RESOLUTION RE : DIS-
APPROVAL OF PREVENTION OF
ILLICIT TRAFFIC IN NARCOTIC
DRUGS AND PSYCHOTROPIC
SUBSTANCES ORDINANCE

AND

PREVENTION OF ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES
BILL

[English]

SHRI C. MADHAV REDDY : (Adilabad) : I beg to move :

“That this House disapproves of the Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Ordinance, 1988 (Ordinance No. 7 of 1988) promulgated by the President on the 4th May, 1988 ”

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A.K. PANJA) : I beg to move :*

“That the Bill to provide for detention in certain cases for the pur-

pose of preventing illicit traffic in narcotic drugs and psychotropic substances and for matters connected therewith, be taken into consideration.”

The hon. Members are aware, India has been facing the problem of transit traffic in illicit drugs which has been escalating in recent times. The spill-over from such traffic has been causing problems of abuse and addiction. There have been indications that this trend has created an illicit demand for drugs and that this may lead to increased diversion of opium from licit growing areas of opium poppy.

Government being concerned with the developing drug situation have taken a number of legislative, administrative and preventive measures which have resulted in checking the transit traffic to a considerable extent. However, increased internal drug traffic, diversion of opium from licit growing areas and attempts of illicit manufacture of drugs within the country threaten to undermine the effects of the counter measures taken. Further, drug traffickers often succeed in obtaining bail on minor technical grounds enabling them to continue their illicit activities.

Keeping in mind the magnitude of the threat from drug trafficking from the Golden Crescent region comprising Pakistan, Afghanistan and Iran and the Golden Triangle region comprising Burma, Thailand and Laos and having regard to the internal situation, the Prime Minister gave a 14 point directive on April 8, 1988 as a new initiative to combat drug trafficking and drug abuse. The Prime Minister also constituted a Cabinet Sub-Committee under the Home Minister to oversee and coordinate working of different Ministries and steps taken to intensify the fight against drug abuse and trafficking. The Cabinet Sub-Committee felt the need for enactment of a preventive detention law for drug traffickers for supplementing the deterrent penal provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Accordingly, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances

*Moved with the recommendation of the president.

[Shri A. K. Panja]

Ordinance, 1988 has been promulgated on 4.7.1988.

Sir, the present Bill before the House seeks to replace the Ordinance and by and large contains the same provisions as contained in the Ordinance.

A doubt may arise as to the necessity of the new law when the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 is already available. I may mention that under the COFEPOSA Act, only such persons indulging in smuggling can be covered. Unless it can be proved that the activities of the persons indulging in drug trafficking constituted smuggling within the meaning of the expression in the Customs Act, 1962, it was not possible to use that Act against a large number of traffickers. Further, it has also not been found appropriate that situations covering internal traffic should be covered in an Act which covers matters of international ramifications. It has, therefore, been considered necessary that an additional legislation should be framed for preventive detention, covering all aspects of drug trafficking. In the Bill, it is proposed to define drug trafficking to include cultivation, production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-state, export inter-state, import into India, export from India or transshipment of narcotic drugs or psychotropic substances, financing of drug trafficking, harbouring of persons engaged in drug trafficking, abetting or conspiring in the furtherance or in support of doing any of the aforesaid acts.

As it was necessary to take urgent steps to check drug trafficking, it was thought fit that the proposed law should take immediate effect and should be promulgated as an Ordinance. It was also apprehended that the introduction of legislation in Parliament in the normal course and the normal time lag involved in making an enactment would alert the drug traffickers, who might go underground and elude the enforcement agencies. In these circumstances, the Prevention of Illicit Traffic in

Narcotic Drugs and Psychotropic Substances Ordinance, 1988 promulgated on 4.7.1988.

This Bill provides that :

(1) the officers specially empowered by the Central and State Government shall be vested with the powers to issue orders of detention of any person (including a foreigner) with a view to prevent him from engaging in illicit traffic;

(2) the orders of detention issued for a person invoking two or more grounds shall be deemed to have been made separately on each such grounds so as to prevent such orders from being rendered invalid or inoperative merely because one or some of the grounds is/are vague, non-existent, not relevant, not connected or for any other reason whatsoever;

(3) suitable provisions have been made for apprehension and detention of the absconders;

(4) provisions have been made for the constitution of Advisory Boards by both the Central and State Governments, as prescribed under article 22 of the Constitution of India, to whom a reference in respect of the detenu is required to be made by the appropriate government within 5 weeks from the date of detention;

(5) the Advisory Board is required to give its report indicating its opinion specifically whether there exists sufficient cause or otherwise within eleven weeks from the date of detention of the person concerned;

(6) Provision for detention of persons for longer periods than three months without obtaining the opinion of the Advisory Board in areas categorised as 'highly vulnerable' to illicit traffic has been made. Such areas have been defined appropriately.

(7) The maximum period of detention in such areas is for two years and in areas other than those categorised as 'highly vulnerable' to illicit traffic is for a period of one year.

(8) Provision also exists for temporary release of persons detained on furnish-

ing necessary bond with sureties and observance of the conditions specified in this behalf.

Sir, the Ordinance which proposed to be repealed by this Bill has already proved to be an effective tool in fighting the drug problem. In about six weeks time, already, 168 detention orders (including detention orders in respect of 19 foreigners) have been issued and 144 persons have been detained and of these 108 were against person involved in internal traffic.

Sir, the fight against the drug menace is a continuous one and Government have been taking appropriate steps to combat the illicit in drugs. The present legislation, I am sure, would be another important step in this regard. I have no doubt that this august House will fully support the Government's efforts in this direction.

MR. DEPUTY SPEAKER : Resolution moved :

"That this House disapproves of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance 1988, (Ordinance No. 7 of 1988) promulgated by the President on the 4th May, 1988."

Motion moved :

"That the Bill to provided for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances and for matters connected there with be taken into consideration."

SHRI D.N. REDDY (Cuddapah) : Sir, it is true that the drug abuse on drug traffic is a most serious problem in our country. But I do not see the reason why the Government thought it fit to introduce this Bill in the form of an Ordinance specially on the eve of the session. They could have introduced in the normal course and then brought it before the House. I do not understand the practice of introducing an Ordinance on the eve of the Parliament Session immediately.

Coming to the subject, for the first time, a nation-wide survey of the drug menace

is undertaken so that a plan of action is prepared, creating public awareness of the dangers of drug abuse, programmes of counselling and de-addiction, and better cure and rehabilitation are contemplated. Giving more teeth to law is considered.

Drug situation in our country is serious. Heroin seizures have gone up from 200 kg in 1984 to 2261 kg in 1986. Same is the case with ganja. Thus we see that the danger of drugs has at normally increased in the last three or four years. The latest head-count of drug addicts is about 7 lakhs in this country. Of this, 87.6 per cent are estimated to be within the age group of 14-25 years. These facts show how dangerous is the problem in our country. Almost the entire drug addicts fall between the age of 14 to 25 years. All these youngsters are spoiling their life by this practice.

In 1985, of all the heroin seized in Europe, 35 per cent was transmitted through India. In 1986, it was 29 per cent. Last year, it was down to 7 per cent. Narcotic cells were opened in Delhi and Bombay international airports. This explains the downward trend. All these years, the kingpins of trafficker managed to get bail on flimsy grounds inspite of the Narcotic Drugs and Psychotropic Substances Act of 1985 and were back to the lousy trade. Heroin across the border costs double the amount as in Pakistan, and about 4 times after the transit point in the international airports and many times more in the international market. Hence the attraction for this heinous crime. Unless it is pht down with a vigour and deterrent punishment awarded to the offenders, it is bound to bounce back again and again.

No one will grudge the law enforcement agencies arming themselves with more powers against the well-entrenched traffickers with internatinal ramifications. India's position as a transit point has assumed undue importance among the international operators. Now, India stands precariously and not just as a transit point as the drugs are being used in our country to a very great extent by the youngsters.

[Shri D.N. Reddy]

Reports of unlawful cultivation of Poppy in the inaccessible jungle terrains of Uttar Pradesh and Madhya Pradesh and Rajasthan has enormously increased our problems. It is reported that some highly placed politicians also are trying to legalise its cultivation, and I hope Government will take note of this and stop it immediately. The menace of drug trafficking has also got inextricably mixed with the terrorists' activities in Punjab and the border with Pakistan has come in handy for smuggling of not only arms but drugs also. Added to this there is some nexus between the drug trafficking and immoral politicians who makes it all the more dangerous. Sir, it is a very curious and dangerous problem in our country. Crimes always have got a nexus between the offenders and the politicians in some way or the other.

AN HON. MEMBER : Who are they ?

SHRI D.N. REDDY : It is for the Government to find out who they are and not for me. But anyway this fact is there and this trend must stop immediately. I am not trying to specify one case, but generally crime cannot thrive by offenders only unless there are some powers behind and this applies not only to drug trafficking or drug abuse but to other crimes also.

There is another problem as far as the North-Eastern provinces are concerned. Police is not empowered as it is in other parts of the country. I am subject to correction, Sir, I am informed that the powers under the NDPS Act have not been extended to Assam, Nagaland, Meghalaya, Arunachal Pradesh and Tripura. But fortunately today I have come across a news item which says "A 100 Km belt is being created all along the North-eastern region and the Indo-Nepal border to check effectively the drug trafficking from across Burma, according to the informed sources." If this is true I hope things will improve enormously. These States have not taken any stringent action yet. They have been lacking in bringing awareness against the use of these dangerous drugs. The efforts, so far made by the authorities have been half-hearted. For some inexplicable reasons

the law breakers in the drug trade were not dealt with severity under the 1985 Act. Out of 18026 cases registered, only 1265 were sentenced that too leniently. While there was provision for 10 years imprisonment and about a lakh of rupees fine, they were awarded only a few thousand rupee fine and a few months imprisonment. The reason I am not able to understand, probably the authorities are aware of it and that is why they have come forward to introduce this Bill in the House. Bail was granted on some flimsy ground. That means out of 18000 and odd cases about 16000 were again back in the streets pushing the Brown sugar down the throast of innocents lungs. Hence the need for giving deterrent punishment both by way of fine as well as by way of imprisonment and the need for taking deterrent steps both on the preventive side as well as curative sides are essential.

The Hon. Minister has just now mentioned :

1. Establishment of special courts in all States, enforcing and strengthening the provisions of Narcotic Drugs and Psychotropic Substances Act.
2. Upgrading of laboratory facilities and use of sophisticated machinery and equipment.
3. Training of police and allied personnel and providing of testing kits.
4. Destruction of seized drugs.

This is a very important point. Previously according to law they used to take the drugs under the control of the courts till the cases were decided. There was a possibility of drugs finding their way back into the market. I think, according to the new Act, the Government is in a position to come forward and see that the drugs are destroyed immediately after their seizure then and there so that there is absolutely no possibility of the drugs going back into the market. This Narcotics Act is contemplating to make drug offences non-bailable and punishments non-remissible. We really

support these provisions because they will act as a great deterrent on the law offenders. These offences should not be bailable and punishments should not be remissible and there should not be any appeal against these offences.

It is also very important that drug addicts are treated in de-addiction centres. Treatment in de-addiction centres should be followed up with rehabilitation programmes and facilities for this purpose should be provided. Recently Government have opened a few de-addiction centres at some places and I think a few more are necessary. Not only that, follow up programmes and rehabilitation facilities should also be provided. De-addiction and rehabilitation of drug-addicts is quite a costly business but it is quite worthwhile. De-addiction is a very long process as far as the patients are concerned. So, they should be taken care of and follow-up programmes should be implemented and their rehabilitation is certainly necessary.

As I mentioned earlier, if you are not on the look, out a whole generation of youngsters would be plunged into darkness. We should deal with this danger and the law offenders who are responsible for this drug menace should be dealt with as strictly as possible to save the young generation.

Sir, our new slogan should be 'Gard Hatao Desh bachao'. That is, 'get rid of brown sugar and save the country.' Our second slogan should be 'brown sugar means death' and the third is 'brown sugar means madness'. Let these slogans be not empty like the earlier ones such as 'Garibi hatao' and 'Bekari hatao'. These slogans coined by the Ruling Party remained just slogans and empty words without any action. Poverty is very much there and unemployment is also there. So, let these new slogans be not empty slogans.

I do hope that the Government will come down with a heavy hand on the law offenders and we certainly support the contents of the Bill. At the same time, I strongly protest, as I told earlier, against the way it was introduced in the form of an ordinance.

Anyway, I do congratulate the hon. Minister for taking these bold and concrete steps and I hope that the provisions of this Act will be implemented very seriously, very firmly and sincerely.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Hon. Mr. Deputy-Speaker Sir, I thank you for giving me an opportunity to express my views on this Bill. I whole heartedly support this Bill. I congratulate the hon. Finance Minister for it who is in charge of the Narcotics Department also. Although this Bill should have been introduced much earlier, its introduction even now is most welcome.

Till now our Government was fighting against drug-abuse but now drug-peddlers too are being dealt with strictly. This step is welcome and the objective of this Bill is laudable.

Mr. Deputy-Speaker Sir, just now some of our learned colleagues from the Opposition were expressing their opinion on this Bill. I hail from the area where cultivation of the opium crop is one of the main occupations of the farmers. 70% to 80% of the total opium in the country is produced in my constituency alone. Generally, people think otherwise of the opium growers.

I want to draw the hon. Finance Minister's attention towards a few points. The Government has taken the right step by creating a 100 km. belt near the Punjab, Rajasthan and Gujarat border. The whole problem starts from there. The entire trade originates from this area. I would like to give a piece of information which I request this august House to take note of. Even though the farmers of my constituency cultivate the opium crop, they neither consume it, nor do they trade in it. I come from a district where nearly 63,000 farmers are engaged in opium cultivation. There was a time when nearly 70,000 hectares of Land was under opium cultivation and nearly 900 to 1000 tonnes of opium was produced in this country. But now, only 32,000 hectares of land is under opium cultivation and almost the same amount of opium is

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produced. Today, more than 2,000 tonnes of opium stocks are lying with the Government with no possibility of sale in the international market. Farmers are given a license and land on lease-basis to cultivate opium. In my constituency no farmer cultivates opium without obtaining that Licence. Every inch of land where opium is cultivated in my constituency is on lease from the Government. The Government procures 34 kilograms of opium per hectare from the cultivator otherwise his license is cancelled.

I request the Government to review its policy of allotting land on lease basis. The entire problem begins when the farmer is subjected to injustice. If a farmer is not able to meet the demand of the Government he is deprived of lease in the following year. In desperation he approaches a farmer with surplus produce and buys a kilogram or two from him in order to make up his average and thus ensures that his lease continues. There should a communicator between the Government and the opium growers, who should work as a link between the two. He is called 'Mukhia'. His powers should be restricted. Government should review this system. I do not want the Government to abolish this system. Instead, I want to emphasise that the opium policy should be public oriented rather than an individual oriented. It will help you exercise complete control over opium growing. I would like to draw the attention of the hon. Minister of Finance and the Government of India towards the three main districts of Rajasthan and the State of Madhya Pradesh which are the major opium producers in the country. Chittorgarh is represented by Shri Jujhar, Kota by Shri Shanti Lalji Dhariwal and Mandasaur-Javra of Madhya Pradesh by me. All of us are the hon. Members of this House. But I regret to say that the Government does not associate us in the process of policy making regarding opium growing. Rather, we people have to seek appointment with the Government officials. It would not help if the Government clears leases in the months of November or December. The leases must be cleared by the month of August. It speaks of rampant corruption that is plagu-

ing the system and about which I had mentioned earlier also. Not only traffickers, even the Government officials are involved in corrupt practices. Amount worth crores of rupees changes hands as bribe in every district during these three months. It is the opium grower that suffers. In no other department, level of corruption is so high as is in the department of Narcotics.

Hon. Minister of Finance, Sir, the opium growers have no faith in the Government officials working in Narcotic department. Recently, on 24th or 28th July, the officials of the Narcotic department seized about one quintal of opium on the tip given by an informer in my constituency. They settled the deal for Rs. one lakh and pocketed Rs. 15 thousand in the process. But the informed the people, which caught the officials red-handed and seized the Rs. 15 thousand in cash from them. Police is more effective than the Narcotic officials. This system needs to be remedied. It should be ensured that the culprits are punished and the provisions of this Bill are not misused. The opium growers are booked in fake cases by implanting 100 or 200 grams opium, and thus, they are made to undergo imprisonment upto ten years. The Government had passed a legislation in 1985 under which a fine of Rs. one lakh was provided. Whether you provide minor punishment or capital punishment, we shall extend full support to the Government' in fighting against the traffickers. But the Bill cannot be fully effective unless licencing policy of giving lease is modified. You take out a map and you will find what the real problem is. In the terai regions of Nepal and adjacent parts of Dehradun, a large number of people grow opium in an illegal manner. There is no lease system, nobody bothers to get the license issued from the Government and even then opium is grown over the land measuring thousands of acres. Those people are not the real opium growers. Their only job is to produce opium illegally. That illegal production also contributes to the opium production in the country over and above 900 or 1000 tonnes of opium produced by licence holders every year. While a number of people are engaged in smuggling, a charge is levelled against the innocent people. The people who grow

opium on lease basis are very few and the Government officials force these people to pay penalty for keeping even 10-20 grams or 50 to 100 grams of opium. But those who produce opium on no man's land in the teral region of Nepal are not penalised. The concerned officials are aware of this fact. It is a matter of great pleasure that the authorities have successfully raided a place in that region. It will save the genuine farmers. I am thankful to the Government, especially to the concerned official who dared to destroy the plants in the adjoining areas of Dehradun. Our opium growers will continue to be harassed until illegal production is checked. The opium growers in Rajasthan, Marwar, Jhalawar, Chittor, Mandsaur and Kota never violate the rules enforced by the Government. In the light of these facts, the Government must reconsider the licensing policy.

Shri Reddy has pointed out that politicians are involved in this malpractice. We, the four main representatives are present in the House and the matter can be investigated if the Government likes so. I do not know from where did he get this information. However, we assure our full cooperation to the Government if it gives land on lease basis to the opium growers. 30 lakh people in our area are engaged in its cultivation. In the Government decides to abolish the lease system, I am sure, this decision will result in driving about 30-50 lakh people towards starvation, because at least for six months in a year, they are engaged in this job. No other crop can substitute it.

I am thankful to Shri Panja for making a reasonable increase in the price of opium this year. Thanks are also due to the Narcotics department for abolishing the slab system and revising the price payable to the farmers. As a result, the average yield had improved. You might have observed that higher quantities of opium were received from weighing centres.

I do not talk about any other crop but there are people in our area who produce Ganja and Bhang as well. The State of Madhya Pradesh produces all the three drugs-Bhang, Ganja and Opium. The Cen-

tral Government should look into the genuine problems of our growers. We feel extremely sorry when the genuine growers in our State are taken into custody. It is a matter of great pleasure that the Government has made the provision of detention without getting the approval of the Board. Government deserves congratulation for this. We are glad that you will get the decision approved by the Board on majority basis. In Mansaur area, not even one out of 63 opium growers is engaged in this malpractice. A few individuals who have contacts with Government officials are the owners of large Havelis. I would like to tell the Hon. Minister of Finance that not even a single opium grower is free from debt. The growers are under debt and the black-marketeers are the owners of big Havelis. The Government must review this system. Our growers cultivate opium with their sweet labour but even then they remain under debt whereas smugglers who do nothing except trafficking have become owners of big Havelis. When these people are asked how does it happen, they claim that they take risk. In reality it is the grower who takes risk, who produces, fights against the natural calamities and saves opium. The Government should adopt sympathetic attitude towards the grower. There was a time when the very mention of opium in the House was considered to be bad. We, for the first time raised our voice in favour of opium production. To ban its cultivation would mean sky-rocketting of the prices of Coramine and other injections used in preparing various medicines, which are in great demand among the poor. It would ultimately result in the loss of many lives. Therefore, the cultivation of opium is essential. There are Alkaline factories at Neemuch and Ghazipur in our State. Attention should be paid towards the working of these factories. Machines worth crores of rupees have been lying idle for the last 4-6 years. Even the packing has not been taken off. For what purpose these machines were bought and why have they been lying unscd in this manner? You should order thorough investigation into the whole matter. The Government should find out where exactly the per centage of morphine gets reduced, Our growers are acused of reducing the content. But I would like

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to submit that the whole mischief takes place when the produce is sent to the factory. The Government should first provide protection to the grower, The Government cannot succeed in its objective unless it provides protection to the grower, Time is short but there are many aspects which are to be covered. But still I am grateful to you. The Government should finalize the policy for opium growers by the month of September at the latest. It must be made clear who is going to get the lease. Its delay till the month of November-December would lead to illegal cultivation at various places in the country and it will be the genuine grower who will suffer on this account. In this context, I would like to urge that the Government should review the whole licensing policy. We accept the fact that inspite of the decreasing acreage the yield has been increasing. It has been possible only due to the development in science and technology. But I would like to urge the Government to avoid total dependence on imports of opium, because such a situation may arise if a ban is put on the cultivation of opium which may hit the poor man. I congratulate and thank you for presenting the Bill which should have been brought much earlier. But I must inform you that people in general are quite fearful of the possible effects of this law. They have their own apprehensions about this Bill. Hon. Minister Sir, the Government is well aware of the traffickers as well as of the genuine growers. I would request you to protect your informers. An informer in my constituency was gunned down within the premises of his own house. Mere compensation is not enough. Not even a single official of Narcotics bothered to go to his house after the incident to console the family. That farmer belonged to village Bararia-Amra He was shot dead publicly because he assisted the Government. He was an informer. He was murdered and with his death his lease was also cancelled. The Government must think over it. I would urge the House to adopt sympathetic attitude towards the growers and harsh attitude towards the traffickers through this Bill. The Government policy is strick against the traffickers but it is not sympathetic

wards opium growers. Licensing policy should as liberal as possible in order to save the opium growers from facing the corrupt practices while securing lease. The Government should create an environment in which we, the Members of Parliament could extend proper suggestions.

With these words, I thank you and congratulate you. I would request the hon. Members to pass the Bill unanimously.

Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak.

[English]

SHRI HANNAN MOLLAH (Uluberia) : Mr. Deputy-Speaker, I share the anxiety of the Government to curb these merchants of death. These people are making business with the life of our younger generation and they are just jeopardising the future of the country. These criminals should be dealt with firmly and all the right minded people will support such action against those merchants of death. These people are involved in such a business, which is just drawing more and more yunger people, not only college and university students but even school children into the orbit of death.

It has become a danger for the youth of our country. One survey says that out of 5,834 cases, sixty five per cent victims are of age between sixteen and thirty years and fifty per cent of them are staying in resettlement colonies, *Jugghis* and *Jhopris*. There is a very clear indication about who are the major victims. There is no doubt that we have to take action against this danger and we have to deal with those who are engaged in this drug business.

We have got the 1985 Act. Though we have passed that Act a few years back, it was not properly implemented. I want to know how many persons have been brought to book under that Act and how many of them have been punished. Every time Government comes with a proposal for preventive detetention. This is a disturbing part of this Bill. The Government cannot work without preventive detention. So many deterrent

acts are there, but they are not properly utilised. They want severe punishment for these drug peddlers, but they are immune from capital punishment. Why? Had you made capital punishment for this drug abuse, then they would be non bailable. Why do you want to make preventive detention for it? So, for every section of the people, the Government wants preventive detention and without that the Government cannot work. This is the most unfortunate part. The Preventive detention like many other Acts will only give extra power in the hands of the officials. In every Act you want preventive detention. That is the general approach of this Government since Independence and you are not free from that. You are harping on the same. But you are not implementing the Act properly. Everybody complains that the inflow and outflow of these drugs has increased. But your seizure list shows that it is decreasing. In 1986 8789 kgs. of opium was seized. But this figure has gone down to 2929 kgs. in 1987 which is just 25 per cent of the figure of 1986. In the case of morphine against 207 kgs. in 1986, the figure of seizure has gone down to 115 kgs in 1987. In the case of heroin there is a slight increase from 2621 kg. to 2747 kg. Seizure of ganja has gone down from 60,619 kg to 53,920 kg. Seizure of charas has gone down from 18,909 kgs to 14,796 kgs. The figure of mothequalone is 1485 kg. and 1500 kgs. Seizure of cocaine has decreased from 26 kgs to 5 kgs. only.

13.00 hrs.

Everybody complains that inflow and outflow is increasing, but your seizure is less. That shows that whatever Acts you are having, you are not properly implementing them. Why do you want more powers under preventive detention? You catch a narcotic dealer, try him and hang him. If any criminal is operating as merchant of death, he should get death punishment. But should hang him after trial. You do not want to do that. But you want powers under preventive detention so that you detain the person and then go to sleep. It was reported that a confidential report revealed that there is involvement of some Delhi Policemen in the clandestine narcotic

trade. It is a serious thing if the law enforcing agencies have links the narcotic dealers. The Minister may please enlighten us on this aspect whether it is true or not. It is a fact that these drug traffickers have some nexus with politicians also. In Jammu and Kashmir, it is alleged that the drug traffickers have close links with politicians. In Manipur, you may be knowing, one district level leader has been arrested. I do not want to name him. But many complaints are there that politicians are also involved. In the North-eastern region, I have seen the report, that 1000 kgs. of ganja was seized from the Border Roads Organisation's truck at Kangpokpi in Manipur. In another cases, 300 kgs of Burmese ganja was seized from a CRPF truck which was coming to Patna. Even Army vehicles are being used for this purpose. You have to deal with these things very seriously and firmly because if the protectors of law have collusion with the drug traffickers; then it is a dangerous situation.

It is reported that 90 per cent of the heroin and 50 per cent of charas seized in India, originated in the 'Golden Crescent' that is, Pakistan, Afganistan Iran and this region and 70 to 80 per cent of ganja originated from 'Golden Triangle' that is, Burma, Laos and Thailand. So these two sensitive belts are there. The Government is taking some action. But law alone will not serve the purpose. I find that the law enforcing agencies are under-staffed. With the limited number of staff, how can they keep vigil everywhere. And you want to reduce their number still further. All these anti-drug agencies are ineffective because of inadequacy of staff. We have a long border and at many places the drug smuggling take place. The Department cannot manage with the existing skeleton staff. You please enlighten us whether the Department is properly manned or not. But this is the general complaint. So, these things should be looked into.

Another thing is that close link or nexus between drug traffickers and terrorists has become a major threat to civilised society. It has become a scourge of the 20th century. I do not know whether any

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specific cases have come to the notice of the Government or not. But everyday these complaints are being made. In the last five-six years, these terrorists have become very active. This narco-terrorism has become very commonly known to the people, but the Government has no information of specific cases what they are doing, I do not know; they can enlighten us. But it is widely believed and it is a fact also that the smugglers are earning money through drug smuggling and they are utilising that money for the purposes of terrorism. But the Government cannot find out the links. If they can solve this problem of finding out the links, they will be able to contain the terrorists in many parts of the country. About that also I do not know what is the situation in the Government departments.

Government wants a very deterrent to be given. Provisions for tracing them and confiscating their properties, etc. are there. But as they are dealing in the death of the younger generation of our country, they should also face the same punishment. That deterrence will help the Government to do away with this preventive measure. But they are taking this undemocratic measure to end this evil. So, this is my opinion on this question.

I think the hon. Minister will give some information as to after the 1985 Act how many people have been brought to book, how many cases have been registered and in how many cases punishment have been given. I do not know what has been the result in the last two months, after the promulgation of this Ordinance. He can enlighten the House on this.

As some suggestions have been made, I also agreed to those suggestions. The anti-addiction centres should be widely organised because lakhs of youths in various parts of the country are engaged in drug addiction, not only in the cities but also in the rural areas. Even in the remote villages, you will be able to find brown sugar. It is very dangerously spreading all over the country. So, a mass campaign also should be launched, together with the penal measures. If the Govern-

ment honestly implements the laws and finds out the nexus between the politicians and the smugglers, the bureaucrats and the smugglers, the police administration and the smugglers, the and terrorists and the smugglers, it will help to fight this enemy in a better way. With these words, I conclude.

[Translation]

SHRI BALASAHEB VIKHE PATIL (Kopargaon) : I rise to welcome the Prevention of Illicit Traffic in Narcotic Drug and Psychotropic Substances Bill. Every one will certainly support this Bill. I think that the present Bill is more comprehensive than the one passed in 1985. Its explanation about the provisions made in the Bill are more or less satisfactory. A mention has been made about the growers and drug-traffickers in the statement of objections and reasons. What action Government proposed to take against the persons indulging in illegal cultivation? There is a lot of bungling in the accounts of law abiding cultivators and people indulging in illegal cultivation, as the businessmen manipulate in their sales taxes and Income tax accounts. I will speak about smugglers later on. As the traders make separate account books to get exemption from excise in tobacco and they also indulge in bungling in production stocks—I would like to urge upon the hon. Minister that in Rajasthan, Uttar Pradesh, Bihar and in some places of Maharashtra some people cultivate Ganja, bhang or some spurious drugs in illegal manner as lease system is not prevalent there. They should be permitted to cultivate these drugs legally. The cultivation of these drugs is more lucrative and that is why people are more attracted towards it. Moreover a lot of money can be earned in a very short period and there is not so much scope in cultivation of other commodities. Therefore such laws should be enacted which should convince the people that they can cultivate these commodities legally. The growers should be given due permission. Drug-trafficking is a very big source of black-money. It is an illicit drug. I may call it human killer. Therefore, I support law enacted by the Government to curb its smuggling and congratulate the Government for it. Narcotic drugs are smuggled into

India through the borders of Burma, Nepal and Pakistan and also smuggled out through the same routes. This is smuggling being done by the smugglers, big businessmen and the terrorists. When we are not in the House we read such in newspapers also. The Government is very much concerned to curb it. This is promoting corruption in the country, therefore it should be checked. All efforts should be made to check the illegal trade of narcotic drugs such as brown sugar and heroin. I also agree with the suggestions given by my colleagues that such illegal narcotic drugs should either be destroyed or should be confiscated by the Government. We have no objection even if such drugs are burnt. If such narcotic drugs are destroyed, a large number of youngmen may be saved from falling prey to such dangerous drugs because mostly children and the youth fall prey to these drugs. School going children fall prey to them. Some of them even start trafficking of these narcotic drugs as there is more profit in this illicit drug trafficking. Some unemployed youth are also engaged in it. I would suggest that persons who indulge in such illegal drug trafficking should be awarded deterrent punishment. Two years imprisonment is not enough. Such drugs pose danger to the lives of human beings and therefore the people who are involved in this trade should be awarded capital punishment. The Government have to formulate many rules and laws in this regard but the culprits are freed under these very rules because of loopholes in them. The officers who are entrusted with the enforcement job should be given more power and protection as well. In our Admadnagar a case about these narcotic drugs was subjudice. Its investigating Inspector, and Constable and all witnesses who appeared during the period of two years were murdered. Therefore special arrangements should be made for the security of investigation officers. Their lives should be insured because if it is not done, then, how their family members will make their both ends meet and how their children will get education? The people who want to earn money from this trade and for whom there is no considerations for human life, stringent measures should be taken against them. It is a right step to seal the borders but more stringent measures

are required to be taken. I would also like to speak about rehabilitation. In Sweden, a lot of work is being done in this regard. Many steps have been taken in this respect in Scandinavian Countries also. The youth who have become addict to such drugs should be rehabilitated. They should be given priority with regard to providing employment elsewhere. If proper rehabilitation programmes are chalked out for youngmen they will yield good results. As far as Government's policy about dealers is concerned.....(Interruptions)

I have simply said that government should make arrangements for their employment. The Government should also provide free-education to the school-going children who fall prey such drugs. As we have Remand Homes at several places for orphan children, we may build similar remand homes for the victims of these drugs. The Government may plead that it is a state subject but the Government should issue guidelines to the States, change its policies and rules and should provide good education to these children in such remand homes so that they may prove to be good citizens of India. The people should not condemn the children after returning from remand homes because they have fallen prey to these drugs innocently and therefore people should respect them, encourage them and make them aware of the consequences of drug addiction. When hon. Minister was the Minister of State in the Ministry of Information and Broadcasting, I remember that a T.V. serial on Drug Addiction had been started and its aim was to educate those children who fall prey to drugs. I want to tell you that the use of T.V. media is very necessary so that both the children and parents could learn something. The arrangement of their rehabilitation should be made in such manner that they feel encouraged to get rid of this addiction.

Finally, I would like to urge upon the Government to make provision for severe punishment for drug-traffickers and smugglers so that teenagers do not fall prey to drug addiction. The main culprits who indulge in this trade must be awarded deterrent punishment so that they may not

[Shri Balasaheb Bikhe Patil]

use children as drug peddlers. The kingpins must get deterrent punishment. As I stated in the beginning that illegal production of drugs should be brought under some law and this matter should be considered seriously as to how the corruption rampant in this narcotic trade can be checked. Such provisions should be incorporated in the Bill for the illicit drug cultivations, drugs-traffickers, traders and smugglers involved in this narcotic trade that corruption could be stopped. I think we cannot achieve success until this corruption continues.

There are some people who try to politicise this issue. They may get some benefit by doing so but it does not mean and I also do not believe that country's well wishers will support them. With these words I support this Bill.

[English]

SHRI SRIKANTA DATTA NARASIMHARAJA WADIYAR (Mysore) : Honourable Deputy-Speaker, Sir, I rise to support the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988. This Bill seeks to replace the Ordinance promulgated by the President on the 4th May, 1988.

Sir, the problems of drug abuse in the country has assumed alarming proportions particularly in the metropolitan cities such as Bombay, Calcutta, Bangalore and Madras.

One of the reasons why trading and dealing in drugs has become so rampant in most metropolitan cities is that dealing in drugs has become a very lucrative business and carriers and people who house drugs which are in transit from one place to another find themselves being rewarded with rich remuneration. Hence the traffic in drugs has increased in India and the abuse and use of drugs has also increased. Besides, we have a highly vulnerable area, the Indian customs water, the customs airports, the inland area over 100 kilometres in width from the coast of India falling within the territories of the States of

Andhra Pradesh, Goa, Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and the Union Territories of Diu, Daman and Pondicherry. Apart from these areas, there are inland areas several hundred kms. on the width from (a) India-Pakistan border in the States of Gujarat, Punjab and Rajasthan, (b) India-Nepal border, in the States of Bihar, Sikkim, Uttar Pradesh and West Bengal; (c) India-Burma border in the States of Arunachal Pradesh, Manipur, Mizoram and Nagaland; (d) India-Bangladesh border in the States of Assam, Meghalaya, Tripura and West Bengal; and (e) India-Bhutan border in the States of Arunachal Pradesh, Assam, Sikkim and West Bengal.

The illicit traffic in narcotic drugs poses a serious threat to the health and welfare of the people. A person can be addicted to it in two ways. Certain narcotics cause bodily addiction. This means that the victims body will become dependent on the narcotics and he may suffer great physical agony and cannot live without it. Gradually the victims body builds up a tolerance of the drug. Consequently he will need more and more of it. Such victims eventually die since every narcotic is very poisonous and an addict of this kind is likely to die.

Of the several drugs that are used, one which is very common is the opium. It is also common in areas like China, Turkey and India. Madak and Chandu have been the traditional preparation of opium used in India and other parts of the globe. Many other sophisticated derivatives of opium have now come into vogue in the market such as morphine, cocaine and heroin. The cost of these drugs are enormous and the margin of profit is so great that a large number of people are taking to smuggling heroin and other allied drugs. Heroin addiction is also spreading like wild fire in India. It is learnt that in Punjab, farm labour is fed arsenic mixed with opium by employers in order to extract more work. India is the traditional home of opium where poppy cultivation is permitted by law in some parts of Madhya Pradesh etc. Even though a great number of regulations are there such as licensing, survey and measurement of poppy field and 100%

purchase of poppy by Government agencies the unscrupulous growers succeed in evading the authorities by hiding the opium grown illegally and not declaring the actual extent of opium cultivation. This has led to smuggling in other parts of the country at prices higher than what is paid by the Government agencies. The frequent opium hauls in many parts of the country suggest amply that illegal trade in narcotics is flourishing in the country. A number of narcotics also pass through the Indian sub-continent. The tragedy is that the teenagers are falling the victims of addiction. The World Health Organisation report says that increasing percentage of children and adolescents have started themselves addicted to alcohol and drugs. I feel, the illegal drugs clearly threaten the young people's health and the future of the young generation, in India.

A number of times, we are facing problems, especially with transit traffic in illicit drugs. India occupies a strategic position in the routes of all international drug smuggler. There has been a sharp rise in the drug trafficking in the country. It was after that, that the Government of India started making concerted efforts to check drug smuggling. Day in and day out, cases of drug trafficking and drug abuse have been coming to light.

Sir, the heads of the drug enforcement agencies from most of the European countries and the Indian sub-continent gathered in New Delhi on the 15th of March and had a meeting with the CBI. The Conference took stock of the present trend of the society and the increased incidence of drug trafficking in India and other countries. It has decided to combat drug smugglers. It decided to take penal measures against drug trafficking. I thank the CBI for organising such a Conference.

Now, efforts are being made by the Government to check drug abuse and illicit traffic. But, it is not possible to check drug smuggling and addiction with the existing laws of the land. Although a number of legislative, administrative and other preventive measures were taken in the past, the drug smuggling and addiction could not be stopped entirely. Therefore,

perhaps the Government felt that a preventive detention law should be enacted with a view to effectively immobilising the traffickers. The transit traffic in illicit drugs should be completely eliminated keeping in view the urgent need to do this. Severe punishment for drug traffickers including life imprisonment or capital punishment as suggested by many should be given and the people who act as illicit traders in drugs and the people who allow their houses or residences or godowns to be used for storing such drugs should also be severely dealt with.

Hence I welcome this Bill.

At the same time, I would like to give some suggestions to the Government. A Drugs and Narcotics Bureau should be set up at all International airports and sea ports to prevent drugs coming through and lying in transit in India.

The Government should also take necessary steps to have rehabilitation centres for addicts especially youth. Such a voluntary agency has started in Madras. This is engaged in treating and rehabilitating narcotics and drug addicts. Similarly, it is very essential that such clinics are set up in different parts of the country in order to fight the drug addiction and drug abuses at various places.

The Government should take strong steps against drug trafficking and it should deal with the problem with an iron hand and the corrupt people in the enforcement agencies should also be dealt with in befitting manner.

SHRI THAMPAN THOMAS (Mavelikara) : Mr. Deputy Speaker, Sir, narcotics traffic is a big problem which is causing international concern. Recently, the United Nations as well as the International Labour Organisation held discussions in separate sessions and suggested ways and means to contain narcotic traffic which is taking place among various countries. It appears that in the under-developed and developing countries, the problem is more serious because the whole economy of the concerned country will also be seriously affected if it is not properly tackled and it

[Shri Thampan Thomas]

gives rise to many problems. Some of my friends mentioned about the rehabilitation problem, some about its prevention and some about the punishment to be given. All these facets are inter-connected and this present Bill which is presented before this House is just suggesting how to prevent this menace. No wonder that it adopts the usual method of authoritarianism, that is preventive detention. Much more than that, there are methods by which a civilised government can approach this problem. That is, they should create awareness among the people that this, as a whole, affects the economy of the country and also the future of the nation. To create that awareness, such a machinery should be mooted at every level, in the university campus and in places wherever people gather. In all these areas such a machinery should be there to propagate that this affects seriously our economy and the future of our nation. So, in such a way, wide publicity, wide involvement, wide discussion, by which people can be made aware of all the consequences, this can be prevented completely.

Some suggestions have been made about giving deterrent punishment. I am in full agreement with giving deterrent punishment. In Malaysia, the punishment for this offence is capital punishment. For those people who are trafficking in narcotics, there is no punishment less than capital/punishment in the South-East Asian countries. If Mr. Charles Sobraj, who is in prison here in Tihar Jail, is sent out to Thailand, he will be hanged there for this offence of trafficking in narcotics. But he has taken shelter by committing another criminal offence and getting jailed here rather than getting hanged in Thailand where he has committed this offence. Thus, the loopholes in our laws can be found out. It means that a person who would have been hanged in another country for this offence can very well commit another offence here and be in jail. This is an example of that. So, if deterrent punishment is given, that will create an impression among the people who are involved in these things that there will be serious consequences and they will not involve themselves. If we examine the steps taken hitherto by the Government or

the steps taken under the anti-narcotics code or any such thing, we will find that they are not effective. They were not able to catch the big fish. Who are the big fish in these things? The big fish are the people who control the economic affairs of this country, these people who are doing terrorist activities in this country, those people who have got international ramifications, connections, with international smugglers. To catch them, what could we do? Could the preventive detention or deterrent punishment or whatever steps have been taken contain these things? Port area is one of the areas where this is increasing in dimensions. The people who are involved in smuggling have their own vessels to traffic between countries. The western countries are in demand of these things. The people who are having money, the moneyed people, maintain security, better than the government security, for themselves and they will see that they are not caught; they will see that, because of the preventive detention Act or any other Act, the poor people, the intermediaries who are there, are caught and not the big people against whom we could not take, hitherto, effective steps. I would like the hon. Minister to tell us who were the big people involved in these things and who have been caught in the last five or six years. It is true that, for smuggling of arms to India, financing is from the narcotic trade. I know, I have come across this in Kerala, in the Cochin Port; even exporters who are favoured by this Government do it. When fish was exported to an outside country, they examined and found that, in such fish, inside the fish, there was narcotic material. And somebody wanted to declare certain things, There is some way. Some loopholes are there. If you are an informer, you can escape. One person who himself does these things subsequently informs and gets benefits and awards. These are the laws which are there today. To combat that, preventive detention is now sought. I fear that by preventive detention alone this cannot be solved. Preventive detention can also be misused. We have seen that during the Emergency in 1975. The whole preventive detention law, just like the Maintenance of Internal Security Act was misused. Whatever power has been given to the police officers and other authorities

is always misused. They use this opportunity to make money for themselves. So, the Preventive Detention Act, without proper checks and proper awareness among the public, will not do any good. It will help only to corrupt the officials who are already corrupt. They will use it only against the innocent people, the people who are there by chance, to put them in prison; the innocent people will fall a prey into the hands of these people who are doing it. I am against the preventive detention laws without a trial, without giving a person his right to substantiate his case. To put a person in jail is not proper. I believe in that ideology that a person should not be put in prison without being given an opportunity to explain. That is against the fundamental human rights. One of the human rights which a man enjoys is the freedom. The freedom should be restrained to the extent whether he is doing a wrong or not. But he cannot be put in prison without an opportunity to prove that he is innocent, that he is not involved in it. Then he goes to the arbitrary court. And the arbitrary power exercised by the authorities without any check leads to authoritarianism and fascism and ultimately leads to a country where there is no freedom, and for which we fought against the British.

Similarly, there are many laws here. I really feel very much about that. When I take part in discussions in this House, many laws which come up for discussion in this House, tend to curtail the human rights and human freedom. This also goes to that extent. In no way, I will support the narcotic trade or narcotic traffic. I would say that the nexus between the persons who are there should be brought to book and to see that it is properly tackled. I would say that to pay with the human freedom and Fundamental Rights of the people is not correct.

Therefore, I suggest, you bring out a scheme by which India is able to play a vital role in preventing narcotic trade by giving deterrent punishment on the one hand and on the other hand, to create awareness among the people that if anybody is indulging in the narcotic traffic, it is the anti-national activity and it is going to affect the economy of the country, it is

going to affect the future of this country and also young generation is made a victim of this. Instead of tackling the problem in this way, just by passing the preventive law if you feel that we can contain narcotic traffic, only thing I would like to submit is that, we are living in fool's paradise. That will not bring any result. Effective efforts in other words, are to be made. I support the rehabilitation programme for the young generation.

I had an opportunity to attend the Tenth Asian Conference of International Labour Organisation on this particular subject. In this particular subject, a Committee is constituted by the Asian region of the International Labour Organisation which met in Djakarta in 1986. They have recommended certain things for the rehabilitation of the people who are affected by this. The international community is sympathetic towards the victims. But we need not be sympathetic towards the people who are doing it. Of course, we have to be sympathetic towards the victims and proper rehabilitation programme will have to be created for them. But at the same time, there is no reason for being sympathetic towards the people who do these harm. They have to be dealt with as the biggest criminals and anti-social and action should be taken to bring them to book. At the same time, sufficient safeguards should be made so that authorities do not misuse it. At some of our friends have said that even in the police force, in the excise force, in the customs force, there are people who are playing the role of an agent or touts for narcotic trade. Export is an area where people take such things free though the material which are permitted to be exported. Airport is an area, public conveyance is also an area. I know how the *Ganja* comes to the hilly areas of Tamil Nadu and Kerala. It comes through the transport buses which are owned by the Tamil Nadu Transport or the Kerala State Transport Corporation or Karnataka State Transport Corporation. There will be no owner. But when it reaches the destination, there will be somebody to take it. In this way, even the public transport system is being used.

Recently, at the airport, something happened to one of my friends who was

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travelling to Madras. He is a senior practising lawyer in the High Court of Kerala. He was going to attend a case in Madras. He has a VIP suit-case which he placed in the aircraft. When he got down he took another person's suit-case. Then some police officer stopped him. He is going to be recommended for a post of Judge of the High Court even. He said this is my suite-case. The police said that we have to check it. When they opened it to his horror it was found to be full of narcotics. By the time he was in the plane somebody had replaced his suit-case. So he was caught but fortunately he could find a person moving with a similar suit-case at some distance. He caught him and brought him to the police. But the other man said that suite-case belonged to him. Since he could not tell the contents of the same so the senior lawyer of the Kerala High Court was saved. My point is that the public transport systems are being misused. Have you got an effective machinery to check these things? If the security officer who stands at the Madras air-port where each and every suite-case passage through an X-ray machine is not able to detect the narcotics then what is the purpose of his being there. It is said that narcotics is not metal so it could not be detected in this X-ray machine. Then what is the use of the intelligence and the security force being there? Are they only to detect explosives alone? Are they not bound to stop this drug smuggling? There are some of the examples and in such areas Government will have to see that the loopholes are tightened and action taken. It is only by taking steps in this direction that we can improve the situation and not by bringing this preventive detention whereby a man is put behind the bars without trial. I do not think this Bill will achieve the desired purpose and, as such, we do not support it. In conclusion I would like to suggest a proper law checking the system and there is need for creating proper awareness in the minds of the people not to get involved in narcotics. This is the only way to contain this menace.

SHRI RAM SINGH YADAV (Alwar) :
I rise to support the Bill moved by the

Minister of State for Finance, Shri A.K. Panja. I also support the Ordinance issued by the President. Although the issuance of the Ordinance has been criticised by the Members opposite yet I think most appropriate use of the promulgation of Ordinance has been made by issuing the present Ordinance dated 4th July, 1988. I do not know why should they complain mis-use of the power of Ordinance especially when they agree that this Drugs Trafficking is the menace which is adversely affecting our younger generation, our student community and also the places which are renowned for religious ceremonies. It is affecting the sea-beaches, sea-ports, airports and our culture as well. In these circumstances I do think that the Ordinance which has been issued by the President on 4th July, 1988 has been issued at the most appropriate time and the power of promulgating Ordinance has been properly used by the Union Government.

Secondly this narcotics drug traffic is a menace in the country. I feel, its most adverse effect is upon our culture.

Pushkar is known as a religious place not only in India but also throughout the world. That town has been infested with drug addicts from our country as also from foreign countries. There is a den of drug-addicts in Pushkar. The people who go there with religious sentiments are very much disturbed because of the presence of these anti-social elements.

Now a question arises, how the hon. Minister is going to save such religious places or sea beaches. Take the sea beaches in Goa or Kovalum. It may be Jagannath Puri or some other place. In Kulu and Manali, which are health resorts, I have seen a number of persons who are drug-addicts. Majority of them are foreigners. They are using the drugs and the use of those drugs has also affected our younger generation. How to check these things? I think, this is the most appropriate step taken by the Government. The hon. Member, who was just speaking, had criticised this step of the Government by saying that these powers will be used arbitrarily and also that there is a possibility of the misuse of those powers. But I

think that is the only step by which you can control these anti-social elements.

I feel that our student community and especially our educational institutions are also infested by the persons who are inclined to using these drugs. How to save these places from the adverse effect of the narcotic, and such objectionable Drugs, like heroin, brown sugar? We feel that in every town and city of our country, there is a section of the population which is getting affected by this menace or by this disease. Not only the Government of India but also the State Government should have some sort of law by which they are able to control these things and save our younger generation and the student community from this menace.

Coming to the provisions of the Bill, I would like to seek a clarification from the hon. Minister. Knowingly or unknowingly, while using some of the words, some sort of confusion can be inferred in sections 3, 5, 10, 12 and 13. In section 3, the hon. Minister has used the words '... any person (including a foreigner) ...' But you have not used the words 'including a foreigner' in section 5 while you are qualifying a person. He may be an Indian national or he may be a foreigner. I would like to read out the relevant provision :

"3 (1) The Central Government or a State Government, or any officer of the Central Government, not below the rank of a Joint Secretary to that Government, or any officer of a State Government, not below the rank of a Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person (including a foreigner) that, with a view to preventing him from engaging in illicit traffic in narcotic drugs and psychotropic substances, it is necessary so to do, make an order directing that such person be detained."

You have detained a person whether he is a foreigner or not because it comes in the definition of the person here. You have qualified the person by using the words 'including a foreigner'. But in Section 5,

every person in respect of whom a detention order has been made, you have omitted words 'including a foreigner'. Therefore, it may be a matter of judicial interpretation and sometimes it may be said that it was not the intention of the legislature to punish or detain a person who is a foreigner. The provisions of Section 5 may not apply to a person who is a foreigner because here you have not qualified the person by using the word 'foreigner'. Therefore, when once you have used the word 'foreigner' it is very necessary that in Section 5 also, you should have used that word and that person should have been qualified.

Again in Section 10 which provides for the cases in which and circumstances under which persons may be detained for periods longer than three months, you have said notwithstanding anything contained in this Act, any person (including a foreigner). It means that whenever you wanted you can say that the 'person' means and includes the person who is of a foreign origin and he shall also be included for the purpose of these Sections, for example Section 3 and 10. Beyond the purview of those Sections, you have not qualified word 'person'. Therefore, it is very necessary that there should be consistency and you should not give the chance to the judicial courts or to the tribunal or to the Board which is to be formed to interpret this word adversely against the interest of the Government or of the intention of the legislature. This should be clarified at this stage.

Secondly, I feel that there is ambiguity in Sections 12 and 13. Section 12 says 'Without prejudice to the provisions of section 21 of the General Clauses Act, 1957, a detention order may, at any time, be revoked or modified'. It should not be in an arbitrary fashion. When once you have detained a person and you have come to the conclusion that there is an offence which has been committed under the provisions of this Act, then it becomes obligatory on the authority to be satisfied that these are the reasons that we are modifying the order or that we are revoking the order. When you are finally revoking the order, then there should be some extra evidence or further material with the officer

[Shri Ram Singh Yadav]

of the Government that you are revoking the order, that you are taking back the order. There must be some reasons for that. You have not mentioned those grounds. It should not be in arbitrary way or in a whimsical manner that whenever an officer wants, he may modify or revoke the order. You should have provided the various grounds in this Section. Similarly, in Section 13, you have provided that a person who has been detained by the State Government, can be released by the Union Government. Then, it will be quite inconsistent, when the person has been detained by the officer of the State Government or by the State Government itself, then without consulting the State Government or without the report of the State Government, the Union Government or the officer of the Union Government can release the Detenu. It means that it will be quite arbitrary that a person has been detained by the State Government and he can be released by the Union Government. So, there must be some reason for it also. You have not given the reasons as to why this power is to be taken by the Union Government. Section 13 says : "The Central Government may, at any time, direct that any person detained in pursuance of a detention order made by that Government or by an officer subordinate to that Government or by a State Government or by an officer subordinate to a State Government, may be released for any specified period either without conditions or upon such conditions . . ."

"The Central Government may at any time direct that any person detained in pursuance of the detention order by the Government may be released by an officer subordinate to a State Government."

It means that the Central Government or the Union Government has got the exclusive powers to release the detenu who has been detained by the State Government without consulting the State Government or without any reasons which have come to the notice of the Union Government. While interpreting this section in the courts, I feel that the court may take a view that this is

an arbitrary section and that the arbitrary powers have been taken over by the Union Government. It is not the exclusive function of the Union Government. A detenu who has been arrested or detained by a State Government, whether he should be released or detained the State Government should be given a chance to decide. The first priority is that of the State Government and the Union Government should not usurp the powers of the State Government. Therefore, it is very necessary to think over the provisions of this section once again.

Then, Sir, Section 14 says :

"No suit or other legal proceeding shall lie against the Central Government or a State Government and no suit or prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done in pursuance of this Act."

Now, I would like to know what is the necessity of saying 'intended to be done'. The judicial protection can be given to those persons who have actually taken the action but when you have not taken action how can protection be given to the officer or the concerned authority? When the commissioning of the act is not there or the act has not been performed, then there is no question of giving any protection, therefore, no need of saying, 'intended to be done'. Intended to be done means the act is not complete. The officer concerned may give the report that this person is indulging in trafficking of drugs or the psychotropic substances but his report is not substantial unless it has been materialised by detaining the person or by issuing the warrant or order against that person. So, this sort of protection cannot be given unless the act is complete.

Here I would like to say that there is one omission in this Act and *i.e.* how to rehabilitate the persons who are found indulging in drug trafficking.

13.57 h's.

[SHRI SOMNATH RATH *in the Chair*]

I appreciate the steps taken by the Delhi Police in this connection. They have

set up a cell and they are trying to save the young people who have become drug addicts. This sort of provision, should have been provided in this Act also. If you want to save the younger generation who is becoming the drug addicts, who are indulging in drug trafficking then some rehabilitation facilities should be provided to them. Ours is a welfare state. So, when we are enacting a legislation some sort of rehabilitation facilities should be provided to the younger generation whom you want to be the better citizens of the country. So, I request the Hon. Minister that some sort of provisions should be included in this.

14.00 hrs.

Lastly, I would like to submit to the Hon. Minister that a very meager amount has been given for the implementation of the provisions of this Bill. Sir, in the Financial Memorandum appended to the Bill it is stated :

"It is however estimated that the recurring expenditure on the wing in the Ministry of Finance, the provision of facilities aforementioned and in connection with the Advisory Boards is not likely to exceed rupees ten lakhs per year."

Since this is a Central law, I feel that the Central Government should re-finance the State Governments for the expenditure involved in the implementation of the provisions of this Act. The nature of the offence is not confined to any one State and when the offence committed is of a national level, we expect the Union Government to re-finance the States. Therefore, it is necessary that not only the Union Territories and the concerned Ministry, but the States also should be financed in this regard.

It is also stated in the Financial Memorandum that the non-recurring expenditure on account of building and office equipment of the Wing referred to above is not likely to exceed rupees thirty lakhs. I feel this financial provision is also inadequate. Drug menace is so huge and it is so widely spread over all parts of the country. Therefore, sufficient financial provision should

be made while taking further steps for the implementation of the provisions of this Bill. The hon. Minister may make adequate financial provision by way of supplementary grants or by any other means or methods best known to him. He should see that the provisions of this Bill are implemented strictly and properly.

With these suggestions I congratulate the hon. Minister for bringing this Bill. I also congratulate our hon. Prime Minister who has taken the initiative in this regard by declaring a 14-Point Programme because under this 14-Point Programme only, the hon. Minister has formulated this Bill and presented it in the House.

With these words, I appreciate the steps taken by the hon. Minister and I thank him for his initiative in piloting this Bill in this House.

SHRIMATI GEETA MUKHERJEE (Panskura) : I wish I could congratulate the Minister for bringing a Bill on narcotics. Unfortunately, I am not in a position to do so. I have given notice of a Statutory Resolution opposing the ordinance as also the Bill. Unfortunately, in the melee that occurred today, because the Government have taken recourse to an unprecedented practice of introducing and passing the Defamation Bill on the very same day, the amendments were to be given within half an hour and the Statutory Resolution was called for at that time. In this melee, I could not take the advantage of moving my Resolution because as I had to go and give the amendment. Sir, let me put it on record that at least in future this sort of things should not be allowed.

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A. K. PANJA) : That has been done because the Opposition Members have opposed it.

SHRIMATI GEETA MUKHERJEE : Of course, yes. But the hon. Speaker should have very clearly and audibly mentioned that this Defamation Bill is going to be taken up at 3½ O'clock and the Statutory Resolution would be moved now. Mr. Minister, what is the necessity of introducing and passing the Bill on the very same

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day? Heavens would not fall if it were not done.

Now, coming back to this ordinance and the Bill on narcotics, the Minister concerned is a very serious man and he tries to take steps on various matters. I am not saying this as a mere formality. I have known him for a long time. But Sir, unfortunately I have to oppose this Bill because this Government—in which unfortunately he is a Minister—has got a panacea for everything, that is preventive detention. In Bengali there is a saying; he will understand it.

"Sharbe Rogo Hare Gaura"

Gaura can take away all kinds of evils—panacea. So this Government knows only one panacea for all the ailments. I think you might have also been in jail when we were in jail during the student movements. You might be knowing that in jail there were two kinds of medicines which were given and they are alba and carminative. For every kind of disorder, it is given. These were the two principal medicines which were given. Garminative is a little effective and alba is not at all effective. What is your solution to the present very serious situation on Narcotics? Is it only alba, that is; the Preventive Detention Act?

I would like to draw the attention to the fact that according to certain estimates, in 1980, the people who were addicted to drugs in our country were one lakh. Now it is around 10 lakhs. Within ten years, there is a ten-fold increase in drug addiction. What is happening to our youth? I need not go into it. Everybody is feeling that an absolutely deplorable situation has been created. On the one hand, it is the narcotic addiction situation prevailing inside our country and on the other hand, it is the narcotics trade which is prevailing. According to the latest report of INTERPOL, this year, the production of narcotics in the countries of golden triangle, that is, Afghanistan, Iran and Pakistan is to the tune of 15 tonnes to 18 tonnes. 90 per cent of this production has to pass through India, particularly, Delhi. This is what

INTERPOL thinks. It is really a very serious situation. What is really standing in the way of effective curb? I will come back to the question of drug addicts later on. But first of all, I would like to take up the question of catching those people who are involved in such big narcotic trafficking. Is it because there is no preventive detention that they are not being caught? I quote from a very long Report which appeared sometime in the month of February in the *Time of India* about narcotics. I will quote only two paragraphs. It is about the Narcotics Bureau and other agencies who deal with them, what they know and what they do not know, etc. It says:

"HIT LIST: Persons on the 'hit list' of various law enforcement agencies include Surinder Mehta of Vasant Vihar, Jamil Khan and Khalil of the Jama Masjid area; Kuldip Singh of Greater Kailash-II (who, it is claimed does most of his business from Imperial Hotel) with his Bombay associate, Vijay Manjarekar, Jang Bahadur Rana of Mukherjee Nagar and Hastimal Jain, who runs a hardware shop in Ajmeri Gate".

All these are well-known to the Enforcement Agencies.

SHRI A. K. PANJA : Where from is this report?

SHRIMATI GEETA MUKHERJEE : It is from Times of India... February. It is an investigative report about Narcotic trade. It is a very long report.

Now I will quote the next paragraph.

Enforcement sleuths do not hesitate to disclose these names since they have been identified in at least ten major heroin cases (where each consignment was of a minimum of 10 kgs.).

Now, since all these are known, why could they not be caught? Was it because there was no Preventive Detention Act? The next part of the sentence says: "these persons are still absconding..." So, that is why they could not be caught. If they are still absconding and they cannot be

caught because they are still absconding, how is your Preventive Detention Act going to help, in those circumstances? How can they remain absconding? Firstly, how are the existing laws being enforced; and in those laws, without going into the Preventive Detention aspect, can something more be done? I think surely much more can be done. Take, for example, summary and speedy trials. Where are your special courts? You can have any number of such courts, and any number of summary trials. We will fully support you.

Capital punishment has been referred to here. I fully agree with you on it. Have you confiscated their property? Have you made these offences non-bailable? That can be done, if you have such offences which are non-bailable. They can be made non-bailable.

Then about destruction of the drugs seized publicly. Has it ever been done? No. Suggestions which really would make a serious attempt for implementing or strengthening the punitive laws on this score are galore. A lot of suggestions have been made to the Minister concerned on some occasions earlier. They have also been floated publicly. But the situation remains like this—not because, as I said, preventive detention is not there.

Now there is a great deal of confusion with regard to enforcement agencies. Some people are saying that a very peculiar situation has arisen in relation to enforcement agencies, *i.e.* instead of cooperating with each other in nabbing the smugglers, at times they refuse to do so. Why? They say it is so because in that case the incentive for catching will be distributed among many. So, each wants to get the incentive in his own domain. So, the Narcotics Bureau is being blamed by the Delhi Police, that the former is not doing its job; and the Delhi Police is being blamed by the Narcotics Bureau for not doing its job. This is the whole gamut of the situation. What steps are being taken to tackle this situation? What steps have been taken to create such a machinery inside the Delhi Police, which will not just give such lame excuses, *e.g.* "We do not have enough people; we cannot follow up." etc.? Have

we really thought about this seriously? What is the position? So far as my knowledge goes, nothing special, no special steps have been taken.

So far as Narcotics Bureau also is concerned, what steps have been taken? The Minister knows much better than I do not that he deals with heroin himself personally, but because it is his domain, to furnish us information. One Kg. of this demand thing costs Rs. 1 crore. And there are 100 Kgs. in each case. One hundred Kgs. mean Rs. 100 crores. So, it comes to hundreds of crores now. Crores and crores are involved in this matter. So, you know the big network? that they have spread; what is your network? You come out with a fine Bill which says that those who do such and things will be put under the Preventive Detention Act, without an advisory board recommendations, etc. Is this a serious attitude towards such a serious matter? I believe the Minister wants to be serious. Probably, his department has made him to understand like this: "This is the panacea. Please do this; and then we will take action." Or else, there is lot of criticism already and you have to save your own skin. This Preventive Detention is brought in to show everybody, that "Now, we are catching them". This is my impression. Secondly about the question of . . . (*Interruptions*).

SHRI SOMNATH CHATTERJEE
(Bolpur): I am not a criminal practitioner, he knows that. (*Interruptions*).

SHRIMATI GEETA MUKHERJEE :
Law is not at all my subject. It is only common sense that I speak from. Also, about the Preventive Detention Act, I cannot forget that I was put under the Preventive Detention Act on a charge that I was leading a Santhal rebellion, when I had hardly seen a Santhal in my life! I do remember how the Preventive Detention Acts are normally operated upon. That is all political. But then all the PD Acts can be that way misused. That will not better the situation.

Then, about this question of boys, particularly youth. Really, today everybody says it, I myself gave an estimate,

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everybody knows how it is increasing. But I must say my experience shows that it is very difficult really to get at curative centres to deal with this problem. You know, it is very difficult to treat a boy keeping him in the house because it is such a delicate operation. You cannot take a *danda* and beat him. So, very careful and solicitous attitude and a scientific way of dealing alone can cure an addict. How many centres are there? Even in Delhi it is very difficult to find out, let alone the sub-divisional towns and all those places. The most important thing is, if you want to save our youth really is to go in for very scientific and simple institutes all over the country and for all that the biggest thing that you require is really a combined effort of all against this kind of offences, dealing with the narcotics.

Your Bill does not deal with them. How are you going to create such a situation? Nor does it deal with the questions of the present laws and how you will implement them seriously, how you will improve upon your machinery, which is very very ineffective now. How are you going to put up with these crores and crores of rupees if there is some nexus between the people with high powers and those down below in sharing the business, and how are you going to get at them? None of these things are dealt with in your Bill. This, as I said, probably as far as you are concerned, is a statutory bill, but as far as democracy is concerned it is a dangerous bill. I hope you will turn to the real problem and get at it and really try to build such a machinery taking everybody's suggestions into consideration, and do not insist on this Preventive Detention cover being passed.

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Chairman, I support this Bill. It is a welcome measure. The statement of objects and reasons makes it very clear that the existing legislative, administrative and other preventive measures are not sufficient to completely eliminate the trafficking of drugs and the psychotropic substances, and hence the Ordinance.

I support the circumstances under which the Ordinance and the Bill have

been brought. This Bill has given a place to my State which is on the Indo-Burma border. The State of Manipur and also that of Mizoram are exposed to this very dangerous Indo-Burma border. I make a few observations on this Bill, particularly the drug menace which poses a serious threat, that is more serious than the threat to the future of civilization.

Sir, confining my remarks to my own region, where the economic position, and social framework of the societies are well-knit, the impact of this drug menace has been very great. People have become rich overnight and we do not know who are the people involved. They may be traders, smugglers, etc. but the most important category of people involved in this trafficking, I think, is the officers in the Police organisation, BSF and security personnel employed in the border areas. I am not putting a blanket blame on the police organisation. They are having very good officers. But there are some blacksheeps in that organisation, BSF and security personnel working in the border areas. If we cannot put a stop to the activity of this category of people, then perhaps it will be very difficult to stop drug trafficking in the border areas. Now, it has been mentioned that preventive detention will be meted out to persons involved in this trafficking. Sir, the State Government under proper monitoring of the Central Government has to work effectively to put up a stop on the involvement of the police officials. It is interesting to point out that high police officials cannot control their children now in many areas Mizoram and in the adjoining areas, because, as many of the Members observed, there is no public destruction of seized drugs. So, the reasonable suspicion is that seized materials have gone to the pockets of the police officials. Then naturally they are themselves involved in the threat. The other aspect is that they cannot control their children. They steal these materials from their father's pockets. Without stopping this, merely stopping other elements will not be sufficient.

The other aspect with which we are concerned is that there appears to be an international design in this drug trafficking. UNESCO mentioned that all the nations

are suffering from this threat, all the young people are threatened and their future hopes are being threatened. Now, in this general context of universal menace, we have to reach certain international design to confice the drug threat, which is prevalent in under-developed and developing countries like India. We have seen that India is a very convenient transit and in the borders we have of course seen prominent places either from Pakistan side or from the seashore or Burma, China, Butan—all these are gateways. Firstly, we have to shut these gateways. Secondly, we have to educate the youth by involving the Universities, various educational institutions, religious organisations, clubs and social organisations. That will be one aspect.

The other aspect will be rehabilitation. In very critical moments, when a parent is threatened by his child of his becoming drug addict, the first thing he does is to send him to jail, whether he gets relief or not, whether he gets rehabilitation or preventive measures or not because the child starts stealing everything, even small things in the house. And he does not stop because he has to meet the demand of his addiction. So the first thing the parent does is to send him to jail. There we have now a phrase that the police people have got a relief medicine known as number five. Heroin is number four which is taken by the boy and then he is sent to the jail. The moment he goes to the police station, the policeman says, here is a boy with number four. The voice comes from the other side, bring number five. Number five is lathi, a very strong lathi. The first treatment the boy gets from the police is lathi. In fact, some of the precious boys have been almost physically invalidated, tortured. They have been rendered physically unfit and invalid. But there was no way out. But this measure is not sufficient. What I would like to emphasis upon is that rehabilitation is a very important measure. The other day, a Christian missionary organisation from Calcutta worked in our area—Manipur—Mizoram area. They collected lot of money. The parents were very happy that some voluntary rehabilitation agency has come. Then overnight it was found that the official incharge had taken away all the money and then ran away. That means, there is a danger of exposing these rehabi-

litation measures to private and voluntary organisations. But the parents would like to send their drug addict children anywhere so that they get some relief. I would like to request the Government of India to monitor this aspect where the danger has been most seriously felt and in particular in border areas like north-eastern areas. And it should take up this matter with the Governments there. Then, I think, the rehabilitation aspect will save at least the affected people.

Another aspect which I would like to mention is that the Narcotics Commission under UNESCO in one of its meetings had found that terrorists activities generally or in most cases are linked with drug trafficking. And this is very true. I am speaking to some extent from my experience also because it is the easiest way to get money for gun running and other activities of the terrorists. On the one hand, they get this money quickly and on the other, by use of these drugs they can influence younger boys, mostly teenagers so that they are free from the control of their parents and they are out of control of the schools and colleges. So the terrorist are using this drug trafficking for two reasons—in order to capture younger people who are vulnerable sections of the population. Then the other side is, easy money. So in order to stop the terrorists to get easy money from this, we have also to see that the terrorists are not merely controlled but their activities in this respect are also to be controlled. This is to be done by safeguarding the borders. By borders, I do not mean the international borders, but the inter-state borders, the jungle infested borders where people can work, terrorists training, etc. and they can go freely from one place to another without the detection of police and other such people. So, I would like to make this suggestion that the Government of India should take special care of this.

Another point that I would like to make is that our media, our All India Radio and Television should make good programmes on this. So far we have seen that certain playlets, certain programmes which aim at removing the love for these drugs, sometimes fascinate young people to have a taste of the drug. The programmes are so produced that rather than having

[Shri N. Tombi Singh]

positive effect, they create a negative effect. So, I would suggest that the media, the TV and the All India Radio should make suitable programmes which will have positive effect on the younger people so that they will be just repelled from this drug addiction.

Another aspect is that as we propagate family welfare, family planning, why should we not attack this drug problem with similar seriousness, with similar magnitude of our programmes? If we do so, then I think we shall be able to check our generation from getting wiped out by this drug menace. With these few words, I support this Bill.

SHRI DINESH GOSWAMI (Guwahati):
Mr. Chairman, Sir, though I have got no quarrel with the objectives of the Bill, still I am unable to support the Bill because I feel that the Bill is self-defeating. A preventive detention cannot solve the problem for which the Bill has been intended to be brought. There is no doubt that the drug abuse has become one of the greatest problems in this country. Everyone, who has a young boy or a girl in his or her home is feeling uncomfortable because the menace is growing. I will not go into the statistics which have already been cited by a number of friends. Up to a few years back, this problem virtually did not exist in this country—the problem of drug abuse in the younger generation. We had the problems even during our independence movement. In Assam for example, a large percentage of people used to take opium, it was a part of the Congress movement itself by which this bad habit was eradicated. This problem was a problem of the affluent in the West it has now touched us. Up-till a few years back, narcotics or psychotropic substances used to pass through our country but the domestic consumption was very limited. But those who are dealing with these substances had found that a goldmine of domestic market is available, and today the younger generation has become afflicted by it. Still I believe that it is in a controllable stage. But once this grows, I do not think we will be able to control it, because however you may say, even a country like

America, with all its resources, with all its efforts, has not been able to control the drug abuse. One who has gone to America, experiences it. I was in New York a number of years back and the first advice I was given in the evening was that: "Carry only five dollars in your pocket. Don't go to any side alleys, move in the street and come back before dark because it may be that if you have more than five dollars and if you face a drug addict, then you may lose ten dollars, and if you do not have any money, he will say what type of a man you are that you do not have in your pocket something to contribute to my bad habit." So, I do not think preventive detention is the answer. This is the second preventive detention law that Government has introduced, so far as this subject is concerned. The earlier preventive detention law related to smuggling, and the greatest problem regarding narcotics and this type of substances arises out of smuggling—smuggling from two areas; one is known to be the golden triangle and the other is the golden crescent. I would like to know how many preventive detention cases have been instituted since the Act was passed in 1974 to prevent smuggling? Now, if we have not been able to prevent smuggling through the Preventive Detention laws, how are you going to solve this problem by passing Preventive laws to deal with those persons who deal with this substance inside the country? The statistics will show that in spite of passing the Preventive Detention Law in 1974, smuggling is increasing manifold because it is not through the Preventive Detention laws that this problem can be solved. Even assuming there is no abuse of this Detention law which empowers for a detention of one year and in some cases for six months, I am apposed to the Preventive Detention itself because my learned friends just now spoke about the abuses or the corruption at different levels. Sir, today it is known that there is large arms trade going on in this country and one source through which this arms trade is going on is through the defence personnel or the former armed personnel. There was a newspaper report some time back that in the North-Eastern regions the extremists are getting arms through the former defence personnel. In fact, I can tell you, Mr. Chairman, that only a few days back, in

Tezpur, some persons in full uniform were carrying three boxes of arms and one reason or the other they were asked "what are you carrying in these boxes?". Unfortunately, those persons told "we carrying liquor bottles. They were asked "kindly give us one bottle of liquor". When the person asked him for a liquor bottle, he was hesitant. Then the person said "if you don't give me one, I am going to open it". These persons disappeared immediately and it was found that the boxes contained arms. Of course, I must say that the Tezpur town was surrounded and in the night all the persons were arrested. I had the privileges of submitting similar information to the House under Rule 377 when it was also pointed out that a strong operation of arms supply between North-Eastern extremists and the rest of the country are going on through the arms personnel and, therefore, this type of corruption exists. It is not my intention to blame everyone, but the fact remains that it does exist. Preventive Detention has a tendency of getting into the corruption rather than preventing the abuses for which we are bringing this law. I believe that what is necessary is, on the one hand, a strong publicity campaign and my friend Mr. Tombi Singh has just now referred to some of the films shown in the T.V. But the repercussion of it has been in both ways. There is one comment that tendency of the young is always to do something which is adventurous and in these films things have been projected in such a manner that you know where you get these products and where you get these narcotics. The tendency has been to procure it and taste it and then become the slave of the habit. Therefore, the publicity campaign should be carried on in such a manner that such a type of tendency does not develop in the minds of younger generation.

The second point I would like to know is that after all if we want to prevent it, then there must be cooperation with our neighbouring countries. We were told only a few days ago by Mr. Chidambaram that discussions were taking place between Pakistan and India, and Nepal and India, regarding how this abuse can be met. If there is a large quantity of production both in the golden triangle and in the

golden crescent, obviously, in some way or the other it is abused through India. These people will not mind being in preventive detention for six months, one year or six years. If one gets one crore, one will not mind being in jail and they know that those who are the real smugglers never remain in jail. They lead a life of a king. This is a known fact that the smugglers have been arrested and they have life of their own in jails. We know about Mr. Charles Shobraj. How he was arrested and it was told or it was reported that he used to get presents from outside. Now, I think, political prisoners cannot get presents from outside in the manner in which Mr. Charles Shobraj used to get. Therefore, even if you arrest some one under the preventive detention and keep him in custody for six months. if he is able to give Rs. 10 lakhs he can lead a life of his own inside the prison. We know that those who are in preventive detention-smugglers and others—they go out in the night and come back in the morning. Even TV sets are within their reach. So, prevention detention is not the answer. The answer is a must more wider approach to this problem.

Today an affluent country like America is trying its best and you must learn lessons. Now, I do not know what concerted efforts the Government is making in that direction, and I feel that today we produce it ourselves, I think, in about 25,000 acres or something, there are cultivations of this type of substance in 25,000 acres of our own home land. (*Interruptions*). Yes, under licence by the Government. Now, the consideration is, what the farmers will do if the production is stopped. When drug abuse leads to such irresponsible damage, then I feel that the farmers must be given sufficiently alternative modes of living and cultivation of all substances from which drug be manufactured stopped. If we do not prevent production here in this country, how we can asked a country like Pakistan to stop its production even if we want to? Therefore, I believe that this preventive detention law which is being brought into existence will only lead to misuse, will not solve the problem at all. The problem has much larger dimension than it is sought to be solved through a mere preventive detention law, and the

[Shri Dinesh Goswami]

tendency of the Government—and it is a very dangerous tendency—is to bring more and more preventive detention laws because preventive detention laws are against the very fundamental principles of rule of law and democracy. And even in the preventive detention law we have made provisions that in some cases, the cases are not to be referred even to the Advisory Committee. If you have no ground, then you should not detain a person even under preventive detention. And if you have grounds, then why you are hesitant to send it to the Advisory Committee, a minimum protection that is given under the preventive detention law ?

PROF. N.G. RANGA (Guntur) : That is provided.

SHRI DINESH GOSWAMI : No, in some cases even without referring it to the Advisory Committee you can keep a person behind the bars for six months which, I think, is against all cannons of democratic principles and democratic behaviour.

A very important point was made by a large number of friends asking 'What about the treatment of the persons who have become victims ? In fact, when the Narcotic Drugs and Psychotropic Substances Bill was passed in 1985 when it came into an Act, there was a specific provision regarding this in Section 4 to deal with this problem. It says, 'Identification, protection, education, aftercare, rehabilitation and social re-integration of addicts'. This was one of the objectives mentioned in the Act of 1985. Now, today it is 1988, virtually we have come to the later part of 1988. And I would like to know from the hon. Minister how many institutes he has opened, what type of facilities do one have for the purpose of identification, treatment, or education, aftercare, rehabilitation of these addicts. It is because even I can tell you that one of my friends wrote to me about a case and I could not refer that to him any known institution which is in a position to take a person. There should be, I think a propaganda machinery. It is not that I should enquire and find out. It should be just before the eye of the people

that if somebody is a victim of it, here is an institution, a recognised institution, where this type of care and protection can take place. And therefore, my submission, Mr. Chairman—and I would not like to take much time—is, the remedy which is sought for by this Bill is worse than the disease. This is a very difficult problem, a problem which even the affluent countries have not been able to tackle, But still probably this is a problem which we are in a state where we can tackle because the problem has only touched the urban educational centres primarily, it has not gone deep to the poverty stricken people because in America the problem is with the educated youths and also with the black people, one resulting from affluence and the other resulting from frustration. Today it is still limited, even if it is a few lakhs compared to the total population of this country, of the youth, and I feel that it is in a state where we can tackle it, but not by such a law. An integrated policy perspective is required to solve this problem and we have not seen an integrated policy programme, in fact I do not think that the Minister of Finance is the competent Minister to deal with this problem, the problem is to be tackled by some other Ministry, the Ministry of Health, the Ministry of Human Resources in addition to the Ministry of Finance.

If you leave it to the Department of Revenue only, or to the measure of preventive detention, then I do not think, we will go far and what is why, in spite of the fact that we want that this problem to be tackled, I cannot support the Bill.

[Translation]

SHRI MANOJ PANDEY (Betia) : Mr. Chairman, Sir, I whole-heartedly support the Prevention of Illicit Traffic in Narcotic Drugs And Psychotropic Substances Bill, 1988 presented by the hon. Minister Shri A.K. Panja in this House. This Bill is mainly meant for the persons who indulge in illicit trafficking. In my view the intention of the Government behind this Bill is very clear and it will be rather better to term these provision as stringent. As it is very clear from the definition I welcome the provision of *suo-moto* detention of

persons recommended by the State Government on the Central Government in the Bill. Whatever points have been mentioned by Shri Dinesh Goswami regarding this Bill mean that he is against provision of preventive detention because according to him this illicit trafficking cannot be checked by this preventive detention. If we see in Golden triangle, we will find a clear route of Golden Crescent. If we take the route of Nepal and Raksol which is also known by the name of Gate way of India and which is my constituency and in my view illicit trafficking which takes place through Nepal has a fixed route and I believe that Departmental officials also are fully aware of it that this route cannot be changed, even then we prove to be so inefficient on the route which is used for illicit trafficking. As it is mentioned that the officers entrusted with the job of checking the smuggling activities misuse the powers vested in them and consequently there is more smuggling of narcotics or psychotropic drugs. I agree with this that there can be a reason of prevention behind this nexus between officials and drug traffickers but if we deeply go through the provision regarding detention, we may feel that if a person is kept behind the bars for one and a half or two years he may not remember that route after that duration. In my view if the king-pin involved in the smuggling of Narcotics or Psychotropic Drugs is isolated for one or two years, it would certainly affect his smuggling activities to a great extent. Many groups are involved in this and this trade is not practiced by a particular group only. Each group is assigned with different jobs and everything is done in a very planned manner. There is a separate group whose job is to carry these drugs from one place to another. There are other groups for loading and transport purposes. The groups accompanying the jeeps are different and there is a separate group going with trucks. They possess arms, ammunition etc. Many groups are involved in this drug trafficking. It is not a single man's job. I agree that trafficking in drugs cannot be stopped by detaining person. The most important thing in this Bill is that we should see it in totality and not in isolation. Many good things have been incorporated in this Bill. I also welcome the provision regarding Advisory Board,

I may submit that no provision has been made in this Bill about the composition of Advisory Board. It has not been incorporated in it that how the Advisory Board would be set up. This should have been done. Only the name of Advisory Board has been mentioned. Although responsibilities of State Governments and Central Government have been fixed but no details have been given as to who will be the members of the Board and what functions it will perform. I would therefore request the hon. Minister to throw some light in this aspect.

The second most important aspect is the custom station. It is very good that it has been defined but it should be broad based. We all know that there are many such loopholes between one custom station and the other custom station which give the officers an opportunity to take undue advantage of the loopholes. People who indulge in smuggling of narcotics, take advantage of the loopholes while crossing over the boarders. The criteria should be fixed in regard to the distance between the two custom stations. Wherever there are any over-lappings in this regard, efforts should be made to remove them. There must be such cases, where they take advantage of it to cross over the boarder of the country.

Third and the most important thing about which detained information should have been furnished to us through this Bill, has not been given in it. It is about sub-clause 3, 5 and 6 of clause 3. We do know the type of people who come forward to get the man under detention released on bail or on sureties. It is my conviction that such a man is not a family member of the person for whom he stands surety or demands bail to get him released. Instead, he happens to be the member of that very gang whose man is already under detention. We also release such man on his bond and sureties to enable him to take up smuggling again. It should be provided that a man who stands bond or personal surety to get a detenu released, should be first identified. We should look to it as to who is coming forward to furnish the bond or stand surety and is prepared to give the highest sureties. I think that such a man

[Shri Manoj Pandey]

is himself a member of the smuggling gang. To this effect, nothing has been said in this Bill. I would like to know from Hon. Minister through you whether Government propose to make some provision in this Bill regarding the identification and recognition of this man so that information can be had about the man who has furnished heavy bonds or heavy sureties to get a man under detention released. If he happens to be a member of his family, information about his profession outside must be obtained otherwise every detained man will get released on bail. When a man is released on bail, he is found absconding on the date when he is to present himself before the Magistrate. Many such cases have come to your notice where a detained man who has been released on bail or surety and against whom prima-facie case has not been established, is found absconding when he is, later on, summoned to appear before the court. There are many such cases and I would like to know the exact number of such cases pending in the courts. I want to have a specific and categorical information in this regard from the hon. Minister. Regarding the man absconding at the time of his summon, there is only one provision of forfeiture of the property of the such a man who had stood surety. It is a very ordinary provision and we all know that when somebody jumps the bail, police acts to forfeit his property and the whole department is mobilised which takes away all his belongings from his house but the smugglers keep a little at their homes, what can be found from their houses and also what is found at the house of the man who stands surety and what do the police remove from his house, is known to all of us. They present only a piece of the door frame and try to show that it was all seized during the raid. There is a great collusion in it. It is my request that there should be a specific provision of penalty for the man who stands surety or has furnished a bond. The penalty has not been specified here. I am speaking of clause (13) 6. You have not specified any penalty in it. Try to specify that such and such penalty will be imposed on that man. Similarly, you have mentioned about 13 (5). I am just quoting it,

[English]

"If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (4), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both."

[Translation]

Sir, simple detention of two years will not make any difference to him. This term should be increased to five years so that he may realise that he cannot come out before completing his term of five years. I do not know why there has been such a discrepancy in this regard. Had the term of two years been enough, he would have left his illegal indulgence. Such people are not scared of law. Therefore, I think that their detention for a period of one year, two years or six months will make no difference to them. I have made two or three suggestions. I would like the hon. Minister to cover them in his reply to the discussion held on the Bill.

Sir, the most important thing mentioned here relates to T.V. serials which lay greater stress on the sources of drugs. In these serials, a lot of time is devoted to show the ways and sources of obtaining narcotic drugs. What I mean to say, is that we should lay more stress on and give wider coverage to the adverse effects of drug consumption and its toxicity. Telecasting the ways of obtaining it, will merely increase the incidence of its use.

15.00 hrs.

The most important thing involved in it is a socio-economic factor. I want to mention the fact that price of 1 kg. of narcotics is Rs. one crore. Sir, this fact should also be kept in view that a big gap is seen in its prices when it is smuggled from one border to the other. It should also be seen that there is such a wide gap between the prices.

These are a few things which need your attention.
