

[Shri Indrajit Gupta]

the House to know the time fixed for this ? You see, no time has been fixed for any of this business. How much time is to be allotted is normally done by the BAC. But there being no BAC now, will you please inform us as to how long this Narcotics Bill will go on, at what time the Lokpal Bill will be taken up and how much time will be allotted for the Lokpal Bill.

(Interruptions)

MR. SPEAKER : We will find out.

(Interruptions)

SHRI INDRAJIT GUPTA : How much time will be allotted for the consideration of the Lokpal Bill.

(Interruptions)

MR. SPEAKER : We put it, I think, as one hour for this Narcotics Bill.

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRI GHULAM NABI AZAD):
One hour more for Narcotics Bill.

SHRI INDRAJIT GUPTA : Then, at 12.30 the Lokpal Bill will come.

(Interruptions)

MR. SPEAKER : If you want, I can call a Meeting again. There is no problem.

11.18 hrs.

NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES BILL
—Contd.

[English]

MR. SPEAKER : We shall now take up further consideration of the following motion moved by Shri Janardhana Poojary on the 26th August, 1985, namely :

“That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to Narcotic drugs and Psychotropic substances and for matters connected therewith, be taken into consideration.”

Shri Manoj Pandey to continue speech.

[Translation]

SHRI MANOJ PANDEY (Bettiah) : Mr. Speaker, Sir, on the other day I had participated in the discussion on the Narcotic Drugs and Psychotropic substances Bill, 1985 and had highlighted certain points in regard to growers of these plants.

MR. SPEAKER : Mr. Pandey, you have already taken 15 minutes. Please conclude early.

SHRI MANOJ PANDEY : I will take only 5 minutes more.

In this Bill, certain provisions have been made in regard to growers the plants of this type. One more provision should have been made in it. A lenient view has been taken in it regarding growers of *charas* and for them a provision of imprisonment of 5 to 10 years and a fine of Rs. 50,000 to Rs. 1 lakh has been made for the reasons not known.

In my view cultivation of *charas* is also as serious a crime as cultivation of opium and cannabis. So, the provisions of this Bill should also be extend to growers of *charas*.

Our mass-media can play a very vital role in isolating the persons indulging in consumption of this drug by adopting new methods and in making them awars of dangers involved in the use of psychotropic drugs. Even its users are not aware of certain harmful things in it. These people should be informed about its harmful effects through mass-media like Television, Cinema, Radio etc. Through mass-media we can warn these people about the adverse effects of these drugs.

The fourth important things, about which a provision has also been made in this Bill is that what will be our responsibility towards the addicts. This Bill, however, includes a provision for making available these things in small quantity to addicts. It is also very essential that these things should be made available on doctors' prescription as it is a part of treatment. These addicts can be divided into two categories, *i.e.*, children and middle aged persons. The matter relating to children is most important. You might Member that a few days ago some hon. Members raised a matter in this august House that in Bombay school-going children are

supplied toffees, icecreams and other eatables mixed with these narcotics. These children get addicted to these narcotics gradually. In this way a very dangerous game is being played and the addicts of the age group of 10 to 15 years or even less are becoming a huge burden on the society. Certain responsibility rests on us for them. We should isolate such cases and psychological treatment should be given.

Chapter 6, clause 71(1) of this Bill contains the most important provision. It has been said to isolate these children for treatment, but the manner in which treatment should be given has not been elaborated in it. Who will bear the expenditure because it is very long treatment and it is not possible for any child or his guardians to bear the expenditure for such a long treatment? A provision should be made in this regard also. Health Centres should be set up in big cities or in cities where such narcotics are consumed heavily, where children or middle-aged persons can get treatment. Medical staff in these centres should be expert in this treatment. It is necessary because it entails huge expenditure and it is a big social evil also. I feel that separate wards should be built in these centres or in a hospital so that such children or middle-aged persons can get separate treatment and general patients can be kept away from them. If different types of patients are kept in the same ward, the number of addicts might increase. Since we have to reduce the number of addicts, it is necessary to keep them in isolation. Therefore, setting up of such centres is essential. The most important matter relates to their rehabilitation. Our greatest responsibility towards these addicts is to ensure their rehabilitation and create confidence among them so that they could lead a decent life and become good citizens of this country. I feel that every State Government should be vigilant in this regard. Such type of responsibility towards these persons means to create awareness in society. in this respect.

With these words I support this Bill.

[English]

SHRI R. P. DAS (Krishnagar) : Sir, I would like to add a few points to the debate.

A few legislations had been enacted as far back as in the 19th Century; that is, the Opium Act in 1857; the same Act was again revised in 1878 to deal with the narcotic drug situation. Government had another legislation, the dangerous Drugs Act that was enacted in 1930. But these Acts have proved unequal to the situation, they have proved to be outdated and inadequate. There was also no provision in the Act to deal with psychotropic substances. Therefore, the Minister has now proposed this Bill, the Narcotic Drugs and Psychotropic Substances Bill. I welcome this Bill, and we hope that Government, with this Bill, will be able to tackle the situation. This Government did not pay need to the international conventions relating to narcotic drugs and psychotropic substances, to which India was a party. It did not bring this Bill in time; it has brought it only now. Though belated, it is a welcome measure indeed. Government has now awakened to the situation prevailing in the country in regard to cultivation, production and illicit trading of narcotics. Nobody knows whether, even after the enactment of this Bill, the Government would be in a position to deal with the situation because Government's measures and Acts are always tardy and sluggish and it cannot take proper measures in proper time.

This menace is spreading fast among the educational institutions, particularly in the metropolises. In Delhi itself the four Universities were surveyed; the Indian Council for Medical Research conducted studies in the four Universities of Delhi, among the students; 1,52,000 students were surveyed and it was seen that the increase of drug abuse among the Delhi students grew from 3.6 per cent in 1975 to 12 per cent in 1983. The Delhi University itself was the biggest victim in this matter; the menace is as high as 33 per cent among the students of the Delhi University. It has practically invaded all the strata of the society, it has invaded also the English-medium schools of Delhi and elsewhere. It has affected the non-students as well. One can get these narcotic drugs and psychotropic substances from any corner of the Ramlila Grounds as an essential commodity. Sir, therefore, this menace has grown to a pitiable condition. It has grown out of proportions, to alarming dimensions.

[Shri R. P. Das]

In Patiala the same organisation has conducted some research and they found that the Government Medical College of Patiala is having near about 72% of the students as drug addicts. The growth rate of drug addicts in Patiala is about 10% per annum.

In Kanpur, this organisation has conducted a study in GSVM Medical College and they found that our 678 students, 42% are drug addicts. In Kanpur I. I. T. they found that 64.81% were drug addicts.

In Lukhnow also the medical college students are victims of this drug. There 25% of the Lukhnow Medical College students are drug addicts.

In Bombay nearly four thousand students were examined. Out of this 320 students are found hard drug addicts. In Calcutta the situation is almost the same. The same organisation conducted some study there also and found that out of 1137 university students, 37.4% are found drug addicts.

Sir, the dimension of the situation is very alarming. If you take the data from the list of the Government you will know this. I only want to take two or three items. Opium : In 1979—305 kgs. That grew into 3430 kgs. in 1984. Ganja : In 1979—468 kgs. It has also grown to 10423 kgs. in 1984. Charas : In 1982—569 kgs. That grew into 3801.5 kgs. in 1984. Heroin: In 1982—28 kgs. That grew into 175 kgs. in 1984. These are the seizures. At the same time I find that only a very few persons are arrested. In 1984, 155 persons were arrested and a few of them were prosecuted. This shows how the Government was unequal to the situation and how these enactments are not adequate to deal with this.

If you go into the nationalities of those who are in this trade, both Indians and foreigners could be found. In 1984, out of 155 persons arrested, 74 persons were Indians and 81 persons were foreigners. Therefore, this fact shows how the foreigners are also engaged in this trade.

Sir, I would like to mention one more point about the annual consumption of Codeine, Morphine, etc. It has been found that 2058 kgs. of Codeine was consumed in 1966. That grew into 10350 kgs. in 1983. In 1957, 264 kgs. of Morphine was consumed. That grew into 2202 kg. in 1982. In 1957

heroin was only 187 kg. That became 6153 kg in 1982. In 1947 the Cocaine was 841 kg and in 1982 it became 12092 kg. These facts shows that the position has become very dangerous and alarming in respect of cultivation, production, use and trafficking of all these items in India. Therefore, I would like to say that Government is more or less responsible for this drug trafficking and drug abuses in India because in Uttar Pradesh, Madhya Pradesh and Rajasthan it cultivates near about 25,550 hectares of land for different narcotic plants and these three States are more or less responsible for the use of narcotic drugs in India.

Of course, this should be viewed at the same time in the context of other Asiatic countries. Pakistan is the kingpin in this matter. It is the main supplier of narcotic drugs and these things are smuggled through Pakistan to India. India has been one of the most important point for exporting drugs to other countries, At the same time you will find that Nepal, Iran, Turkey and Egypt are responsible for cultivation of poppy, coca leaves, etc.

Sir, drug trafficking has become a menace and has reached such proportion that it should be immediately dealt with properly otherwise it may cause great havoc to India.

Sir, there are two networks that are working in India. One is the Golden Crescent and another is Golden Triangle. Golden Crescent mainly represents poppy growing areas like Afghanistan, Pakistan, Iran and Turkey. Golden Triangle consists of Burma, Laos and Thailand. These two networks are playing havoc in India and very big persons are behind these two agencies. Their aim is not only to subvert the present situation in India but it has also some other aim in India. Therefore, these people and these who are behind this racket should be tackled with a heavy hand and they should be awarded very heavy punishments. This Bill no doubt proposes punishments and there are many Clauses dealing with punishment but the punishment proposed in the Bill is not deterrent. In the case of these persons who are financing Golden Crescent and Golden Triangle they should not be allowed to escape so easily. They should be caught and awarded heavy deterrent punishment.

I propose that there should be a provision for awarding life imprisonment to those who are guilty of this. Even some of them should be awarded death penalty as is prevalent in some of the countries for such offences.

The Government should tackle this menace in a manner so that it can be controlled to the maximum extent possible.

With these words, I conclude.

MR. SPEAKER : Now I am going to call some experts, because they produce this.

Shri Bairagi.

[*Translation*]

SHRI BALKAVI BAIRAGI (Mandsaur) : Mr. Speaker, Sir, I am very grateful to you for giving me an opportunity to express my views.

I would like to draw the attention of all those hon. Members of this House...

MR. SPEAKER : Not this way Bairagiji; say something in verse.

SHRI BALKAVI BAIRAGI : Please listen to my agony. It is not less than a poem.

MR. SPEAKER : If that agony is full of pathos, it should come from the core of the heart.

SHRI BALKAVI BAIRAGI : Mr. Speaker, Sir, I would like to draw the attention of the Government towards clause 19, page 12 of this Bill relating to farmers. You have listened to speeches of many hon. Members of this House. It has been said that opium is grown in three States in the country, i.e., Uttar Pradesh, Madhya Pradesh and Rajasthan, but Madhya Pradesh tops in this respect and in Madhya Pradesh it is only my constituency which grows maximum quantity of opium.

MR. SPEAKER : We bow to you.

SHRI BALKAVI BAIRAGI : I would like to humbly submit that the Election Commission has some misunderstanding about those Members of Parliament who get elected from Mandsaur-Jaora. A member of Parliament elected from there comes here after having been elected by the opium-growers.

MR. SPEAKER : That is why he is innately intoxicated.

SHRI BALKAVI BAIRAGI : Out of the total cultivation of opium in the country, opium is cultivated in 14,000 hectares of land in my district alone. I would like to tell the hon. Finance Minister the number of farmers in these 14,000 hectares is 76,000 and if Jaora is included in it, their number will come to 80,00 to 82,000. What provision has been made by you for these 82,000 farmers.

If they indulge in malpractices, you will award them imprisonment for 10 years or maximum for 20 years and if need be for 25 years or 30 years and impose a fine upto Rs. 2 lakhs.

Yesterday, an hon. Member spoke in this House. I am sorry that he is not present in this House at the moment. However, he is my younger brother. He had said that the cultivation being done in 'no-men's land' had made the farmers millionaires. I would like to ask him whether he was making a reference to that country in his speech yesterday, which was a 'no-man's land' country. But I am talking about those farmers for whom Shri Vishwanath Pratap Singh is the Finance Minister, Shri Janardhana Poojary is the Minister of State for Finance and Shri Rajiv Gandhi is the Prime Minister. It is not easy to say that money is earned from opium plant in four ways and the farmer earns a lot thereby. Members from Rajasthan and Uttar Pradesh are sitting here and a Member from Madhya Pradesh is speaking. Is any Member of this House aware of this fact that a farmer has to care a lot for the opium plant and he has to nurse it with his own hands at least 40 times before it gets ripe ? Is there any other crop in which a plant has to be touched by farmers 40 times ? The farmer is engaged for all the 180 days during the period from October to March in opium cultivation. If you do not want to reply to me, I would like you to reply at least to the House about it. What is the price you pay for opium ? A compulsory levy has been imposed. The yield per hectare should not be below 28 kgs and the maximum price that is paid is Rs. 130 per kg if it is below 30 kgs. Rs. 150 per kg if it is between 30 to 45 kgs., Rs. 180 per kg if it is between 45 to 60 kgs and Rs. 220 per kg if the yield exceeds 60 kgs. This is your

[Shri Balkavi Bairagi]

slave system. I would like to point out that it is the Government which forces the farmer to become a thief and later it frames laws to apprehend him. Why do you not pay any attention to the farmer's economy? You are well aware of the prices that are being paid to them. I would like to point out that there is not even a single clause in this Bill which would go against the Assistant Narcotic Commissioner. He himself swindles crores of rupees. Is there a single word against the *Patwari* and the village *Girdawar* in this Bill who force the farmers to become dishonest and to produce opium illegally? The Bill is totally silent against them. It is very unfortunate that the Government which cannot make its farmers brave, self-reliant and prosperous, is ready to sign such a Bill which is prepared by those very bureaucrats. I am serious when I say that the Government is playing with the livelihood of farmers. Do you have the courage to increase the prices of opium to Rs. 500 per kg. because the farmer does not get enough to eat. Who forces him to adopt dishonest means? The *Patwari*, the *Girdawar*, the Inspector and excuse me the Assistant Narcotic Commissioner himself, forces him to do so. They are all involved in it. The Assistant Narcotic Commissioner who is appointed in Mandsaur district comes without any money and becomes millionaire when he returns from Mandsaur. Have you ever dismissed any of them or any of the Inspectors if so, what are the details thereof? Has any *Patraul* been arrested, if so, what are the details thereof? You have kept a close watch only on the farmers. The farmer is on the verge of ruin and he is facing starvation. He does not get power and water at cheap rates and he has to face innumerable hardships to get a bank loan and this fact has been admitted by Shri Janardhana Poojary himself.

Mr. Speaker, Sir, the farmer gets the lease after great difficulty, while the bureaucrats make lakhs of rupees. When we have a complaint against them, the hon. Minister replies that the matter is being looked into and later on Shri Janardhana Poojary sends a letter in which he says that nothing was found against the officials and as such, they were let off.

I would like to point out that cultivation of this crop cannot be carried on in this fashion. It is a traditional crop, and it has

not been modernised. We do not say that this Bill should not be passed, but all the farmers should be viewed from the same angle. I also do not say that the farmers should be forgiven or exempted. I would suggest that if opium is confiscated from a farmer's possession, he should be treated as a smuggler, but what will happen if opium is by somebody concealed by somebody in the farmer's house because of political enmity. The village headman fraudulently gets 50 grams, 100 grams or 200 grams of opium concealed in the farmer's house and implicates him in a case. What will happen when *Girdawar*, the *Patwari* or the Inspector himself gets the opium concealed in the farmer's house and gets him arrested? It will be very difficult for you to give a reply to this House about it. About 75 lakhs people are engaged in opium cultivation and about 50 lakhs of them depend directly on opium cultivation for their livelihood. We have never said that a lenient view should be taken of the smugglers, but if you do not adopt a liberal attitude towards the farmer, then I am of the opinion that it is basically against the very policies of Shri Rajiv Gandhi and the Congress Party. It is true that the Government does not intentionally encourage the smugglers, but it is being done unintentionally. I very humbly ask the hon. Finance Minister why it is not being banned totally. It is not being deliberately banned because, then what will happen to those who are building palaces by earning illegal money? They come in big cars to the Mandsaur district and then do not look back. How many big farmers are engaged in opium farming? I believe that their number is not more than 10 or 20, the others are small farmers. This Bill will snatch away whatever little farming they do and it will deprive them of their lease also. It is unfortunate because the Government first forces them to become thief and when they become helpless to survive, and when we speak the truth we are told to speak in low tone, because then it becomes a question that concerns the entire nation. This does not concern the entire nation, but it concerns a few bureaucrats who get a share in it. We will not let this conspiracy succeed. We shall support you to pass this Bill, but if you neglect the interests of farmers then Mr. Speaker, Sir, it becomes my foremost duty to put the farmers' point of view before you and urge you to delete

this clause from the Bill. You should send your representatives and order an inquiry to find out the problems of the farmers.

Mr. Speaker, Sir, I have read the history of Nawabs and Emperors and I do not know whether anyone else has read it or not. It is said that when they used to go out to ease themselves, they used to carry water tumblers in their own hand. But at present if you happen to visit any village in my district, you will find that when an officer of opium Department visits the village the richest farmer or *Patel* wakes up early in the morning and carries the water tumbler for that officer when the officer goes out to ease himself. It is only then that the farmer is able to get the lease deed. That is why I say that you have created new kings, who are leading luxurious life and the farmers are continuously paying a heavy price for it. I would like to submit very humbly to you that the farmers have not been taken into confidence while fixing the price of opium. A proper programme to pay the farmers a fixed price should be introduced and despite that if any farmer tries to indulge in irregularities, he should be hanged.

I would like to say that the people who force the farmers to become thieves, should be punished. This is a very simple suggestion and I am expressing my feelings in this regard.

I would like that before passing this Bill, Shri Janardhana Poojary and Raja Shri Vishwanath Pratap Singh should visit my district and try to know who make the farmers dishonest and force them to become thieves. Those who indulge in such activities should be brought to book and a provision should be included in this Bill against them also.

With these words, I support this Bill.

MR. SPEAKER : Today, we have come to know that Shri Bairagi was born in the fields and that is why he knows so much about the farmers. He has also suggested that we should try and apprehend the real culprits and not the false ones.

[*English*]

SHRI AJAY MUSHRAN (Jabalpur) : Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill which has been brought forward by the Finance Minister.

You will recollect that when the Demand for Grants relating to the Ministry of Health and Family Welfare were discussed, I made a point that our Acts dealing with the illegal trafficking in drug business were outdated and that a new Bill should be brought before the House. I had raised this point purely from the point of view of social and health aspect of the life of the people of our country.

Later on, in reply to a supplementary, you will recollect Sir, the Finance Minister had promised that he will bring forward a Bill in this House. I am glad, he has brought the Bill before the House. But my fear is that since a number of Ministries are involved such as the Ministry of Law, the Ministry of Home the Ministry of Finance, the Ministry of Social Welfare and the Ministry of Health, if such a Bill is brought forward a hurry, certain very important aspects will be left out by not giving that much importance and stress, that should have been given to it.

I would like to draw the attention of the hon. Finance Minister and the hon. Home, Health and Social Welfare Ministers through him that it is an established fact, after hearing all the knowledgeable Members, that the Drug addiction and Drug Trafficking is creating, not only economic and financial problem, but also the law and order problem. The problem of health is basically eroding the foundations on which the youth of the country of tomorrow should be built. You would be surprised, as some of the hon. Members have said that not only in Delhi, Madras, Bombay and Calcutta, even in small cities in Karnataka and some places like Khandwa and Jabalpur in Madhya Pradesh, children of younger age group are being given these Narcotics in the form of Icecreams and small lemon drops or toffees.

11.55 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

They are inadvertently getting inducted into the habit of taking drugs. This is a very major problem. In our country today, we are going in even for death sentence for people who are involved in raping of ladies or in dowry deaths. In such cases, the life of an individual is destroyed. In the present case, where drug trafficking destroys a generation or a part of the generation or of youth

[Shri Ajay Mushran]

community, we must have laid down even death penalty in certain specific cases.

I am aware of the fact that India is one of the signatories to the international movement for doing away with capital punishment. But for international trade in drugs, *i.e.* illegal traffic in drugs, a certain amount of capital punishment, *i.e.* to deal with certain specific cases, should have been incorporated in this Bill. The Bill is silent on this. I am very sure—the Law Minister is also here—that this aspect should have been looked into, before this comprehensive Bill was brought here.

I would like to draw attention to two aspects : one in the punishment, and the other treatment. If you have a look at clauses 15 to 18 dealing with offences and penalties, you will find that they give the same punishment for the user. The user is being treated in the same category as the chap who is dealing with imports and exports, illegally, who is possessing, transporting and distributing, illegally of course, this opium or poppies whose derivatives are doing the damage. I personally feel that there should be a difference between the user and the other criminals who are dealing with these articles purely for the purpose of monetary gain.

In these sections, one of the sentences says :

“.....not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.”

This element of fine is being left to the jurisdiction of the Magistrate. I personally feel that it should be mandatory that whatever rigorous imprisonment is given to the person, along with it the fine should be incorporated, and that the fine of Rs. 1 lakh or Rs. 2 lakhs is negligible. You know very well, Sir, and the Finance Minister also will bear me out, that one kilogram of this substance costs anything from Rs. 1 lakh to Rs. 2 lakhs. Under these classes, you are not going to prosecute people who are caught for dealing in minor quantities because, for that, there is a separate clause. In respect of these clause you are going to catch big fish. If you catch big fish, and if you impose a fine—and that also leaving it to the

Magistrate—of Rs. 1 lakh or Rs. 2 lakhs, it cannot be called a deterrent punishment. Even imprisonment for ten years cannot be called deterrent.

People who are working for the Mafia kings are paid pensions, and pay for the duration they are in jails. They are even paid an extra allowance if they are in jails. If that is so, ten years is not a long period; and you are not punishing him by imposing a fine, taking in'co consideration the cost of the drug and the extensive damage. It is negligible. I think the hon. Finance Minister will look into this.

In the Bill, there is another serious lacuna. I am referring to Clause 27 which deals with small quantities of any narcotic. If I am allowed to say it, you are opening a Pandora's Box for the already corrupt officers, as stated by Shri Bairagi. The definition of the term small quantity should not be left to be incorporated in the rules.

12.00 hrs.

The Explanation given under Clause 27 says—

“For the purposes of this section ‘small quantity’ means such quantity as may be specified by the Central Government by notification in the Official Gazette.”

Now, for this small quantity, why can Parliament not be taken into confidence? We have such a large number of hon. Members who have got lot of knowledge, if not more, and they know equally as much as the Department knows. Should we not define this ‘small quantity’ which an addict takes? Normally, an addict takes a gram which is the normal dosage. A normal person who uses these narcotics cannot afford to buy more than two or three grams. If you see the number of cases caught in Delhi, it will be not more than 450 or 500 because in 95 per cent cases the addicts are found to be in possession of only small quantities. While leaving the definition of the term ‘small quantity’ in the hands of the department we are reducing this Bill into a scrap of paper. You are providing for deterrent punishment but 95 per cent of the cases are those where only 13 or 25 grams are found.

Under Clause 27 the punishment for possession—illegal possession—is imprisonment for a term which may extend to one year or with fine or with both. That is the deterrence you are providing in this. But your aims and objects are not in conformity with what is provided about the definition of 'small quantity', I want to say, because 95 per cent of the case are going to be left through the mercy of the officers.

MR. DEPUTY SPEAKER : Please conclude.

SHRI AJAY MUSHRAN : I have just started, Sir, what is this ?

I am intoxicated with the worry that this lacuna should be filled.

MR. DEPUTY SPEAKER : At this rate we cannot conclude this Bill in time.

SHRI AJAY MUSHRAN : I want this point to be debated in this House, and that this 'small quantity' should be defined. There is a provision in the Bill for punishment for illegal possession or for possessing them in large quantities. It is a noble idea. But it is going to be misused by the officials. They can catch a person having 100 gms. and say that only 10 gms. was found in his possession. So, why not connect this small quantity with Clause 27 ? Otherwise, the whole punishment is a joke. There are different cases. It can be attacked by all the lawyers and as an hon. Member has already pointed out the Judges can give a light punishment. What is the guarantee that even this one year's punishment will be given ? They will impose a fine of Rs. 50 or Rs. 100 and the officers also, by declaring a lesser quantity, they will take a share of the booty. So, the implementation of the provisions of the Act is more important. This lacuna in the definition of the term 'small quantity' should be filled. It is a very serious lacuna and I personally feel that too little punishment has been proposed in Clause 27 of the Bill. I am intentionally not bringing any amendments because I have seen the fate of the amendments. I am either asked to withdraw them, or they are negatived here. This is a delicate problem. This should not be taken in this manner. It should not be that whatever is provided here is the last word. After all, we do represent the people and our knowledge and experience

should be utilised. Our advice must be taken into consideration. I have got a strong feeling that unless this lacuna is plugged this Bill will not be comprehensive enough.

MR. DEPUTY SPEAKER : Please conclude now.

SHRI AJAY MUSHRAN : I am going to conclude in a few minutes.

I want that this very serious lacuna to be plugged, so that the provisions of the Bill are not misused and drug addiction will not be checked by this Bill alone, as mentioned by my hon. friend Shri Bairagi.

In the end, I feel that this Bill has been drafted in a hurry particularly Clause 71. This clause says that the Government may in its discretion establish many centres. May I ask the hon. Minister whether you still are thinking over it, whether you should have centres or not ? Are you still contemplating that the drug addicts have not reached a bigger crescendo ? I feel that there should be a mandatory provision made for opening of centres, as for every hospital that is opened there is an Act whether it is CGHS Act, or Labour Act, ESI Act or any other Act. Instead of centres, you can call them hospitals or homes. After all, for small problems you have been opening centres. For example, for delinquent children you have got Children's Homes or Observation Homes. Under SITA you have got Destitutes' Homes. For opening clinics or hospitals for drug addicts, why should you not make an enactment ? If you leave these clinics to the rules to be framed later, I am afraid that these clinics will become the victim between the Department of Health and the Department of Social Welfare. To wipe out this nuisance of drug addiction, certain amount of Government backing is required. I personally feel that this clause 71 must say as to when the Government will in its discretion establish homes and clinics and dispensaries so that they become the nodal point of activity for de-addiction. Today, de-addiction is a very costly process. In the whole country no survey has been done as to how many cases of addicts are there. So far as the activities for de-addicts are concerned, Government must open dispensaries and de-addiction homes which are totally financed by the Government. The Government efforts can be strengthened by the activities of well meaning social service institutions.

[Shri Ajay Mushran]

The Bill is silent on the point as to which Ministry will take responsibility of it. That is why, I say that if you cannot safeguard people from getting addicted, you can at least cure the people who are addicted. I am not worried about the rich. They can take their sons to USA and other places. But I am more worried about the poor people. For that I strongly feel that this clause must be amended; otherwise this social evil cannot be eradicated. I request the Finance Minister to kindly see to it.

SHRI CHINTA MOHAN (Tirupati) : I thank you for giving me this opportunity to speak on the Narcotic Drugs and Psychotropic Substances Bill.

At the outset, I suggest that in the Narcotic Drugs and Substances Consultative Committee, experts should be included and not the politicians. The raw material that is being distributed to the different States is not being fully utilised and the producers are actually selling the raw material and other morphine and pethidine vials in black market and the poor patients are not getting the vials at fixed rates. In the hospital, the poor patients are facing lot of problems. They have often to purchase these from outside and instead of Rs. 3 they have to pay Rs. 10 to Rs. 15 for these. There should be some strict punishment for those who are selling these vials in black market. The law should be amended to this effect. The Narcotics Board should be with the experts committee.

The second thing is that the Narcotics Commissioner's office should be transferred from Gwalior to New Delhi. The office at present is far away from the capital city of Delhi. If the States have got any grievances, their representatives have to go to Gwalior. Therefore, my suggestion is that its head office should be at Delhi. At the most, a Branch office can be set up at Gwalior.

The Central Government is distributing raw material to the manufacturers but with that raw material they are not manufacturing any vials at all. They are making lot of profits on it but the produce is not reaching the common poor patients. These vials are being used by drug-addicts and students are becoming maniacs of these things. This should be noted and appropriate provisions should be made in this Bill regarding these things.

The International Narcotics Committee has got a very poor opinion about the Indian Narcotics Committee. The raw material that we are getting from Geneva is not being utilised properly. We are submitting false reports and getting raw material from Geneva. This should be carefully dealt with.

These are the few suggestions that I wanted to make and I urge upon the Minister that something should be done to these immediately.

[Translation]

SHRI JUJHAR SINGH (Jhalawar) : Mr. Deputy Speaker, Sir, I would like to express my views on the Narcotic Drugs and Psychotropic Substances Bill. Sir, I belong to a district where the opium cultivation is done in seven of the eight Assembly Constituencies. The people face many difficulties in its cultivation and the hon. Member from Madhya Pradesh, Shri Balkavi Bairagi just now spoke at length about the people who are involved in it. I would also like to confine myself to clause 19 of this Bill. This clause provides for penalty on the farmer in case opium is seized from him viz. a fine of Rs. 1 to 2 lakhs and imprisonment for a period of 10 to 20 years.

Mr. Deputy Speaker, Sir, opium is cultivated in 2,745 villages of Rajasthan and if we suppose that 25 to 30 farmers are engaged in opium cultivation in every village on an average, then there will be nearly one lakh farmers engaged in it. I agree that the ordinary farmers do not indulge in smuggling, but there are others who exploit them. There may be less than 10 per cent people who are involved in smuggling activities. But innocent people could be implicated in cases due to petty jealousy and they might have to face punishment if this clause 19 is enforced, it would ruin their social life for ever and they may have to face great hardships.

I had asked a question in this very session regarding unlicensed cultivation of opium that was got done in Jhalawar district during the last year. Sir, the Narcotics department itself is responsible for it and the then Deputy Commissioner is also involved in it. Many officers themselves were involved in unlicensed cultivation in Jhalawar constituency. I had raised this matter in the House

It could have been looked into and this practice of nulicensed cultivation of stopped. A timely action could have been taken at that time. However inquiry is still in progress. But now there is no use of the inquiry because the crop has been harvested. It is my firm belief that the Narcotics department is itself involved in the racket and is forcing the farmer to resort to illegal cultivation of opium.

Recently a heroin factory was unearthed in Mandasaur and the people involved in it included a brother of an Inspector of the Department of Narcotics and another person working as a clerk in some Government department.

The officials have been given vast powers while on the other hand you have made a provision in the Bill to impose heavy penalty on the farmers. This has created fear in the mind of the farmers. In this connection, I would like you to bear this in mind that there can be cases where the farmers are implicated in the cases due to some grudge and this penalty would ruin them completely. Therefore, serious thought should be given to it.

There is a class of workers in the Narcotics department which is classified as 'D' class. They are constables of the Department. You would be surprised to know that the employees in this category do not have any promotional channel open to them although 75 per cent of them are matriculates and the remaining 25 per cent are graduates or post-graduates as well. But as there are no promotional avenues open to them, they are mostly dissatisfied with the department. At the time of lancing they are vested with immense powers. Monitoring the process of collecting opium from the fields is the most crucial stage in the opium cultivation. When opium is taken out from the fields, the inspectors undertake door-to door visit. During this period, constables of Narcotics Department are vested with the powers of inspectors and sub-inspectors for those 45 days and they carry out their duty in their new capacity. This is a strange law that every year these constables are given the powers of inspectors and sub-inspectors for 45 days. After 45 days when the job is complete they again revert back as constables.

You can yourself imagine the harassment caused to the people when these persons, who have no openings in service, are vested with powers of the inspectors and sub-inspectors during weighting and purchasing period. This is the defect in the working of this Department. The dissatisfied constables get so much power for a certain period. In such a situation there are many chances to involve the farmers in false cases. To avoid this, there should be a promotional channel for these constables. My other submission is that the rate of heroin and refined opium is very high, but rate given to the farmers by the Government is Rs. 150 per kg. upto $7\frac{1}{2}$ kg. If they produce upto 11 and a quarter kg., then after 7 and a half kg, they are paid Rs. 240 per kg. If the farmer produces more than $11\frac{1}{4}$ kgs., then he gets Rs. 280 per kg. upto 15 kgs. If the farmer gives upto 15 kgs of opium to the Government, he gets just Rs. 3,075 by merging various slabs whereas if he sells that much quantity in market he can get Rs. 15,000 to Rs. 25,000. You pay only Rs. 3,000 for a thing which can fetch Rs. 25,000 in the market. Because of this difference people are tempted to pilfer a small quantity.

As Shri Balkavi has pleaded, the farmers should be given reasonable prices for their opium, The Government has made a provision of $7\frac{1}{2}$ kgs per 'bigha'. This provision has been considering the fact that it is difficult for the farmers to produce more than $7\frac{1}{2}$ kgs per bigha and this production is not likely to increase. If you want to reduce blackmarketing, then this limit of procurement of $7\frac{1}{2}$ kgs should be enhanced upto 10 kgs but the farmer should be given higher price so that the quantity of opium which the farmer holds back is further reduced, but there should not be so much penalty or punishment that the farmer is put to unnecessary harassment. Therefore, I submit that relief should be given to the farmers under Section 19 and there should be that much burden on them which they may be able to bear. If he is fined one lakh rupees he will not be able to pay that much amount even after selling his house. If he is jailed for 10 years, his children will die. Therefore, there should be reasonable amendment in it and the punishment should be practical. There is no harm if big smugglers in Bombay etc. are fined even 10 lakhs rupees, but the farmers should be spared from this.

SHRI ANOOPCHAND SHAH (Bombay North) : Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill presented in the House. This Bill has greatly affected our society and will affect our social life also in the coming days. I would like to say something on those aspects. Narcotic drugs are being used in abundance in our Metropolitan cities like Bombay, Madras, Calcutta etc.

Before the start of this session, while coming from Bombay I called some of the Excise Inspectors and discussed about these drugs. They informed me that if these drugs are not checked the downfall of our society to the point of no return is imminent. Whatever laws we had were not sufficient. Because of those insufficient laws, any person apprehended for dealing in these substances used to manage to come out on bail within 15 days or a month. Once out, he used to indulge in the same activities in full swing. The lives of the arresting officers used to be always in danger. These officers were warned of fatal consequences in case of any action against these persons. Today when we have tried to strengthen the law, we have provided for the minimum punishment. Penalty of Rs. 1 lakh is nothing for them. For a person, who can spend Rs. 4 to 5 lakhs for the transfer of the honest officer, one or two lakh rupees have no meaning. Those people after spending Rs. 5 to 10 lakhs manage to send an inspector to a place where his life becomes meaningless. Through there are many rules and laws but how many of these are implemented? The main thing is that how much fear these laws are able to create among the people? And fear can be created when, after enacting these laws, we try to implement them. Under clause 78, the States have been given certain powers of rule-making. It is possible that in some State under the influence of the gangs of the smugglers or the people who are dealing in these substances, such rules are framed that the objective of this law is not fulfilled. After going through the Bill, I have not found anything which may check these activities I, therefore, request the hon. Minister that rules framed by the State Governments should be sent to the Central Government and should be approved by it. If such a provision is there, it is good thing, but if it is not there, then provision should be made that

whatever rules are framed by the State Governments will be referred to the Central Government for its approval. Only after the approval, those rules should be implemented so that the objective of the law is fulfilled.

Today, we think that these drugs are being used only by students and children. It is not so. We should know that it is being used by other people also. These drugs are being tested on our big officers and if they are successful in this test, then you know that they can do anything after becoming addict of these drugs. That is why I say that imprisonment of 10 to 20 years or penalty of one or two lakhs rupees is not going to be effective in their case. Even if the penalty is imposed for Rs. 5 lakhs, it is not going to make much difference. The things will be effective when we implement the law which we are enacting, in right earnest. We will have to protect the honest officers. If we do not protect them, why will they try to implement the law? Although there is Subordinate Legislation Committee to see the rules, I would request the hon. Minister that at the time of framing rules, it should be ensured that the rules are framed in such a way that the intention of the law is fulfilled. I was told by an inspectors that there was reference of Pakistan. I do not want to name any country, but a country which has never been able to defeat nor can it defeat India in any of the wars may, by demoralising the people by making them addicts of these drugs, defeat this country. Before such a situation develops, we should try to implement this law properly.

About clause 6 I am to submit that no provision for a consultative committee has been made in it. I have seen that some amendment has also been moved on this point. I have not moved that amendment, because we know the fate of our amendment. Therefore, I suggest that instead of the Consultative Committee, it would be better if an advisory committee is set up. It is needed, because outside this House also, there are many persons who are equipped with the best knowledge on this subject. If such experts are included in this advisory committee, we will act on their advice in the best way and will be able to save the country from the downfall,

While coming here, I was asked by one person of my constituency to get many drug-haunts being run in my constituency closed. What my sister had to suffer, she has already suffered but to save other sisters from this fate, something should be done to implement this law. I would, therefore, like to submit that if this law is properly implemented our sisters, our mothers and the other people of the country will bless us. To get their blessings you should implement this law properly. Regarding framing of rules, I have already made my submission and you must keep that in mind. About clauses 78 and 6 also, I have expressed my views. Regarding clause 27, as I have said, the entire clause should be deleted. With this submission and expectation, I support this Bill.

[English]

SHRI V. S. KRISHNA IYER (Bangalore South): Sir, I am glad that the entire nation has taken very seriously about the dangers of narcotic addiction. The hon. Finance Minister promised the other day to bring forward comprehensive legislation. He has kept up his promise but I am sorry to say that there a number of lacunae in the Bill which is being discussed now. Of course, I do not want to go into the details because I know the time at my disposal is very short and, as already referred by my hon. friend Shri Mishra, I refer only to Clause 37. This Clause may defeat the very purpose of this Bill. Giving a very nominal punishment for the person if it is proved that he is not authorised, will certainly not help this legislation because, as has already been explained by the hon. Members, there are a number of persons who are engaged in drug peddling. They are all dealing only in small quantities.

It is very necessary that the punishment should be deterrent both for those who possess small quantities unauthorisedly and also for those who are drug addicts. The punishment should not be nominal.

It is really very necessary that there should be a comprehensive law. Century-old laws are no longer relevant to the current times.

You have brought a comprehensive Bill but unfortunately there is no time to think over it and the Bill is rushed through the

House and there are a number of defects in the Bill.

I am only particular that this Bill should not go the way the Prohibition Bill has gone. There are State laws and Central laws on prohibition. But what has become the fate of prohibition today? The State Governments have not been able to scarp it. That is all. This legislation should not go that way.

I only wish the Government had agreed to the proposal to refer this Bill to a Joint Select Committee so that a foolproof legislation could have been placed before Government.

In this connection, I would like to make one or two suggestions. Hitherto, these drug addicts were found only in Western countries. But for the past two or three years, we have been seeing in this country also the existence of drug peddling. It is particularly more prevalent in tourist spots of the country.

I would like to quote one instance that has been referred to. There was a Seminar in Bangalore two or three days ago on drug awareness. It was revealed in that Seminar that Hampi, which the hon. Minister knows—I do not know how many hon. Members knows it; it is one of the famous cities and it was the capital of Vijayanagar empire during the time of Krishna Deva Raya, a great ruler—has now become a heaven for the drug addicts and also for Hippie cult. One instance I would like to mention that one of the rickshaw pullers who was engaged in this drug peddling became suddenly rich because of this drug peddling since there is huge profit in this trade. It so happened that he had become very familiar with the drug addicts, particularly with those Hippies. He married one of the French women to whom he supplied these drugs. He went with her to France. Ultimately, she deserted him and he remained a drug addict. Now he is completely ruined. This is an authentic information which has been reported in the Karnataka papers. So, what I would suggest is this. It is not by mere legislation that we can tackle this. There should be effective propaganda to see that the dangers of the narcotic drugs are explained to the people through various media like radio and television. Awareness about the dangers of drugs should be created particularly among

[Shri V. S. Krishna Iyer]

the children; that is more important. We should fully utilise all the media to see that the dangers of drugs are brought to the notice of young, school-going children.

As I have already said, the main feature of this Bill is that the punishment is being enhanced. I welcome this Bill to the extent that very deterrent punishment is provided to those who are engaged in drug-peddling and in illegal and illicit cultivation of opium and other things. I only wish that Government had time to think over all the provisions. I would suggest to the hon. Minister that he may bring an official amendment to Clause 27 to see that those who possess drugs in small quantities are also given deterrent punishment. Clause 27 should be amended officially. What is the proof required whether a person is authorised to hold a small quantity of drug? Only a doctor's certificate. Is it difficult to get a doctor's certificate nowadays? It is very easy to get a certificate from a doctor. You know how easily people in our State were getting Doctor's certificates in those days of prohibition. One can easily get a certificate from a doctor saying that he wants alcohol for medical purposes. It is difficult to get a drug certificate for medical purposes? Any doctor, will give. I would suggest that even a doctor, if he gives a certificate unauthorisedly for medical purposes, either wilfully or unintentionally, or for the purpose of encouraging drug-peddling, should also be punished; abetment should also be punished. I hope the hon. Minister will see that a suitable amendment to Clause 27 is made.

[Translation]

SHRI DAL CHANDER JAIN (Damoh):
Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill introduced in the House. Along with it I would like to submit to you through this House that it is very easy to enact a law—and we are sitting here for enacting laws—but we do not consider how this law is going to be implemented. The laws are not implemented the way these should be.

As the use of narcotics has increased in our young generation, the need to bring this

Bill has arisen. A survey made by certain institutions in this regard recently was not upto the desired standard. Therefore, Government should make a detailed survey of the usage of narcotics by the youths. Along with it we should periodically check the employees of Excise Department also as to what was their position at the time of joining their service and also during the service period. In this connection, I would illustrate one example. In a pond, there were many crocodiles. A special force was set up to kill them. The special force killed half of the crocodiles in the first month and in the second month, they killed one fourth of the crocodiles. In the third month also they worked efficiently. The people felt relieved and they were patted for their good work. Later on it was seen that they have become almost inactive. People asked them that previously they worked hard, but what had happened further. They replied that they could kill all the crocodiles if they so desired, but what would they do after that. So, they wanted that crocodiles might also remain in the pond and they might also be there to kill them...

SHRI MOOL CHAND DAGA (Pali):
You have rightly said that both the patient and the disease should continue.

SHRI DAL CHANDER JAIN: Such a tendency has developed among our Government employees and the personnel responsible for implementation of the law. We have to check it and this responsibility rests on us, *i.e.* the representatives of the people. We, the representatives of the people, should launch a movement for bringing about social reforms and for setting up a welfare state in the same manner in which we had launched a mass movement under the leadership of Mahatma Gandhi for country's freedom. In case any Government employee does not discharge his duty properly, we should raise our voice against such employees as we had done against the British Government. Only then we can bring about social reforms and can put our society on the right path. Our Hon. Prime Minister, Shri Rajiv Gandhi is looking forward to move the country into the 21st century. We need the cooperation of people of each section of society, particularly the bureaucrats and other Government employees in order to move towards that direction. Only then our law can prove effective.

You have made a provision in this Bill regarding possession of small quantity of narcotics (opium). I feel that it will result in many malpractices. I desire that it may be amended. Under the Gold Control Act, one cannot keep primary gold. Permit is required to keep it. Some sort of certificate must be obtained to possess even a small quantity of such drugs also. Only after obtaining the permit, one should be able to possess small quantity.

So far as the question of procurement price to be paid by Government to farmers is concerned, I would like to say that Government should reconsider this matter. When other persons or smugglers are willing to pay higher price to farmers, it is but natural that they would sell to them. Government should review the price and it should be made attractive so that the farmer may sell his produce to Government only and not to others.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Deputy Speaker, Sir, I would like to express my views in regard to the Narcotic Drugs and Psychotropic Substances Bill. Opium is cultivated in many States of our country, though it is not cultivated in my area. It appears from the Bill introduced by the hon. Minister that under the old law, punishment was insufficient and in the present Bill a provision has been made to enhance the punishment so that the persons indulging in such activities may have some fear in their minds. If the hon. Minister feels that we can check them from indulging in such activities by enhancing the punishment, I feel he is wrong. The old law was quite adequate. When a law can create a fear in the minds of wrong-doers, only then it can be termed as rule of law. With the increase in number of laws, the fear in the minds of the people is diminishing. How can it then be termed as rule of law.

Secondly, I would like to submit that in this Bill you have enhanced the punishment. I would like to give an example. Under Section 302 of the Indian Penal Code, many persons may be sentenced to death for committing murder of one individual. If the intention of all the persons was to kill the person, they all could be sentenced to death. No other law can be more stringent than this law. But, despite this a large number

of murders are taking place in your regime and no fear exists at all. Nobody is afraid of being hanged. By enhancing the punishment upto 20 years and fine upto Rs. 2 lakh no fear will be created among people. Fear among the minds of the people is created only when the law making and law enforcement machinery is honest and their intention is good. If the intention is good, the law even with little sentence can be implemented and wrong-doers can be checked, but today the intention of both of them is bad. Just now an hon. Member has said that an officer used to apprehend the wrong doers under the provisions of old law and he further stated that the transfer of that officer was managed by spending Rs. 5 lakhs. Who got this amount of Rs. 5 lakhs. The amount had either been pocketed by the higher officer or the Minister. To whom that person, who was being apprehended under the old law, belonged? That man is yours and being your man he will not care for the officers. If you feel that you will be able to create fear among the people by enhancing the punishment, you are mistaken. The most important thing is that you should formulate a policy under which even a small law may have the desired effect. It is not necessary to enact some big law. Big laws are there and it is difficult for a murderer to go scot free. For a murder the provision of capital punishment is there under Section 302, but we see that it has no effect.

Fourthly, I would like to say something about heroic. Heroin was seized from the possession of a person. Previously I knew nothing about heroin. I was of the view that only women working in films are called heroines. When heroin was seized from the brief-case of an M. L. A., only then we thought it was some other heroin. Heroin worth Rs. 4 lakhs was seized from the possession of an M. L. A. of Uttar Pradesh. You will have to give a reply in this case as to which party that M. L. A. belonged. What type of persons of your party manage to get tickets and enter Vidhan Sabha, Rajya Sabha and Lok Sabha? Such persons should be apprehended. We have to make it very clear. I belong to the Communist Party. What does it matter? If I do anything wrong, I should also be punished. But it does not happen in your party.

This law is applicable to the rural people also. Our guardians in the villages say that

[Shri Ramashray Prasad Singh]

excepting the rate of salt, the rate of crime etc., in this regime, the prices of all other commodities are rising. I would like to tell you that if you want to implement this law, your intention should be good. If the intention is good, in our view even the old law was quite adequate and under its provision you can apprehend the culprits. It will be enforced on farmers also. Seventy five per cent persons will escape punishment, because they are with you. Twenty per cent are officers and only remaining 5 per cent will be apprehended under Section 27. I would like to narrate one incident. I went to a Police Station. A 'Ganja' tree was there. I saw a tree in the compound of Jahanabad Police Station. People told me that it was a 'Ganja' tree. Now, you may tell us if there would be 30 kgs. 'Ganja' on the tree located in the Police Station, how the police personnel there, who have to implement the law, will implement it. If the police personnel, who have to apprehend the culprits, indulge in such acts, what to say of others.

Our young Prime Minister always talks about the youths. The youths are the future of any society. But you will see what 'tamasea' was created by your youths in the Soviet Union. You are creating such class of youths. (*Interruptions*) Why should we not say about those persons who are doing such things.

We would expect the hon. Minister to see to it that the culprits do not escape punishment and the law is implemented properly.

[English]

SHRI SOMNATH RATH (Aska): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances Bill. India has become a heaven for the organized gangs of smugglers and also a transit for transporting narcotics mostly to western countries. First, these are brought to our country from the neighbouring countries.

In India, the heroin is produced in laboratory. The college teachers are involved in traffic of narcotics, In Jammu and Kashmir, charas and ganja are being cultivated in the fields and the fields meant for

vegetables, cereals etc. are converted for this cultivation. The narcotics are being imported in the eastern States of our country through Thailand and Burmu, and these are being sent to Calcutta. This is the condition now prevailing in our country, shaking the foundation of the country specially youths. The country-old Opium Act and more than half a century-old Dangerous Drugs Act and are not sufficient to deal with the smugglers and the mafias. This comprehensive law is, therefore, certainly welcome.

While welcoming this Bill, I would suggest to the hon. Minister that no lacunae should be left to give rise to corruption. For example, there is a provision for possessing a small quantity of narcotics. Illegal possession of any quantity should be punished. If scope is given for possession of small quantity, it will lead to greater areas of corruption.

Further; I suggest that the highest punishment should be imprisonment for life. I hope, the hon. Minister, in due course, will bring forward an amendment to this Bill to see that the punishment is raised to life imprisonment for certain offenders. This Bill, when it becomes an Act should be implemented in such a manner that it will put an end to all these atrocities and the rules should be framed in such a manner that there should not be any lacunae to give scope to the offenders to escape.

SHRI D. B. PATIL (Kolaba): At the outset, I would like to draw the attention of the House to the Statement of Objects and Reasons, wherein it has been stated:

"During recent years new drugs of addiction which have come to be known as psychotropic substances have appeared on the scene and posed serious problems to national governments. There is no comprehensive law to enable exercise of control over psychotropic substances in India in the manner as envisaged in the Convention of Psychotropic Substances 1971 to which also India has accepted."

This clearly shows that a comprehensive law was thought of in the year 1971, when the convention was held. India was a party to that convention. But I do not know why this much delay had taken place to bring

forward such a comprehensive Bill. Therefore, the Government ought to have been serious and ought to have brought this Bill much earlier. Anyway, it is better late than never.

Now it is necessary to examine the provisions of this Bill. It is an offence to traffic in drugs and psychotropic substances. There are two types of offences—offences against the individual and offences against the society. So far as the offences against the society is concerned, I may admit that the Government has decided to take some deterrent steps against the offenders. But taking into consideration the implementation of laws which are already existing, I am a little doubtful whether these will be implemented properly. For example, there are laws on prohibition in Bombay. But illicit liquor is available within 100 meters from the Old Council Hall, where the legislature used to meet, illicit liquor is available as easily as a cup of tea. So, we can certainly say that there is no implementation of the laws. If laws are not implemented properly, there will be no use of enacting such laws.

Now that the Government have come before this House with this comprehensive law, I would like to draw the attention of the hon. Minister and also the hon. House to the fact that traffic in drugs is a multi-million business, nowadays. There are always news items in the papers that lakhs worth of drugs are seized. If the Government says that it has come to its notice only very recently and that drug addiction is going on in our country only recently, I think it is not correct. If you had visited Goa five or ten years ago, you might have seen drug addicts wandering on the sea-shores.

So, taking into consideration all these things, the Act which is being enacted now here should be implemented properly and drug peddling should be stopped. There is complaint made by the Karnataka Agriculture Minister that there is no comprehensive law so far as drug peddling is concerned in Karnataka. In Karnataka, there is no provision to prevent such offences. With these words, I conclude.

SHRI SHANTARAM NAIK (Panaji) :
I have always been saying in several debates in which I have participated that there should

be a principle of consolidation of legislations. It appears that you have accepted this principle partly because three earlier legislations, namely, the Opium Act, 1857, the Opium Act, 1978 and the Dangerous Drugs Act, 1930 have been combined into one now. That means that this principle has been accepted partly. I do not understand why the Drug Control Act and the Drugs and Cosmetics Act have been left aside. In fact, all these five legislations on drugs should have been combined into one and one comprehensive legislation should have been brought. This is my humble suggestion that in further legislations that the Government may bring, this principle may be accepted.

13.00 hrs.

As far as this drug eddiction is concerned, my area, namely, Goa comes first; Manali in Himachal Pradesh comes second and Rishikesh in Uttar Pradesh comes last. There are three areas where this drug eddiction is going on to a large extent so much so that tourism in a sense has become a menace in the territory of Goa. If its comes and spreads, as it spreading on the entire Coast of Goa, in all the villages, in all the families—even young boys and girls who are school going are taking to these drugs—we do not know to what extent this menace will increase in future. Even in films and dramas, it has been depicted that Goan people are drug addicts and they drink wine and all sorts of things. All sorts of nuisances are attached to us. Therefore, I was very much concerned about this drug addiction and I am showing more interest in this Bill. I am also making concrete suggestions in this Bill.

In USA there are almost four thousands associations of parents who are concerned about their children and they are trying to see in how best manner this drug eddiction can be eradicated.

In Pakistan, almost 61 per cent of the drug eddicts are in rural areas and only 39 per cent of them are rural areas. Even in Madras Medical College, about 70 per cent of male interns are resorting to drug eddiction and 20 per cent female interns. These are factual figures which we are well aware. We have also considered it as drug eddiction in terms of the terrorism that is taking place. In fact this terrorism and drug

[Shri Shantaram Naik]

addiction are very much related to each other because those who are not taking to these drugs are being administered and they are asked to commit this heinous crime. It is only by taking these drugs, this heinous crime can be committed and we have also to see this in the light of this terrorism which is increasing. I have also proposed an Amendment doubt, severe and hard punishments have been provided in various sections of the Bill, it is welcome. In the case of persons who consume drugs themselves, who do not sell drugs, an option has been given to impose only fine. If a person consumes drug, then there is no compulsory imprisonment provided under Clause 27. Why is it so? In fact, it is these things that have to be curbed. As has been pointed out by my colleague, who is here, whenever a person or young boy or girl takes drugs, then they can be released on fine. Here I am opposed to it. Here, if you send those persons to imprisonment, even for 10 days compulsorily, at that time this drug addiction will go. If you give option, then of course has it happened in Goa today, the Hippies can not caught. They are produced before the JMFCs. Young boys are caught, they are produced before them and they are set free with Rs. 50 fine. This position is not going to be changed with this Bill. Other provisions I welcome. I welcome this provision because, fine in terms of lakhs and lakhs of rupees is being provided in this Bill. We have not seen any Indian Statute before where fine in terms of lakhs and lakhs rupees has been imposed. Punishment to the extent of 10 to 20 years has been imposed, that is welcome. But in only one case, namely consumption of drugs by individuals possessing small quantities as may be defined in future one does not know what it is? Therefore, if you had put in some compulsory imprisonment, it would have been welcome, otherwise if this thing is not done then the whole country will sing a song:

Dam maro dam mit jae gam

This is my humble submission. I hope my Amendment will be accepted by the hon. Minister.

DR. PHULRENU GUHA (Contai) :
Mr. Deputy Speaker, Sir, I welcome this Bill most heartily.

PROF. MADHU DANDAVATE : Now you criticise.

DR. PHULRENU GUHA : There are some points which I wish to make more extensively, as my previous speakers have mentioned.

I congratulate the Minister for bringing forward this Bill before the House. Sir, I would like to tell the hon. Minister through you that lakhs and lakhs of families in India, particularly women, will be blessing him for bringing this Bill before the House, because drug addition ruins families, and women are the worst sufferers. Passing the Bill alone will not help the country, will not help the society. Proper implementation is absolutely necessary. I am mentioning this because we have seen that some of the good, socially useful Bills passed in our country, do not bring about a real improvement, because there is no proper implementation.

In this connection, I would like to refer to the Dowry and the S.I.T. Acts. These two legislations are good ones, but women and families mostly continue to suffer. I do not blame the administrator alone in this regard. The Social attitude is also responsible. Implementation of the provisions of the present Bill will need change of the social attitude.

The use of drugs ruins not only the person concerned, but also his family. Is a consequence, the atmosphere of the area is also vitiated. Women suffer most, as I have already stated, due to the addiction of the wage-earners in the family. Women do not suffer economically, but when the wage-earners spend all their money on addiction, they sell and mortgage articles of the house. Not only that, they even sell the utensils and old clothes. So, not only is the family on the verge of starvation, but the woman is also tortured by the husband. When the son is addicted, the mother suffers psychologically. In many cases, they are helpless—Perhaps many of you know that some of the women are tortured like anything, and they are beaten up. In many cases, these women can do only one thing, viz. weep, and nothing else. (Interruptions) They may abuse, but it has no effect. The husband may say that he will not do it any more, but the next day he again comes as the addicted person. (Interruptions) I agree that women should

in these cases use the broom, but all of them are not physically strong enough to fight men. (Interruption) It is not possible all the time, because you cannot forget that in the families, women are under-nourished. It is so, according to statistics, in our country.

Quite often, people say that most of the people in the cities are addicted. It is not true. The villagers are equally addicted. In metropolitan cities, drugs are available even in the tea shops and pan shops. I can give you an example : in the city of Calcutta, *masala* teas and *Pan* are sold in different shops. I do not know what they use, because they will not tell that secret to us. They have a chain people who drink these teas and there is change of this type of shop-keepers. They put in some sort of a material which gives addiction; and so, the consumers become addicted.

And I am sure, Sir—I am sorry to say—that a few administrators also have connections with the shop-keepers, Otherwise, in broad day light how can such things be sold for years after years ?

I like to point out that on page 8 of the Bill under Clause 9(2), the various powers to give permit are given. I say that caution should be taken about issuing of the permits or licences, because the anti-social people also cultivate this drug business and they have got connections with the cultivators also. The anti-social people will take the help of those cultivators and use these articles.

I would like to say that there should be proper arrangements for providing the necessary information to the villagers—as a friend has already said here—and that apart from the government officials, members of Panchayat and voluntary social workers have special duty in this regard, and they must be very active and should take proper action to disseminate the knowledge of the evil effects of this cultivation.

Coming to page 9 of the Bill, where under Clause 10(iv) the powers of State Government to give permits are mentioned, I would request the hon. Minister to be very careful in giving the permits for medical use. It is needless to say various pharmaceutical institutions are not free from illegal drug transactions. There are a few spurious manufacturers all over the country producing

different types of medicines, and a close watch is to be kept on them to see that none of the manufacturers get any opportunity to misuse the drugs. I must say that unless the society as a whole improves the social consciousness and helps the administration with the information of the misuse of drugs and also the administrative people working for this purpose are very conscious of their duties and the ill effects of this addiction in ruining our young generation, it will be difficult to achieve fully the objectives of this Bill. It is known to all of us that there are a number of research reports on the use of these drugs. An hon. friend has already mentioned it and I would just like to say that I feel very sorry for the future generation, because, I do not think unless we take a proper care of the drug addiction we do not know what will happen to our society in the near future. I hope that the administration will fight and also the people of different categories in our society will act together and fight together to finish this menace in our country and save our country, particularly the younger generation.

MR. DEPUTY SPEAKER : Shri Jaipal Reddy.

AN HON. MEMBER : He is Jaipal before Lokpal ?

MR. DEPUTY SPEAKER : That is later.

SHRI S. JAIPAL REDDY (Mahbubnagar) : I welcome this Bill. I only wish that it had been brought forward much earlier.

Studies conducted by the Indian Council of Medical Research in several universities of the country have confirmed that the drug addiction amongst students has assumed alarming proportions. They start off with hashish, charas and then go on to heavier stuff like LSD, cocaine and barbiturate etc.

According to a survey conducted in 1984, among students of Delhi University about 33 per cent of students have become drug addicts. The Indian Council of Medical Research team has discovered one-third of students in an English medium high school in Delhi to be drug addicts. Another survey

[Shri S. Jaipal Reddy]

in Bombay reveals that of 4000 students questioned 320 admitted having been on hard drugs. I, therefore, would like to know from the hon. Minister as to what exactly are the steps to be taken by the Government for combating this menace among students. Naturally you cannot punish them in the same way as you can punish others.

Secondly, it has been found that India is sandwiched between the Golden Triangle consisting of Thailand, Burma and Laos in the east and Golden Crescent in the west consisting of Pakistan, Afghanistan, Iran and Turkey. India thus becomes a nodal drug centre. It has been mentioned in the Vienna meeting recently that India has begun to figure prominently on the world narcotic map. But the maximum punishment in India is 3 years whereas in USA it is 7 years of minimum punishment and in Singapore any person carrying five grammes of drugs is liable for execution. Our Government did come forward with, of course, necessary provisions in this regard. But the Minister knows that the provision in the budget for administration of this Act is only Rs. 5 crores. Do you think that this amount will suffice to wipe out this menace? Will the Minister be able to throw some light in this regard?

In January, 1984 drugs worth an astounding \$ 103 million were seized from a freighter by the US authorities off the coast of New Jersey. The evidence collected by Sunday Times of London strongly suggests that the narcotics came from Cochin where an Australian, James Howard, allegedly masterminded operations from his yacht. The yacht employed for this purpose was fitted with electronics gadgets. I would like to know from the Minister how James Howard was allowed to operate from Cochin for a number of months. Another Australian by name Milgate who complained about Howard's activities was put in jail. The complainant was in jail and this man was allowed to go scotfree. I hope, the Minister will be able to throw some light on this aspect.

Whatever laws we may bring forward, we must be able to streamline the administrative machinery. I would like to know as to what steps are being taken to streamline the machinery so that the laws can be administered properly.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, there are 83 clauses in this Bill. If this Bill is passed hurriedly, I feel that the Members of the Lok Sabha will not be able to do justice to it.

I would like to point out that smuggling activities were being carried on, on a very small scale in the country. But today it cannot be understood how hundreds of smugglers have entered this field.

The smugglers are becoming rich in no time. They are becoming millionaires in a matter of a few months. The Bill introduced by Government is a welcome step. There are 83 clauses in this Bill and the hon. Deputy Speaker is trying to restrain us. The farmers in Rajasthan are being played with. Opium is produced in Chittor district of Rajasthan. They get merely Rs. 250 for 5 kgs of opium while the same quantity of opium is sold off for Rs. 1 lakh abroad.

Shri Ishwar Chopra has built a palace in Fatehpuri. Where did he get so much of money? Have you ever bothered to inquire into it? The hon. Minister has to get this Bill passed and therefore, he would force us to withdraw our amendments. Why has the Government decided to pass this bill in haste. The Members of opposition are sitting here only for the Lokpal Bill.

(Interruptions)

PROF. MADHU DANDAVATE : We are at your disposal.

SHRI MOOL CHAND DAGA : We are highly obliged for that. I would request you to speak on this. This Bill is playing with the lives of college students. The children, who are nation-builders of tomorrow are in danger. What has Government done for thousands of students who are falling victim to it?

Recently, we came across a news item that the students and the research scholars in the laboratory of Lucknow University were selling opium in the form of heroin and hashish. Are you aware of it? Was this question raised in the U.P. Assembly?

Sir, is there any machinery which can check it? The police officers, top officers,

the officials of Revenue Department and police Agencies have been included in clause 41, but they have not been told about their specific duties. It has often been observed that there are big gangs which are involved in smuggling. The real brain behind the whole operation sits in a remote area and somebody else is caught in his place. Even women are involved in smuggling. Smugglers are adopting new techniques. Smugglers visit places with women. They are not the wives of the smugglers, but generally they say that they are. This is the position. You have stated that improvements will be made. What is stated in clause 71? The Government has not categorically stated anywhere that under such and such provision improvements will be made. The clause 71 states :

[English]

"The Government may,"—What is that 'may', I don't know—"in its discretion, establish many centres....."

[Translation]

How much expenditure will be incurred on this.

[English]

Who will bear that expenditure?

[Translation]

The Bill should clarify as to what improvements will be made to reform the addicts? What provisions have been made for them? The Government has not been able to conduct a survey of the number of students who are addicts? It was decided in the U.N. that every should conduct such surveys to find out the number of addicts. It is most unfortunate that neither this department nor any other department has ever conducted any such survey to find out the number of addicts in Madras, Bombay, Delhi or at other places. No survey has been conducted to find out the number of addicts in Jawahar Lal Nehru University or other Universities. The Government does not have any figures what no ever. If on the one hand, the country makes progress and on the other hand the use of such narcotics increases, what will happen to this country? Caravans of camels laden with such narcotics are crossing our borders in Rajasthan, The

police officers and other officials are in the know of it. They are adopting a set procedure. This is one of their means to earn more money. Do the Income Tax Officials or the officials of the Ministry ever care to raid the Custom Officers or their Offices? If they have ever done so, could you cite an example.

Please look at clause 17 and 18. You can yourself understand the position of farmer under it. Shri Bairagi has well said and he knows how to lash at a person in a polite way because he is a poet and a learned man. That is why, he has spoken in a very polite manner. Is the Government not aware of the price that is being paid to the farmer for opium? According to the prevailing rates a kilo of opium can fetch Rs. 1,500 in Delhi market. If anyone wants to buy it in Bombay he gets it for Rs. 5,230...*(Interruptions)*... do not know the price in Calcutta.

SHRI BALKAVI BAIRAGI : One can get it at Rs, 6,000 in Calcutta.

SHRI MOOL CHAND DAGA : Its price has increased to Rs. 1 lakh in the world market. Heroin and Hashish is also the same thing. They are all derived from opium. If the farmer consumes it, what will happen to him? He will be sent to jail for ten years. But the farmer does not believe in this culture. *(Interruptions)*. I had proposed that this Bill be referred to the joint Select Committee. The Bill which has such a wide scope and which affects the interests of so many people should be referred to Select Committee so that people can get justice. Heavens will not fall if it is delayed for a month or two. But you are bent upon getting it passed today itself. We will abide by what you say, but I would once again strongly request you to get it examined by the Select Committee and discuss it clause by clause and make no haste in this regard. After the Select Committee has examined it, you can get it passed in the next session which is to be held in November-December. I cannot understand the idea of introducing it at the fag end of this Session. Our whip Shri Gulam Nabi Azad is insisting on passing it at the earliest. We will vote as our party directs us, but then it will be the sole responsibility of Government and not ours if any injustice is done...*(Interruptions)* I had moved an amendment to refer it to the Joint

[Shri Mool Chand Daga]

Select Committee. The Bill which has so many clauses, at least that Bill must be referred to Select Committee. If you wish to save the college students from this evil, then it is all the more necessary to discuss it at length. The women are also falling victim to it and this evil is spreading in the religious places. It has even spread in temples, a classic example of which is Puri in Orissa. The people of Banaras have left consuming 'Bhang'. Shri Vishwanath Pratap Singh who belongs to that place is well aware of it. The people in Ajmer consume it by filling it in the cigarettes. Some times Hashish is also filled in the cigarettes in a holy place like Pushkar.. The people get addicted to it. (Interruptions) I would request the hon. Minister to refer it to the Joint Select Committee so that all these problems are given a serious thought. A deadline may be set for the submission of the report. Our whip is also present at the moment. He may consult the Minister in this regard and if it is referred to the Select Committee, it would be very good. You should never think that Parliament wishes to prolong this matter—it has never been our intention.

[English]

DR. KRUPASINDHU BHOI
(Sambalpur): What are the CIA people in the name of 'box item' doing about the use of narcotics by the students?

[Translation]

SHRI MOOL CHAND DAGA : I was submitting that opium is being smuggled into our country through the Nepal border and our Border Security personnel are also involved in it. I have mentioned the names of 44 police posts and how the BSF personnel are working hand in glove with the smugglers. How do you expect that your Bill would be implemented successfully when the public servants themselves are not honest and patriotic? Through this Bill, you have opened the floodgates of corruption and this Bill will further encourage corruption. Summing up, I would like to submit that if justice is to be done, the Bill should be referred to the Select Committee.

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI

JANARDHANA POOJARY) : Sir, I am thankful to the hon. Members for having taken part in this debate and also for giving valuable and concrete suggestions.

Sir, about 16 hon. Members participated in this debate. The names of those hon. Members are—Shri Manoj Pandey, Shri R. P. Das, Shri Balkavi Bairagi, Shri Ajay Mushran, Shri Chinta Mohan, Shri Jujhar Singh, Shri Anoopchand Shah, Shri V. S. Krishna Iyer, Shri Dal Chander Jain, Shri Ramashray Prasad Singh, Shri Somnath Rath, Shri D. B. Patil, Shri Shantaram Naik, Shrimati Phulrenu Guha, Shri Jaipal Reddy and Shri Mool Chand Daga.

Sir, the hon. Members know that on the day of the Calling Attention on this, i.e., 7-8-1985—Hon. Member, Shri Dagaji also participated in that debate and also other hon. Members including Shri Amitabh Bachchan participated in that Calling Attention—We have replied in this House to a number of questions, also Starred and Unstarred, from the hon. Members. The press in the country also expressed concern. Inside the Parliament and outside the Parliament the people expressed their grave concern about the menace of this drug abuse. The Government expressed its concern, and in fact it is felt by the nation that deterrent action should be taken against the smugglers, and also for the illegal activity that is being carried out in this country. The only hon. lady Member who has taken part in this debate has also brought to the notice of the House the menace that it has created and its impact on the minds of ladies. The hon. Member of this House, Shrimati Vyjayanthimala Bali had also earlier brought this...

(Interruptions)

MR. DEPUTY SPEAKER : She would have raised it previously.

SHRI JANARDHANA POOJARY : Not today. I know that only one lady Member has taken part in the debate today. Earlier, Shrimati Vyjayanthimala Bali had also brought to the notice of the House the plight of the people. But here we have before the nation a graphic account of the menace that has been created and the question is whether we have to go to the root of the cause and whether we have to take action.

Hon. members have studied and gone through the provisions of the Bill. They have given their valuable suggestions.

Some of the hon. Members have said that so far as punishment for the consumption is concerned, one year or fine or both, is very lenient and it is not adequate. They said that deterrent punishment should have been there. They said that the purpose of the Act would be defeated because of this leniency which has been shown for the addicts.

Before proceeding further, I may refer to Section 27. It is true that the punishment that has been given in this Act is one year or fine or both. (*Interruptions*).

PROF. MADHU DANDAVATE : The Bill has to be referred to Select Committee.

SHRI JANARDHANA POOJARY : Which are the people that are becoming addicts? Some of the people whom the House has been referring to are some students and some girl students also who are studying in the Colleges.

As stated by hon. Member Shri Amitabh Bachchan earlier, sometimes even children who are students are administered this dose of drugs.

What would happen after consuming this dose of drugs? There will be the urge to take more to the extent that they go in for a second dose.

PROF. MADHU DANDAVATE : Are you speaking from experience?

MR. DEPUTY SPEAKER : He is describing the things.

SHRI JANARDHANA POOJARY : When they go for second dose, or a subsequent dose, they will become addicts. (*Interruptions*).

SHRI AJAY MUSHRAN : I am on a point of order.

MR. DEPUTY SPEAKER : What is your Point of Order?

SHRI AJAY MUSHRAN : My point of order is this is not a Bill against students. It is a Bill against the masses.

SHRI JANARDHANA POOJARY : I have stated some of the practices.

MR. DEPUTY SPEAKER : You tell me what is it that the hon. Minister has violated. What is the rule which he has violated? What is the procedure that he has violated?

SHRI AJAY MUSHRAN : Under Rule 357, it cannot be treated like this.

SHRI AMAL DATTA : The hon. Minister is getting carried away by narcotics.

SHRI JANARDHANA POOJARY : I am touching Clause 27.

MR. DEPUTY SPEAKER : Have you given him some opium?

SHRI AJAY MUSHRAN : The point he is making is that it is a student problem.

SHRI JANARDHANA POOJARY : I am referring to some of the addicts. I have said that earlier in this very House, points have been made regarding the students who are becoming addicted and who have become addicts also.

What I said is that some of the students and also some girls are becoming addicts and they have been administered with some sort of eatables. Last time, it was pointed out that even in ice-candy and even in tea, it is being administered. When this is administered, the urge would be to go for second dose. And when they go for second dose, they will become addicts. In such cases, even unknowingly, these people are becoming addicts. They draw the sympathy of the society. Not only that. They draw the sympathy of the court also (*Interruptions*).

SHRI AJAY MUSHRAN : Sir, we had a debate on the Bill. The point is, why the Government cannot identify the holders of small quantities. But he is talking about students, the first dose, the second dose, etc.

MR. SPEAKER : The only difference is that you want the dose to be given somewhere and he is giving it somewhere else.

SHRI AJAY MUSHRAN : We want the hon. Minister to answer to the point that we have raised.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL AND TRAINING, ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES AND PENSION AND IN THE DEPARTMENT OF CULTURE (SHRI K.P. SINGH DEO) : He is a difficult person. He may require more.

MR. SPEAKER : You know better because you were in the Army.

SHRI JANARDHANA POOJARY : He thinks that I have not touched his point. Others also have participated in the debate, and I am trying to cover all the points one after another. The hon. Member should have some patience. I will come to the point about holders of small quantities also. If he remains patient, I will touch all the points.

PROF. MADHU DANDAVATE : Come to the next dose.

SHRI JANARDHANA POOJARY : The point is, how to deal with these people. Sometimes what is happening is this. I referred to some of the students being addicted. In some cases—this has been brought to the notice of the Government also—some girls are administered the drug for the purpose of raping and molesting. What would be the position if they are sent to jail? Will it not be difficult for them to get married? And if they are to be sent to jail and kept there along with hard criminals...

SHRI G. G. SWELL (Shillong) : We are talking about drug-traffickers and drug-pushers.

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : Why does he presume that they will be kept along with hard criminals?

SHRI G. G. SWELL : I think, the debate has gone off the tangent. We are dealing with drug-traffickers and drug-pushers and not with students and girls who may become innocent victims.

(Interruptions)

SHRI JANARDHANA POOJARY : I am coming to that also. So many points have been raised. I did not interfere when they were taking part in the debate, I heard them patiently. If they are not satisfied, they will have the opportunity to seek clari-

fications at the end. They should not interfere, like this, at every stage...

AN HON. MEMBER : But you provoke us.

PROF. MADHU DANDAVATE : Sir, you must protect his right to irrelevance.

SHRI JANARDHANA POOJARY : Government has to take into consideration all the aspects. Sometimes some of the people, without their knowing, are addicted. Provision is made under Clause 71 to the effect that we have to identify these addicts. For re-integration, for rehabilitation, for treatment, we have made provisions.

Another point I am making is this. For example, while identifying those people, if the punishment is very harsh, whether the people will come forward for rehabilitation and treatment...

SHRI G. G. SWELL : Which people?

(Interruptions)

SHRI JANARDHANA POOJARY : For their rehabilitation and treatment also, we have to make provision. Now, coming to...

PROF. MADHU DANDAVATE : The subject.

SHRI JANARDHANA POOJARY : ... the quantity for possession which has been referred to, here also we must be very careful. Some of the hon. Members have made a point that holding small quantities is not punishable. Possession of even one single gram is punishable, and the minimum punishment for that is provided in the Bill, and where it is not punishable, the burden is on the person concerned to prove that the minimum is kept—and that is to be prescribed by a notification. There Sir, if it is used for the consumption of the people who have become addicts and who take it in small doses, in such cases the burden is on them to prove this. Otherwise even for the small quantity which they are in possession of, they are punishable and this punishment is as prescribed under other provisions and not under Section-27. The punishment of one year or fine or both is not available under that section. So, this doubt is also cleared. I think the hon. Members will be happy to know that even to be in the possession of small quantity is punishable under this Act.

AN HON. MEMBER : I am not happy
Sir.

(Interruptions)

[*Translation*]

SHRI BALKAVI BAIRAGI : With your permission, Sir, I would like to ask what will happen to the farmers in Rajasthan and Malwa region where the host has to offer *Asal Kasumba* as a matter of courtesy and therefore to meet this need they have to keep a small quantity of it in their house ?

(Interruptions)

AN HON. MEMBER : What will happen to those who get it to celebrate the birth of a child or there are other similar occasions ?

MR. SPEAKER : He will not require it again.

(Interruptions)

[*English*]

SHRI JANARDHANA POOJARY : In the course of the debate the Hon. Members have raised some points. If they raise some more points even while I am answering, how could it be done, Sir ?

(Interruptions)

Either they should say that I need not answer their other points.

MR. SPEAKER : They will pass it just like this.

SHRI JANARDHANA POOJARY : Now coming to the cultivation, where you were also interested...

PROF. MADHU DANDAVATE : First he came to the drug addicts and now he is coming to you Sir !

(Interruptions)

MR. SPEAKER : Then after that it will be the turn of.

(Interruptions)

[*Translation*]

SHRI BALKAVI BAIRAGI : I want to make one more submission. The payments to the farmers is based on slab-system. The result is that the farmer who produces more, gets very little price for his produce. In the statistical jugglery it seems that we are paying them a high price but it is not so. The farmer whose yield is between 30 to 45 kgs, is paid at the rate of Rs. 180 per kg., but the farmer whose yield is between 45 to 60 kgs. is paid at a meagre rate of Rs. 150 per kg. All the automobile and shoe manufacturers sell their goods at the uniform rate. A shoe costs the same price for one single pair or any number of pairs, while the farmer's produce does not fetch the same price with the increase in production.

[*English*]

SHRI JANARDHANA POOJARY : Sir, an international convention on narcotic drugs prohibited the cultivation of the opium for exports by other countries. India is the only country that has been permitted to produce opium for exports. Because they thought that it is a traditionally producing country and also there is a very well control for the cultivation. But here sir, unfortunately for us, even though we are the only country producing this for exports, some other countries also have given the challenge by producing the opium straw, the poppy straw. E. g. countries like Australia, Turkey, Spain and other countries are also producing. Now because of this challenge, the supply has to be controlled, production has to be controlled because there is already the accumulation of stock in our factories to the tune of 2000 metric tonnes. Earlier we used to cultivate it on about 64,000 acres and this has been now reduced to 25,000 acres.

I would like to point out that the cultivation is on account of Central Government. Nobody is allowed to produce without licence. All the produce of opium has to be sold to the Government. The cultivation is controlled.

Sir, I would like to submit that there are difficulties, I do not say that nobody is expected to contravene the law but if they commit any offence than they are liable to be punished. Law prohibits consumption. Even production is done with licence. If anybody contravenes the law then he is

[Shri Janardhana Poojary]

liable to be punished whether he is a farmer or any other person. It is the law of the land and Parliament. So, everybody should obey the law.

Sir, hon. Members raised the point regarding the price to be given to the farmer. I assure the hon. Members that this aspect will be examined.

MR. SPEAKER : The point made by the hon. Member was that it is only the farmer who is put to hardship. Therefore, some way should be found to assess the worth of the officer when he is posted in that area and also what is his worth after he is transferred from that area.

SHRI JANARDHANA POOJARY : Sir, if the officer connives then he is also punishable. The minimum punishment is five years. I fully agree with you that we must be very strict about the implementation and also we must take action against these people. We have to take stern action against the people who are responsible for contravening the provisions. If the officers connive or withdraw from discharging their duties then punishment has been provided for them. They are liable to be punished.

The hon. Member, Shri V. S. Krishna Iyer mentioned where is the provision for abetment and conspiracy. For abetment provision is there. For abetment and conspiracy we can take action under Clause 29.

Sir, in the year 1984 we have detained 112 people under COFEPOSA Act. The hon. Member, Shri Mushran has stated that this Bill has been brought in a hurry and no consultation has taken place. He said that it should not have been brought without consultation. For the information of the hon. Members I may submit that consultation has taken place. Ministries of Home Affairs, Finance, Social Welfare and Health were consulted.

14.00 hrs.

After consulting all the concerned people, this comprehensive legislation has been brought before the House. Due attention has been paid to the various aspects raised by the hon. Members.

SHRI AJAY MUSHRAN : If the hon. Minister for Social Welfare was consulted, did she agree to such a weak provision as Section 71 ? It is a very important point. No budgetary or mandatory provision has been made. Nothing has been mentioned about the education centre, dispensaries, homes etc. for the addicts. I do not think, the hon. Minister for Social Welfare would have agreed to this provision.

SHRI JANARDHANA POOJARY : Clause 71(1) reads :

"The Government may, in its discretion, establish many centres as it thinks fit for identification, treatment, education, after-care, rehabilitation, social re-integration of addicts and for supply, subject to such conditions and in such manner as may be prescribed by the concerned Government of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity."

Proper provision has, therefore, been made.

SHRI AJAY MUSHRAN : Instead of 'may', it should be 'shall'.

MR. SPEAKER : If there are such people, they will naturally do it. It is the duty of the Government.

SHRI JANARDHANA POOJARY : Sir, the suggestions made by the hon. Members will be paid due attention. I thank the hon. Members once again for their support.

DR. KRUPASINDHU BHOI : Shri Daga had asked a very pertinent question and that has not been answered. India is a place through which the smack and other such things are passing. Some CIA and other people educate the students in the anti-India culture. They give smack in the cigarettes, tobacco etc.

MR. SPEAKER : Where do they do ?

DR. KRUPASINDHU BHOI : Bombay, Delhi, Calcutta and other places.

[Translation]

SHRI K. D. SULTANPURI (Simla) : Something is happening in Kulu also.

(Interruptions)

[English]

MR. SPEAKER : No more clarifications.

Shri Dega, you have moved your amendment to the motion for consideration.

SHRI MOOL CHAND DAGA : I seek leave of the House to withdraw my amendment to the Motion for Consideration.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER : The question is :

"That the Bill to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances and for matters connected there with, be taken into consideration."

The motion was adopted.

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

Clause 2—Definitions

SHRI D. B. PATIL (Kolaba) : I beg to move :

"Page 3 line 17,—

omit "medicinal cannabis", (2)

MR. SPEAKER : I shall now put amendment to clause 2 moved by Shri Patil to the vote of the House.

Amendment No. 2 was put and negatived.

MR. SPEAKER : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—Power to add to or omit from the list of Psychotropic Substances

SHRI D. B. PATIL : I beg to move :

Page 5, line 14—

after "solid" insert—

"is contained in every one hundred grams". (3)

Sir, I add 'one hundred grams' because I feel that it has been left out inadvertently. I hope it will be accepted.

SHRI JANARDHANA POOJARY : In respect of Clause 3, the basis for calculating the percentage in the case of liquid preparations has been proposed with reference to the volume of liquid preparation. So, this provision is to be retained. We are not agreeing to the amendment.

MR. SPEAKER : I put amendment No. 3 to Clause 3 moved by Shri D. B. Patil to the vote of the House.

Amendment No. 3 was put and negatived.

MR. SPEAKER : The question is :

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

MR. SPEAKER : Mr. Munsli, are you moving your amendment to Clause 6 ?

SHRI PRIYA RANJAN DAS MUNSI : No Sir.

MR. SPEAKER : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

MR. SPEAKER : Mr. Munsli, are you moving your amendment to clause 8 ?

SHRI PRIYA RANJAN DAS MUNSI : No Sir.

MR. SPEAKER : The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9—Power of Central Government to permit, control and regulate

SHRI PRIYA RANJAN DAS MUNSI : I beg to move :

[Shri Priya Ranjan Das Munsli]

Page 7, line 42—

for “and regulate” substitute “regulate
and ban” (13)

Page 8,—

after line 16, add—

“(viii) the cultivation, sale, import,
export use or abuse of the cannabis plant
of the genus *cannabi* or *ganja* etc.”
(14)

Mr. Speaker, Sir, this is a very simple
thing. It is said that subject to the provisions
of sections 8, the Central Government may
permit and regulate the cultivation. I add
only one word, namely ‘ban’. I feel that it
is very necessary for the Government to have
a provision to ban the cultivation.

MR. SPEAKER : I do not think there is
much in it. I put amendments Nos. 13 and 14
to Clause 9, moved by Shri Priya Ranjan
Das Munsli to the vote of the House.

Amendment Nos. 13 and 14 were put and
negatived.

MR. SPEAKER : The question is :

“The Clause 9 stand part of the
Bill.”

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10—Power of State Government to
permit, control and regulate

SHRI PRIYA RANJAN DAS MUNSLI :
I beg to move :

Page 9, line 21,—

for “and regulate” substitute “regulate
and ban”(15)

Page 9,—

after line 41, add—

“(vii) the cultivation, sale, import,
export use or abuse of cannabis plant
of the genus *cannabi* or *ganja*, etc.”
(16)

I have moved this amendment because I
think that at the stage of drafting, the officers
might have committed this mistake. I also
draw the attention of the Minister to page 9,

line 41. He has not made any mention about
the cultivation of cannabis plant of the genus
cannabi or *ganja* and about their sale, import,
export, use or abuse. I do not know why it
is excluded. He does not make it complete,
which means that it will be left out. Will the
Minister clarify ?

MR. SPEAKER : Mr. Minister, do you
have anything to say ?

SHRI JANARDHANA POOJARY : No,
Sir.

MR. SPEAKER : I put amendment Nos.
15 and 16 to Clause 10, moved by Shri Priya
Ranjan Das Munsli to the vote of the
House.

Amendments Nos. 15 and 16 were put
and negatived.

MR. SPEAKER : The question is :

“That clause 10 stand part of the
Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

MR. SPEAKER : Mr. Patil are you
moving your amendment ?

SHRI D. B. PATIL (Kolaba) : No.

MR. SPEAKER : The question is :

“That Clause 11 stand part of the
Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 to 14 were added to the Bill.

Clause 15—Punishment for Contravention
in relation to poppy straw

SHRI MOOL CHAND DAGA (Pali) :
I move :

Page 11, line 28,—

for “two lakh rupees” substitute—
“five lakh rupees” (51)

Page 11, line 30,—

for “two lakh rupees” substitute—
“five lakh rupees” (52)

MR. SPEAKER: Now, I put Shri Daga’s
Amendments to the vote of the House :

Amendments Nos. 51 and 52 were put
and negatived.

MR. SPEAKER : The question is :

"That Clause 15 stand part of the
Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—Punishment for Contravention
in relation to Coca plant and Coca leaves

SHRI PRIYA RANJAN DAS MUNSI
(Howrah) : I beg to move :

Page 12, line 8,

for "one lakh" substitute "five
lakh" (17)

Page 12, line 8,

for "two lakh" substitute "ten
lakh" (18)

Page 12, line 10,

for "two lakh" substitute "ten
lakh" (19)

My Amendment today is the sum total
of the speeches of the hon. Members. If
there is a fine of only one lakh, then why
not five lakhs ?

SHRI JANARDHANA POOJARY :
I am sorry, even in earlier Amendments also,
I wanted to submit that there is a provision.
So far as this hon. Member is concerned,
he would have gone through it. I don't want
to say that didn't go through that. If the
hon. Member goes through Clauses 10 (a) (i)
and (10)(2), it is very clear. Here also if
you kindly go through it the provision is
there. There also it is very clear the Court,
may, for the reason to be recorded in the
judgement, impose a fine of Rs. 2 lakh.

MR. SPEAKER : Now I put Shri
Munsi's Amendment to the vote of the
House.

Amendments Nos. 17, 18 and 19 were put
and negatived.

MR. SPEAKER : The question is :

"That Clause 16 stand part of the
Bill."

The motion was adopted.

Clause 16 was added to the Bill.

MR. SPEAKER : Mr. Priya Ranjan
Das Munsi, are you moving the amendments
to clause 17 ?

SHRI PRIYA RANJAN DAS MUNSI :
No, Sir.

MR. SPEAKER : Shri Mool Chand
Daga—not present.

The question is :

"That Clause 17 stand part of the
Bill."

The motion was adopted.

Clause 17 was added to the Bill.

MR. SPEAKER : Are you moving the
amendment to clause 18 ?

SHRI PRIYA RANJAN DAS MUNSI :
No, Sir.

MR. SPEAKER : The question is :

"That clause 18 stand part of the
Bill."

The motion was adopted.

Clause 18 was added to the Bill.

MR. SPEAKER : There are amendments
to clause 19 in the name of Shri Priya
Ranjan Das Munsi.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That clause 19 stand part of the
Bill."

The motion was adopted.

Clause 19 was added to the Bill.

MR. SPEAKER : There are amendments
to Clause 20.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That Clause 20 stand part of the
Bill."

The motion was adopted.

Clause 20 was added to the Bill.

MR. SPEAKER : Are you moving the amendment to clause 21 ?

SHRI PRIYA RANJAN DAS MUNSI :
No, Sir.

MR. SPEAKER : The question is :

"That Clause 21 was added to the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

MR. SPEAKER : Now Clause 22. Mr. Das Munsii, are you moving your amendment ?

SHRI PRIYA RANJAN DAS MUNSI :
No.

MR. SPEAKER : The question is :

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

MR. SPEAKER : No Clause 23. Mr. Das Munsii.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving the amendment.

MR. SPEAKER : The question is :

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

MR. SPEAKER : Now Clause 24. Shri Das Munsii.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That Clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

MR. SPEAKER : Now Clause 25. Shri Das Munsii.

SHRI PRIYA RANJAN DAS MUNSI :
I am not moving.

MR. SPEAKER : The question is :

"That Clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

MR. SPEAKER : There is no amendment to Clause 26. The question is :

"That Clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27—Punishment of illegal possession in small quantity to personal consumption of any narcotic drug or psychotropic substance or consumption of such drug or substance

MR. SPEAKER : Now Clause 27. Now Mr. Shantaram Naik, are you moving ?

SHRI SHANTARAM NAIK : Yes, I am moving. I beg to move :

Page 15, lines 18 and 19,—

for "may extend to one year or with fine or with both".

substitute—

"shall not be less than two months but which may extend to one year." (5).
Page 15, lines 22 and 23,—

for "may extend to six months or with fine or with both"

Substitute--

"shall not be less than one month but which may extent to six months." (6).

MR. SPEAKER : Mr. Das Munsii, are you moving ?

SHRI PRIYA RANJAN DAS MUNSI :
Yes, I am moving. I beg to move :

Page 15, line 19,—

for "one year" substitute "there years" (47)

Page 15, line 22,—

for "six months" substitute "two years" (48)

SHRI SHANTARAM NAIK : All the hon. Members who participated in the discussion have agreed that those who consume even very small quantities *i.e.* for personal purposes, must be awarded imprisonment compulsorily. That has been the tone of the House. Here, as the Clause stands, if I have got a small quantity of narcotic in my pocket, and if I say that I have got it for my consumption...

MR. SPEAKER : I think they have some licence...

SHRI SHANTARAM NAIK : No. If say that it is meant for my personal consumption, then I can be left free, with fine. If I say it is for sale, then I will be sent to jail for ten years, etc. This is the substance of the Clause. I am again requesting the hon. Minister to say something.

MR. SPEAKER : Now Shri Das Munsi, do you want to say anything ?

SHRI PRIYA RANJAN DAS MUNSI : The provision is very peculiar. If somebody consumes it, the imprisonment is only for six months. There is a gang in India operating in universities and colleges which tries to increase its strength; thereby, it tries to entuse other young men to take them, even through tea and coffee. No exemplary punishment is given. Anybody can become a gang leader, and anybody can become an addict. Their parents have a prestigious position in society, so, nothing will happen. If they are sent to prison for six months, they will come out through bail. They will again go inside the jail, and give them these things there also. So, why not provide that those who consume it will have to suffer two years' imprisonment ? Six months is nothing. (*Interruptions*) Does it mean anything ? What is the smeaning of this provision ? (*Interruptions*) You are trying to create a tradition that consuming it is no crime. So, you can consume; only selling and giving it is a crime. That is bad. I say that even those who consume and encourage others to consume should be punished, and made to suffer imprisonment for not less than two years. That is my amendment. If it is six months, it is no use. People will feel that if they are caught, they will have imprisonment only for six months, and that it is nothing. (*Interruptions*).

SHRI JANARDHANA POOJARY : I have earlier indicated in my main reply under what circumstances a Judge has to act. The punishment has also been prescribed. The minimum is not prescribed. The point is, as I stated earlier, that the Judde can award even six moths. After seeing the gravity of the offence, he can give three moths, six months or nine months.

SHRI PRIYA RANJAN DAS MUNSI : Let the hon. Minister show the provision whereby the Judge can extend it. As he cited the provision earlier, he can now show the provision regarding this. I have also gone through it.

MR. SPEAKER : Do you mean to say that this time he has not gone through the provision ?

SHRI PRIYA RANJAN DAS MUNSI : He is following the earlier provision not the one relating to this case. Option is there only in respect of fine. (*Interruptions*)

SHRI JANARDHANA POOJARY : I had it earlier also.

SHRIMATI VYJAYANTHIMALA BALI (Madras South) : I have spoken in detail on this subject.

SHRI JANARDHANA POOJARY : I am reading Clause 39 which deals with the power of courts :

"39. (1) When any addict is found guilty of an offence punishable under Section 27 and if the court by which he is found guilty is of the opinion, regard being had to the age, character, antecedents or physical or mental condition of the offender, that it is expedient so to do, then notwithstanding anything contained in this Act or any other law for the time being in force, the court may, instead of sentencing him at once to any imprisonment, with his consent, direct that he be released for undergoing medical treatment..."

SHRI PRIYA RANJAN DAS MUNSI : That is about the addicts.

SHRI JANARDHANA POOJARY : According to Criminal Jurisprudence also, it is prescribed that seeing the age, and seeing the gravity of the offence also, the Judge has the discretion.

[Shri Janardhana Poojary]

Earlier, some people, innocent people were administered the punishment and that has been given in this House and some people, as I stated earlier, some girls,... (Interruptions).

MR. SPEAKER : They are asking you about the punishment. They should be deterrent punishment.

SHRI JANARDHANA POOJARY : If one possesses small quantities, it is for him to show that it is for his personal purposes.

SHRI SHANTARAM NAIK : I have seen that in Goa for the last five years only Rs. 50 is the fine awarded; even if it is given 10 times, it will not be deterrent.

MR. SPEAKER : They want at least five years imprisonment; not six months.

SHRI JANARDHANA POOJARY : If I am in possession of quantity and I am using it for somebody else, and that is an offence, that is if that possession is an offence, the burden is on me to prove that it is for my consumption. Otherwise the presumption is against me.

SHRI PRIYA RANJAN DAS MUNSI : The provision may be read again.

What happens to gangsters groups ? They collect certain quantity of the drug for the gangsters and distribute it among the group, then each of the members will have only some small quantity. Certainly, there will be only small quantity with them. Such gangsters will not be punished or they will get only less than six months. Nothing will happen. I do not understand this. This is what happening in the Universities. The provision is there too but they do not get a higher punishment.

SHRI JANARDHANA POOJARY : Sir, I will just make it very clear. I am having something for the purpose of giving it to others, or to administer it to others, then it is punishable and I cannot possess it, and only Section 27 is there. If I am possessing some quantity if it is for my personal consumption the burden is on me to say that it is for my personal consumption.

MR. SPEAKER : Do I put all the amendments to the vote of the House, then ?

SHRI SHANTARAM NAIK : I do not press it; I will withdraw it.

SHRI PRIYA RANJAN DAS MUNSI : I also do not press it and I will convince the hon. Minister after the session.

MR. SPEAKER : Is it the pleasure of the House that the amendments moved by Sarvashri Shantaram Naik and Priya Ranjan Das Munsii be withdrawn ?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 5, 6, 47 and 48 were by leave withdrawn.

MR. SPEAKER : The question is :

“That Clause 27 stand part of the Bill.

The motion was adopted.

Clause 27 was added to the Bill.

Clauses 28 to 33 were added to the Bill.

Clause 34—Security for abstaining from Commission of offence

SHRI D. B. PATIL : I beg to move :

Page 17, line 17,

after “abstaining” insert—

“after such person has completed the term of imprisonment”(7)

Page 17, lines 20 to 23,—

Omit “and the provisions of the Code of Criminal Procedure, 1973, shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code”(8)

The court has been authorised to ask for a bond after the conviction of the offender. I am suggesting one condition. There are instances that the offenders are set free even before they have completed their term of imprisonment. I know a specific case in Maharashtra. One industrialist who was convicted for economic offences, was set free before he had completed his term of imprisonment. It is known as Fadco affair. That matter was raised in the State Assembly and the Chief Minister had to express regret for that in the House, That is why, I have given my amendment.

MR. SPEAKER : Now, I put both the amendments of Shri Patil.

Amendments Nos. 7 and 8 were put and negatived.

MR. SPEAKER : The question is :

“Clause 34 stand part of the Bill.”

The motion was adopted.

Clause 34 was added to the Bill.

Clauses 35 to 45 were added to the Bill.

Clause 46 was added to the Bill.

Clause—46A (New Clause)

SHRI PRIYA RANJAN DAS MUNSI :
I beg to move :

Page 21, —

after line 26, insert—

“46A. Any person who provides positive and valid information of unauthorised cultivation of poppy and cannabis plant, manufacture or sale, use or abuse, import or export of materials like charas, Hashis, ganja, heorin and other narcotic and psychotropic substances to the Government at appropriate level shall be rewarded with an amount varying from two thousand rupees to one lakh rupees according to the nature of information and the satisfaction of the department as per the quantity of material seized or dispossessed.”(50)

The Minister, at the outset, had stated in the House that the whole object of the Bill was to frustrate the designs of those people who were encouraging this trade to poison the young generation of our country. There are many officers connected with the Narcotics Commissioner, who can deal with it appropriately. My amendment is that any person who provides positive and valid information, he should be suitably rewarded. For instance, a few day back, in Rajasthan and somewhere in UP, gangs of people were caught who were carrying Hashis and Charas worth a few crores of rupees. That news came to Government not by the police agency but by the local villagers. The people who help the society should be rewarded. I propose that let there be a healthy tendency among the young people to stop sale of narcotic drugs in the black-market, export

and import illegally and unauthorised cultivation of poppy and cannabis plants, etc.

There is a new tendency developed in the medicine shops. After 9.00 P. M. any time you go and find some people sending their agents to collect manadrine tablets. There are distributed to the students with Thums UP and Limca. And these are consumed in bulk. With that they consume a preparation called marijuana. Marijuana is the combination of hashish and charas. They mix it with that tablet and put it in Thums Up and Limca. These things are stored in respective places. So, I say if this kind of information is always given to catch hold of those things which are unauthorisedly stored, then why not you reward them also? They will do it. If you go on rewarding them, the whole of your Department will collect the information. This is my only submission to the Minister if he can accept it.

SHRI JANARDHANA POOJARY : The suggestion will be considered.

MR. SPEAKER : I now put amendment No. 50 moved by Shri Priya Ranjan Das Munsi, to the vote of the House.

Amendment No. 50 was put and negatived.

MR. SPEAKER : The question is :

“That clauses 47 to 77 stand part of the Bill.

The motion was adopted.

Clauses 47 to 77 were added to the Bill.

Clause 78 was added to the Bill.

Clauses 79 to 83 were added to the Bill.

MR. SPEAKER : The question is :

“That the Schedule stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

MR. SPEAKER : The question is :

“That Clause I, Enacting Formula and Title stand part of the Bill.”

The motion was adopted.

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

SHRI JANARDHANA POOJARY : Sir,
I beg to move :

“That the Bill be passed.”

MR. SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.

14.33 hrs.

[English]

LOKPAL BILL

Re : Motion for reference to Joint
Committee

MR. SPEAKER : Next item is Lokpal Bill. Shri Ashok Sen. Before you start Mr. Sen, I have a bundle of amendments and I have gone through the Press reports also. I thought it was better to talk to the hon. Opposition Leaders as well as the rulling group. I came to the conclusion that it needed more exhaustive study and clarification before we put it to the House. So, I think both the parties have agreed to my suggestion and I will like now that this Bill be referred to a Joint Select Committee. Mr. Sen, you bring a motion. How much time will you take ?...

(Interruptions)

PROF. MADHU DANDAVATE
(Rajapur) : I have only one observation, Sir
(Interruptions).

MR. SPEAKER : We will take it up afterwards.

SHRI V. KISHORE CHANDRA S.
DEO (Parvathipuram) : We can discuss in
the House and then it can be referred to the
Committee.

MR. SPEAKER : No, we will just refer
it to the Committee. They will discuss it
and... (Interruptions).

PROF. MADHU DANDAVATE : Sir,
as far as the records are concerned, let not
the suggestions come from the Chair.

MR. SPEAKER : Let it be a consensus
of the whole House.

PROF. MADHU DANDAVATE :
Except obituary reference, nothing should
come from the Chair.

SHRI INDRAJIT GUPTA (Basirhat) :
Sir, they are not yet ready with their motion.
It seems they will take some time...
(Interruptions).

MR. SPEAKER : It will just take a few
minutes.

SHRI INDRAJIT GUPTA : Then why
don't you permit in this House a general
discussion ?

MR. SPEAKER : If I once start permit-
ting, it will take four hours. There will be
no end to that...

(Interruptions)

MR. SPEAKER : Shri K. C. Pant.

MR. SPEAKER : So, you will come at
4.30.

THE MINISTER OF LAW AND
JUSTICE (SHRI A. K. SEN) : At 4.30 we
have a meeting. We shall come at 4 O'clock.

PROF. MADHU DANDAVATE : Why
do they require so much time ? There is a
readymade motion. Three times in the past
they have moved sending the Bill to a Joint
Select Committee.

(Interruptions)

14.36 hrs.

AUROVILLE (EMERGENCY PROVISIONS) AMENDMENT BILL

(As passed by Rajya Sabha)

[English]

THE MINISTER OF EDUCATION
(SHRI K. C. PANT) : Sir, I beg to move* :

“That the Bill to amend the
Auroville (Emergency Provisions) Act
1980, as passed by the Rajya Sabha, be
taken into consideration.”

*Moved with the recommendation of the President.