

villages. In the first instance, the ONGC authorities promised that they are going to construct a semi-permanent house and they are going to construct 500 pacca houses for the victims. But so far they have not done anything to the people. The State Government of Andhra Pradesh has also requested a number of times to shift the ONGC Regional Office from Madras to Rajahmundry where a lot of ONGC activities are taking place.

Another lacuna in this ONGC's indifferent attitude is that they are not cooperating with the local officials there. Even the revenue people and the police people are not happy with the attitude of the ONGC because their budget is audittless budget, they are spending crores of rupees for their own purpose, but not for the local area development and the people there. The other important thing is that the ONGC authorities there are not interested about the local area's development in the Konaseema area. In the year 1987 the ONGC has agreed to give Rs. 23 crore and odd for the roads in the Konaseema area to the Government of Andhra Pradesh and the amount was revised to Rs. 30 crore in the year 1990. The ONGC has agreed, but so far, no single Rupee has been released by the ONGC for the above purpose. They have also promised, as per the request of the Government of Andhra Pradesh, to finance construction of four bridges namely, Vasishta, Yanam-Ydurulanka, Kotipalli-Mukteswaran and Bodasakuru, but they have not sanctioned anything so far.

In the last blow-out the ONGC has not taken any action against the officials who are responsible for this second blow-out in Komarada.

They are always Acting in this manner only and so far they have not taken any action against the ONGC officials who are responsible for this blowout. Since 1987, the State Government has also been asking the ONGC to contribute towards local area development. But they have not given any funds for local development also. The ONGC is using roads and bridges in the area but it is not helping in any way for area development. May I request the hon. Speaker to kindly ask to Ministry to make a statement on this important issue?

MR. SPEAKER: I will ask the Minister. You please sit down now.

SHRI G.M.C. BALAYOGI: Please direct the Minister to make a statement regarding the compensation to be paid to those people who lost their crops, houses and everything. Once again I request the hon. Minister through you, Sir, to make a statement on this issue and release liberal compensation for damages to the crops and funds for area development and also compensation for the damaged houses of the people and farmers who lost everyting in the blowout.

MR. SPEAKER: Mr. Minister, I would like you to make a statement on this subject. *(Interruptions)*

KUMARI MAMATA BANERJEE (Calcutta South): Please allow me to raise a very important matter. You are allowing only those who are sitting on that side.

MR. SPEAKER: I will allow you. Please wait.

SHRIMATI MALINI BHATTACHARYA (Jadavpur): Will you please allow me too? I have also given a notice.

MR. SPEAKER: Mr. Nitish Kumar please. Nitishji, you can speak from your seat itself. Just press the switch on the mike.

*[Translation]*

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, in view of the forthcoming legislative Assembly elections, in Bihar, I would like to draw your and the attention of the House towards the Law and order situation prevailing in the state.

Law and order situation in Bihar is deteriorating day by day. According to the instructions of the Election Commission, State Government of Bihar has to deploy the available police force during the elections. Apart from it, 450 companies of Central Police Force is being sent. It means that 32,000 police personnel by the Central Government and 50,000 police personnel by the State Government will be provided, whereas total number of booths to be set up in Bihar is going to be 82,000 only. Static force should be deployed atleast at sensitive and hyper sensitive booths. In view of the availability of police force, only 10 percent booths can be given proper police protection. It means that rest of the 90 per cent booths will remain unmanned and without any protection. That means we are going to see the worst ever election scnenario in Bihar. There will be free for all. There will be booth capturing, rigging or all sports of malpractices. I think that it will be the most violent elections.

Sir, through you, I would like to draw the attention of the House towards this and request the Central Government to send the required number of police personnel demanded by the Election Commission. Various political parties of the State feel that there is no possibility of any free and fair elections without sending 1500 companies of CRPF and other Central Forces. I would also like to submit that the people with licenced arms are being asked to deposit them whereas arsenal of unlicenced arms is lying with the people, and no action has been taken to seize it. Criminals who can help the ruling party are being released and others are being terrorised. This is the situation prevailing in the state.

In such a situation, Election Commission should be given free hand to deal with the situation and whatever police force is required, should be deployed there. Through you, we request this only.

12.50 hrs.

RE. MISUSE OF TADA AND DEMAND FOR ITS REPEAL

*[English]*

KUMARI MAMATA BANERJEE (Calcutta South) : Mr. Speaker Sir, I am very grateful to you for giving me an opportunity to speak. I am not raising my issue. I am raising an issue which is related to the people, specially the minority people.

Sir, I want to raise the issue of TADA. The message has gone down to the grassroot people that more than 64,888

persons have been arrested under TADA. In some places it has been misused like anything and even women and children have not been spared.

Sir, the State Home Minister is here and I have come here only for this purpose. Through you, I would like to request the Government that TADA should be notified in specific areas where the problem of terrorism is there and the administration should not misuse TADA to harass the common and innocent people. When the women and children are not spared, I do not know what is going on in case of others. That is why my request would be that the Government should notify the TADA Bill for specific areas where national integration and national security is at stake. It should not be used for redressing personal grievances or with a vindictive attitude.

I think the Government should bring in the TADA amendment Bill and notify specific areas for its operation and the Innocent people should be released immediately.

Sir, the Government of Madhya Pradesh and Uttar Pradesh have already decided to release people detained under TADA. But there are also many people who have been arrested under TADA in Bombay, Rajasthan and specially in Gujarat. Their number is more than 64,888. So, I request the Home Minister to intervene in the matter and take serious note of it.

MR. SPEAKER: MR. RAM VILAS PASWAN.

...(Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: Sir, one of our leaders in Assam has been arrested under TADA. TADA should go lock stock and barrel. ...(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): Sir, one of the leaders of our Party, who is a State Secretariat member has been arrested under TADA.

MR. SPEAKER: Only MR. Paswan's statement will go on record.

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, I rise to support the views expressed by Kumari Mamta Banerjee. I do not find any other law which has been misused so openly as TADA. From one of the questions replied in the last session, it is seen that 68 thousand persons were detained under TADA. Out of these detenus 19 thousand belong to Gujarat which is not a terrorist state, Andhra Pradesh is second and then comes Maharashtra. You will find that there has been no misuse of TADA in Janta Dal and CPM-ruled states but the Congress ruled states have grossly misused it. (Interruptions) When we tell the truth you do not accept it but during elections when you need votes, you come to minorities.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): We are supporting you on this issue but you have politicised the matter.

SHRI RAM VILAS PASWAN: You are also playing the politics. During election campaign Shri Ghulam Nabi Azad

has said that TADA would go otherwise he would quit. I would like to say that TADA should be repealed. TADA should not be applied areawise. when the Bill regarding TADA was introduced in the House, we had said while taking part in the debate that if it is applied areawise, then there are chances that it may be misused. The thing which can not be done by law or in a normal way can never be done by enacting a special law. If elections are being conducted properly today, it is not due to the special law but due to the previous law. Therefore, I urge upon the Government to repeal TADA. If it continues we will oppose it. The Government should not have a vague policy.

[English]

SHRI NIRMAL KANTI CHATTERJEE: Sir, I have already submitted that we are in agreement with what Ms. Mamata Banerjee has said.

MR. SPEAKER: What you have submitted probably has not gone on record.

SHRI NIRMAL KANTI CHATTERJEE: Sir, the misuse of TADA is illustrated by the fact that even leaders of our Party are put under TADA in Assam. His name is Comrade Deka. This is how TADA is being operated all over the country. Therefore, the demand that TADA be scrapped is one with which we are in unison. This is all that I wish to say. I have also indicated that Miss Mamata Banerjee has for once raised a valid question and we are in support of her.

SHRI MURLI DEORA (Bombay South): She always raised a valid question.

SHRI NIRMAL KANTI CHATTERJEE: Sir, would you please give me a minute more for raising another item?

MR. SPEAKER: No.

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Sir, I would like to say that TADA is a draconian law which has been misused for a long time now. As it has been said here, under this law more than 68,888 people have been put behind the bar. Unfortunately, out of them 88 per cent are Muslims. Therefore, I am very much intrigued at this and pained to see these innocent people having put behind the bar for no serious charges against them. They have been in jail for years now and are undergoing tremendous torture inside the jail. These innocent people have been tortured for the mistakes which they did not commit at all. Everybody says that this law has been misused. The State Home Minister, Shri Rajesh Pilot, also says that it is being misused. When the Government itself is saying that this has been misused I do not know why the Government has not come forward to scrap the entire law. This has to be done at the earliest possible time, otherwise things will become worse. I hope the Government will give due attention to this particular matter as it is very much urgent and see that TADA is scrapped as early as possible. It is no use promising it in elections. Elections are over. This should be taken up immediately and TADA should be scrapped once for all at the earliest possible time.

SHRI INDRAJIT GUPTA (Midnapore): In view of the

fact that there is a statement on record in this House by the hon. Minister of Home Affairs admitting that TADA is being misused and cases of misuse are known to the Government, I really do not see the point of our going on repeating that it is being misused. What is appropriate now is that the Government should come forward with a statement or an assurance that in view of the fact that they agree that it is being misused they are going to take action either by way of repealing that Act or limiting its application to certain areas only. I do not support the idea of limiting its application to certain areas. I would like to know whether they are going to bring any amendment in this regard or whether they are going to repeal that Act. Everybody knows that it is being misused. We go on shouting here, which we have to do. The election results are coming. Some more will come. We do not have to wait for very long. As far as minority community is concerned, the ruling party should have the sense to understand how they have damaged their own cause by alienating the whole minority community by using this Act against them in a very brutal and deliberate manner. I do not know what they intend to do. This House at least should compel the Government to repeal TADA. This is an obnoxious law which is defaming us before the whole world. We talk about human rights and all that. People throughout the world know that this kind of Act is being used here which the Government itself cannot defend. Therefore, Sir, let the Government come forward with some assurance or statement on this.

[Translation]

SHRI CHANDRA JEET YADAV (Azamgarh): Mr. Speaker Sir, I support the demand that TADA should be repealed. The statement of Shri Jaffar Sharief is on the record. Many people have been arrested under this law and injustice have been done. Shri Tytler Sahib has also expressed his views just now. All of us are raising our voices collectively. The hon. Prime Minister has publically said that it has been misused and it needs to be amended. He himself has said that it should be amended. Besides it, thousands of people have been arrested under TADA and are in jail. A new way is being adopted. I have been to Lucknow recently. The people of a mohalla/street had invited me. I was informed that a poet and writer has been arrested under TADA.

13.00 hrs.

The Government of Uttar Pradesh has released some people but could not release him. His case has been transferred to Jaipur now and the proceedings are going on there. His son and his family members met me and they said that he is quiet innocent. There are thousands of such cases. It is possible now and merely giving statements will not serve the purpose. There is resentment among the people. It is the exploitation of human rights and an attack on personal freedom. This fact can not be covered. We request our colleagues of B.J.P... (Interruptions)... no 80 per cent people are not in it. Most of them are the people of the minority community. There is resentment among the people.

I urge upon the Government through you that this Act

should be immediately repealed. Find out some other effective way to detect the anti-nationals. It has been proved that this act is being misused. Therefore it should be repealed.

[English]

SHRI JASWANT SINGH (Chittorgarh): Mr. Speaker, sir, I had no intention of intervening in what is turning out to be a mini discussion on TADA. I recollect very well, Sir, that when this Act was first brought to Parliament we were in the forefront of opposing any such Act, because the very existence of an Act of this kind on the Statute Book of any country is an admission of gross failure of the most essential aspects of governance. We pointedly, even then, made it explicit, on behalf of our party, that such an Act is a slur upon the good name of India and is a direct condemnation of the forty years of misrule of your party... (Interruptions)... I am most astounded at the unbelievable hypocrisy of the Ruling party, being the originators of this Act. Thereafter, despite consistent warnings that it will be misused against political adversaries—repeatedly we pointed out that it is being misused in Gujarat, and elsewhere—they were the perpetrators, they brought this Act into existence, and they misused it.

I am now intrigued, Sir, by the timing of this sudden demand for repeal of this Act. The original purpose of the Act is to enable the State to act effectively against terrorism. Has terrorism vanished because of their misgovernance? Has terrorism gone? Have no more bomb blasts taken place? I am conscious, Sir, that this is not a debate on TADA.

I am also intrigued, Sir, at the unbelievable pusillanimity of this Government. A foreign Prime Minister is telling you that our relations will not normalise unless you withdraw TADA. I am amazed at the unbelievable hypocrisy and pure electoral interest surrounding the demand for repeal of TADA suddenly. We are second to none in our quest for establishing a civilised State and for asserting human rights in this country, but we are certainly not going to accept this kind of hypocrisy on the part of the Ruling party. The Prime Minister speaks in one voice, the Minister of Home speaks in another voice, and his Minister of State speaks in in another voice. All that I ask the Ruling party to do is, if the Government has changed its mind and if it wants to repeal this Act, it must come with facts and figures and it must speak in one voice. Let the Prime Minister come to this House and say as to where the Government stands on this issue. (Interruptions)

SHRI MURLI DEORA: Sir, after independence, no Act of Parliament has been so much misused as TADA had been misused. The Government of India's representatives before the Human Rights Commission had given an undertaking that this Act had been brought to protect the human rights and unfortunately, it had not served any purpose for which it was intended. I agree with what my friends, Shri Jaswant Singh and Shri Indrajit Gupta, have said.

Shir S.B. Chavan, several times in this House, in Bombay and in other places of India had said that this Act

is misused again and again by the States Governments. Shri Rajesh Pilot, when he visited Bombay and several other cities—whether during elections or before the elections—had said that: “When you very well know that the States are misusing it what is the purpose of continuing with such an Act?”

I would congratulate Kumari Mamata Banerjee for raising this issue and I would very humbly request the Government to reconsider this. The assurance that the Government had given to this very House at the time of introducing this Bill had not been fulfilled. So, it is high time that the Government withdraws this TADA.

**13.10 hrs.** PAPERS LAID ON THE TABLE

**Notification under the Railway Protection Force Act, 1957 etc.**

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): I beg to lay on the Table—

- (1) A copy of the Railway Protection Force (Amendment) Rules, 1994 (Hindi and English versions) published in Notification No. G.S.R. 574 in Gazette of India dated the 7th November, 1994 under sub-section (3) of section 21 of the Railway Protection Force, Act, 1957.

[Placed in Library. See No. LT 7014/95]

- (2) A copy each of the following Notifications (Hindi and English versions) under section 199 of the Railways Act, 1989:—
  - (i) The Railway Passengers (Cancellation of Tickets and Refund of Fare) Third Amendment Rules, 1994 published in Notification No. G.S.R. 864(E) in Gazette of India dated the 15th December, 1994.
  - (ii) G.S.R. 878(E) published in Gazette in India dated the 23rd December, 1994 containing corrigendum to the notification No. G.S.R. 737(E) dated the 4th October, 1994.
  - (iii) G.S.R. 879(E) published in Gazette in India dated the 23rd December, 1994 containing corrigendum to the notification No. G.S.R. 551(E) dated the 29th August, 1991.

[Placed in Library. See No. LT. 7015/95]

**Review on the working of and Annual Report of the Hindustan Prefab Ltd., New Delhi for 1993-94.**

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEELA KAUL): I beg to lay on the Table a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

- (1) Review by the Government of the working of the Hindustan Prefab Limited, New Delhi, for the year 1993-94.
- (2) Annual Report of the Hindustan Prefab Limited, New Delhi, for the year 1993-94 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

[Placed in Library See No. LT 7016/95]

**Notification under Mines and Mineral (Regulation and Development) Act, 1957**

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): On behalf of Shri Aji Panja, I beg to lay on the Table a copy of the Notification No. G.S.R. 27(E) (Hindi and English versions) published in Gazette of India dated the 13th January, 1995 making certain amendments in the Second Scheduled to the Mines and Minerals (Regulation and Development) Act, 1957 under sub-section (1) of section 28 of the said Act.

[Placed in Library, See No. LT 7017/95]

**Review on the working of and Annual Report of the Dredging Corporation of India Ltd., New Delhi for 1993-94 alongwith a statement showing reasons for delay in laying these papers.**

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): I beg to lay on the Table—

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—
  - (i) Review by the Government of the working of the Dredging Corporation of India Limited, New Delhi, for the year 1993-94.
  - (ii) Annual Report of the Dredging Corporation of India Limited New Delhi, for the year 1993-94 alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.

- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library. See No. LT 7018/95]

**Annual Report and Review on the working of Central Pollution Control Board, Delhi for 1993-94.**

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): On behalf of Shri Kamal Nath I beg to lay on the Table—

- (1) A copy of the Annual Report (Hindi and English versions) of the Central Pollution Control Board, Delhi for the year 1993-94 under sub-section (1) of section 39 of the Water (Prevention and Control of Pollution) Act, 1974.
- (2) A copy of the Review (Hindi and English versions) by the Government of the working of the Central Pollution Control Board, Delhi for the year 1993-94.

[Placed in Library. See No. LT 7019/95]