

being brought at par with others in the society by providing reservation to them, Rajbhar Caste should also be included in the list of Scheduled Castes so that they may also enjoy the aforesaid facilities.

I urge upon the Government that steps should be taken as early as possible to include 'Rajbhar' caste in the list of Scheduled Castes so that they may also avail facility of reservation etc. in future and their backwardness could be removed and they may also occupy proper place along with others in the society.

[English]

(xx) **Need to provide funds to Orissa for the treatment of patients affected by mental disorders**

SHRI CHINTAMANI JENA (Balasore): Sir, the Artificial Limb Manufacturing Corporation (ALIMCO) under the disability project of the World Health Organisation, in their survey, have pointed out that 2 per cent of the total population in the State of Orissa is afflicted by serious mental disorders. If the situation is allowed to go unchecked, the percentage would increase to 30 per cent by 2000 A.D. which would be one crore i.e. one-third of the total population of the State. Another mental expert of the Mental Health Institution under S.C.B. Medical College, Orissa, has pointed out that the existing infrastructural facilities for the treatment of mental patients in the existing three Medical College Hospitals in the State are awfully inadequate. Only 18,000 mentally sick patients would be accommodated annually for treatment and the rest 90 per cent of patients go uncared for, especially the mental patients of rural areas.

Due to constraints of resources with the State Government, only 0.2 per cent of the Health Budget of the State is spent for the

mental health care programme.

I would, therefore, request the Union Government to come in a big way to help the State to meet this challenge.

11.44 hrs.

**NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) BILL**

[English]

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

"That the Bill to amend the Narcotic Drugs and Psychotropic Substances Act, 1985, be taken into consideration.

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

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

[Sh. A.K. Panja]

grounds enabling them to continue their illicit activities.

Keeping in mind the magnitude of the threat from drug trafficking from the Golden Crescent region comprising Pakistan, Afghanistan and Iran and the Golden Triangle region comprising Burma, Thailand and Laos and having regard to the internal situation, the Prime Minister gave a 14 point directive on April 4, 1988 as a new initiative to combat drug trafficking and drug abuse. The Prime Minister also constituted a Cabinet Sub-Committee under the Home Minister to oversee and coordinate working of different Ministries and steps taken to intensify the fight against drug abuse and trafficking. The Cabinet Sub-Committee felt the need for enactment of a preventive detention law for drug traffickers for supplementing the deterrent penal provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Accordingly, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 was enacted and brought into force in August, 1988. The Cabinet Sub-Committee also recommended that the Narcotic Drugs and Psychotropic Substances Act, 1985 may be suitably amended *inter alia* to provide for:—

- (i) Making drug offences non-bailable;
- (ii) forfeiture of property of drug traffickers;
- (iii) Procedure for pre-trial disposal of seized drugs;
- (iv) not applying any privilege or remission to the punishments awarded under the Act.
- (v) Provision for death penalty for the serious drug offences;

(vi) enhancement of punishment for officers abetting drug trafficking and for others incharge of custody of patients (addicts, under-trial prisoners/prisoners) etc.

(vii) to exempt drug addicts, once in their life time who volunteer for de-addiction treatment.

Sir, the present Bill before the House, not only seeks to encompass the aforesaid areas but also seeks to remove certain difficulties faced in the enforcement of the Parient Act in the last three years and strengthen the Act further. The suggestions made by the Hon'ble Members during the course of debate in the House on the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988, have also been given due consideration.

Sir, it is the experience of the law enforcement agencies throughout the world that unless the ill-gotten wealth generated by drug and drug-related crimes is attacked by tracing, freezing and forfeiture of such assets, no amount of law enforcement efforts would make any tangible dent on illicit drug situation. Attack on the ill-gotten wealth of the drug traffickers would be like going for the jugular vein of their nefarious activities.

A new convention which, *inter alia*, provides for tracing, identification, freezing, seizure and forfeiture of properties related to drug crimes, has been, for the last three years, under negotiation and the same is going to be adopted by the Conference of the United Nations now being held in Vienna from 25th November to 20th December, 1988.

The present Bill contains a separate chapter, Chapter VA on forfeiture of property derived from or used in illicit traffic. This chapter, *inter alia*, prohibits holding of illegally acquired property which has been

defined as property acquired from illicit traffic in Narcotic Drugs and Psychotropic Substances. It also provides for identifying, seizure or freezing of illegally acquired property. It further provides for setting up of offices of Competent Authority to deal with all aspects relating to forfeiture; to appoint officers and Administrators for the Management of properties seized or forfeited and an Appellate Tribunal for such property.

The other salient features of the Amendment Bill are as follows:—

(i) to provide for the constitution of a fund for control of drug abuse and its governing body. The Fund is to be financed by such amounts as may be provided by the Parliament, the sale proceeds of any property forfeited under the Act and any grants that may be made by any person or institution;

(ii) to provide for death penalty on second conviction in respect of specified offences involving specified quantities of certain drugs;

(iii) to provide that no sentence awarded under the Act, other than section 27, should be suspended, remitted or commuted;

(iv) to provide for constitution of Special Courts;

(v) to provide that every offence punishable under this Act shall be cognizable and non-bailable;

(vi) to provide immunity from prosecution to the addicts volunteering for treatment for deaddiction or detoxification once in their life time.

(vii) to bring certain substances which are neither narcotic drugs nor psychotropic substances but are used in the manufacture or production of these drugs or substances, under the ambit of the Act. Such controlled

substances would be regulated by issue of order;

(viii) violation of the provisions relating to the controlled substances would be liable for punishment with rigorous imprisonment for a term which may extend to 10 years and fine which may extend to Rs. 1 lakh;

(ix) financing illicit traffic and harbouring drug offenders would be offences liable to punishment at the same level as per drug traffic offences.

Illicit trafficking in narcotic drugs and psychotropic substances transcends all national jurisdictions. In order to evolve effective action against drug abuse, illicit production and trafficking, it is therefore necessary to develop bilateral, regional and international instruments of cooperation. Keeping this in mind, India has entered into Bilateral Agreements, with Pakistan, Nepal and Sri Lanka. Further, the fight against drug trafficking and prevention of drug abuse has been identified as an area of cooperation under the aegis of SAARC. India is lending its support and participating very actively in various international Fora like the Sessions of the U.N. Commission on Narcotic Drugs, Sessions of the Third Committee of the United Nations General Assembly, etc. India has sent a strong Delegation to the Conference of the United Nations meeting in Vienna to finalise the International Convention against illicit traffic in Narcotic Drugs and Psychotropic substances. In fact, the Hon. Members may be glad to know that India has been unanimously elected as Chairman of the Drafting Committee for this Convention.

Sir, our Government firmly believes that the scourge of drug abuse should be wiped out and that any complacency in the fight against drug trafficking would adversely affect the well being of the society. This August House has been lending its full sup-

[Sh. A.K. Panja]

port to the Government in its fight against the drug menace and I am sure that this legislation also would meet with the full approval of the House.

I now commend the Bill for the consideration of the House.

MR. SPEAKER: Motion moved.

"That the Bill to amend the Narcotic Drugs and Psychotropic Substances Act, 1985, be taken into consideration."

DR. G. VIJAYA RAMA RAO (Siddipet): Mr. Speaker Sir, this Bill has been brought in the light of the difficulties experienced by the officials while enforcing the original law, that is, Narcotic Drugs and Psychotropic Substances Act. There were some loopholes and the officials could not effectively control the illicit trafficking of narcotic drugs. In our country there has been abundant flow of narcotic drugs from other countries.

Actually the original law is not an old one. It was recently passed by our Hon. House. It was passed in 1985. But immediately within three years the Minister could find out some difficulties and some loopholes in the original law.

11.55 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Now he has come with some amendments. With these new provisions the law will become more effective. The main object of this amendment is to forfeit the property which was being made out of illegal smuggling of narcotic drugs. Further it also constitutes a national fund for controlling the abuse of drugs. Like that there are four-five other points. All these provisions will make the law more effective and the illegal trafficking of

these drugs will be controlled in our society. These narcotic drugs and psychotropic substances are abundantly used by school and college students and the unemployed youth. They are abundantly getting these drugs in the market whereas certain drugs which are being used in the hospitals like morphia are not available in the hospitals. Outside morphia is abundantly available for the purpose of addiction.

The use of these drugs by the college students has spoiled their health and career and in-turn they are spoiling the society. In order to control the well being of the society actually this law must have very rigid provisions. It will help an individual to go on the right path. For the last 5-10 years the seizures of drugs in our country have increased. In 1983 the seizure of heroin was only 139 kg. whereas in 1987 it has gone up to 2,000 kg. Similarly in respect of hashish and charas in 1983 the seizure was only 6073 kg whereas in 1987 it has gone up to 15,000 kg. Likewise for other drugs also the seizures are going up day by day. Secondly the gold, which is a precious metal in our country, is parallely accompanying these narcotic drugs. The major route for smuggling of gold and drugs in our country continues to be Afghanistan, Pakistan, Punjab and London. Three out of ten cases both for gold and drugs smuggled and detected in India involve either a Pakistani national or a Punjabi national.

In January the Customs officials intercepted a truck/van from Ludhiana and recovered 175 kg of heroin and 39 kg of opium. Similarly in February the DRI officials arrested Mr. Mohamed Din, a Pakistani national in Delhi and recovered a huge amount of narcotics equivalent to 79 gold biscuits. In February in Delhi one Mr. Neeraj Samadhi, an Afghan refugee, was arrested and the officials recovered 237 kg of hashish. In May our BSF jawans had a shoot-out with a gang of smugglers in the Khemkaran sector of



Indo-Pak border.

12.00 hrs.

The smugglers escaped but left behind 150 kgs. of heroin of West Asian origin. The transportation of narcotics and psychotropic substances is increasing every year in our country. I think it will come down with the effective implementation of this law. But whatever law is enacted here, it is not being followed strictly by the officials concerned. There is no devotion among the officials. Because of this reason, the flow of such drugs is going up and up every day. Now I hope the law will become more effective and the flow of drugs will be controlled. The younger generation will not be addicted and spoiled. The social conditions, in general, will improve.

SHRI AJAYMUSHRAN (Jabalpur): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1988. It is a matter of compliment that the Government has brought this Amendment Bill to amend and make the Narcotic Drugs and Psychotropic Substances Act, 1985 more effective and more substantial by way of incorporating very deterrent punishments.

If I am not wrong, today in the Indian-sub-continent, which consists of India, Pakistan, Burma, Ceylon and Bangladesh, the biggest nuisance, so far as illegal trafficking is concerned, is not gold. It is the narcotic drugs and psychotropic substances. In our country, a large number of younger generation is getting addicted not only in a big cities like Delhi, Bombay, Calcutta and Madras but even in small townships and playing havoc with their health and with their other educational pursuits. I personally had brought this point as early as 1985. Although I fully support this Amendment Bill because it does make the 1985 Act more effective, yet I have certain suggestions. The hon. Minister is

aware, the Government of India is aware that if you take Delhi, there are seventy to eighty thousand drug-addicts in the capital of the country. You can well imagine how much the number will increase if we take the entire population of drug-addicts of the country. When the 1985 Act was brought in this august House as a Bill, it was written in the body of that Bill that the Health Ministry would be advised to establish more and more deaddiction centres. I am sorry to say that this has not yet been done. I am also sorry to say that in this Amendment Bill, it has not been mentioned even at one place what the Government plans to do for deaddiction of the younger generation in particular, who are getting addicted. Drug trafficking is a problem of Finance Ministry, External Affairs Ministry and Home Ministry. But what happens after the drugs are brought in the country and consumed by our men should be a more serious concern of the Ministry of Social Welfare and Ministry of Health. It is no fault of the younger people who fall a prey to these addictions. There are small schools, middle schools and primary schools and outside those schools icecream is sold mixed with brown sugar. The children think that they are getting addicted to the ice-cream, but they are, in fact, getting addicted to the kick which they get from the brown sugar. The ice-cream vendors who sit outside the schools provide this to the children.

As I said, nothing is being done so far as the Social Welfare Ministry and the Health Minister are concerned. I personally urge upon the hon. Minister to consider seriously and immediately to put a mandatory clause in this Bill that the Health Ministry will come up with a budgetary allotment, with a definite project of having at least one de-addiction centre run by the Government of India in each State capital and at least 5-6 Government de-addiction centres in big metropolitan cities of Delhi, Calcutta, Madras and Bombay. There are some de-addiction centres, but they are there only in name; they

[Sh. Ajay Mushran]

are not working. I know that for certain. There are certain unofficial societies which are running de-addiction centres in Delhi. I know it because I am associated with an organization called *Avinash*. We are getting a grant from the United Nations to the run of Rs.3 to Rs. 4 crores annually; but not a penny has been given to *Avinash*. The money has been distributed to those unofficially run de-addiction centres who are doing no de-addiction work; only they are the blue-eyed boys of the Social Welfare Ministry bureaucrats.

Sir, it is an inter-country problem like the drug trafficking is an inter-country problem. The de-addiction centres being non-effective is an inter-Ministry problem and this must be sorted out by the hon. Minister who is piloting this Bill in this august House.

I would urge upon the hon. Minister that as a pilot scheme in Delhi at least, the Government of India should start 3-4 de-addiction centres in each parliamentary constituency of this metropolitan city to look after the addicts. Out of seventy or eighty thousand addicts, at least twenty thousands are students.

As it is, we have lowered the age for voting from 21 years to 18 years. A large number of people are addicts. Tomorrow when the elections take place, if these addicts do not get these psychotropic substances, or narcotic drugs for two days and if they are given the same on the third day, they would vote for the candidate whose agent has given them the drugs. It is a nuisance; it is going to affect the body-politic; it is eating away the younger generations of our community. We have got to look upon it not only as a matter of deterrent punishment, which I not only whole-heartedly support, but I compliment the Minister and the Government for having taken this step.

The Prime Minister of Pakistan has given drug trafficking as her number one problem. You can imagine the seriousness and the largeness at which these drug traffickers are operating. I would urge upon the Minister to be gracious enough. The Social Welfare and the Health Ministry aspects should be incorporated. I would have given an amendment, but I am not going to give, because I will have to withdraw the same. If you yourself do that, you will be making it more effective so far as de-addiction is concerned. Sir, we have an Hon. Member in this House who knows very well as to what havoc a drug addict child can bring in the family and how much money has to be spent on the de-addiction treatment. Even if the boy gets de-addicted, he again falls a prey to the drugs and again has to be de-addicted. The M.P. whom I am talking about is the father of the addicted child. Sir, five or six M.Ps are directly connected with this problem, but we have not heard even a word from these social welfare centres where de-addiction is supposed to be done. These agencies and these unofficial bodies, who are dealing with the de-addiction, have not been given any recognition or financial support by the Ministry.

So far as punishment is concerned, the Bill proposes that the second-time offender will be given a death penalty. Anybody who is dealing in the drug trafficking and is found carrying more than 1 Kg of these narcotic drugs or the psychotropic drugs should be given the death punishment. This death punishment should not become a laughing stock through the wrangles of judiciary and law. Strict punishment must be given like in any other country where this drug is making its impact. We must ensure that the deterrent punishment must be awarded to the offenders.

With these words, I compliment the Hon. Minister for having brought this Bill to make the 1984 Act more deterrent and effec-

tive. I request that he will bring an amendment to ensure that the de-addiction centres which are at the moment run by the social bodies or unofficial bodies will be given help so that the society as a whole contributes to the letter and spirit of this Bill and the Act of 1985

[Translation]

SHRI RAM BHAGAT PASWAN (Rosa): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances (Amendment) Bill. This bill has been brought to guide the youth to proceed on right lines. Narcotic drugs are very harmful for the youth. Narcotic drugs are affecting so adversely that crimes in the society are increasing, it is essential to take measure to check them. Strict action should be taken against those who produce and smuggle these drugs. You should find out the people engaged in smuggling activities. Big companies who owe excise duty to the tune of millions of rupees, import narcotic drugs worth crores of rupees and make the future of our children in our country dark. You have just stated that those persons who indulge in illegal activities, their property will be sealed and they can also be sentenced to imprisonment upto 10 years. We hope that you will definitely enforce the provision of punishment made by you. But all your laws are not taken seriously. Laws are enacted but they are not implemented. The bureaucrats have vested interests in not implementing the laws. Many companies have been found indulging in the trade of narcotic drugs and you have also initiated action against them. Hon. Minister has stated in the House that 14 companies have been found indulging in this trade in Delhi. But you have cancelled their licenses for two, four or seven days only. This is no punishment. Provision of deterrent punishment should be made but your bureaucracy will make this Bill ineffective. You have made a provision of imprisonment in this Bill but attention

should be paid towards implementation aspect. Provision of deterrent punishment should be incorporated in the Bill.

I also want to state that the companies which have been found indulging in this trade in Delhi and which manufacture narcotic drugs owing to which people have died, they died in Sadferjung Hospital they include the name of the company which manufactured Greater Pharma which caused death. Similarly, there is an Associated Pharma, it is fully surgical. The drugs which have caused death has been manufactured by Subhash Trading Company, Glaxo is also manufacturing narcotic drugs, it was caught but action has not yet been taken against the company. Plam Pharmaceutical Company, Civil Drugs Laboratories, Alpine Industries, all of them are Delhi based companies, which have been manufacturing narcotic drugs. I have got the reply given in the House that licenses of these companies were cancelled for two to four days and they have started manufacturing the drugs again. You do enact laws but they should be enforced strictly. Maximum deterrent punishment should be awarded to these people as provided in the Act and Government should mention the activities of the officials as well so that they may implement the law properly.

We have been continuously listening about narcotic drugs to the effect that sometime 2000 Kg. heroin and Ganja had been seized but you do not take action against them. These narcotic drugs have penetrated upto village level and young boys of small farmers and labourer families are consuming them. Consequently, they become victim of serious diseases. They lose senses and keep on consuming drugs.

I congratulate you that you have brought forward the Bill and have made categorical provision of strict punishment but those who indulge in wrong deeds, must be punished. You should catch the big

[Sh. Ram Bhagat Paswan]

smugglers and big companies and their factories should be sealed and strict action should be taken against them. Raids should be conducted on 14 companies named by me. Still they maintain huge stock of narcotic drugs which are causing death to the people. You should apprehend them and punish them so that use of narcotic drugs can be checked. With these words, I thank you.

[English]

DR. SUDHIR ROY (Burdwan). Mr. Deputy Speaker, Sir, I welcome the Bill because this would make the law more stringent against the dealers in narcotic drugs

The drug addiction was not that rampant in early 80s but from the seizure of the narcotic drugs in the recent years, it is evident that the drug abuse has assumed a very alarming proportion. It affects a cross section of people of our society, the labourers, the hawkers, the government employees and especially the students.

Sir, last year I attended a meeting where the ex-Chief Minister of Manipur, Mr. Hokshe Sema, himself observed that a large number of young men of his State have become drug addicts, and, therefore, steps should be taken so that this menace can be stopped.

Sir, it has been estimated that more than 7 lakh drug addicts are there in India out of which the Bombay and Delhi have 1 lakh each. In Delhi, there are about 10,000 child smack addicts and most of them are street urchins and racketeers. We find that especially the students have become the victims of this drug trafficking. I have seen many young brilliant students have ruined their lives, while staying in the college or university hostels during the course of their study by becoming drug addicts. Therefore this

menace should be fought with zeal.

Sir, we find that there is a close linkage between drug addiction and crime. One-third of the petty robberies committed in Delhi are committed by the drug addicts and road accidents and industrial accidents are often caused due to this drug addiction. Often, drug addicts even murder people because they desperately need money to purchase narcotic drugs.

India has become a large conduit of international drug trafficking because India is contiguous to the Golden Crescent and the Golden Triangle, Sir, it is known that in the Golden Triangle, that is, in the region bordering Thailand, Laos and Burma, first under the direct encouragement and patronage of the CIA, Kuomintang Irregulars started production and processing of poppy. But now, in recent years, it is the golden Crescent, that is the tribal areas bordering Iran, Afghanistan and Pakistan, which has come to the forefront. It is said that 12,000 KM stretch of land produces poppy and it is processed in that area. Two-thirds of this region is in Pakistan. It has been found that Pakistan not only supplies arms to our terrorists, but it also supplies drugs because 80 per cent of the narcotic drugs seized in 1986 came from Pakistan. Since there is SAARC and since we are also having bilateral talks with Pakistan, the Minister of external Affairs should take measures and see that this drug trafficking is stopped.

Just now I have mentioned that India has become a conduit for large scale drug trafficking. The Interpol has given some statistics in this regard. In the year 1987, out of 7.7 tonnes of narcotic drugs seized, the drugs seized from India are of the order of 2.7 tonnes. Hence, stringent measures should be taken against these drug traffickers. I agree with my previous speakers that though petty criminals who are simple couriers are often brought to book, the real crimi-

nals, the white collared criminals, the dons of the underworld and the heads of the mafia gangs are seldom touched because they are the owners of blackmoney. They now invest heavily in the building industry and in the film industry and they have become very respectable and even elite of the society. Therefore, the police do not touch them and politicians too do not touch them. Since they are the real criminals, I request the Minister to see that the long arm of the police reaches these so called respectable people. These criminals must be brought to book and thrown behind the bars.

I would also argue that there should be as many special courts as possible to deal with these cases because as the hon. Minister knows, justice delayed is justice denied. What is required very urgently is summary and speedy trial. As there are provisions in the Bill for special courts, as many special courts as possible should be set up to deal with these offenders.

I would also request the Minister to establish de-addiction centres in all the State Capitals and if possible in the district headquarters also because this drug abuse has become very rampant. Especially, our younger generation is found to be the victims of drug abuse. Therefore, de-addiction centres or clinics should be set up in the district headquarters and also at the same time there should be creation of awareness. I am happy that the Television is now dealing with this topic; yet there should be an all-out media offensive so that the people should become aware. It is because abuse is so much rampant. In Calcutta the *Phuckkawalla* used to mix brown sugar when they sell foodstuffs to young kiddies. When the Government put a ban on selling of *phuckhas* to school children, then there were agitations. People came forward and shouted slogans against the Government for banning the sale of *phuckkas*.

Therefore, what is required is an all-out effort which should be made so that appropriate action be taken against these drug manufacturers. I also agree with my previous speakers that many firms which are producing medicines are in fact dealing in narcotic drugs and as a result, people become drug addicts. Therefore, stringent measures should be taken against those firms.

[*Translation*]

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, the drug trafficking problem is more serious than what the Government or we people are thinking. This problem is more acute in Delhi as compared to other places. We are between the Golden Crescent and the Golden Triangle. The countries of Afghanistan, Iran, Turkey and Pakistan come under the Golden Crescent. Our hon. friend has said it rightly that cocaine is openly cultivated in Pakistan on thousands of acres of land and the same situation exists in Afghanistan as well. All these narcotics are sent to other countries via Delhi. I had mentioned earlier also that in Delhi, especially in South Delhi, some people suddenly become very rich, acquire 5 to 10 imported cars each, and built huge mansions. It is being whispered that these people are dealing in narcotics, but no one can dare to harm them. The Government is aware of their activities, at least the Police is fully aware of it. I will relate an incident from my personal experience. The South Delhi colony in which I am residing, was raided one day suddenly and there was a big ganja haul. The Police had already informed the owner of that house from where ganja was recovered about this raid a day in advance and when this farce took place on the next day, it was stated that some one had deliberately kept narcotics there. It was stated that this was the work of a servant who was employed in that house but was dismissed later and he had done it out of sheer enmity.

[Dr. G.S. Rajhans]

They are respectable people, why should they deal in narcotic drugs? In this way, they went scot free very easily. In order to liberate themselves from the sins which they had committed, they had 'Bhagwati Jagran' and the entire matter was over. I want to submit that this is not the sole example but you can find thousands of such examples of people turning multi-millionaires and billionaires overnight. I want to submit that enough powers had been vested in the Government under the 1985 Act and if Government had made use of those powers, it would have not been necessary to bring forward this Bill. I had submitted earlier also that you may frame any number of laws but unless those are implemented, they will have little meaning. One of the provisions in this Bill is that in case of second offence death penalty will be awarded. In many South-East Asian countries provisions for death penalty exist in the case of first offence itself. I want to submit that the provision of death penalty in case of second offence may be implemented strictly and next year we should be informed of the number of these people who were awarded death penalty. Although people are indulging in the trafficking of narcotics and drugs openly without any fear and becoming millionaires and billionaires by going scot free. None can harm them because they are not ordinary citizens but have very strong connections. If the Government possess the will, this provision should be got implemented.

There is a provision for a fine of Rs. 1 lakh in this Bill. I want to know as to what difference will this amount make to the people who are dealing in drugs? It is being shown daily on T.V. that hashish worth crores of rupees has been seized. I think that if the Government wants to save this country and its youth, then such a severe and deterrent punishment should be awarded to the people indulging in drug trafficking as proves

exemplary for others to desist from doing the same. Provisions should be made for the confiscation of the entire property of those who are found involved in drug trafficking. There is a provision for property seizure in this Bill but what happens is that the person whose property is to be seized gets prior information about it and he transfers all his assets so that when his property is to be seized, it is found that he has only liabilities and no assets. Therefore, this issue should be considered very seriously. I would like to make a small point that you should get the 1985 Act implemented. In this connection it is requested that the deeds of the drug-traffickers who have been punished should be shown on T.V. Television is a very powerful medium of mass communication today. It should be utilised for showing the faces of the drug-traffickers and the punishment which they are awarded. This will control this problem to a considerable extent.

Many of our hon. friends have submitted as to what extent drug abuse is effecting our youth. I have seen people dying with my own eyes. The young students studying in colleges and universities tell lies about their drug-addiction. I asked many such students whether they take drugs or not and they replied that they have never taken drugs. But we can know about their drug addiction by their actions. I have seen them slowly suffocating to death and ruination of their families.

China was known as the land of opium-addicts before the Second World war. The entire generation of that country was ruined. China was called the land of opium-addicts but what happened subsequently? China, through the opium trade brought the entire western world under its sphere of influence. However, finally some leaders emerged who banned opium trade and we can see as to how big a nation China has become today.

I would like to submit one more point.



You have formulated a scheme for setting up a fund for the relief of victims of drug abuse. The money will be provided by the Central Government. I want to submit that drug-addiction is spreading rapidly among the industrial workers. This not only harms the industrial workers but also the industrialists because this menace adversely affects production. Therefore, a levy should be imposed on the industrialists and the money so collected should be deposited into this fund. This will enable Government to control drug-addiction.

Finally, I would submit that drug addiction is a very serious problem and it should be controlled in time.

[English]

SHRI THAMPAN THOMAS (Mavelikara): Sir, of course, I welcome the steps taken by the Government and its bringing this bill to provide for more stringent punishment for drug abuse. It is a very big problem which now our country is also facing in the matter of drug abuse, in the universities, factories and other vulnerable area.

I would like to make some suggestions in this regard. There should be a serious effort to identify the places where this menace of drug addicts and drug business is going on. Some effort has been made. Even in this bill, or in the original Act there are sufficient safeguards and provisions to identify the areas and taking drastic steps to prevent the drug menace. In this bill itself, with regard to one of the provisions, I would like to point out one particularly about the wealth to be forfeited. How are you going to detect the wealth that is earned through this? Unless there is some provision or a general law in this regard making a person liable to account about his wealth, it cannot be done. If a person has acquired some wealth through business transactions of narcotic trade, he can very well say that he has got it

from elsewhere. He can account for it in different areas. Therefore, it is the duty of the person to declare his wealth. Unless wealth is declared, how can it be tracked down to him. This can only be done against a person who is convicted and then also in proving that the wealth had been acquired by him. What are the provisions for that? These provisions will only result in publicity, nothing else in implementation. It will not help. Because, you will not be able to find out if the wealth has generated from the trade of narcotics. Therefore, there should be a provision to bring out the wealth. Will the Government study the new class which has come up with this wealth? Mr. Rajhans had pointed out that people are coming up with big buildings, mansions, and new ventures. From where do they get that money. How do they get the money? Could we make a study about these things? Unless we make such earnest efforts in this line, this may not be possible to find out

Also, another point I would like to point out. That is about the involvement of voluntary agencies in making the public aware of the drug menace. We have failed in that. We have not made any efforts to involve the voluntary agencies in that. Of course, with regard to the prohibition, mostly the trend has been set by the voluntary agencies in the matter, by the *Madya Virodh Samiti* and all those people who are educating the people. But there are difficulties and therefore more efforts are to be made. And, apart from the law and our implementing machinery there should be voluntary agencies promoted by the Government for this purpose and sufficient help should be provided for such agencies and consciousness should be built up everywhere. They should create such a situation in the minds of the people and it should be easy to build up consciousness awareness, in the minds of the people, that it seriously affects them. More than that, along with the stringent methods which we adopt, the education and the knowledge of



[Sh. Thampan Thomas]

this menace and the drastic consequences and degeneration of the society in a large measure, have to be made known to the public. Whatever facilities are available like the media and other things which we get in this respect will have to be used for this purpose.

Also, just like the Western countries our nation has also become a little more involved in this drug habit. Recently, when I participated in the Ten Nation Conference of the ILO in Djakarta some of these problems were discussed, especially about the Asian countries. They have made certain recommendations. One of the recommendations which was made to treat the drug addicts is: they are only the victims, sympathise with them and give opportunities for them to rehabilitate and see that they are rehabilitated. These recommendations have been given by the ILO. That is, to consider them as handicapped and provide them employment. Sir, we have to take two different approaches in this respect. One, the people who are doing trafficking in it and doing business and making money on this, and the other poor victims. We have to cross examine them. We will have to bring the victims back to the society and at the same time the offender will have to be punished deterrently. Sir, even Malaysia, a small country, has given a capital punishment. I welcome it. Capital punishment is a good move. But even more than that, more drastic punishment should be given. For example, Sobhraj is taking shelter in India. If he goes back to Thailand, he will be hanged, because there is a case against him. International criminals take shelter under our law. Once he becomes accused in one case somewhere he can postpone the trial of his case by taking shelter in this country; whereas if he goes back to the place where he had committed the offence, he will be hanged. Therefore, I suggest that drastic steps will have to be

taken in this regard.

Sir, I have to point out certain important things about the forest area especially where there is heavy rain. Opium, Ganja and such plants are being illegally grown in a large forest area. There is some involvement of certain sections of the people, that has to be identified and destroyed *in toto*. For this purpose, there should be delegation of powers to various other agencies. I am only suggesting that law enforcing agencies will have to be correlated with these things and a task force should be formed. An earnest effort should be made to see that this provision of the law is implemented.

[Translation]

SHRIMATI PRABHAWATI GUPTA (Motihari): Mr. Deputy Speaker, Sir, the Bill to amend the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1985 as introduced by the Hon. Minister in this House, deserves to be welcomed.

I want to submit that the intention behind this bill is a noble one. You may observe all over the country and the world that the number of people using narcotic drugs is going on increasing and it is giving rise to a unique problem. This problem has spread widely in the world and is common to every country whether rich, poor, developed or semi-developed. However, in our poor country, this problem has taken a very horrible shape and is increasing rapidly. I think that if the provisions of the act which came into force in 1985 for the control of the use of narcotics had been implemented strictly and effectively this menace would have been controlled to a considerable extent and the smuggling of smack, heroin etc. would have been curbed. It seems to me that this Act was not implemented with due strictness. I want to know from the hon. Minister whether he would assure the House that the amendment which has been brought now in 1989,

will be implemented strictly and the purpose for which this amending bill has been brought to this House will actually be achieved? Why does smuggling take place? There are many reasons behind it. The main reason is that it is the easiest way to make money and grab power. This is no secret that there are big smuggling gangs in the country today who are making millions of rupees in this business. As such it does not matter but it matters when it spreads like a poison in a society engulfing all and particularly the youth who are the future of the nation but are using drugs to the maximum extent.

The parents send their children to colleges and universities in the capital with high expectations but they fall prey to such dirty habits. In the beginning drugs are consumed like anything else but subsequently a habit is formed and it becomes impossible to get rid of it.

Under the provisions of the existing Act stringent rules were to be framed to control drug trafficking and hospitals opened at various places for treatment of children, youth and old people who have fallen prey to drug-addiction and who want to get rid of this bad habit. But such hospitals have not yet started functioning and wherever they are functioning, the affected people are not aware of them. The social service institutions and voluntary organisations should be entrusted with this task to ensure the fulfillment of this aim.

I hail from an area called Rasaul which is adjacent to Nepal. We see thousands of trucks full of ganja, hashish, heroin, smack, etc. are allowed to enter into our country after accepting some bribe. In order to meet this situation, a Bill was brought in 1985 and now more provisions are being made but what steps is the Government going to take to prevent what is happening before our eyes? You have made very good provisions.

You are going to establish a fund for controlling drug addiction which is welcome but I want to know as to what steps are going to be taken for controlling this type of drug trafficking? You have made provisions for a fine of Rs 1 Lakh in the case of an offence committed for the first time and death penalty for the offence committed for the second time. You have provided for the seizure of property which is also welcome, but I want to submit that those people who are getting rich overnight by ruining the future of our younger generation should be awarded death penalty in the case of the very first offence. The search for these people should be conducted honestly and without any bias. Various Haji Mastans have been enjoying the patronage of the political leaders. They should also be arrested. What steps are proposed to be taken by the Government to round up such people and the members of the international gangs which are very powerful and have their stronghold and influence in the countries like America. What steps the Government propose to take to counter their influence.

Besides all these provisions, the Government should make use of the media-T.V. and radio and make it more effective. Power connections should also be provided in the villages so that the people of rural areas may be educated by the television programmes and may get varied information. The Block Development Officers and the village level workers may be entrusted with the job of publicising it in every village to apprise the people of the places where they can get treatment for deaddiction. It has been said:—

Kanak Kanak te sau guni,  
madakta adhikay  
Ya khawat baurai hein,  
wa pawat bauray.

Drugs fetch 50 times more prices than gold. It has also been reported that by the begin-

[Smt. Prabhawati Gupta]

ning of the 21st century, there will be about 15 million drug addicts in India. To control this situation, strict laws are needed. I do not get ample time to go through all the reports and I simply go on speaking about whatever come to my mind. The Act which was made by the Government in 1985, is very good and now the Government is going to make further amendments in it. However, it should be kept in mind that the officers working in the Department of Education, Health and Border Security Forces always work in collusion with each other as a result of which all the crimes take place. The Government shall have to take stringent measures to apprehend them. The Bill introduced by the Government deserves welcome and we want that it should be implemented in letter and spirit.

[English]

SHRIMATI JAYANTI PATNAIK (Cut-tack): Mr. Deputy-Speaker, Sir, I support the Narcotic Drugs and Psychotropic Substances (Amendment) Bill. Day in and day out, many case of drug trafficking and drug abuse have been coming to light, specially in metropolitan areas of the country. The present estimate shows that as many as 15 million people would become drug addicts by 21st century. The drug addicts are found among the higher strata as well as lower strata including youth and children. What makes us feel very sad today is that drugs addiction has caught on the youth, particularly among the students community in urban areas. They start first with some curiosity and then it becomes a fashion and then habit. All these youth affected by drugs are not only losing all the vitality but drug addiction has posed a grave threat to future generation.

Another thing is, almost every day, there is some news of illegal import or export

into and out of the country. Gopalan Committee was also very much concerned about this and suggested enactment of single law to control drugs, which was expected to plug all the loopholes in the existing laws so that no drug peddler could escape from the net of this law. The report of the Committee says:

"The situation is likely to deteriorate and get out of hand if adequate measures are not adopted to curb addiction."

We are very much concerned about drug trade or drug trafficking. We know the rules of demand and supply, namely where there is demand, there is supply. But there is another rule, namely, rule of Bay's law which holds that supply generates its own demand and the greater the supply, the higher the demand. Hence this is very much applicable to the drug abuse and every step is to be taken to curb the supply of drugs. Illicit drug trafficking is concomitant with drug abuses and it has become a major international problem that cuts across political and geographical barriers. India which was regarded as a mere transit point is no longer just like that because there is evidence that a large part of the processing of opium into different stages of heroin is now taking place in this country. There is an increasing American and Italian mafia connection with the principal Indian organisers of the trade. As such, in order to control the menace, there should be closer international cooperation between specialised national agencies and all-out efforts by the police. One of the hon. Members has said that people are going for this drug trafficking because of the profit. The profits involved in this trade are so large that it is a lucrative business and this drug fetches 50 times more price than gold. The corruption related to drugs gets rapidly institutionalised with the police forces. That is why, we see this situation at present. It seems no effective counter machinery has been created to control this menace. What

we find is Pakistan has all the time been complaining that India is not taking enough interest to curb this menace and hence the problem is so great in the world. But what we find today is, almost all the heroin comes through Pakistan and has its origin in Afghanistan and North West Frontier Province of Pakistan. We also know that terrorists have been found involved in drug trafficking and peddling. They do it because they get easy money which they require to finance their activities.

Europeans have some grouse against India about drug smuggling. But the money collected by drug smugglers is freely invested either in the legal or illegal activities by them in the European countries. The Law Enforcement Agencies in these European countries are unable to do anything in these cases due to the prevailing laws on commercial confidentiality or banking secrecy. A great deal of discussion took place last March in New Delhi Meet of Drug Enforcement Agencies from most European countries and the Indian sub-continent. We would like to know what is the outcome of the Conference. Is there any concrete suggestion to curb this drug trafficking? We know that even if we pass legislation and make proposals for stringent punishment, much is required for the implementation machinery to put it into practice.

It is also seen that whatever is the official production of opium, a lot more is grown illegally. Officially, India grew 995 tonnes of opium per annum from 3,359 hectares under poppy cultivation in U.P. Rajasthan and M.P. A lot more is grown illegally. But, UP alone accounts for 45,000 KG of excess cultivation.

We are very glad that you are going to check this illicit traffic in drugs through this piece of legislation. We have so.

An envisaged, the setting up of special

courts by the Central Government should be made immediately. Not only this, all the infrastructure on this should be set up immediately.

The constitution of the National Fund for control of Drug Abuse is a welcome feature. Stringent punishment is also suggested for violation of the Act.

There is now an urgent need to formulate an integrated and comprehensive prevention policy which would envisage coordinated efforts of anti-narcotics, intelligence, revenue, police and medical agencies. Besides controlling drug trafficking, our main aim is to remove drug abuse for which a three-pronged strategy is necessary.

Firstly, the focus should be on social, economic, political, cultural and medical factors that breed drug habits.

Secondly, preventive approach should be directed at early detection of drug habit and social devious behaviour in a collaborative effort involving the community, family, police and voluntary agencies.

Lastly, there should be a programme for detoxication, rehabilitation and re-integration of the addicts.

Hence along with such a legislation, there is the need to fight the malaise at the social level; specially by taking up schemes for de-addicting the victims. For this purpose, the Social Welfare and Health Departments have to be coordinated so that effective action can be taken. Preventive measures are necessary. At the same time, computers are also necessary to detect the smugglers and illegal operators in drugs and narcotics. Modernisation of equipments to deal with drug peddling is necessary. The infrastructure for the detection and treatment of drug addicts which is at a rudimentary stage in the country has to be strengthened.

[Translation]

SHRI AZIZ QURESHI (Satna): Mr. Deputy Speaker, Sir, I rise to welcome and support this Bill. Although many points have been covered in this Bill, my submission is especially regarding its section 59. The Government has made a provision of punishment under section 59 for those officers who have failed to discharge their duties. I would like to point out to the hon. Minister that smuggling of drugs, smack or hashish in our country is not possible without the connivance of the officers and the politicians at some or the other level. While saying so, I have in view the gang wars of Bombay in which one to five persons are being killed every day in broad day light.

13.00 hrs.

These gangsters or criminals have such sophisticated automatic weapons with them as are not there available with our ordinary police force. People living in posh colonies are murdered in broad day light. Such news are being reported almost everyday in the magazines and newspapers published from Bombay that the smugglers take help of the police force to eliminate their opponents and the police or other officers kill them in false encounters. Therefore, I would like to mention that whereas the Government have made a provision under section 59 for action against those officers who have been held guilty of having supported the drug criminals in some or the other way with a fine of Rs. one lakh. A provision should also be made in this Bill to seize entire property of such officers.

As such our colleagues have made a number of points regarding this Bill which include de-addiction, counselling and rehabilitation. This is also right that the Government has not set up rehabilitation Centres in the required number but I wholly support it that not only the Government agencies but

even the voluntary organisations can do an exemplary work to check this malady. It is out misfortune that today only such of the working voluntary agencies get protection, patronage and assistance as have the wife of some Minister, secretary or capitalist or else the residents of posh colonies as their members who have had no experience of others' woes and agonies. Such ladies visit the slum colonies in their airconditioned cars for a few hours to distribute some medicines, sweets, clothes etc. among the poor of those slums and earn popularity for running a big social institute of the society. Their photographs are published in the newspapers. Mr. Deputy Speaker, Sir, I would like to point out to the Government through you that as long as such crime and corruption goes on taking place in our country and the voluntary organisations are run in the name of a particular individual and the people in this field go on getting encouragement, no revolutionary change can take place in our country. This has to be done away with. Instead the agencies which have their field of operation in the slums under unhygienic conditions where the housewives earn their livelihood with their sweat and hard work and spend their whole life there, are not given any importance. In their welfare activities, the Government should seek the participation of all those people who have been living in those very areas and do not cherish great aspirations of a luxurious bungalow but stay there upto their last breath of life. Unless the Government takes such steps, they would not be able to bring an end to it. The children or students affected by this curse do get cured by means of counselling or treatment for psychotropic substances provided in those Centres but no post care is taken of them to see how they are passing their lives. The Government will be able to root out this menace in an effective manner only when they have a scheme to engage such children on some job who have been given treatment for psychotropic substance or they should be employed in small scale industry or

should be given some technical training in an institute. The Government should set up some school or college for this purpose so that they may keep themselves busy there.

Mr. Deputy Speaker, Sir, I welcome the provision of death sentence in the Bill for the person who is an accomplice in the crime. I would rather submit that if the Government has evidence and is in the position to substantiate it, then not only that person alone but all those people who have been functioning with the help of their own couriers, should be sentenced to death. Then alone will these people feel scared of such activities and this problem will come to an end.

I also congratulate the Government for keeping the provision of making these offences cognizable under this Act. My best wishes are with the Government and I hope that when India enters the 21st century, she would get rid of this bane and we will be able to stand to welcome a new dawn.

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A.K. PANJA): I suggest, subject to everybody's convenience, that lunch hour be dispensed with so that we can complete this important Bill. This has to be passed here and sent to Rajya Sabha.

SEVERAL HON. MEMBERS: Yes, Sir.

MR. DEPUTY-SPEAKER: I think, it is the consensus of the House.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, I rise to express my views on Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1985. The first thing about this Amend-

ment Bill is that it has rightly been moved here. The Government have reviewed the position since passing of the aforesaid Bill and found that they have been unable to prevent illicit traffic in these drugs and therefore decided to amend the Bill. The provision of capital punishment is appreciable. You are well aware that these drugs are not confined to Delhi, towns and urban areas but these drugs have reached rural areas and jhuggi-jhonpris also. Therefore, it is a very serious matter. So you are well aware with the results of drug-addicts in China when number of drug-addicts increased manifold. When people will start taking these drugs in bulk, then the country will definitely go to dogs. The young students taking to drugs at the university level will become officers, politicians and soldiers tomorrow, then how will they be able to run the administration of the country. Working class is in the grip of drug-addiction which is most harmful for the country. I want to tell you that production in China declined to a great extent due to increased drug-addiction. When a person becomes a drug-addict, his working capacity would naturally decrease. Similarly, if officers become drug-addicts, their working capacity will also decrease. They also work for the country as politicians work for the country. Therefore, all these things should be kept in view. This menace of drug-addiction in spreading throughout the country which is very harmful.

Mr. Deputy Speaker, Sir, Cocoa plants are being planted in forests in the country with the connivance of forest conservation officers. I am saying this with full responsibility as I had seen the hemp plant containing 20 kg of hemp inside the compound of police station of Jahanabad. The soldiers smoke hemp. Once I read in a newspaper that heroin was recovered from the brief-case of an hon. Member in a raid conducted in his house. In the first instance I took it for a filmy heroine while later on I came to know that a very costly narcotic drug-substance has



[Sh. Ramashray Prasad Singh]

been recovered.

A medicine named Sanjivni Sura is also a narcotic-drug and it is manufactured by mixing brown sugar in it. This has reached the rural areas also. If Government is concerned with it, it should get the thing inquired into the state of affairs in Delhi University. The Government supplied it to the drug-manufacturers but they do not utilise the entire quantity and they sell the remaining quantity as they like. The officers receiving a salary of Rs. 10 and 5 thousand per month are involved in this matter but there is no check in their case. The illicit traffic in narcotic drugs should have been declined after the law was enacted in 1985 and you should reply to this point. These laws will not serve any purpose. Illicit traffic in narcotic drugs will not be curbed. You will not know as to how many persons have been awarded punishment under this law and what quantity of psychotropic substances has been recovered and the cost thereof. You should explain here all these things. Merely formulating laws in this respect is not going to help. The people have heard that there is a provision of capital punishment. It has been stated that the goods will be seized and money earned therefrom would be recovered but I want to know as to who is earning money? It is not only the smugglers but also drug-manufacturers who are earning money through it. Today drug-manufacturers are becoming multi-millionaire and these people are in both Houses, so whom you will apprehend? The sons of higher officers indulge in smuggling. Even my son can be a smuggler. As long as they have money power, you cannot apprehend them. Moreover, you cannot apply pick and choose method to punish them. It is not going to serve any purpose.

You should remember the case of China. A number of people in China became

drug-addicts and its consequences were very bad. People had to carry with them a doze of opium to get a cup of tea. Our country is also reaching the same stage. I want to tell you that you should enforce laws honestly. But they are not enforced sincerely. The Cause of all the evils in our country is political protection. If these people are not given political protection, our country can become heaven. The role of politicians is the most deplorable who encourage this illicit trade and earn money through it. With these words, I conclude.

[English]

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Deputy Speaker, Sir, I thank you for giving me an opportunity to participate in this discussion.

There is much more than academic value in this discussion. This discussion follows closely on the heels of the discussion on the prevention of illicit traffic in narcotic drugs and psychotropic substances in the last session. I had suggested a few steps like public destruction of drugs seized. I welcome this Bill because that has been incorporated here very prominently. I also welcome and support this Bill for another thing that a provision has been made for a fund. On this, I shall be able to say a few words.

My State is gripped by this Golden Triangle. I don't know what is golden in this triangle except that this is killing human lives at the cost of the civilisation itself. Mizoram and Manipur which is my State are directly the victims of the Golden Triangle. Sometimes in the beginning of the current Session I put the question to the hon. Minister as to what is the quantity of seizures and what has been the manner of their disposal? Further how many officials and now many of those involved in these seizures have been punished? It was pointed out that the seizures were very nominal.



Sir, it is a well-known fact that huge quantities of these narcotics are smuggled into India but if you ask a BSF officer he will say that it is only coming in trickles and it will not have much effect. What is important is that these things are coming in huge quantity. The same should be seized and all the people concerned should be punished. These quantities are sufficient to spoil the career of the young people. So we would like to know what is being done in that sensitive border where that golden triangle is directly acting and killing the future of so many young boys and girls.

Another important point that I would like to make is the involvement of pharmacists. In the sensitive areas some of them are acting as agents. They are selling these drugs under the very nose of excise department and the concerned authorities.

Now, Sir, the official who is to make the seizure what is his transaction value. Supposing a smuggler is carrying a quantity of drugs worth Rs. 10 lakhs and he comes across a constable or a junior officer who is prepared to share the booty to save his prestige on the one hand and to save the illegal goods on the other hand he would be prepared to even offer half of the value of the illegal goods. So something has to be done in respect of the people who are on duty so that they do not fall into such a trap.

Further I would like to point out that certain medicines contain narcotic content and many young boys and girls in my area know that if they take a certain quantity of those medicines they will get the necessary kick. Simple drugs like phencidal and phenargan are consumed in the border areas by students in big quantities. They are using it to such an extent that some pharmacists have been asked not to sell these medicines without proper subscription.

Coming to the Bill proper there is a

clause for authorising and constitution of the fund and its governing body. The fund is welcome but the governing body is going to be headed by a Chairman of the rank of Additional Secretary. I do not know how effective it will be. When an advisory committee is headed by an officer of the rank below that of full Secretary, what could be its impact on the Government? So, I would like to suggest that its chairman should be either of the rank of a Judge of the Supreme Court or the High Court or he should at least be of the rank of full Secretary to the Government. Only then, this governing body will have some impact. Besides about all these penal measures or the disposal of the seized goods in public places after making inventories and all that, we would like to see that there is a coordinated approach to the whole thing, number one, concerning the criminals and, number two, concerning the victims all over the country.

A suggestion has been made that in the district headquarters, State capitals, metropolitan cities and big cities-where some kind of sophistication takes place - there should be some rehabilitation centres. So far as, we don't see any effective steps being taken in this respect. It is said that the fund, that is being constituted, will be utilised for the control of illicit traffic of these drugs. After all, the Government has got its own routine measures for the control of illicit traffic through its regular departments. When the fund is collected from the sale of the seized goods and forfeited properties, we would like to see that the fund is utilised exclusively and significantly for the rehabilitation measures which are yet to be taken up. So, in this respect, I would like to repeat that the fund should be exclusively used for rehabilitation measures and also for the purpose of educating the people on a mass scale.

In the last session, when I spoke on the prevention of illicit traffic in narcotic drugs and psychotropic substances, I said that the

[Sh. N. Tombi Singh]

propaganda machinery, like TV, Radio and other media, should be utilised more effectively. I do not mean to say that what is being done is bad. What I meant to say is that it is not enough. The TV and the Radio should have more programmes just as we have intensive programmes on family welfare. On the one hand, some people become rich overnight while, on the other hand our children in the universities and colleges, wherever sophistication takes place, have been ruined and our future is threatened. This kind of a coordinated approach and proper use of our funds should be there. While referring to the constitution of the fund and its governing body Mr. Panja, in your absence, I had suggested that the Chairman should be an officer, at least, of the rank of Secretary to the Government of India.

SHRI A.K. PANJA: My colleague has already noted this point.

SHRI N. TOMBI SINGH: With these words, I conclude and support the Bill.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances (Amendment) Bill, 1988 moved in the House.

I have gone through its all clauses and I am very happy that very important changes have been made in this Bill. The legislation which was passed in 1985 has completely been changed and I want to thank the hon. Minister for it. All the drawbacks which were there in the earlier Bill have been removed to a great extent. A number of cases pertaining to heroin had been pending in the courts and people involved in these cases were being acquitted and were being released on technical grounds. Earlier they used to be re-

leased on bail on technical grounds but now a very strict law with a provision of Rs. 1 lakh fine and 10 years imprisonment has been made. Earlier the culprits used to be acquitted because of flaw in the law. I have minutely studied this law and have found that to a great extent these loopholes have been removed and this offence has been made a cognizable non-bailable offence which was not so earlier. I do not understand as to why this provision was not made in the earlier Bill. Every person can follow it but you depend on officers and you move the Bill as prepared by those officers. It has become a trend that such an important legislation is not referred to the Select Committee. Had this been done, such situation would not have arisen. Now this important legislation has been amended and has been given a good shape.

I may, however, say that opium is not produced in our area, Barmer, Jaisalmer and Jodhpur at all but it is consumed by the people of my areas in large quantity and it is nowhere consumed so much. Today such a situation has developed that if somebody dies and someone goes to his house, opium will be offered to him and opium is offered even at marriage occasions. The use of opium is considered to be very auspicious. Even compromise is made between two enemies only after consuming opium. Such situation has developed there. It has become a problem for us as to how to get rid of this social evil. Today our law is not enforced properly. I was talking to the Members who come from Kota and Jhalawar. Our farmers were asking as to why opium is cultivated? Because when no opium will be cultivated, there will be no question of its consumption. I was trying to know about it. Licences are given for cultivating opium and permission is granted for cultivation of opium in some area and opium thus produced is purchased by the Government but then how it reaches our area? It is possible that opium might have been cultivated unauthorisedly or after supplying fixed quantity to the Government the

remaining surplus quantity might have been sold in black market. Thus opium comes to our area in huge quantity due to unauthorised cultivation and surplus production. So, the steps should be taken to check it. Opium is produced particularly in Madhya Pradesh. I would suggested that opium cultivation should be reduced to minimum. Its cultivation should be confined to the quantity required for manufacturing medicines only. Arrangements should be made to see that opium produced unauthorisedly should not be allowed to move out of the area in which it is produced. Either the Central Government can control it or the State Governments. Loopholes in this regard should be plugged and arrangements should be made to streamline the whole process

In this regard, I may say that some voluntary organisations are indulging in making the people drug addict in our area and Welfare Department helps them. Whatever there may be the help of Welfare Department, I want to request you that all District and Panchayat hospitals and dispensaries in my area should be provided with de-addiction facilities in respect of opium addicts. Doctors should be appointed there particularly to treat drug addicts and all the medicines should be provided there. Central Government should provide all help in this regard and this process should continue for ever. Whatever help is provided by any voluntary organisation is a different thing but this process should go on continuously in every hospital and dispensary.

Secondly, smuggling activities are going on in our border areas on large scale. The police are not having sufficient means, jeeps etc to have complete control over these activities. Although the performance of police and B.S.F. has been good but the performance of Central Excise Department has been very poor in the matter of checking these activities. I have got this information confirmed. For streamlining the system, the

hon. Minister should remove corrupt officials working in the customs department of the Central Government. If officials are short of facilities, the Government should make these available to them. Smuggling and drug trafficking are going on simultaneously and our country is the transit point for the drugs coming from Pakistan and Afghanistan, but the traffickers surprisingly go scot free. Situation has come to such a pause that even after seizure of heroin and charas from traffickers, they are not apprehended by the officials. Such cases have come to light in Jaisalmer and Barmer, in which traffickers have deliberately not been apprehended. Such action of law enforcing agency shows lack on their part in implementing the laws, though the most vital part of any law is its effective implementation. So only dedicated officers should be posted in these areas. An advisory committee under the chairmanship of an Additional Secretary has been set up. In this connection, I suggest that the proposed advisory committee be headed by the Minister in place of an additional secretary and some of the experienced Members of Parliament may also be associated with it as members. Only then this advisory committee will achieve any success. I request fighting the drug abuse with all our might at our command as all over the world menace of drug addiction, especially among the students, is assuming alarming proportions. I also want to State that the terrorists are also involved in drug trafficking and the Government should check this unholy alliance.

With these words, I support the Bill under consideration.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker, Sir, I support this Bill whole-heartedly. I think, there is none is the House who has opposed the Bill. But, Sir, one thing that strikes my mind is that very recently we passed a Bill in this very House

[Sh. Sriballav Panigrahi]

wherein the preventive detention powder has been given to the Government. I would like to know since the day this Bill has been passed, how many people have been taken into custody under its provision.

This is very serious menace and I am sure nobody has any sympathy for these drug traffickers and drug paddlers who are out to ruin the society and our young generation. Even I would not hesitate to say that they are murderers. This is a process of slow poisoning. Selling of drugs is just like selling death. While participating in the discussion on the Preventive Detention Bill, we demanded capital punishment for these people. I congratulate the Government and the Minister that they have now come out with that provision in this Bill.

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A K PANJA): May I just intervene for a minute. The Hon. Member has asked a very pertinent question in the beginning of his speech and which is there in the minds of all the people. We have issued 260 detention orders and have detained 221 persons up to December 12, since the ordinance was passed.

SHRI SRIBALLAV PANIGRAHI. I am happy that the Hon. Minister has readily responded to my query by giving some figures.

Now, Sir, the problem is that under this or that plea many of the offenders go scot-free. They wanted to make it cognizable, non-bailable and so on. I think the House do not grudge giving such powers to the Government. The House is quite anxious that this growing menace should be checked effectively at the earliest possible opportunity. Surely, you all know that India did not

figure anywhere in the drug trafficking map of the world till the early Eighties. But then this menace started in India too and it has now assumed a dangerous proportion inasmuch as India is not only a transit point, but it is also a very big user of drugs. The number of drug-addicted youth is increasing alarmingly and as we all know, once addiction begins, one does not know where it ends. Of course, during these years, India has been taking a lot of initiative to curb this problem. Our Prime Minister has got to be congratulated for the 14 Point initiative in this direction. It is again followed by the appointment of a Cabinet Sub-Committee. In the light of the recommendations of this Cabinet Sub-Committee only, this Bill has come before this House.

I would like to mention here that it is not our problem alone. We cannot think of it in isolation. It is an international problem and an international phenomenon. It has got to be tackled both inside the country and outside, keeping the global perspective in view. While introducing the Bill, the Minister made a reference to a global conference which is going on in Vienna. We are happy to note that India is elected as the Chairman of the Drafting Committee, if I understood him correctly. In this way, India is taking initiative not only inside the country but outside also. We wish the Government God speed and we wish them well in this direction.

Now, I come to some suggestions. I am conscious of the time limit that you have fixed and I will be very brief. As I mentioned earlier, India is not only a transit point, but also a big user of these drugs. The most alarming part of it is that according to a report, 80 per cent of heroin, one of the most dangerous narcotic drugs, is now routed through India. Interpol statistics revealed that out of 7.7 tons of heroin seized in 1987 in Europe and America, 2.7 tons came from India!

Pakistan is now the main source of smuggled drugs in India. The newly elected Prime Minister of Pakistan is also conscious of the evil of this drug menace and she is giving very serious thought to fight this menace. This is a very happy development.

There is a provision in the Bill for the creation of a 'fund'. We welcome it and most of the amount should be spent on massive propaganda against drugs through the media of TV, films etc. so that more and more awareness is created among the people and in particular among our youth. This fund will also be used to organise special training courses for police to counter the drug problem. The most important part of it is the rehabilitation aspect. Quite a substantial amount should be spent on rehabilitation. Here, I find that only officials are to be associated in the Board of Conveners and in the various Sub-Committees. I feel that it would be better if non-officials, eminent social workers and Members of Parliament are also included in these committees. This has got to be a people's movement. The entire young generation is going to be ruined unless this menace is effectively checked and for this purpose, we have got to build up a mass movement. Naturally, it cannot be done effectively by associating only the officials. Therefore I suggest that non-officials, voluntary organisations and social workers should also be associated.

I find that capital punishment is provided for a second time offence. We do welcome it. I have grave doubt whether it can be implemented. With a heavy heart I have to mention here about the Indira Gandhi murder case. What happened to it? Our lamented Prime Minister openly in the broad day light was murdered by her own bodyguards. What is happening in the Supreme Court? What is happening in the High Court? It is a matter of shame that some lawyers are playing havoc. I don't want to name them. We are making provisions but whether those

provisions will be really implemented, that has to be seen. It requires necessary modification. I do not thereby interfere in the working of judiciary - independence of judiciary. The necessary modification of judiciary is the first measure which we should take.

SHRI D.B. PATIL (Kolaba): Mr. Deputy Speaker, Sir, I am of the opinion as all of you are that the evil of addiction of drugs should be fought and eradicated at any cost. For this purpose, the hon. Minister has brought forward this amending Bill. It is a very serious problem, not only a national problem but also an international problem, as the hon. Minister has mentioned in his introductory speech. It is so serious that if it is not combated properly, by the end of this century in our country the number of addicts will reach astronomical height. According to one survey, it is likely to go up to 15 million. Now-a-days a grave situation is existing in our country. We have to fight out this evil. When this House enacted this Act in 1985, wide powers were given to the enforcement authorities for fighting out this evil. But so far as its enforcement is concerned - even some Members from the Treasury Benches have also complained - it has not been enforced properly. Even the offences are taking place in broad day light. But nothing has been done by the enforcement authority. It is a very serious matter. I would like to suggest that the Government should deal with heavy hand the corruption that is there in the enforcement agencies. Hon. Members from the the Treasury benches have complained that corruption is there. We have also now experienced that there is corruption. They should be dealt with very seriously.

The hon. Minister had stated that the Government is in contact with Pakistan, Nepal, Bangladesh and other countries regarding this. We are having discussions with them.

I would like to draw the attention of the

[Sh. D.B. Patil]

hon. Minister and the Government as well that certain countries, like Europe, North America and Latin America, have come together and had organised IDEC Conference. I think, about 13 countries have participated in that conference. The Conference - International Drug Enforcement Conference - was held in March, 1988. It is because of the initiative of this Conference, much has been done which was not done before

Therefore, I would say that this evil has to be combated very seriously. We have read in all newspapers that so far as smuggling of drugs and other things are concerned, the Air-hostesses, the pilots and other higher officials are also involved in it. So far as our experience goes, nothing can be done to combat this evil. The hon. Minister has stated while introducing the Bill and also it has been stated in the Statement of Objects and Reasons that in spite of the fact that there are strict provisions - deterrent provisions - in the Act, because of some lacunae, the offenders are released on bail. I do not know whether the lacunae are there in the law or in the investigation. There are lacunae in the law also. I am going to point out in my Amendments as to what are those lacunae. Even there are lacunae in the investigation also. It is because of these lacunae the offenders are getting bails easily even though it is not contemplated that the offenders should get bail easily under the provisions of the Act. It would have been much better if the hon. Minister had given the figures as to what has been done till now by the Bureau which had been established for this purpose. No figures are given here. It means no satisfactory work has been done till now. A special Bureau was established in 1986.

SHRI A.K. PANJA: Which figures do you want?

SHRI D.B. PATIL: Figures regarding

the arrests, punishment and other things, since the establishment of the Bureau. You can give them during your reply.

SHRI A.K. PANJA: I can give them straightaway.

SHRI D.B. PATIL: No; you can give them during your reply.

Then about the problem of de-addiction. Once a person of the young generation is addicted to drugs, it is not easy to de-addict him. Special measures have to be taken so far as this problem is concerned. Though it is not for this Department to de-addict the addicts, the Department should take special steps to see that the addicts are de-addicted; and for that purpose whatever funds are necessary should be made available by it, i.e. for the rehabilitation and de-addiction of the addicts to this particular evil

It has been provided in the Act that there should be the disposal of the property attached in the presence of the Police officers. I will say more about this while I move my amendments. Some differentiation has been made about illegally acquired property, and the property. The loophole which is kept is that so far as illegally-acquired property concerned, it has been defined and a provision has been made as to how to identify the illegally-acquired property, and how to forfeit it. But so far as the property is concerned, there is no provision made so far as its identification and forfeiture.

Taking all these things into account I would like to support the Bill; but at the same time, I would inform the Government that simply providing for a deterrent punishment is not going to help fight or eradicate this evil. The implementation of the provisions in the Act is very important, and Government should take serious steps in this regard.



[Translation]

SHRI DAMODAR PANDEY (Hazaribagh): Mr. Deputy Speaker, Sir, I rise to support this Bill. In order to save the future generations from the evils of drug abuse, all the hon. Members of this House have with one voice demanded to make the laws most stringent. I hope that with the passing of this Bill, the hands of the administration will further get strengthened in combating drug menace effectively. I fail to understand the rationale of the apprehensions of some of the hon. Members that the number of drug addicts will go up by ten times despite taking of strong measures like this. To my views, their apprehension is unfounded. Can't the Government ensure effective implementation of the laws to save future generations from falling prey to the drugs in circulation. To my mind, arming the Government with stringent laws alone can need hardly be an effective tool to combat this evil. For this, we need will power to do. These psychotherapeutic substances and narcotics are known to us since the dawn of civilisation. But earlier it was used for medicinal purpose only, but now it is being abused. Our country is fast moving towards dooms, as the pharmaceutical companies are nowadays producing poison in the name of medicines by moving on the vestige of the developed countries. The people engaged in such trade are a slur on our society. They are mushrooming and they have also earned respect for themselves in the society. If the Government itself is not in a position to find out the identity of such pharmaceutical companies, how can the common man find out their names. So the Government should monitor their functioning to remove the doubts in the minds of the public that is the reason why some of the members, despite bringing a good measure here have opined in the House that the number of drug addicts would increase ten times more within a period of ten years. So I request the hon. Minister to have a serious thought to this problem and find solution to it.

We should forget what happened in the past, we should make our efforts *de novo* to reduce the number of drug addicts. We will be able to bring their number down by ten times or more, instead of going the number up by ten times as apprehended some members. If we are able to reiterate this before public then the people will be greatly relieved. Both Shri Tombi Singh and Shri Virdhi Chander Jain have put forward a number of suggestions including taking of strict action against those officials involved in drug trafficking. As some hon. Member alleged a nexus between custom officials and drug traffickers. Media makes loud announcements about seizure of narcotic drugs, but the knowledgeable persons say that these seizures are only a small tip of the iceberg... whosoever is apprehended is also released. Therefore, despite the best of intentions we are helpless. Some system should be evolved to check abhorrent dealings of these persons and saving the people from such evils. We can never be successful unless the law enforcing agencies implement the laws faithfully. So the suggestion to create public awareness is welcome. Steps should be taken to involve the masses in effective implementation of the laws. In this regard, I agree to the suggestions given by the hon. Members and I would also like to make suggestion that de-addiction camps be organised not only in big cities such as Delhi, Bombay and Calcutta only but in far-flung areas also for creating public awareness and we should not be satisfied merely by setting up courts alone. For removing this evil from the society, views of the general public and the people representatives should be invited before formulating any scheme. Only then maximum welfare of society could be provided.

SHRI MOHD. AYUB KHAN (Udhampur): Mr. Deputy Speaker, Sir, I rise to support this amending Bill. First of all, I want to congratulate the hon. Minister through you for introducing such a Bill in the House.



[Sh. Mohd. Ayub Khan]

Going through the Bill it seems that the Bill has been introduced after an in-depth study and taking into account various aspects of the problem. I do not want to go into the salient features of the Bill as they have already been highlighted by the hon. Minister and are also given in the body of the Bill, but I would like to emphasise upon the need to effectively implement the laws as has been stated by many hon. Members, because in its absence no concrete result is achieved. Sole dependence on bureaucracy for implementing laws can do no good, if awareness in the society is not created in its favour. The hon. Minister has rightly described drug abuse as an evil from which we have to be beware of, otherwise it will pose a danger for our own posterity. I won't go into the details of the problem of drug abuse but would present statistics in this connection. At present roughly 700 thousand persons are drug addicts in the country and in big cities like Bombay and Delhi, their number is about one lakh each. Out of this, as many as 10,000 are school going children. All this is an indicative of the alarming proportions the problem has assumed. 80 percent of heroin and charas going to European countries is routed through India. In 1987 Interpol seized 7.7 tonnes of heroin. In 1987, 2.7 tonnes of drugs were smuggled from India to America and European countries. In 1983, 193 kilogrammes was seized in 1984, 203 kg; 1985, 761 kg; 1986, 859 kg; in 1987, 2716 kg. This shows that the problem has worsened with the every increase in the number of laws. So I request the hon. Minister to think over the issue seriously.

14.00 hrs.

First of all the Government should locate the places where opium is grown in the country. In the beginning opium was cultivated for medicinal purposes only. But nowadays opium is smuggled out in large

quantities though its medicinal use cannot be undermined. I fully support the need emphasised by some of my colleagues not to depend solely on one agency to check smuggling and involve all the police agencies in the task.

Now I would like to talk about Kashmir. The august House is well aware of the source of charas which is despatched in the apple containers. Yesterday "The Times of India" reported that the road along Punjab and Kashmir borders which connects Pakistan is totally unsafe. Unfortunately the B.S.F. jawans are in league with them. I do not want to criticise B.S.F. which has been protecting our borders bravely. I only want to bring it to the notice of the hon. Minister so that he may take action to check such activities.

The Government must take action against the terrorists crossing the border with heroin and charas. It is unfortunate that you press the bell too early to conclude my speech. Sir, I hail from the area where this problem is quite alarming. So I request you to grant me more time to explain my point. I submit that the permission to export poppy straw should not be given. For small gains the Government should not prefer bigger losses and impose restrictions of export of poppy straw.

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Deputy Speaker, Sir, I support the Narcotic Drugs and Psychotropic substances (Amendment) Bill which has been introduced in the House.

When this Bill was introduced in the House in 1985 we had hoped that smuggling in narcotics would decline. There were provisions in 1985 Act also to control it. Had the 1985 Act been effectively implemented the situation would not have deteriorated to such an extent as it is found today in the schools and colleges of Delhi and Bombay.

Today, guardians think that if their wards attend schools in Delhi they may start consuming drugs and other intoxicants: Many hon. Members said that according to available statistics there are one lakh drug addicts in Delhi. The figure for the city of Bombay was also given. At present there are nearly five crore drug addicts in India. As hon. Members said, the coming generation will see a ten-fold increase in the number of drug addicts.

An hon. Member pointed out that even though Shrimati Indira Gandhi was assassinated in broad daylight, the guilty have not been punished till now. Our judicial process is so weak that four years have passed but the guilty have not been punished as yet. Even if a stricter bill to check drug abuse is introduced in the House, we will be thankful to the hon. Minister and the Government for introducing it. Special courts should be set up in border areas. I come from Bihar and would like to raise certain matters related to the State. Just now hon. Shrimati Prabhawati Gupta was speaking. Her constituency lies on the Indo-Nepal border. Next to that is hon. Shri Manoj Pandey's constituency of West Champaran. After that comes my constituency, Gopalganj. Today I had raised this matter under rule 377 that the main groups of Bombay and of certain other places are busy in engaging, hon. Members will be surprised to know, labour numbering in thousands on Nepal border for the large scale smuggling of drugs. I do not want to say much about officials of the Customs Department but they will not be able to make any seizures if they are not well equipped. Today thousands of men cross the Nepalese border at Gopalganj carrying pouches of 'ganja'. When some Custom officials picked up the courage to take action, 10-12 inspectors and other officials of Customs were murdered in that area. A few days back some hon. Members in this House raised questions on cocaine farming, brown sugar and 'hashish'. Unless we give widespread

publicity to this problem and make the general public the youth in particular, well informed about the evil effects of the drugs, we will not succeed in controlling it.

It is really surprising that responsible officials of Air India and Indian Airlines like pilots and air-hostesses have been apprehended in smuggling cases. Persons held guilty of such offences would be dismissed from service and if apprehended again for committing the same offence would, according to the provisions of this Act, be sentenced to death. Detention orders have been issued in 207 cases. May I know from hon. Shri Panja whether a provision would be made in this amending bill that the law would be applicable to those notorious people who have been apprehended more than once. Such people should also be brought under the purview of this amendment Bill.

With these words I express any whole-hearted support for the Amending Bill.

[English]

MR. DEPUTY-SPEAKER: Already the time is over. The Minister has to reply. But there are many Members to speak. But nobody is adhering to the time.

SHRI A.K. PANJA: This being a very important Bill, let the hon. Members participate for some minutes.

MR. DEPUTY-SPEAKER: We will put a deadline at 2.30 when the Minister will reply. You have to cooperate. In another 20 minutes, about 10 Members can speak for 2 minutes each. Kindly cooperate with the chair.

SHRI SHANTARAM NAIK (Panaji): Sir, I fully support the present Amendment Bill. I will deal with only points.

You have prescribed capital punish-

[Sh. Shantaram Naik]

ment for those people who take drugs continuously and who are indulging in taking drugs for a period of one or two years. Now those who take drugs become mentally ill, in the sense, they become sick persons and therefore this clause with respect to capital punishment will not be implemented. Those who are mentally ill or sick cannot be guillotined or executed. Therefore, this clause will remain on paper itself.

Secondly, real consciousness with respect to this problem came in 1985 when we passed this legislation. And, therefore, we should see from that point of view. One song, which was popularly broadcast AIR and it is played time and again is:

Dum maro dum mit jaye gum  
Bolo subah sham  
Hare krishna Hara Ram

14.12 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Now, you see, even if I play such type of song from my studio, I really get intoxicated. I know, Doordarshan does not telecast this song. But AIR should also ban this particular song.

As far as special court is concerned, we should appoint special judges exclusively to deal with the cases of drug offences. It is not adequate to have only sitting additional judge or additional district judge. Therefore, you have to appoint special judge for the purpose.

As far as Goa is concerned, you have to see that you take certain steps. About the tourist area, there are specified areas which are drug prone. Do not leave those things only to the hands of the State Government but you should continuously monitor as far as those areas are concerned in order to

cure this menace.

SHRI JAGANNATH PATTHAIK (Kalahandi): While supporting the Bill I just emphasise one or two points from the general point of view. There should be a programme now to get rid of brown sugar and save this country. It is not only nationally phenomenon but has become international phenomenon. So, the forum of SAARC and UNO should also be utilised for this purpose. The TV, AIR, mass media and newspapers should give due time and attention to this aspect so that they can create mass education in the entire mankind, especially in our country. Unless they do that, the creative genius of our younger generation and the muscle power and the mental power the whole country is going to be destroyed by this dangerous brown sugar.

We should minimise the areas of opium cultivation. Taking the help of the Planning Commission and the Agriculture Department, we should take all those areas for some alternative crop. Taking into account the soil conditions and altitude, it has been observed that we can grow cauliflower and tomatoes in those areas. We should allow a minimum area of opium exclusively for medical purpose only.

We should mobilise the State units to create some beds in all the hospitals for de-addicting the addicted persons. Otherwise, we cannot save the younger generation who are already victims of this drug habit. All measures should be taken to stop this drug trafficking. The whole House will support this Bill.,

[*Translation*]

KUMARI MAMATA BANERJEE (Jadavpur): Mr. Chairman, Sir, I rise to support the Amendment Bill. First of all I congratulate the hon. Minister and the people working under him for doing an excel-

lent job.

Mr. Chairman, Sir, life-saving drugs are not available in the country whereas narcotics are easily available. One of the reasons for this is the rising unemployment in our country. I urge the hon. Minister to increase the level of awareness about this problem in the country. Mere introduction of a Bill cannot solve the problem. Foodstuffs consumed by school children are adulterated with drugs. Awareness as to this should be increased among parents and political leaders. This Bill can be more effective if the general public is aware of the problem. There should be a social boycott of drug addicts. Yesterday we passed the bill on electoral reforms, in which it was provided that drug addict cannot contest in elections. A provision was also made for a six-year punishment. In the present bill a provision has been made for special courts to be set up for drug addicts and drug peddlars. I suggest that there should be a time-bound programme for the disposal of cases referred to these special courts. Otherwise we may find that several M.Ps who make tall claims in the House behave differently outside. They go and plead the cases of drug addicts. Such M.Ps should be disqualified.

[English]

I am not referring to anyone. The hon. Minister should find out the truth whether what I am saying is right or wrong.

[Translation]

...(Interruptions)... I am saying that several M.Ps make tall claims. M.Ps plead the case of those who deal in drugs. And for this trouble the former takes Rs. 2,000/- through a cheque and Rs. 10,000/- in each from the latter. Such M.Ps should be disqualified. If we politicians are aware and stop supporting drug-dealers then nobody will come out to help them.

I request the hon. Minister to open district-wise information centres to increase awareness among the youths. Through these centres local people can inform the authorities about persons dealing in narcotics. Then action should be taken accordingly.

Mr. Chairman, Sir, as you are ringing the bell I shall conclude my speech by congratulating the hon. Minister once again.

SHRI JAI PRAKASH AGARWAL (Chandni Chowk): Mr. Chairman, Sir, probably every hon. Member who spoke on this bill has mentioned Delhi in his speech. Let me tell you that the situation in Delhi is really bad. Just now it was mentioned that the number of drug addicts in Delhi is one lakh. I may tell you that the figure is still higher and is at least 10 lakhs and not one lakh. One lakh drug addicts can be found in Chandni Chowk, Matia Mahal and Paharganj areas along. Drugs are sold in every alley in that area. I invite the hon. Minister to take a trip down the lanes of that areas. He won't have any trouble finding out the points where smack is sold. He can witness smack being sold off the pavements and smack addicts in every house over there. Addicts sell off household items like the television sets to satisfy their needs. The distressed parent of these addicts ask the authorities to take their sons into custody fearing that the family house may be sold off one day. I do not know if the steps proposed to be taken will effective or not because implementation is to be done by the police and it is the police under whose protection these smack peddlars operate. If any complaint is made against smack sellers, the police official instead of apprehending the culprits harass the complainant so that he does not make such a complaint again. This is the State of affairs existing today. some steps are proposed to be taken for this like setting up of de-addiction centres. It is matter of shame that the Delhi Police has set up a de-addic-

[Sh. Jai Prakash Agarwal]

tion centre near the gates of a Girls Higher Secondary School. Our values have eroded to such an extent that we have set up a de-addiction centre for drug addicts near the gates of a Girls Higher Secondary School. This will not do. I would like to offer a few suggestions in this regard. A provision is already there to give 10 percent commission as a reward to those who assist in apprehending the people engaged in illicit drug trafficking. In the same way, a similar provision should be made even in this bill or to give promotion to those who enable the Government to get the people involved in illicit drug trafficking arrested or sent behind the bars, so that the deserving persons may be benefitted.

Secondly, a task force should be deployed particularly in Delhi and Bombay where the consumption and illicit trafficking in drugs is at its maximum.

Thirdly, I would like to submit that the social organisations have their least concern with it. The police is also not at all prepared to work with the cooperation of these organisations. Actually the Government has taken a wrong step by entrusting the entire responsibility to the police because the deal with the problem of law and order whereas this is a wide spread social evil and it cannot be rooted out from the society without the active cooperation of the public in general. So the government should also associate these organisations, to fight out this evil.

With these words, I conclude.

[English]

PROF. SAIFUDDIN SOZ (Baramulla):  
Mr Chairman, Sir, I must congratulate our esteemed friend Shri Ajit Panja for piloting this Bill. There are very good provisions in this Bill. I have gone through the Statement of Objects and Reasons. For bringing in all

these good provisions, I must congratulate him. But there is one thing which is very vague i.e. to provide death penalty on second conviction on respect of specified offences involving specified quantities of certain drugs..” You will do it by rule. But, sometimes, we don't care to see the rule. Therefore, while you reply to the debate, kindly say something as to which is the offence for giving the death penalty. We must know something about this. There is no time, because we have been given only two or three minutes. Therefore, I would like to make only a couple of suggestions. The Statement of Objects and Reasons is very clear. I congratulate the hon. Minister for that. But, we do not know that when they confiscate these drugs, after that what happens. We do not know about that. There should be a system by which they should inform the people of India. So, I want a complete list of people who were convicted in the past. At least, we must have the figures available for the last decade.

My second point is regarding the quantities of objectionable drugs and other materials that were confiscated during the past decade. We must know how those quantities of drugs were disposed of.

My third point is about the Hippy Culture and this must be eradicated and stopped. It can be done by the Government. Why don't they do it? This Hippy Culture has become a menace around the health resorts. For instance, we can enjoy the natural beach in Goa. But, we cannot go there. In the name of so many missions, they come and spoil our atmosphere and pollute our culture. We should not allow that anymore. It may be a foreigner or anybody from India. Even in Kashmir, it has become a great menace when we invite the foreign tourists. Hippies also come. so, there should be some restriction on that.

My last suggestion is that. Shri Aggar-

wal has rightly pointed this out. I have been seeing in colleges, Universities, Higher Secondary Schools and even in the Secondary Schools that in the vicinity of schools, brown-sugar and other objectionable drugs are available. Even the obscene literature is available. The Minister can invite MPs and we can visit these schools and colleges where we can see what kind of obscene literature is there. It is not the case of Delhi alone but of all the major cities. I want a mobile vigilant squad in the vicinity of schools and colleges and all the major cities should be alerted. No shopkeeper should be allowed to supply any drugs. The hon. Minister is going to reply now, we want that in all the major cities particularly in Delhi, in the vicinity of schools and colleges whereas brown sugar and other drugs are available, it should be made impossible for anybody to sell these drugs and for that you can have mobile squad.

[Translation]

SHRI HARISH RAWAT (Almora): Sir, drug traffickers are not only the enemies of society but also offenders against humanity. Rigorous punishment should be given to them.

I would like to give two suggestions in this regard. The first thing is that, the Government is going to consult the SAARC countries in this matter to seek their cooperation. That is good. The Governments of Thailand and Singapore should also be consulted on it because the tourists who happen to visit these countries are also engaged in smuggling. They bring with them charas and other narcotic drugs. That is why all these steps are amust. Similarly, the Government should develop their own Departmental Force to meet the challenge in Delhi and other metropolitan cities. Such departmental force should work in close coordination with the police. It should not be left to them alone. It should be the joint

responsibility to make a search in this regard. Because our experience with the police personnel has not been a good one. That is why there should be a departmental force for this purpose. Thirdly, the quantities of material and the property seized should be utilised for the rehabilitation of the addicts and the maximum possible amount should be provided for the purpose. Similarly, provision should also be made for the rehabilitation of those who have taken drugs or committed the offence of drug peddling for the first time. Finally, as Soz Saheb has also pointed out, these has been the influx of hippies in this country in the name of tourist. Hence, the Government should take measures to put some restriction on them. In the end, I would like to point out one thing that despite the restriction imposed on the cultivation of opium the problem cannot be solved unless the cultivation of opium is nationalised. So the Government should nationalise the cultivation of opium at the earliest. Thanks.

SHRI DAL CHANDER JAIN (Damoh): Mr. Chairman, Sir, I rise to support the Narcotic Drugs and Psychotropic Substances (Amendment) Bill. I hope it would bear good results. Our past experience shows that the disease aggravated with every dose of medicine. Just now we were told that the total number of drug addicts, at present, is 10 lakhs and it is likely to increase ten times in the coming years. But our dismayed attitude would not do to enforce the law quite effectively. Napoleon had said that passing of laws is easy but it is quite difficult to implement them. My submission is that there are a number of laws in our country but they have not been duly implemented. Earlier speakers have also cited numerous examples to substantiate it. Our former Prime Minister was brutally murdered but the legal proceedings have not yet been completed. With that way of functioning of our judiciary how can we implement the laws to check the incidence of such crimes? In



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such cases, the Government should act promptly. Unless immediate action is taken in regard to the trafficking of drugs or any other offence, the existing law would not have its desired effect.

Under the prevailing system of law, even the worst offenders manage to go scot free, due to which even those who want to cooperate with Government, prefer to keep themselves aloof and that unduly delays the entire legal procedure. The problem of drug-addiction is not confined only to India but it is an international phenomenon. Recently an international seminar was organised to discuss the issue. In fact, all the countries of the world should work inclose coordination to check the trafficking of narcotic drugs at the international level. That would be a more effective step. Mahatma Gandhi had stressed upon the need of total prohibition in the country but now we have deviated from it. We can check the illicit drug trafficking in an effective manner only when we are determined to bring in total prohibition.

\*SHRI A.J.V.B. MAHESWARA RAO (Amalapuram): Mr. Chairman, Sir, I whole heartedly support the Narcotic drugs and Psychotropic substances (Amendment) Bill. Gone are the days of drinking. Now the society is facing a new threat from the consumption of narcotic drugs and psychotropic substances. This Bill has been introduced with a very good intention and I hope the Hon. Minister would see to it to implement it in letter and spirit.

The future of the country is dependent of youth power. Unfortunately it is the youth who are affected by the evil influence of narcotic drugs and psychotropic substances. Sir, today the position is such that the parents are literally afraid of sending their children to schools and Colleges. Par-

ents are now refusing to send their children to nearby towns and cities for the very reason that they may get addicted to the drugs. Now almost all major cities and towns have come under the grip of the drugs. We could not prevent it. I hope, the Government would take necessary steps atleast now, to prevent the addiction reaching villages.

The golden triangle countries have become the nerve centre for the illicit drug trafficking. Our country has become a major transit point in this trade. The persons who are involved in the illicit drug trafficking are none other than big businessmen and other influential personalities of our society. Quite often these called big businessmen escape from the punishment using their influence. The Govt. should not spare anyone, however big he may be, if he is involved in illicit drug trafficking. He is the enemy of the society.

Sir, United Nations is doing a commendable job in making the worked free of narcotic drugs and psychotropic substances. India should help the United Nations in everyway in this noble endeavour.

Sir, hundreds of Kgs. of narcotic drugs and psychotropic substances are being seized everyday. I want; to know how the seized substances are being destroyed. The seized drugs and substances should have to be effectively destroyed so that they may not find a way again into the market.

Many substances which are used for manufacturing the narcotic drugs are freely available in the market. Though there is a control on these substances, it is not quite effective. Until and unless the supply of; these substances are effectively checked, there will not be; much use in passing such amendments as this, in checking the use of narcotic drugs and psychotropic substances.

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\*Translation of the speech originally delivered in Telugu.



Sir, our society is gradually coming under the evil influence of drugs. Even the middle class and poor families are getting ruined because of this influence. Hence I appeal to the Hon'ble Minister to take effective steps to free our society from the evil influence of narcotic drugs and psychotropic substances.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah): Mr. Chairman, Sir, I support the Bill which has been introduced in the House. But at the same time, I would like to point out that laws often remain unimplemented even after their enactment. The Government should ensure the implementation of the laws which have been framed by them. For instance, drug addicts manage to get opium from the open market though at high prices. Because the police personnel are hand in glove with those who are engaged in this malpractice. The Government finds itself incapable to take any action against such persons. Similarly, wine is available at wine shops, yet people manage to buy narcotic drugs at cheap rates from the chemist shops which are injurious to them. It is an evil practice. This should be stopped. Anyway, I support the Bill

[English]

SHRI A.K. PANJA: I am grateful to the Hon. Members for the active and lively participation in the debate on this Bill. The main point which has been thrust upon by almost all the members on both the sides is that the Act after coming into force should be properly implemented.

We have to first of all see the Act that was passed in 1985 which is sought to be amended now by making some other provisions to strengthen the hands of the law enforcing authorities. We find since the Act was passed in 1985 there were 5525 prosecutions in 1986. In 1987 there were 4503 prosecutions and upto November 1988

there have been 2260 prosecutions. The number of convictions in 1986 was 586. In 1987 the number was 247 and upto November 1988 the number is 232. Most of the time on very technical grounds, while proving actual substance which had been seized in the Court of law, certain difficulties were created. Therefore, the detention ordinance was passed and thereafter it was made into an Act. Under the COFEPOSA Act which involved drug trafficking 167 drug traffickers are under detention. Under the Prevention of Illicit Traffic in Narcotic Drugs Act 1988 by this time we have detained 221 drug traffickers. Therefore, the total number of drug traffickers under preventive detention is 388 as on date.

Many members made the point about destruction of drugs. We find from 15th April 1988 to 1st December, 1988 we have destroyed heroin to the tune of 3691 kg; ganja 2,12,326 kg, hashish 31,899 kg; mandrix 2901 kg and 12.92 lakh tablets. Previously the rule was that it had to be taken wherever it is seized to Neemuch and Ghazipur—the two factories of the Government of India—where it had to be destroyed in a particular manner. We found there were difficulties of transporting them after seizure and also in proving the case and preserving evidence. Now at the State level in all the Central Forensic Laboratories or area Central hospitals we can destroy those drugs. By incendiary we are destroying those. We are also exploring the possibility of making destruction of these drugs in public to bring confidence to the members of the public. It has been tried in some parts of the world but there are certain precautions to be taken as even after destruction of the drug the ash contains some of the potency. Therefore, some experts are working on it to have water jet washing so that even the ash could not be used for other purpose.

These are the steps being taken so far as the Act is concerned and it is not that since

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1985 no action has been taken. Why this amendment has been brought in is to see that India being in the transit area between the golden triangle and the golden crescent while it is in the passage there are spill-overs and also when our action takes place they either throw away or sell it or try to take it in small shipments. That is why India was facing problems.

To tackle this problem, there major steps have been taken under this Bill. First is death penalty. Death penalty has been provided for the second offence. The hon. Member, Mr. Saifuddin Soz, asked for the details by which death penalty is to be given. If the hon. Member looks at section 31-A, it has been provided how much quantity is to be obtained for enforcing death penalty. Considering the amount which is being transported between golden crescent and golden triangle and involvement of various people in India, it was thought that the punishment which was given for the second offence, was not deterrent enough. Therefore, the previous punishment of 10 years and 20 years in the first offence and 15 to 20-30 years in the second offence are remaining. But in case of serious offences after examining with the exports and other countries' laws, we found that it is necessary that in case of a serious offence—even though second offence—the hon. Judge will have power under the law to provide for death penalty. I need not go into the details but the death penalty has been provided in the case of serious offences.

So far as the drug-addicts are concerned, concern has been expressed by the hon. Member—and I am with them—about the treatment centres available in the country so far as existing drug-addicts are concerned and the counselling centres available so that the social workers go into action to inform the people specially young-

sters or their parents and guardians. How to tackle this problem? We find that Health and Welfare Department as well as the Department of Social Welfare has taken certain steps in respect of these areas. So far as Ministry of Health is concerned, 16 institutions and hospitals have already been provided in the country with the facilities for deaddiction. In Delhi, a concern has been expressed. Some Members wanted to know the particulars of the hospital where it is available. In the Ram Manohar Lohia Hospital, 10 beds have been specified; G.B. Pant Hospital, 5 beds; Safdarjung Hospital, 10 beds; Lady Hardinge Hospital, 5 beds; and All-India Institute of Medical Sciences, 8 beds. These 30 beds are in operation and those are looking after the cases which are coming there.

There is also a 30-bed deaddiction centre which has been set up in Din Dayal Upadhyaya Hospital in addition to those already in operation. Then a 20-bed hospital has been sanctioned for Safdarjung Hospital. We are having a meeting of our Cabinet Sub-Committee and are asking the Health Department to expedite as quickly as possible.

The amount that has been sanctioned in 1987-88 was only Rs. 78 lakhs. In 1988-89, it was Rs. 80 lakhs. Now, we have sanctioned an amount of Rs. 295.5 lakhs which has been earmarked for setting up special additional deaddiction centres with 30 beds each. These will be five in Delhi, one in Chandigarh and one in Pondicherry. We are starting in this manner.

I know that the need is more and the more we provide them this, it will be better for the people. That's why this Cabinet Sub-Committee is having meetings almost every month or every two months to see how far it is going and how the advance is being made for the purpose of setting up hospitals.

The Ministry of Welfare has set up training courses and seminars. In 1987-88, there were 53 training courses and seminars organised throughout the country in various States and Union Territories. In 1988-89, 418 persons have been trained about how to give counselling and how to operate this de-addiction centre—16 training courses were held throughout the country to train young persons—doctors, nurses and other—for the purpose of catering to the needs of people who want counselling. In 1985-86, we had 21 de-addiction centres; in 1986-87 we had another 23 such centres, and in 1987-88, we added 26 more de-addiction centres. In 1988-89, 20 de-addiction camps have been organised.

So far as counselling centres are concerned, 57 counselling centres have been sanctioned by the Welfare Department and we are hurrying them. The Cabinet Sub Committee has given them the target date by which counselling centres have to be established.

So far as *electronic media*, television and radio, are concerned, we are giving spots and some short films have also been given. Serials are also being given. Efforts are being made for involving the print media also by various advertisements being issued. Some good writers are being asked to give good write-ups for the print media.

The Ministry of Education has also started to tackle this problem so some reports have stated. We need our infrastructure to be strengthened immediately, and for that the people who will be trained for this purpose, their curricula, syllabi, subject matters etc. have to be modernised and modelled in that fashion. Therefore, in the course for M.B.B.S., we are going to put a special subject for the purpose of tackling drug-addiction and how to control drug addicts. So far social side is concerned, in M.A. (Sociology), a particular chapter is

being added for the purpose of making our young generation aware of this, and help in creating infrastructure for tackling this problem. In the courses for B.Sc (Nursing)—the course meant for training the nurses, there also we are adding curricula and syllabi for this purpose. They would be told how to tackle a drug addict, because he is different from the other ordinary patients. Then, for courses, B.Sc (Home Science), B. Education and M. Education, we are also including these subjects; the syllabi and curricula drawn up by the experts would be implemented. The NSS have also adopted certain anti-drug campaigns throughout the country for the purpose of tackling this problem.

The other point raised by the hon. Member is to have a mobile squared. We are fully aware that there are certain constraints for funds. Here, our difficulty is that if we seize any article other than drug and narcotics, there is some income from that, but so far as drugs and narcotic are concerned, they have to be mandatorily destroyed. No earning is possible. In fact, we have to pay money from the Government funds to the informer and also to the officers who are risking their lives for the purpose of talking this.

I have here figure with me about the rewards given to the officers etc. The amount up to the month of November, 1988, was Rs. 1567485; this was for the rewards given to the officers. So far as the rewards to the people for giving information which resulted in seizures are concerned, we have up to November this year given rewards amounting to Rs. 2848964. The total amount that has been spent for the purpose of giving reward is Rs. 44,16000 up to November this year.

This has to be a people's movement. It has to be tackled that way. That is why the Social Welfare Department is not only relying on the State agencies, but it is also

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involving voluntary organizations. Some names have been given by some hon. Members, and they said that some good organizations have not been involved in this. If the hon. Members give me the addresses and names of those organizations, certainly those organizations would be considered for being given monetary help for helping overcome this menace. Sir, it is not that the people are not involved in this. It has been seen that not only in this House but outside also people of India and also people all over the world have raised their voice to eradicate this evil from the face of the globe.

Sir, we have been successful in eradicating the Small Pox, a dreaded disease. A nation-wide public opinion was created and with the help of modern technology this disease was eradicated. But in this evil of drug trafficking human being is the culprit. It is not the germs, as in the case of the small pox, who are to be tackled. It is the human being whom we have to tackle. Human being is the culprit and that is why a deterrent punishment of death penalty has been brought in.

Not only in India, all over the world, wherever it is debated, it has received full support of the people. Thousands of people participated in this drive against the drugs and everybody in the country has contributed its mite. One Hon. member mentioned that in certain areas of Delhi these drugs are being sold at the footpaths and so on. I can assure the Hon. Members and the House, and, through you, to all the countrymen, that we shall leave no stone unturned to see that all the provisions of this Bill are given effect to. We are fully aware of the implementation part of the Bill and that is why a Narcotic Drugs Board has been formed.

The Prime Minister himself attended three meetings of 1 hour and 30 minutes

duration in order to give guidance to the Cabinet Sub-Committee as to how it has to be done. The steps were taken accordingly and we are going ahead with them.

Now, to talk about the international organisations. Some Hon. Members asked as to what are the results of our talks.

We have coordinated with the Governments of Nepal, Pakistan and Sri Lanka. I have been to Burma personally and I had a dialogue with them. We have three-fold aim. Firstly, we have to get the information of these drug traffickers who are crossing the border of our country and going into other countries. Secondly we have to get the information about those people who commit offence in India and then cross over to other countries. Hon. members also mentioned about the business in Rajasthan, Balmer and Jaselmare. I know these are the sensitive areas. I have already answered them when they asked me questions about this during the Question-Hour.

The last thing is to see that the United Nations Fund is properly utilised. So far as we are concerned, 20 million American dollars have been received by our country and we are utilising them according to the norms envisaged by the United Nations.

Then, we have also set up a National Fund; a fund for the purpose of tackling this menace of drugs which will be controlled by the Parliament.

All the Property Act and other sections of such Acts from 1969 onwards, have been given specific power to trace the properties of these drug traffickers. Those who are found to have made property out of drug trafficking will be fined.

With all these words I submit that the Bill be passed.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Narcotic Drugs and psychotropic Substances Act, 1985, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: We will now take up Clause-by -Clause Consideration.

There is no amendment to clauses 2 and 3.

The question is:

"That Clauses 2 and 3 stand part of the Bill"

*The motion was adopted*

*Clauses 2 and 3 were added to the Bill*

#### Clause 4

*(insertion of new Chapter II A)*

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

Page 3, line 31,-

for "as soon as may be", substitute "within three months"(1)

Under Section

*7A(1) of Chapter-IIA*

A National fund for Control of Drug Abuse has been provided.

It has been mentioned in this Clause 7B that "the Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of the activities financed under section 7A during

the Financial Year, together with a statement of accounts."

According to this, a special fund is being created and it will have crores of rupees and accounts of this fund should be submitted within three months.

SHRI A.K. PANJA: A provision has been made that it will be made available as soon as possible for this purpose. It is not within three months. It is because the whole Financial Year is taken into consideration. Therefore, within three months we do not want to put any limit, but within the Financial Year, accounting had to be made because this is a public fund.

MR. CHAIRMAN: I shall now put the amendment moved by Shri D.B. Patil to the vote of the House.

*Amendment No. 1 was put and negatived.*

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill*

MR. CHAIRMAN: The question is:

"That Clauses 5 to 13 stand part of the Bill."

*The motion was adopted.*

*Clauses 5 to 13 were added to the Bill,*

#### Clauses 14

*(insertion of new section 52 A)*

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

[Sh. D.B. Patil]

Page 9, line 10,-

*after "such officer"*

*insert "in the presence of the Magistrate having jurisdiction to try the case"(2)*

Page 9, line 24,-

*for "any Magistrate" substitute-*

*"the Magistrate having jurisdiction to try the case"(3)*

Page 9, line 27,-

*for "or" substitute "and" (4)*

Page 9,-

*omit lines 28 to 30 (5).*

The following is proposed under Clause 14 of this Bill-Disposal of seized drugs and psychotropic substances.

Here a provision has been made that the police officer is authorised to dispose of things. So far as this particular law in concerned, a Sessions Judge from Ahmedabad has in his judgement directed certain police officers to prosecute the police officers because of misuse of power. Under this Act itself, prosecution can be made for misuse of power. I will quote one case "A police case was filed under Narcotic Drugs and Psychotropic Substances (Amendment) Bill 1985. The Sessions Judge observed that the Police Department should not register the case against the Sub-Inspector or Constable for trumping of a case against one person under the Act. He directed the police department to take action against those two staff members and the Police Superintendent of misuse of power and neglect of duty.

So, I have submitted that the disposal should be done in the presence of the magistrate who has the authority to try this particular case. If the police officer is given the powers, he is likely to misuse. Hence I have suggested this Amendment.

Now, the hon. Minister has stated that the Government is thinking of disposing of such Articles in public. That is very well taken. So far as this particular thing is concerned, you can't do it. At least in the presence of magistrate, it can be done. There is no harm in accepting my Amendment.

SHRI A.K. PANJA: In this vast country, our judiciary already engaged in various things. Here the power is given to the Sessions Judge. If I seize narcotics in a particular village and if I ask the Sessions Judge to be present there for the purpose of destruction, other things will be put in difficulty. I hope the hon. Member will realise this. We have given powers to officers while making the rules. We are fully aware that it had to be done by a senior officer on who the country can rely. The police officer does not mean that all police officers are bad. This is our system. We must rely on this system. One or two exceptions like the Ahmedabad judgement does not prove anything that all the police officers are dishonest. We have to rely on our systems. There are good police officers. Senior officers are there and also other officers to the narcotic department who may be empowered to present at the time of destruction. These things may be done under the rules or by any notification.

MR. CHAIRMAN: I now put the amendments moved by Shri Patil to the vote of the House.

*Amendments Nos. 2 to 5 were put and negatived.*

MR. CHAIRMAN: The question is:



"That *Clause 14* stand part of the Bill."

*The motion was adopted.*

*Clause 14 was added to the Bill.*

**Clause 15**

*(Insertion of new section 53 A)*

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

Page 10,

*omit lines 1 to 6*

In *Clause 15*, under (a) it is mentioned:

"When the person who made the statement is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or whose presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the court considers unreasonable,...."(6)

There, it is said that the statement should be admitted as evidence in the court of law. In such cases, the person who has made a statement will not be available for cross examination; and if a person is not available for cross-examination, the statement should not be taken as evidence. I am aware of the fact that there is a provision under the law that the declaration of a dying person which is attached, is admissible in evidence. But it is admissible because he is dead or is going to die, and if he is going to die, he is not going to speak untruth. On that basis, it has been provided. that the statement of a dying person, the declaration of a dying person, should be admissible as evidence. It we look at it this way, the Government can say, or the investigating authorities can say that it is not easy, or that the expenses will be very lake i.e. if the expenses are very large and if they are going to accept

it in this way. then I think it is not fair, so far as the rule of law is concerned. It goes against the rule of law, and principles of basic law. So, my amendment.

SHRI A.K. PANJA: But it is not against the principles of basic law. Dying declarations are already recognized, so far as our Evidence Act and also other Acts are concerned, and even in criminal cases. So, these are not necessary. Unnecessary expenditure will be involved in this.

MR. CHAIRMAN: I now put amendment No. 6 to clause 15 to the vote of the House.

*Amendment No. 6 was put and negatived.*

MR. CHAIRMAN: The question is:

"That *Clause 15* stand part of the Bill."

*The motion was adopted.*  
*Clause 15 was added to the Bill.*  
**Clause 16**

*(Amendment of section 59)*

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

Page 10, line 23,—

after 'aids in "insert" the escape of such person" (7) In *Clause 16* it has been provided:

(2) Any Officer on whom any duty has been imposed by or under this Act or any person who has been given the custody of:—

(a) any addict; or

(b) any other person who has been charged with an offence under this Act, and who willfully aids in,..."

[Sh. D.B. Patil]

I have provided that in such cases, anybody who aids in the escape of such a person should also be punished. I think this is a very simple amendment. The intention is that if anybody aids in escape, he should be punished.

SHRI A.K. PANJA: This is already covered. If the hon. Member applies his mind a little more, he will see that the genesis of 'aids in' is quite wide enough to include trafficking, escaping and all that. If we put in only the word escape, then the thrust is lost; the whole thrust will be lost. Therefore, 'aids in' is the word, the genesis of which includes escape and other things viz. throwing him out or injuring him. So, I think this is not necessary at all.

SHRI D. B. PATIL: I seek the leave of the House to withdraw my amendment.

*Amendment No. 7 was, by leave, withdrawn.*

There is no amendment to *clauses 17 and 18.*

MR. CHAIRMAN: The question is:

"That *Clauses 16 to 18* stand part of the Bill."

*The motion was adopted.*

*Clauses 16 to 18 were added to the Bill.*

**Clause 19**

*(Insertion of new Chapter)*

MR. CHAIRMAN: Shri H.B. Patil. Your amendments are Nos. 8 to 14.

SHRI D.B. PATIL: I am not moving amendment No. 8 but I move all the other amendments Nos. 9 to 14.

I beg to move:

Page 11, line 23,—

*add at the end—*

"and having knowledge of illicit traffic by such person" (9)

Page 11 line 25,—

*add at the end—*

"and having knowledge of the activities of illicit traffic by such person" (10)

Page 11, line 39,—

*add at the end—*

"and having knowledge of the activities of illicit traffic by such person" (11)

Page 12, line 2,—

*add at the end—*

"and having knowledge of the activities of illicit traffic by such person" (12)

Page 12, —

*omit lines 3 to 6* (13)

Page 16, line 11,—

*after "also" insert*

"in spite of the receipt of the show cause notice". (14)

It has been provided under Chapter VA under the heading, "Forfeiture of property derived from, or used in illicit traffic". "Illegally acquired property" has been defined in 68 B (g) and "property" has been defined in 68B(h). It makes a lot of difference.

So far as illegally acquired property is concerned, the procedure has been laid down under 68C about "Prohibition of holding illegally acquired property". The provisions for "Identifying illegally acquired property" are laid down in 68E(1). The Provisions for "Seizure or freezing of illegally acquired property" are found in 68F(1). Enough precautions have been taken so far as illegally acquired property is concerned. So far as property is concerned, it has been defined this way:

"Property" means property and assets of every description whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments, evidencing title to or interest in, such property or assets derived from"

this is important "derived from or used in, the illicit traffic,"

So far as illegally acquired property is concerned, these provisions are made and I have explained how to identify and other things. so far as this property is concerned, if one goes to a court of law how can it be proved that it has been derived from any illicit traffic? whether it has been used in illicit traffic. I do not know why this provision is kept open for interpretation. There ought to have been a stricter provision. So far as this forfeiture or property proved from or used in illicit traffic is concerned, this comes in after the conviction of the person.

MR. CHAIRMAN: That is there already. You speak on the amendment.

SHRI D.B. PATIL: It is also provided that "every person who is a relative of a person referred to in clause (a) or clause (b) or clause (c), has property also will be forfeited, until and unless it is established..."

He cannot establish responsibility for that. Under the Criminal law the fundamen-

tal principle of civil liability is there. It requires the guilty man to establish *mens rea*.

MR. CHAIRMAN: It is already there. Please speak on the amendment.

SHRI D. B. PATIL: I am speaking on the amendment only. What I am saying is unless and until it is proved that the property is acquired illegally he cannot be punished.

SHRI A.K. PANJA: Here the emphasis of the entire section is on the property it has to be proved. We cannot take away the property for nothing unless there is an authority of law. After the drug trafficker is arrested and punished, and if it is found that out of the earnings of his illegal dealing in drugs he has made the property, we have a right to seizure. Under Section 68E there is a particular procedure laid down as to how to trace the property, the assets and moveable and immovable property. So far as the rules are concerned, there is no doubt that there is *mens rea*. But here, the *mens rea* does not mean a criminal act as such. *Mens rea* under the model of Indian Penal Code or the Criminal Procedure Code is totally different. Here it is true that a person who has been convicted, if he transfers his property to his sons, daughters, or whoever may be, son, grandson, great grand son, or wedded daughter, daughter's son, whoever it maybe, we will be able to prove that and get hold of the property and put it in national fund.

Therefore the amendment is not necessary.

MR. CHAIRMAN: I shall now put Amendments Nos. 9 to 14 to Clause 19 to the vote of the House.

*Amendments Nos. 9 to 14 were put and negatived.*

MR. CHAIRMAN: There are no Amendments to Clause 20 to 22.

The question is:

"That Clauses 19 to 22 stand part of the Bill".

*The motion was adopted.*

*Clauses 19 to 22 were added to the Bill.*

MR. CHAIRMAN: The question is:

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

*The motion was adopted*

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

SHRI A.K. PANJA: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ (Baramulla):

Mr. Chairman, I am fully satisfied with the Minister's reply and it was very balanced. But the point is that, so far as vigilance is concerned there may not be any revenue, but there is a very great social gain. So, we should start from Delhi. There could be one or two vehicles and people can go around in the vicinity of the Universities, Colleges, Higher Secondary Schools and Secondary Schools in Delhi. Please consider my suggestion.

SHRI A.K. PANJA: Sir, I am sorry that I could not explain to the hon. Member. I am not saying that there is constraint of funds and that is why vigilance cannot be made. Why should Delhi alone be made as an example? We are trying to improve the

Intelligence set-up. It is not necessary to have a flying squad or anything. We should inform the people. They should know where to inform; and the name of the person who inform will be kept secret. A format is being prepared in this regard so that people on their own give information not only for their own children and the society but also for the reward that would be available. It has to go into the minds of the people. *Mafias* sometimes intentionally publish that they are very big and people are afraid. But our boys have smashed in Dhanbad and hundreds of people have cooperated in this. Our boys went there and made the entire operation within forty eight hours. They have been living there for over seventeen years and everyday one murder. Even on chartered Accountant went there for making some survey and suspecting that he was a Narcotic Drug Officer or Customs Officer, he was killed. It is the consciousness of the people, the peoples' involvement, that has to be brought in.

I am sure after the closure of this Session, the hon. Members will go to their own area and held various Seminars, which will create enough confidence...*(Interruptions)*

PROF. SAIFUDDIN SOZ: But vigilance is something necessary. Atleast you consider it...*(Interruptions)*

SHRI A.K. PANJA: Sir, vigilance is necessary, but it has to be done in a covered manner. If a police office goes around the place, people will fly away...*(Interruptions)*

MR. CHAIRMAN : Will you please intimate the members to whom they have to complain

SHRI A.K. PANJA: I can assure the hon. Members that if they could give any information to us, then we will take immediate action. In fact, we are taking immediate action.

MR. CHAIRMAN: The question is:

"That the Bill be passed"

*The motion was adopted.*

15.15 hrs

[English]

CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

- (i) Situation arising out of withdrawal of number of trains by eastern and South Eastern Railways.

SHRI CHINTAMANI JENA: (Salasora): Sir, I call the attention of the Minister of Railways to the following matter of urgent public importance and request that he make a statement thereon:-

"Situation arising out of the withdrawal of number of trains by the Eastern and South Eastern Railways and introduction of revised timings of some trains resulting in inconvenience to the passengers and the steps taken by the Government in that regard."

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MAHABIR PRASAD): Sir, Railways undertake a review of the train services twice a year to examine various demands for new services extension of runs, increase in frequency, diversion of routes and provision of additional stoppages etc. As the Hon'ble Members are aware Railways continue to face severe constraints of resources and have to carry ever-increasing volume of freight and passenger traffic. Therefore, the new demands have also to be met by rationalizing the existing services.

To meet certain long outstanding demands South Eastern Railway introduced the following new services serving the State of Orissa from November this year:-

1. An inter-city day time train 21/22 Dhauli Express between Howrah-Bhubaneswar connecting the two neighbouring State Capitals.

2. 47/48 Hirakhand Express introduced in May, 1988 between Bhubaneswar-Sambalpur connecting western parts with coastal areas of Orissa, was extended to Jharsuguda.

3. A direct fast service from Howrah to Tirupati for the convenience of people living on the East Coast north of Bhubaneswar.

4. Trivandrum/Cochin/Bangalore-Howrah/Guwahati group of train services which are passing through the State of Orissa, were augmented by way of increase in frequency to provide a daily service between Madras-Howrah. These trains which were earlier by-passing Cuttack were diverted to pass through Cuttack. Thus, Cuttack has been connected with Howrah-Guwahati on one side and Trivandrum-Cochin-Bangalore-Madras on the other side by superfast services.

Due to constraints of resources these services could be introduced only by rationalising certain services. We, therefore, had to withdraw one pair of passenger trains on Titlagarh-Jharsuguda section, one pair of passenger trains on Puri-Howrah section, one pair of passenger trains on Bhubaneswar-Palasa section, the slow moving Puri-Tirupati Express as well as the tri-weekly Madras-Howrah Janta Expresses. Nevertheless, to minimise inconvenience on this account Railways introduced the following new services:-

- (1) A pair of shuttle trains between Jharsuguda-Sambalpur JS-3/